

# City of Cotati



**MINUTES  
REGULAR CITY COUNCIL MEETING AND  
JOINT MEETING OF THE CITY COUNCIL  
AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS  
MARCH 26, 2008  
City Council Chambers, City Hall, 201 W. Sierra Avenue**

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

Mayor Gilardi called the meeting to order at 6:30 p.m.

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi  
Staff present: Hayes, Rudnansky, Taylor, Thompson

There being no one wishing to speak on the closed session items, Mayor Gilardi adjourned to closed session.

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

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

CONFERENCE WITH LEGAL COUNCIL -- Existing Litigation (Subdivision a of Government Code § 54956.9)

Name of Case: Pacific Legal Foundation v City of Cotati

CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6)

Agency designated representative: Dianne Thompson, City Manager

Employee organization: Cotati Police Officers' Association, and the Cotati Police Officers' Management Association.

## **7:00 PM**

Mayor Gilardi called the regular meeting to order at 7:02 p.m.

## **ROLL CALL**

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi  
Staff present: Hayes, Lustig, O'Bid, Rudnansky, Stewart, Taylor, Thompson

## **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mayor Gilardi led the pledge of allegiance and called for a moment of silence.

**1. APPROVAL OF MINUTES OF MARCH 12, 2008 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

Moved by Councilmember Orchard, seconded by Guardino and passed unanimously to approve the minutes of the March 12, 2008 Regular meeting as modified (Vice Mayor Guardino added that he abstained from item 8 because he did not believe he had enough information about the project) and to waive the reading of all ordinances introduced and/or adopted under this agenda.

**APPROVAL OF FINAL AGENDA**

Council concurred to pull item 4 for discussion prior to item 8.

Mayor Gilardi announced that item 10 would be continued to April 9, 2008.

**CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported the following:

- The East Cotati Avenue water main replacement complete; the East Cotati Avenue overlay project is scheduled to commence in April.
- The recruitment for the position of Administrative Secretary is complete and a top candidate has been selected.
- Cotati Community Cleanup is scheduled for April 19th and 20<sup>th</sup>.
- The ribbon cutting ceremony for the Cotati computer lab project took place on March 24.

**CITIZEN BUSINESS**

Anthony Adler of Cotati discussed a recent Press Democrat article regarding Sebastopol's ban on wireless internet service and stated that the company offering the free service has indicated willingness to make the same offer to the city of Cotati.

Michele Berman of Cotati discussed a recent Sebastopol City Council meeting at which the Council declined Sonic.net's offer for free wireless internet service due to the concerns of individuals who spoke at the meeting.

George Barich of Cotati addressed the Council regarding its March 12, 2008 decision to webcast the City Council meeting. He commented regarding access to cable channels and requested that the City re-negotiate cable franchise agreements.

Robert Coleman-Senghor of Cotatie requested that the City Council address the issue of Darfur.

Greg McClain of Cotati expressed concern that the bathroom at Sunflower park has been locked and requested that Council look into the matter.

In response to concerns raised by the public speakers, Mayor Gilardi clarified that the cable television is unable to provide a live feed for Council and that the Darfur resolution will be scheduled for a City Council meeting in April.

City Manager Thompson indicated that city staff had spoken with Mr. McClain and are working to get his concerns about the Sunflower park restroom resolved.

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

Council concurred to schedule an update on the animal control law on the April 9, 2008 City Council agenda.

### **ORAL AND WRITTEN COMMUNICATIONS**

#### **ANNOUNCEMENTS**

The next Cotati Creek Critters' Community Planting Day is March 30 at 10:00 a.m. Meet at City well lot #2 on Lakewood Avenue. For additional details and events call 792-4422 or visit their website at [www.cotaticreekcritters.info](http://www.cotaticreekcritters.info).

Look for the new Spring/Summer Community Guide in your mailbox. The full recreation schedule can be viewed on the city's website [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)

The Ray Miller Community Center is now a site for Santa Rosa Junior College's Active Seniors Program. There is no fee for these classes. For a complete list check the community guide or visit the city's website at [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)

#### **SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

Sonoma State University Student representative Jonathan T. White reported on University activities and events.

#### **STUDENT HONORARY MAYOR REPORT**

Rachelle Dorn of Mountain Shadows Middle School discussed traffic during construction on East Cotati Avenue, suggested that there be more activities for teenagers and young adults and reported on school needs, activities and events. Mayor Gilardi presented her with a certificate of commendation.

### **PROCLAMATIONS**

#### **2. RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS MONTH**

Councilmember Fox read the proclamation and Mayor Gilardi presented this proclamation to Chris Castillo, Executive Director of United Against Sexual Assault of Sonoma County.

George Barich of Cotati requested that Proclamations be moved to the end of the Council meetings.

### **CONSENT CALENDAR**

Mayor Gilardi announced that item 4 has been pulled from the Consent Calendar for discussion and opened the floor to public comment regarding items 3, 5 and 6 on the Consent Calendar.

There being no one wishing to speak, Mayor Gilardi called for a motion.

**Moved** by Councilmember Orchard, seconded by Vice Mayor Guardino and passed unanimously to approve items 3, 5 and 6 on the Consent Calendar as noted below.

- 3. RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A JOINT POWERS AGREEMENT THAT ESTABLISHES A SEPARATE PUBLIC AGENCY TO OPERATE AND MAINTAIN A PUBLIC SAFETY COMMUNICATION SYSTEM IN SONOMA COUNTY (Action)**

Resolution No. 08-07 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE CITY MANAGER TO SIGN A JOINT POWERS AGREEMENT THAT ESTABLISHES A SEPARATE PUBLIC AGENCY TO OPERATE AND MAINTAIN A PUBLIC SAFETY COMMUNICATION SYSTEM IN SONOMA COUNTY.

Item 4 was pulled for discussion after item 7 below.

- 5. RECEIVE AND FILE PROPOSED BUDGET FROM THE SANTA ROSA SUBREGIONAL SYSTEM FOR FISCAL YEAR 2008/2009 (Action)**

Motion receiving and filing the proposed budget prepared by the Santa Rosa Subregional System.

- 6. ACCEPTANCE OF PUBLIC IMPROVEMENTS NOTICE OF COMPLETION FOR THE GILMAN SUBDIVISION (850 WEST COTATI AVENUE, PA# 04/02) (Action)**

Motion accepting the public improvements and authorizes filing of the Notice of Completion (NOC) for the Gilman Subdivision located at 850 West Cotati Avenue, PA# 04/12.

### **PUBLIC HEARINGS**

- 7. INTRODUCTION OF AN ORDINANCE ADOPTING AMENDMENTS TO THE CALIFORNIA BUILDING AND FIRE CODES (Action)**

Interim Chief Building Official Joe Kagan presented the staff report.

Fire Chief Traynor addressed the Council in support of the proposal.

Mayor Gilardi opened the public hearing.

Michelle Berman of Cotati spoke in support of the proposal, noting that she is a trained fire sprinkler installer and understands the safety issues.

There being no one else wishing to speak, Mayor Gilardi closed the public hearing.

**Moved** by Councilmember Orchard and seconded by Councilmember Minnis to introduce an ordinance of the City Council of the City of Cotati amending Chapter 14.04 of the Cotati Municipal Code in its entirety and adopting by reference the following Codes: 2007 Edition of the California Building Standard Code, California Code of Regulations Title 24, Parts 1 through 6, 9, 10 and 12 ; 2006 Edition of International Property Maintenance Code; 2006 Uniform Swimming Pool and Hot Tub Code; 2006 Edition of the International Existing Building Code including tables and appendixes. The proposed ordinance will also include amendments to said codes based on local climatic, geologic and topographical conditions.

Yes: 5      No: 0      Abstain: 0

## **REGULAR AGENDA**

### **4. REPLACEMENT OF LA PLAZA PARK PLAYGROUND EQUIPMENT (*Action*)**

Councilmember Minnis recused herself from this item because she owns property within five hundred feet of La Plaza Park. She left the chamber during discussion of this item.

Assistant to the City Manager Marsha Sue Lustig presented the staff report and responded to questions from the Council.

Mayor Gilardi opened the floor to public comments.

George Barich of Cotati requested additional information regarding the equipment and cost.

Mayor Gilardi responded to Mr. Barich and noted that the staff report contained renderings of the proposed equipment.

**Moved** by Councilmember Fox and seconded by Councilmember Orchard to approve the replacement of La Plaza Park Playground Equipment with an amount not to exceed \$16,167.

Yes: 4      No: 0      Abstain: 1 (Minnis)

### **8. PLASTIC BAG INFORMATIONAL UPDATE (*Discussion*)**

City Engineer/Director of Public Works Damien O'Bid reported on the use of plastic bags and their impact to the environment.

Discussion ensued regarding voluntary and mandatory ban, the possibility of litigation from plastic bag manufacturers, recycling of plastic bags by waste haulers, talking to local

businesses and the Chamber of Commerce about discontinuing the use of plastic bags on a voluntary basis

Mayor Gilardi explained that the Mayors' and Councilmembers' Association has discussed this issue and may form a subcommittee with members from each city to discuss forming a position.

Mayor Gilardi opened the floor to public comments.

Neil Hancock addressed the Council, noting that BBC America has been running a program about the damage of plastic films to the environment.

Jenny Blaker of Cotati discussed the effects of plastic bags on waterways and oceans. She indicated that education and outreach are effective in raising public awareness of this issue.

George Barich of Cotati suggested combining the efforts against plastic bag issue with efforts against styrofoam and noted that he had worked with Redwood Empire Disposal to find a drop-off point in Cotati for styrofoam.

Robert Coleman-Senghor of Cotati requested clarification on who had challenged bans on plastic bags with litigation and what the issues were. He suggested that users of the plastic bags be educated about plastic bags and the broader issue of sustainability.

Michelle Berman of Cotati reminded the Council that in the past paper bags were used for produce in stores and longer ago there were no containers at all. She indicated her belief that plastic bags and Styrofoam should be banned and that our culture should be more sustainable.

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

Discussion ensued regarding the Mayors' and Councilmembers' ideas about cities working together on this issue, educating residents by including an insert in their water bills, working with members of the Chamber of Commerce or forming an ad hoc committee with Rohnert park to speak with individual store owners in both cities, regional sustainability, resources such as [www.seegreen.org](http://www.seegreen.org), and the difficulty of integrating the various waste issues.

Councilmember Orchard indicated that the Plastic Bag Manufacturers' Association is the entity that has threatened litigation against bans.

City Engineer O'Bid said that the basis of the litigation is the categorical exemption under CEQA and noted that the citizens of Fairfax are attempting to vote in a ban because ballot initiatives are exempt under CEQA.

City Attorney Rudnansky addressed CEQA issues on plastic bag bans.

Council concurred to schedule a future discussion regarding adoption of a resolution on regional sustainability and to encourage each city in the Mayors' and Councilmembers'

Association to institute voluntary bans all in the same month, which would be likely to gain the attention of the press and would be a step towards regional sustainability.

**ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL TO JOINT MEETING OF CITY COUNCIL AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

Mayor Gilardi adjourned to the joint meeting at 8:45 p.m.

**CALL TO ORDER AND ROLL CALL FOR JOINT MEETING**

Mayor/Chair Gilardi called the joint meeting to order at 8:45 p.m.

Members present: Fox, Guardino, Minnis, Orchard, and Chair/Mayor Gilardi  
Staff present: Hayes, O'Bid Rudnansky, Taylor, Thompson

**CONSENT CALENDAR**

Chair/Mayor Gilardi announced that item 10 was removed from the agenda and opened the floor for public comment.

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

**Moved** by Member Orchard, seconded by Vice Chair/Vice Mayor Guardino and passed unanimously to approve item 9 on the Consent Calendar as follows:

**9. WARRANTS AND AUDITED CLAIMS (*Action*)**

Motion receiving and filing Warrants and Audited Claims for February 29th, 2008 – March 13th, 2008.

**10. RESOLUTION APPOINTING CITY ATTORNEY AND APPROVING AND AUTHORIZING EXECUTION OF CITY ATTORNEY CONTRACT (*Action*)**

This item was continued to the April 9, 2008 City Council meeting.

**CITY COUNCIL REPORTS AND COMMENTS (*Discussion*)**

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

**ADJOURNMENT**

Mayor Gilardi adjourned the meeting at 9:50 p.m. to closed session as noted above.

Respectfully submitted,