



## **MINUTES**

### **REGULAR CITY COUNCIL MEETING, JOINT MEETING AND STUDY SESSION OF THE CITY COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF COTATI**

**WEDNESDAY FEBRUARY 24, 2010**

**6:30 PM CLOSED SESSION**

**7:00 PM REGULAR SESSION FOLLOWED BY STUDY SESSION**

**City Council Chambers, City Hall, 201 W. Sierra Avenue**

#### **6:30 PM CLOSED SESSION**

##### **CALL TO ORDER (CITY COUNCIL CHAMBERS)**

Mayor Coleman-Senghor called the closed session to order at 6:31 p.m.

##### **ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

Mayor Coleman-Senghor invited comments from the public; there being no one wishing to speak, Mayor Coleman-Senghor adjourned to closed session.

##### **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

City Designated Representative: City Manager or designee

Employee Organizations: (1) Cotati Employees Association (2) Cotati Police Officers Management Association (3) Cotati Police Officers Association

#### **7:00 PM REGULAR SESSION**

##### **CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

Mayor Coleman-Senghor called the Regular meeting to order at 7:04 p.m.

##### **ROLL CALL**

Councilmembers present: Councilmembers Gilardi, Harvey, Landman, Vice Mayor Orchard and Mayor Coleman-Senghor.

Staff present: Police Sergeant Steve Bourns, Administrative Services Director Jone Hayes, Director of Public Works/City Engineer Damien O'Bid, City Attorney Rich Rudnansky, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson

##### **PLEDGE OF ALLEGIANCE**

Councilmember Landman led the pledge of allegiance.

**DRAFT**

Subject to approval.

**1. APPROVAL OF MINUTES OF JANUARY 27, 2010 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

**Moved** by Councilmember Gilardi, seconded by Councilmember Harvey and passed unanimously to approve the minutes of the January 27, 2009 Regular meeting as submitted.

**ANNOUNCEMENTS**

The City of Cotati's Community and Environment Commission (CEC) will be holding its 18th Annual Pasta Dinner and Bingo Night in conjunction with the Cotati Chamber of Commerce on the evening of Saturday, February 27 from 5:00 to 8:00 p.m. at the Cotati Veterans Memorial Building at 8505 Park Avenue in Cotati.

The Cotati Historical Society will host the grand opening of the Cotati Historical Museum on Sunday February 28 from 2:00 to 5:00 p.m. at the museum, which is located in the rear southwest corner of City Hall

**HONORARY MAYOR**

Honorary Mayor Natasha Slater of Rancho Cotati High School provided a verbal report to Council.

Mayor Coleman-Senghor presented her with a certificate of commendation.

**SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

Sonoma State University Student representative Jesse Schwartz provided a verbal report to Council.

**CITY MANAGER'S REPORT**

City Manager Dianne Thompson announced that the proposed medical marijuana dispensary item previously noticed for this meeting has been postponed to March 10. She updated the Council on the Highway 116 & Madrone Avenue intersection potential safety improvements and described the City's use of the Nixle alert system.

**APPROVAL OF FINAL AGENDA**

Mayor Coleman-Senghor suggested a time certain for item 5 for 8:00 p.m.

**Moved** by Vice Mayor Orchard, seconded by Councilmember Harvey and passed unanimously to approve a time certain of 8:00 p.m. for consideration of item no. 5.

**Moved** by Councilmember Gilardi, seconded by Councilmember Harvey and passed unanimously to approve the final agenda.

**DRAFT**

Subject to approval.

## **CITIZEN BUSINESS**

Jan Kravitz discussed the proposed budget amendments and the wording of Measure A.

George Barich commented on Community Development staffing, comments previously made by the Mayor, actions made by the City Council regarding the Darfur genocide, and employee negotiations.

Greg Karakker addressed the Council regarding his observations of the Mayor during the pledge of allegiance.

Sandy Mauer of the EMF safety network group spoke in opposition to Pacific Gas & Electric (PG&E) 'smart meters' and submitted information for the meeting record.

Nancy Hubert of the EMF safety network group spoke in opposition to Pacific Gas & Electric (PG&E) 'smart meters'.

Joyce Garcia discussed Measure A.

Council members briefly discussed comments made during Citizen Business. Staff responded briefly to questions from the Council.

## **DIRECTION ON FUTURE AGENDA ITEMS**

The Council concurred to discuss the use of PG&E 'smart meters' on a future agenda.

## **CONSENT CALENDAR**

**Moved** by Councilmember Gilardi, seconded by Vice Mayor Orchard and passed unanimously to approve items 2 and 3 on the Consent Calendar.

- 2. CITY OF COTATI WELL 1A / WELL 3 REHABILITATION PROJECT – APPROPRIATION OF FUNDS IN AN AMOUNT NOT TO EXCEED \$14,000, ADVERTISE FOR BIDS AND AUTHORIZE CITY ENGINEER TO AWARD AND EXECUTE CONSTRUCTION AGREEMENT (Public Works/Engineering) (Action)**

Resolution No. 2010-03 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI 1) MAKING AN APPROPRIATION OF FUNDS NOT TO EXCEED \$ 14,000 FROM THE WATER OPERATING FUND; 2) AUTHORIZING ADVERTISEMENT FOR BIDS TO BE RECEIVED; 3) AUTHORIZING AWARD TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER; AND 4) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO EXECUTE A CONSTRUCTION AGREEMENT AND CONSTRUCTION CHANGE ORDERS PROVIDED THE TOTAL CONSTRUCTION AMOUNT DOES NOT EXCEED \$150,000.

**DRAFT**

Subject to approval.

**3. VALPARAISO PEDESTRIAN BRIDGE PROJECT – APPROPRIATION OF FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000, ADVERTISE FOR BIDS AND AUTHORIZE CITY ENGINEER TO AWARD AND EXECUTE CONSTRUCTION AGREEMENT (Public Works/Engineering) (Action)**

Resolution No. 2010-04 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000 FROM THE GENERAL CAPITAL OUTLAY FUND, ADVERTISE FOR BIDS AND AUTHORIZE CITY ENGINEER TO AWARD AND EXECUTE CONSTRUCTION AGREEMENT AND CONSTRUCTION CHANGE ORDERS PROVIDED THE TOTAL CONSTRUCTION AMOUNT DOES NOT EXCEED \$65,000

**PUBLIC HEARING**

**4. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ALEM ASSEFA D.B.A. FREEDOM CAB TO OPERATE VEHICLES FOR HIRE) (Police) (Action)**

Councilmember Landman recused himself from this item because he lives within 500 feet of the applicant's home, from which the applicant's business would be operated. Councilmember Landman left the chamber at this time.

Sergeant Steve Bourns presented the staff report.

Mayor Coleman-Senghor opened the public hearing.

Philip Salazar asked what kind of business was being proposed.

There being no one else wishing to speak, Mayor Coleman-Senghor closed the public hearing.

**Moved** by Councilmember Gilardi seconded by Councilmember Harvey and passed 4-0-1 (Councilmember Landman abstaining) to authorize the issuance of a Certificate of Public Convenience and Necessity to Alem Assefa d.b.a. Freedom Cab to operate a taxi service in the City of Cotati.

Councilmember Mark Landman resumed participation in the meeting.

**REGULAR AGENDA**

**5. ALLEGATIONS OF CODE OF ETHICS VIOLATIONS (City Manager) (Action)**

City Attorney Rich Rudnansky recommended that Vice Mayor Orchard preside over this item as Mayor Coleman-Senghor is the subject of the allegations.

City Attorney Rudnansky presented the staff report.

Mayor Coleman-Senghor left the dais at this time.

**DRAFT**

Subject to approval.

Vice Mayor Orchard opened the floor to public comment. The following individuals spoke:

Joyce Garcia

George Barich

Jan Kravitz

Adrienne Lauby

Greg Karraker

Erik Kirchmann

Kathryn Wickstrom

Linell Hardy

Philip Salazar

There being no one else wishing to speak, Vice Mayor Orchard closed the public comment period.

Mayor Coleman-Senghor responded to the allegations.

Vice Mayor Orchard called a recess at 8:43 p.m. and reconvened at 8:56 p.m.

Discussion ensued relative the code of ethics not taking away constitutional rights, various Councilmembers' experience of reviewing the code of ethics, the facts and intent of Councilmember Gilardi's conversation with Mayor Coleman-Senghor that is discussed in the allegation, and individuals taking by someone discussing historical facts or by using a particular word to make a point. Councilmembers unanimously agreed that no behavior on the part of Mayor Coleman-Senghor warrants a reprimand or a censure.

**Moved** by Councilmember Gilardi, seconded by Councilmember Harvey and passed 4-0-1 (Mayor Coleman-Senghor abstaining) that there has been no conduct by the mayor that warrants reprimand or censure.

Mayor Coleman-Senghor returned to the chamber and resumed participation in the meeting.

**6. PROPOSED FISCAL YEAR 2010/11 RUSSIAN RIVER WATERSHED ASSOCIATION WORK PLAN (Public Works/Engineering) (Action)**

City Engineer/Director of Public Works Damien O'Bid presented the staff report.

Mayor Coleman-Senghor opened the floor to public comment.

Neil Hancock discussed the regional effect of storm water runoff and reducing the amount of storm water that flows out of Cotati and utilizing.

**DRAFT**

Subject to approval.

Philip Salazar expressed concern that he had not heard any frogs and discussed saving water.

Dr. Richard Sengmas addressed the Council regarding thinking about our water in a different way and giving it a priority.

There being no one else wishing to speak, Mayor Coleman-Senghor closed the public comment period.

Discussion ensued relative to the specific benefits for Cotati within the proposed workplan, the flushing of the waterways and storage of groundwater. Council concurred in support of Cotati's involvement and membership in the Russian River Watershed Association.

**Moved** by Vice Mayor Orchard seconded by Councilmember Harvey and passed unanimously to direct Councilmember Landman to vote for adoption of the Russian River Watershed Association 2010-2011 budget.

**7. PROPOSED FISCAL YEAR 2010/11 SONOMA COUNTY WATER AGENCY BUDGET (Public Works/Engineering) (Action)**

City Engineer/Director of Public Works Damien O'Bid presented the staff report.

Discussion ensued regarding the lack of a draft budget and the level of resistance of cities to the proposed budget.

Council concurred to direct a no vote on budget in present form, or a vote to continue; want to see the document

**Moved** by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously to direct staff to vote 'no' on the proposed Sonoma County Water Agency budget, and to vote 'yes' on a continuance of that item.

Mayor Coleman-Senghor opened the floor to public comment.

There being no one wishing to speak, Mayor Coleman-Senghor closed the public comment period.

**ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER OF JOINT MEETING OF CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

**CONSENT CALENDAR**

**Moved** by Councilmember Gilardi, seconded by Mayor Coleman-Senghor, and passed unanimously to approve item 8 on the Consent Calendar.

**8. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for January 28th, 2010 – February 10th, 2010.

**DRAFT**

Subject to approval.

## **REGULAR AGENDA**

### **9. CITY'S FISCAL YEAR 2009/2010 MID-YEAR BUDGET ADOPTION (Administrative Services) (Action)**

Administrative Services Director Jone Hayes presented the staff report.

Councilmember Harvey thanked staff for putting together the comparison of the Dispatcher services.

Mayor Coleman-Senghor opened the floor to public comment.

The following individuals spoke:

George Barich

Joyce Garcia

There being no one else wishing to speak, Mayor Coleman-Senghor closed the public comment period.

Discussion ensued regarding salary cuts taken by all City staff, the projected ending fund balance and the ending fund balance of the previous budget.

**Moved** by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously to adopted Resolution No. 2010-05 and CRA 222 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY ADOPTING THE AMENDED FISCAL YEAR 2009-10 BUDGET

## **ADJOURNMENT OF JOINT MEETING; RECONVENING OF REGULAR MEETING OF CITY COUNCIL**

### **10. CORRESPONDENCE AND PENDING LEGISLATION (Discussion and possible Action)**

#### **A. 'Save the date' request from Climate Protection: Everybody Profits VI**

City Manager Thompson summarized the request and the cost of the sponsorship. Brief discussion ensued relative to the cost of event sponsorship in previous years, which was \$500 per City regardless of size. This year the event coordinators have left the decision of how much to contribute to each city.

**Moved** by Councilmember Orchard, seconded by Councilmember Susan Harvey and passed unanimously to sponsor the 'Everybody Profits VI' event for an amount of \$100.

## **CITY COUNCIL REPORTS (Discussion)**

Councilmembers reported on recent and upcoming activities, including reports from meetings attended at City expense.

**DRAFT**

Subject to approval.

**ADJOURNMENT**

Mayor Coleman-Senghor adjourned the regular meeting 10:14 p.m. to closed session.

Respectfully submitted,

/s/ Tamara Taylor, Deputy City Clerk