



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 MARCH 10, 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

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

CALL TO ORDER (CITY COUNCIL CHAMBERS)

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

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957)

Title: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957)

Title: City Manager

7:00 PM REGULAR SESSION

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Coleman-Senghor called the Regular meeting to order at 7:02 p.m.

ROLL CALL

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

Staff present: Administrative Services Director Jone Hayes, Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig, City Attorney Rich Rudnansky, Police Chief Robert Stewart Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson

PLEDGE OF ALLEGIANCE

Councilmember Susan Harvey led the pledge of allegiance.

1. APPROVAL OF MINUTES OF FEBRUARY 10 AND FEBRUARY 24, 2010 REGULAR MEETINGS AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

Moved by Vice Mayor Orchard, seconded by Councilmember Susan Harvey to approve the minutes of the February 10 and February 24, 2010 Regular meetings as submitted.

Mayor Coleman-Senghor recognized George Barich, who requested that the February 24, 2010 minutes for item 5 (Allegations of Code of Ethics Violations) be amended to indicate that Mayor Coleman-Senghor read a statement in response to the allegations.

Vice Mayor Orchard indicated that her motion would stand unamended. Councilmember Susan Harvey reiterated her second to the motion. The motion and passed unanimously.

ANNOUNCEMENTS

City of Cotati staff will present a Fiscal Emergency update on Saturday March 13 at 10:00 a.m. in the Cotati Room, which is located behind City Hall in the Ray Miller Community Center at 216 E. School Street. All Cotati citizens are invited and encouraged to attend.

Caltrans will conduct a ground-breaking ceremony for the Highway 101 Widening Project on March 30th. Some preliminary work, mostly involving tree removal, has already started. The project should be completed in about one year. Links to Caltrans' project information are on the City's website: ci.cotati.ca.us.

Councilmember Gilardi announced that the groundbreaking ceremony date had changed to a date in April to be determined.

HONORARY MAYOR

Honorary Mayor Courtney Zaccagna of Creekside Middle School provided a report to Council.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

Sonoma State University Student representative Sean Richards provided a report to Council and responded to questions from the Council.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported on the status of the development review update process and resource sharing with other cities, and Sonoma County Energy Independence Program (SCEIP) projects in Cotati. She also announced the birth of a baby daughter to City Engineer/Director of Public Works Damien O'Bid and his wife.

APPROVAL OF FINAL AGENDA

Mayor Coleman-Senghor requested that item 6 be moved before item no. 4. Council concurred. **So moved** by Councilmember Gilardi, seconded by Councilmember Susan Harvey and approved by unanimous vote.

CITIZEN BUSINESS

Peter Stohn expressed concern regarding the accuracy of PG&E's 'smart meters' and asked the Council to look into them.

Emily Straub discussed her concerns regarding a high-risk sex offender living in Windmill Farms and requested that the Council direct the Police Department to monitor the sex offenders who live in Cotati.

Bob Haroch of Beyers-Costin, representing the Colvin Group asked the Council for assistance with development applications and conditions of approvals for his client for 100 Valparaiso and Santero Way.

Eduardo Diaz updated the Council on activities of the Cotati Chamber of Commerce.

Joyce Garcia addressed the Council regarding comments made by the Mayor at a previous meeting.

George Barich commented on his code of ethics complaints.

DIRECTION ON FUTURE AGENDA ITEMS

Discussion ensued regarding concerns about Pacific Gas and Electric Company's Smart Meters. Council concurred to schedule discussion of this topic.

City Manager Thompson and City Attorney Rudnansky briefly addressed comments made during Citizen Business

CONSENT CALENDAR

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

Item 6 was heard at this time.

2. CITY OF COTATI WELL 1A / WELL 3 FILTER MEDIA REPLACEMENT PROJECT – ADVERTISE FOR BIDS AND AUTHORIZE CITY ENGINEER TO AWARD AND EXECUTE CONSTRUCTION AGREEMENT (Public Works/Engineering) (Action)

Resolution No. 2010-07 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI 1) AUTHORIZING ADVERTISEMENT FOR BIDS TO BE RECEIVED FOR THE CITY OF COTATI WELL 1A / WELL 3 WATER TREATMENT FACILITIES REHABILITATION PROJECT; 2) AUTHORIZING AWARD TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER; AND 3) 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 \$130,000

3. NOTICE OF COMPLETION FOR THE OLD REDWOOD HIGHWAY REHABILITATION SOUTH, PROJECT NO. E09-01 (Public Works/Engineering) (Action)

Resolution No. 2010-08 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AS COMPLETE THE OLD REDWOOD HIGHWAY REHABILITATION - SOUTH, PROJECT NO. E09-01

REGULAR AGENDA

4. SONOMA COUNTY AGRICULTURAL AND OPEN SPACE DISTRICT'S MATCHING GRANT PROGRAM (City Manager) (Action)

This item was heard after item no. 8

City Manager Thompson presented the staff report.

Bill Keene, General Manager of the Sonoma County Agricultural and Open Space District summarized the District's matching grant program and responded to questions regarding the effects of the proposed phasing of funding on smaller cities.

Mayor Coleman-Senghor opened the floor to public comment.

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

Discussion ensued

Moved by Councilmember Gilardi seconded by Vice Mayor Orchard and passed unanimously to receive the report.

After item 5, the council revisited this item in order to provide the Mayor direction for discussion at the upcoming Sonoma County Mayors' and Councilmembers' Association.

Bill Keene and Deanna Kamber responded to questions regarding possible scenarios for phasing.

City Manager Thompson noted that Cotati would likely not be applying for larger amounts and having funds tied up with future funding might not benefit from phasing.

Discussion ensued relative to the City of Cloverdale's requests for phasing and their lack of a prospective phasing plan from Cloverdale. Council concurred to not support a phasing component to the Sonoma County Agricultural and Open Space District at this time.

5. LETTER OF SUPPORT FOR ASSEMBLY BILL 1962 TO GRANT THE SONOMA COUNTY AGRICULTURAL PRESERVATION & OPEN SPACE DISTRICT THE ABILITY TO ACCEPT IRREVOCABLE OFFERS OF DEDICATION (Public Works/Engineering) (Action)

City Manager Thompson introduced Bill Keene, General Manager of the Sonoma County Agricultural and Open Space District, who summarized the proposed legislation.

Mayor Coleman-Senghor opened the floor to public comment.

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

Moved by Councilmember Mark Landman, seconded by Councilmember Gilardi and passed unanimously to authorize the Mayor to sign a letter in support of Assembly Bill 1962.

City Manager Thompson requested that the Council revisit item no. 4.

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

This item was heard after the consent calendar.

City Engineer/Director of Public Works Damien O'Bid presented the staff report and responded to questions from the Council.

Mike Thompson of the Sonoma County Water Agency summarized the proposed budget, responded to questions from the Council regarding changes in labor costs and distributed a handout.

Mayor Coleman-Senghor opened the floor to public comment.

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

A representative of the SCWA responded to questions from the Council regarding the North Marin Aqueduct.

Discussion ensued regarding the complications of water delivery.

City Engineer O'Bid responded to questions regarding the SCWA budget process.

Water Agency representatives responded to questions regarding whether or not a lower personnel budget would impact the rates.

City Manager Thompson noted that the Water Agency's handout contained City staff salary information that had not reviewed by City staff.

Moved by Vice Mayor Orchard, seconded by Councilmember Gilardi, to support the budget provided that the Water Agency address the City's comments and concerns about the personnel costs listed in the proposed budget.

Discussion ensued relative to the need for the Water Agency to assure the City that our comments are addressed. Councilmember Mark Landman concern regarding the budget and indicated that a demonstration of cost savings is missing.

City Engineer O'Bid responded to questions relative to the budget approval process and the advisory nature of the Water Advisory Committee (WAC).

Vice Mayor Orchard withdrew her motion; Councilmember Gilardi withdrew her second.

Moved by Councilmember Mark Landman, seconded by Councilmember Susan Harvey to direct the City's representative on the SCWA Board of Directors to vote against adoption of the proposed fiscal year 2010/11 Sonoma County Water Agency (SCWA) budget.

Mayor Coleman-Senghor called a recess at 8:25 p.m. and reconvened at 8:45 p.m.

Item no. 8 was heard at this time.

7. MAYORS' AND COUNCILMEMBERS' ASSOCIATION AND CITY SELECTION COMMITTEE RECOMMENDATIONS (City Manager) (Action)

City Manager Thompson presented the staff report.

Mayor Coleman-Senghor opened the floor to public comment.

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

Moved by moved by Councilmember Gilardi seconded by Councilmember Orchard and passed unanimously support Susan Harvey (Cotati) for appointment by the Mayors' and Councilmembers' Association to the Sonoma County Child Care Planning Council Committee and to recommend Pam Stafford (Rohnert Park) for appointment to Local Agency Formation Commission (LAFCO) and John Sawyer (Santa Rosa) for appointment to the Airport Commission by the City Selection Committee.

8:30 P.M. PUBLIC HEARING

8. DISCUSSION AND ACTION REGARDING APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY LICENSE AT 7950 REDWOOD DRIVE, SUITE 8 (APN: 144-060-006) (Community Development) (Action)

This item was heard after item no.6.

Assistant to the City Manager/Acting Director of Community Development Director Marsha Sue Lustig presented the staff report, responded to questions from the Council about concerns relative to quality control of the marijuana to be dispensed at the site, and an apparent discrepancy between the security plan and the security requirements on Exhibit A of the resolution. Ms. Lustig listed the following corrections to exhibit A of the resolution: Condition 6 should read: "...\$30,000 or 1.8% of gross sales, whichever is greater."; condition 15: Replace the word 'name' with 'ID number'; condition 22 add the sentence: "Monthly payroll records not available on-site shall be made available to the City within 24 hours of request."; condition 23: change the word 'warrantee' to 'warrant'; condition 26: replace 'Fairfax' with 'Cotati'.

Greg Lucas, the applicant, summarized his application and its review process, introduced his development team and discussed how he planned to conduct his business.

Mayor Coleman-Senghor opened the public hearing.

The following individuals spoke:

Assistant Pastor Neil Hyler (opposed)

Andrew Howard (opposed)

Christiana Vasques (in favor)

Victor Gonzales (commented on his competing medical marijuana dispensary application).

Michael Brouse (opposed)

Lili Butler (opposed)

George Barich (in favor)

Pastor Sam Howard (opposed)

Craig Enyart (in favor)

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

Staff responded to questions regarding the existing, unpermitted use (a church) next door to the subject site, the definition of a 'youth-oriented facility', and the process of approval of the medical marijuana dispensary ordinance.

At the request of the Mayor, Pastor Howard described the history of the church's use at its present site.

Discussion ensued relative to whether or not the church meets the criteria for a youth oriented facility and the response of the church to the proposal at the Planning Commission meeting and at this City Council meeting.

At the request of the Mayor, Mr. Enyart, the property owner, responded to questions regarding the proposed use.

Karen Mantele, the applicant's project planner, summarized the project's planning process.

Robert Anderson, the applicant's project architect, discussed his experience with similar facilities in smaller cities and the subject project's design.

Alan Rosenbloom the applicant's security consultant, responded to questions regarding the proposed security plan.

Discussion ensued regarding the history of the City's medical marijuana dispensary ordinance and the criteria of a youth oriented facility. Council concurred that the church does not fit the General Plan's definition of a youth oriented facility.

Moved by Vice Mayor Orchard, seconded by Councilmember Gilardi and passed unanimously to adopt Resolution no. 2010-06 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING A MEDICAL MARIJUANA DISPENSARY LICENSE AT 7950 REDWOOD DRIVE, SUITE 8. APN 144-060-006 – PA# 30/09 – Lucas/Mercy Medical Dispensary with changes to conditions 6, 15, 22, 23 and 26 as described by Ms. Lustig and a requirement that the applicant's security plan shall be revised to be consistent with the resolution.

Item No. 4 was heard at this time.

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 CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Coleman-Senghor adjourned the Regular meeting and called to order the Joint meeting at 10:30 p.m

CONSENT CALENDAR

Moved by Councilmember Gilardi, seconded by Councilmember Mark Landman and passed unanimously to approve item 9 on the Consent Calendar.

9. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)

This motion receives and files warrants and audited claims for February 11th, 2010 through February 24, 2010.

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

Mayor Coleman-Senghor adjourned the Joint meeting and called to order the Regular meeting at 10:30 p.m

CORRESPONDENCE AND PENDING LEGISLATION (Discussion and possible Action)

Mayor Coleman-Senghor described a letter he had received from a citizen was ticketed for not having her handicap placard visible. City Manager Thompson and City Attorney Rudnansky responded to questions regarding the enforcement of such laws.

CITY COUNCIL REPORTS (Discussion)

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

ADJOURNMENT

Mayor Coleman-Senghor adjourned the meeting at 10:42 p.m. to closed session in the City Hall conference room.

Respectfully submitted,

/s/ Tamara Taylor, Deputy City Clerk