



**MINUTES**  
**REGULAR CITY COUNCIL MEETING AND JOINT MEETING OF THE CITY**  
**COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY**  
**REDEVELOPMENT AGENCY OF THE CITY OF COTATI**  
**WEDNESDAY FEBRUARY 25, 2009**  
**6:00 PM CLOSED SESSION**  
**7:00 PM REGULAR SESSION**  
**City Council Chambers, City Hall, 201 W. Sierra Avenue**

**6:00 PM CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION**

The closed session was cancelled.

**CLOSED SESSION (CITY MANAGER'S OFFICE)**

**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

Association (3) Cotati Police Management Association

**7:00 PM (REGULAR SESSION)**

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

Mayor Guardino called the meeting to order at 7:01 p.m.

**ROLL CALL**

Councilmembers present: Barich, Coleman-Senghor, Gilardi, Orchard, Mayor Guardino.

Staff present: Administrative Services Director Jone Hayes, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson, Substitute City Attorney Nancy Thorington.

**PLEDGE OF ALLEGIANCE**

Mayor Guardino led the pledge of allegiance.

**1. APPROVAL OF MINUTES OF FEBRUARY 11, 2009 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (Action)**

**Moved** by Councilmember Orchard seconded by Councilmember Gilardi, and passed unanimously to approve the minutes of the February 11, 2009 regular meeting as presented and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

## **ANNOUNCEMENTS**

The Cotati City Council invites individuals who are committed to working for the betterment of the City of Cotati to apply for appointment to the City's Design Review Committee (DRC). There are currently three vacancies on the DRC for two regular positions (which must be filled by Cotati citizens) and one alternate position (which must be a design professional). For an application call 665-3622 or download an application from the city's website at [ci.cotati.ca.us](http://ci.cotati.ca.us).

The City of Cotati's Community and Environment Commission (CEC) will be holding its 17th Annual Pasta Dinner and Bingo Night in conjunction with the Cotati Chamber of Commerce on the evening of Saturday, February 28 from 5:00 to 7:30 PM. The dinner will be held at a its new venue, The Cotati Veterans Memorial Building at 8505 Park Avenue, Cotati. Tickets for dinner cost: \$10.00 for adults, \$5.00 for children 12 and under and \$5.00 for seniors 60 and over. Wine and a variety of Cotati merchandise will also be available from the Chamber of Commerce. For more information, please call the Cotati Events Hotline at (707) 765-3939.

City Council meeting audio recordings are now available via podcast. Link to the podcast from the City's website at [ci.cotati.ca.us](http://ci.cotati.ca.us).

The Winter Recreation Schedule is available on the City's aforementioned website To request a paper copy please feel free to visit or call the Recreation Department at 792-4600 ext. 669.

## **SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

No report.

## **STUDENT HONORARY MAYOR REPORT**

No report.

## **CITY MANAGER'S REPORT**

City Manager Dianne Thompson introduced Attorney Nancy Thorington, who is substituting for City Attorney Rich Rudnansky. City Manager Thompson reported the following:

- Item 9 (Affordable Housing) has been postponed to a future agenda.
- Item 7 will be moved up to before item 5
- She updated the Council on the status of the East Cotati Avenue overlay project.
- She announced that one of the City's vendors, Media Graphics company, has offered a 5% discount on their services in response to employees' voluntary 5% pay reduction.
- She presented a report on the budget crisis facing the City.

- She reported on the status of the economic stimulus package and tracking of funding opportunities.

## **CITIZEN BUSINESS**

Michelle Berman addressed the Council, expressing opposition to correspondence written by Councilmember Barich. She requested that the Council schedule discussion of Council correspondence.

Joan Simon of Cotati addressed the Council, expressing opposition to correspondence written by Councilmember Barich. She requested that the Council schedule discussion of Councilmembers' use of City letterhead.

Craig (last name not discernible), owner of Gravenstein Business Center, stated that he looks forward to working with the City and the Chamber to bring business to that space.

Adrienne Lauby of Cotati commended staff for making the City Council agenda and packet available by email and online. She expressed concern regarding those people hard hit by the economic times and thanked staff for the budget update.

Ken Coleman of Cotati indicated that the Councilmembers deserve respect and that Citizens' Business should not be used to attack individual Councilmembers.

## **DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)**

The Council concurred to schedule the following items on a future agenda or for discussion during City Council goal setting:

- Code of conduct towards staff and Council.
- How items are scheduled on the agenda (to be scheduled for late March or early April).
- Report on effect of budget reductions on Code Enforcement.
- Discussion of correspondence received by Councilmembers.

City Attorney Thorington pointed out that a Councilmember may report on correspondence received.

## **2. CHAMBER OF COMMERCE SEMI-ANNUAL REPORT**

Andre Morrow addressed the Council regarding Vice Mayor Coleman-Senghor's recent State of the City Address to the Chamber of Commerce. He presented the Cotati Chamber of Commerce's semi-annual report to Council and discussed the Chamber of Commerce's efforts in economic development.

Mayor Guardino opened the floor to public comment.

Gerard Guidice expressed support for Mr. Morrow's comments.

Prue Draper of Cotati expressed support for the Chamber of Commerce and indicated that the Cotati business community has donated much labor and material for the Historical Society museum.

Joan Simon of Cotati expressed support for the Chamber of Commerce and small business in general and commented on the diversity of Cotati.

Ken Coleman of Cotati challenged those Councilmembers who have not done so previously to volunteer for a City event.

Dave Miller of Cotati expressed support for the Chamber's report and Mr. Morrow's comments and suggested that Cotati annex Penngrove. He discussed various issues including the employees' voluntary pay reduction and supermarkets.

Patty Harry of Cotati indicated that she and her husband look forward to working with the Chamber of Commerce and attending more Council meetings.

Robby Garcha, owner of Masala Jack's restaurant, addressed the Council regarding his positive experience as a member of the Chamber of Commerce and encouraged the City and citizens of Cotati to support the Chamber.

Janet Kurvers of Cotati encouraged citizens to work together and to buy their things in Cotati.

Lia Brooks, business owner in Cotati, encouraged Councilmembers to patronize local businesses.

Adrienne Lauby of Cotati commented on Mr Morrow's presentation. She noted that she had opposed Lowe's home improvement store and she opposes City funding for the Chamber. She and others who are not business owners work hard and encouraged everyone to work together.

Michelle Berman of Cotati addressed the Council regarding the comments of previous speakers. She indicated that she believes that Chamber events are political and she is uncomfortable participating in them. She discouraged divisiveness and encouraged diversity.

Joel Patino of Cotati expressed support for the Chamber, noting that the Chamber is about much more than promoting business; it is also about being involved in the community.

Linell Hardy pointed out that not all businesses in Cotati are members of the Chamber of Commerce; if the City gives the Chamber money, the Chamber should promote all businesses in Cotati. She noted that all points of view should be recognized.

Bob Brooks, owner of Copy Mail and More, stated that the Chamber decided at its last meeting to include non-members. He noted that Lowe's is a member of the Chamber of Commerce.

Craig of Gravenstein Business Center stated that it makes good business sense to have a healthy chamber that has a good relationship with the City.

Paul (last name not discernible) of Cotati indicated support for the Chamber of Commerce report and Mr. Morrow's comments. He pointed out the lack of development in Cotati and expressed concern regarding the length of time it takes for businesses to get approvals from the City to open.

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

Vice Mayor Coleman-Senghor discussed various concerns regarding the Chamber's report and the public comments, including his history in Cotati, service to the City and his recent State of the City address to the Chamber. He expressed support for the Chamber and asked for a review of the service that the City receives from the Chamber in exchange for the funding it provides. He requested clarification on the nature of the Chamber's contract with the City.

In response to a question from the Council, City Manager Thompson clarified that the Chamber is funded from Redevelopment funds.

Councilmember Barich discussed the report and issues of the Chamber and small business, including the formula based fast food ordinance. He offered to be a task force member for the Chamber.

Councilmember Gilardi noted that Chambers usually represent business interests and not everyone has the same interest as the Chamber. She believes that a healthy city needs a vibrant chamber. She expressed appreciation for the Chamber and for businesses in Cotati and encouraged citizens and businesses to find ways to get along.

Councilmember Orchard noted that there is an inherent value for a City in having a Chamber of Commerce and that it would be worthwhile for the Council and the Chamber to engage in informal discussions with the Chamber.

Mayor Guardino discussed the Chamber's report and indicated that he looks forward to moving past divisiveness and moving forward to building a diverse portfolio of revenue sources.

Mayor Guardino called a recess at 9:48 and reconvened at 9:05 p.m.

Council concurred to hear item no.7 at this time.

**3. REPORT RELATING TO ANIMAL CONTROL ACTIVITIES (Police) (Action)**

Police Chief Robert Stewart presented the staff report and responded to questions regarding the neighborhood watch group.

Mayor Guardino opened the floor to public comment.

Michelle Berman of Cotati stated that she was a member of the focus group and the group did not agree to off-leash hours of 8-10 p.m. She supports opening up the park to off leash dogs in the soccer field.

Ken Coleman of Cotati commented that the off-leash hours of 8-10 p.m. are too late. He indicated support for all off leash hours.

An unidentified speaker commented that he had been issued a citation for having his dog off leash and discussed his experience with taking his dog to the park to run off leash.

Gail (last name not given) of Cotati stated that she often sees dogs off leash by the creek but we can't expect the police to be patrolling the creek all the time.

Linda Ritter of Cotati indicated that when dogs are off leash the owners tend to lose track of where their dogs leave their waste and some owners don't pick up after their dogs. She suggested a limit on the number of dogs that a person can have off leash. She believes that the police don't have enough staff to enforce the leash and dog waste law and suggested being more proactive in enforcing dog licenses as a source of revenue.

Adrienne Lauby of Cotati stated that she believes that she hasn't seen many issues with off-leash hours and that the hours should be corrected. She supports all off-leash hours, but put children first.

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

Discussion ensued relative to licensing dogwalkers as in Marin, the public's concerns about the off-leash hours, the use of police officers to enforce the animal control law versus citizen/community involvement to encourage compliance, the safety of Putnam park and documents regarding Putnam park provided to Councilmember Barich to the City Manager, the issue of park safety being different from the issue of animal control, and utilizing local professionals such as veterinarians for information about controlling animals.

**Moved** by Councilmember Orchard, seconded by Councilmember Gilardi, and passed unanimously to adopt a motion to receive and file a report from the Chief of Police relating to animal control activities and to direct staff to return with a brief report regarding the safety of Putnam park, to change the evening off-leash hours to 2 hours before dusk, and to amend the animal control ordinance to limit the number of off-leash dogs under the control of any one individual.

## CONSENT CALENDAR

**Moved** by Councilmember Gilardi seconded by Councilmember Orchard, and passed unanimously to approve item 4 on the consent calendar.

**4. LETTER OF INTENT TO TERMINATE POLICE DEPARTMENT'S PARTICIPATION IN THE COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEMS (CADS/RMS) (Police) (Action)**

This motion authorizes the City Manager to issue a "Letter of Intent to Terminate" the Police Department's participation in the Joint Powers agreement relating to the Police Department's participation in the Computer Aided Dispatch and Records Management System (CADS/RMS).

## REGULAR AGENDA

**5. PROPOSED SONOMA COUNTY WATER AGENCY WATER TRANSMISSION SYSTEM BUDGET (FISCAL YEAR 2009/10) (Public Works/Engineering) (Action)**

Director of Public Works/City Engineer Damien O'Bid presented the staff report and responded to questions relating to the advisory nature of the Sonoma County Water Agency Water Advisory Committee, the fact that the rates are wholesale to the City, the effects of a very wet or a very dry year on the rates, the oversight of the Sonoma County Water Agency.

Mayor Guardino opened the floor to public comment.

Michelle Berman noted that the Water Agency plans ahead like the city should be doing.

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

Discussion ensued relative to the presentation.

**Moved** by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard, and passed unanimously to direct Councilmember Orchard, as City's representative on the Water Advisory Committee (WAC), to recommend that the WAC authorize the proposed budget conditioned on increasing flow as appropriate from non-river sources, requiring a long-term expenditure plan and to continue pushing for cost containment.

**6. PROPOSED FISCAL YEAR 2009/10 RUSSIAN RIVER WATERSHED ASSOCIATION WORK PLAN (Public Works/Engineering) (Action)**

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

Mayor Guardino opened the floor to public comment.

There being no one wishing to speak, Mayor Guardino closed the public comment period.

Discussion relative to the workplan, special projects the benefits of being a member of the Russian River Watershed Association, the budget concerns and the costs compared to last year. Council concurred to move forward with the workplan as proposed by staff.

**Moved** by Vice Mayor Coleman-Senghor, seconded by Pat Gilardi, and passed unanimously to direct to the Councilmember Orchard, as City's representative on the Russian River Watershed Association Board of Directors to modification of the proposed budget as presented by City Engineer/Director of Public Works O'Bid.

**7. AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH THE LEW EDWARDS GROUP FOR INITIAL COMMUNITY ASSESSMENT CONSULTING SERVICES FOR A POTENTIAL TAX MEASURE (City Manager) (Action)**

This item was heard before item 4.

City Manager Dianne Thompson presented the staff report and introduced Catherine Lew of the Lew Edwards Group and Curt Balow from Fairbank, Maslin, Maullin & Associates.

Ms. Lew responded to questions from the Council regarding the process and phases that a city typically goes through when assessing a revenue measure, possible additional costs that might be incurred by the City, the services to be provided under the proposed contract, concerns about whether a smaller city such as Cotati would be a priority client, how the consultant would work with city staff and the council, and the type of research to be done.

Mr. Baylow further described the survey services and information that Fairbank, Maslin, Maullin & Associates would provide under the proposed contract. Responding to questions from Council, Mr. Baylor confirmed that the resulting data would belong to the City.

Mayor Guardino opened the floor to public comment.

Barry Harris of Cotati spoke in opposition to the proposed consulting contract due to the cost.

Mike Kurvers indicated agreement with Mr. Harris' comments. He expressed opposition to the proposed consulting contract and discussed other cities' experience with revenue measures.

Andre Morrow spoke in opposition to the proposed consulting contract, noting that he believes a tax could be passed without the help of a consultant but with the help of the citizens.

Gail (last name not given) thanked the Council for paving East Cotati Avenue and spoke in opposition to the proposed consulting contract.

Joan Simon commended City Manager Thompson for speaking with her regarding this item. She spoke in opposition to the proposed consulting contract and suggested working with the consulting firm on an hourly basis about different revenue options.

Paul (last name not discernible) of Cotati discussed the City's history using consultants for various projects and expressed opposition to the proposed consulting contract.

Ken Coleman of Cotati expressed opposition to the proposed consulting contract. He noted that the Council was elected by the citizens and should know how they feel about city services.

Adrienne Lauby of Cotati expressed opposition to the proposed consulting contract, noting that a consultant might be useful on an hourly basis.

Linell Hardy expressed opposition to the proposed consulting contract and suggested various other methods of getting information from citizens.

Michelle Berman of Cotati expressed opposition to the proposed consulting contract, noting that a consultant might be useful on an hourly basis. She encouraged the Council to speak with citizens.

Patrick McCarty, with the Cotati Chamber of Commerce, expressed opposition to the proposed consulting contract, noting that the City and the Council have the wherewithal to obtain the needed information.

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

Discussion ensued relative to the cost, the services that consultants provide, the formation of a Council subcommittee to be involved in the process,

Councilmember Orchard discussed the cost; she believes that consultants provide needed services. A revenue measure would be one potential solution. She suggested the formation of council subcommittee to be involved in the process should Council approve the contract.

Vice Mayor Coleman-Senghor suggested that the city and citizens move forward without a consultant and that the consultant could be the back-up plan. The money saved could be used for a special election. He expressed opposition to the item and the formation of a subcommittee because he wants everyone involved. He suggested proposing a 20% cut to the citizens and indicated that the silent majority should be at this meeting about the city's finances.

Councilmember Barich commented that it is too late for consultants and expressed opposition to a revenue measure. He commented on the city's overspending and expressed concern regarding staff time involved should the Council move forward with a revenue measure.

Councilmember Gilardi expressed support for the proposed contract. She indicated that she believes that in addition to citizens working together, capable professional assistance is also needed to provide unbiased information. She supported the formation of a subcommittee.

Mayor Guardino noted that many cities are finding themselves in the red, not because of overspending but because revenues have been reduced. He indicated that the information provided by the consultant would be unbiased and presented in a more useful format than would door-to-door and anecdotal polling by citizens. He noted that the information will be needed when hard decisions need to be made and that a revenue measure will be one in a portfolio of solutions.

Mayor Guardino called a recess at 10:50 p.m. and reconvened at 11:02 p.m.

**Moved** by Vice Mayor Coleman-Senghor to not approve the contract and to form a subcommittee.

Discussion ensued as how a subcommittee would work with staff on this proposal, as to the types of measures and whether a simple majority or a 2/3 vote would be required.

Ms. Lew described various types of measures and the votes needed for each, noting that Utility User Tax (UUT) measures may require either simple majority or a 2/3 vote depending on the type of UUT.

Mayor Gardino repeated the motion made by Vice Mayor Coleman-Senghor **Motion seconded** by Councilmember Barich. The motion failed with a 3-2 vote (Councilmembers Gilardi and Orchard and Mayor Guardino voting no).

**Moved** by Councilmember Gilardi seconded by Councilmember Orchard, and passed 3-2 (Vice Mayor Coleman-Senghor and Councilmember Barich voting no) to adopt a motion authorizing the City Manager to execute a consulting services agreement with the Lew Edwards Group for initial community assessment services for a potential tax measure and appropriate funds in an amount not to exceed \$28,000 and to form a subcommittee.

Council concurred to appoint Councilmember Barich and Mayor Guardino to the subcommittee.

**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**

Mayor Guardino adjourned the regular City Council meeting and called the joint meeting to order at 12:40 a.m.

**CONSENT CALENDAR**

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to approve item 8 on the consent calendar.

**8. WARRANTS AND AUDITED CLAIMS FOR JANUARY 29<sup>TH</sup>, 2009 – FEBRUARY 11<sup>TH</sup>, 2009 (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for January 29<sup>th</sup>, 2009 – February 11<sup>th</sup>, 2009.

**REGULAR AGENDA**

**9. APPROVAL OF 2009 AFFORDABLE HOUSING PROGRAM AND DIRECTION TO STAFF TO DEVELOP FUNDING AGREEMENTS (City Manager) (Action)**

This item was not postponed to a date uncertain.

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

Mayor Guardino adjourned the joint meeting and reconvened the regular meeting at 12:41 a.m.

**CITY COUNCIL REPORTS (Discussion)**

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

**ADJOURNMENT OF REGULAR CITY COUNCIL MEETING**

Mayor Guardino adjourned the regular meeting at 12:42 a.m.

Respectfully submitted,

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Tamara Taylor, Deputy City Clerk