



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 JULY 22, 2009
6:00 PM CLOSED SESSION
7:00 PM REGULAR SESSION

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

Mayor Guardino called the meeting to order at 6:01 p.m. in the City Council Chamber.

Councilmembers present at roll call: Barich, Gilardi, Orchard, Mayor Guardino.

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

Mayor Guardino opened the floor to public comments.

Mike Kurvers addressed the Council in support of terminating the City Manager's contract.

There being no one else wishing to speak, he closed the public comment period and adjourned to closed session in the City Manager's office.

CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

City Designated Representative: City Manager

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957), CONFERENCE WITH LABOR NEGOTIATORS (California Government Code Section 54957.6)

Title: City Attorney

Agency Representative: Mayor or City Manager

Unrepresented Employee: 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 Guardino called the meeting to order at 7:00 p.m.

ROLL CALL

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

Staff present: Administrative Services Director Jone Hayes, Director of Public Works/City Engineer Damien O'Bid, Chief of Police Robert Stewart, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson, Attorney Nancy Thorington.

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES OF JULY 8, 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 Barich seconded by Councilmember Gilardi and passed unanimously to approve the minutes of the July 8, 2009 Regular meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The August 12 regular meeting of the Cotati City Council has been cancelled; the next regular meetings are scheduled for August 5 and August 26.

The Downtown Specific Plan and the Downtown Specific Plan Environmental Impact Report were approved by the Planning Commission on July 13 and will be considered by the City Council at its regular meeting on August 26.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

No report.

CITY MANAGER'S REPORT

City Manager Dianne Thompson provided a summary of the proposed State budget and its possible effects on the City's budget, and reported on the status of the ADA (Americans with Disabilities Act) sidewalk project.

City Engineer O'Bid responded to questions regarding state highway funds. Brief discussion ensued regarding the state budget proposals.

APPROVAL OF FINAL AGENDA

Mayor Guardino called for a motion to place an item regarding Well 2 Emergency Repair to the agenda as an emergency item due to need for immediate action.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously, to place this item on the regular agenda as Item No. 3A.

Mayor Guardino announced that Item no. 4 will be heard prior to Citizens' Business.

Item No. 4 was heard at this time.

CITIZEN BUSINESS

Eric Kirchmann addressed the Council regarding policy and process and enforcement of the sign ordinance.

Linell Hardy contributed \$3 for the November 2010 tax revenue measure.

Michelle Berman contributed \$10 for the 2010 tax revenue measure and questioned Councilmember Barich regarding enforcement of the sign ordinance regarding political signs and names he has listed as opposed to the recall on his laughablecotati.com website.

Linda Ritter spoke in support of placing the sales tax measure on the ballot, and announced the vegan festival that will be taking place in La Plaza park on August 1st and 2nd.

Phil Maher discussed enforcement of the sign ordinance, taxes and the dysfunction of the City Council.

Jan Kravitz addressed the Council regarding the economy and the future of sales tax revenue.

Joan Simon addressed the Council regarding laughablecotati.com, recall signs, enforcement of campaign sign ordinance.

Adrienne Lauby of Cotati addressed the Council regarding an email that was sent to a number of people by Councilmember Barich and asked him for clarification of statements made in the email. She commented on her opposition to the State budget proposal.

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

Mayor Guardino, Councilmember Gilardi Councilmember Orchard and Vice Mayor Coleman-Senghor requested that Councilmember Barich remove their names from the laughablecotati.com website.

Councilmember Barich responded that requests to remove names from the website should be submitted to the website owner, whose name is listed on the site.

Brief discussion ensued regarding the cancellation of Council meetings. The Council concurred that future meeting cancellations should be considered by the Council.

City Attorney Thorington responded to a question relative to the constitutionality of the sign ordinance.

Councilmembers briefly discussed comments made during Citizens' Business.

DIRECTION ON FUTURE AGENDA ITEMS

The Council concurred to direct staff to review concerns that the sign ordinance is being selectively enforced and report back to Council.

CONSENT CALENDAR

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

Moved by Councilmember Orchard seconded by Councilmember Gilardi and passed unanimously to approve item 2 on the Consent Calendar.

2. NOTICE OF COMPLETION FOR THE EAST COTATI AVENUE IMPROVEMENTS, PROJECT NO. E06-25B (Public Works/Engineering) (Action)

Resolution No. 2009-51 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AS COMPLETE THE EAST COTATI AVENUE IMPROVEMENTS, PROJECT NO. E06-25B

REGULAR AGENDA

3. RECOMMENDATION FOR APPOINTMENT BY SONOMA COUNTY MAYORS' AND COUNCILMEMBERS' ASSOCIATION ABAG (ASSOCIATION OF BAY AREA GOVERNMENTS) REGIONAL PLANNING COMMITTEE (City Manager) (Action)

City Manager Dianne Thompson 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.

Moved by Councilmember Gilardi seconded by Councilmember Orchard and passed unanimously to support Veronica Jacobi for appointment the Sonoma County Mayors' and Councilmembers' Association to the Association of Bay Area Governments (ABAG) Regional Planning Committee.

3A. WELL NO. 2 EMERGENCY REPAIR (Public Works/Engineering) (Action)

Director of Public Works/City Engineer Damien O'Bid presented the staff report and clarified the proposed resolution and responded to questions from the Council relating to the cost and funding of the repair and the vendors

Mayor Guardino opened the floor to public comment.:

Adrienne Lauby addressed the Council regarding how the need for repair was brought to staff's attention by a resident.

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

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard and passed unanimously to adopt Resolution No. 2009-52 Entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI FINDING THAT THE WATER CRISIS HAS CREATED AN EMERGENCY AND AUTHORIZING THE CITY ENGINEER TO PROCEED IMMEDIATELY WITH REPAIR OF WELL 2 ON FORCE-ACCOUNT NOT TO EXCEED \$55,000.

PUBLIC HEARINGS

- 4. ADOPTION OF A RESOLUTION MAKING FINDINGS THAT, BECAUSE OF AN EXISTING EMERGENCY, AN ELECTION ON A PROPOSED NEW TAX MUST OCCUR BEFORE THE NEXT REGULAR MUNICIPAL ELECTION; AND**

ADOPTION OF A RESOLUTION CALLING AN ELECTION ON NOVEMBER 3, 2009 TO ASK THE VOTERS TO APPROVE A ONE HALF CENT TRANSACTIONS AND USE TAX, WITH THE TAX "SUNSETTING" IN 5 YEARS; AND

ADOPTION OF RESOLUTION ESTABLISHING A GENERAL FUND RESERVE (Administrative Services) (Action)

This item was heard prior to Citizens' Business.

Mayor Gilardi and City Attorney Thorington responded to a point of order regarding the order of the agenda.

Director of Administrative Services Jone Hayes presented the staff report and responded to questions from the Council regarding the wording "increased crime" on the first proposed resolution. Discussion ensued relative to changing this language to "likely increase crime" or similar wording.

Chief of Police Robert Stewart responded to questions regarding the likelihood of increased crime language in the resolution.

Mayor Guardino clarified that the City Council unanimously voted to schedule this item on the agenda and addressed the audience regarding budget cuts by the City and the process of raising taxes.

Discussion ensued regarding the timing of the scheduling of this item prior to the 2009-10 City being approved.

Mayor Guardino opened the public hearing.

The following individuals spoke:

Eric Kirchmann (opposed)

Mike Detro (had questions regarding the cooperation of public safety offices of Sonoma State)

Don Schmidtman (opposed)

Eris Weaver (supported)

Joyce Garcia (opposed)

Don Cropper (supported)

Linda Garcia (supported)

Lori Ann Barbor (supported)

Jan Kravitz (supported)

Bert Lathrop discussed his experience with a planning application for a lot that he owns in downtown Cotati.

Marsha (last name not discernable) (supported)

Mayor Guardino called a recess at 8:06 p.m. and reconvened at 8:19 p.m. He thanked Oliver's Market for donating the refreshments and the citizens who make the arrangements to provide them.

Public comment continued:

Mike Sheehan (neutral)

Matt Heath (opposed)

Dorothy Erickson (opposed)

Phil Maher (opposed)

Dan Dutra (opposed)

Adrienne Lauby (supported)

Joan Simon (supported)

Cheryl Nixon (supported)

Neil Hancock (supported)

Ken Coleman (opposed)

Michelle Berman (asked about sales tax versus a utility users' tax)

Jenny Blaker (supported)

Emily Straub (supported)

John Moore (asked about requirements for placing a revenue measure on the ballot)

John Eder (neutral)

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

City Staff addressed questions regarding the timing of the election and the requirement for a unanimous vote, whether revenue measures are successful and bring in revenue, sales tax revenue of gas stations, the stability of sales tax revenue, the choice of a sales tax measure versus a utility users' tax measure, the alternatives to the organization if the revenue measure is not approved, how Sonoma State University interacts with the Cotati Police Department, donations to the City, the balancing of the City's budget, the downsizing of the Planning and Building Departments, the planning for development and redevelopment of sites in Cotati, and the sales tax rate of other Sonoma County cities.

Discussion ensued relative to comments regarding development of the Highways 101 and 116 corridors, the funding for for the Downtown Specific Plan (DSP, the potential for increased revenue due to increased development should the DSP be adopted, the restrictions on municipal funding, and the fact that the State would not be able to take revenue generated through a sales tax measure.

Councilmember Barich made a statement in opposition to the item.

Further discussion ensued regarding placing the question of a revenue measure before the voters, looking to the future rather than to the past, the establishment of reserve funds, definition of 'emergency', saving the operational integrity of the City as a whole rather than a particular department, comments about the City Manager, the need for citizens to form opinions for themselves, use of volunteers, private donations, how the desire for City services relates to the desire for a balanced budget, the vulnerability of Cotati due to its small size, Cotati's pride in local control, lack of accountability with outsourced services, the unanimous vote of the Council to schedule this item on the agenda, and the opinion of individual Councilmembers versus allowing the voters to decide if they wish to address the budget deficit by increasing the sales tax.

City staff clarified the proposed general fund reserve policy and responded to questions regarding the cost of, and budgeting for, the proposed election, and the projections of the proposed revenue.

Further discussion ensued regarding the source of funding for the Police Facility and the Community Center, staffing cuts that have already been made, city budgets versus the state budget, communication between Councilmembers and City staff, the recent community survey, and the manipulation of information

Moved by Councilmember Orchard and seconded Councilmember Gilardi to adopt a resolution entitled: DECLARING THAT AN EMERGENCY EXISTS THAT REQUIRES ASKING THE VOTERS TO APPROVE A TRANSACTIONS AND USE TAX BEFORE THE NEXT REGULAR ELECTION FOR THE CITY COUNCIL. The motion failed 4-1 (Barich voting no).

Discussion ensued relative to the failure of the fiscal emergency resolution. Mayor Guardino explained that a unanimous vote was required to adopt this resolution, and that its failure precludes the Council from voting on the proposed election resolution. He pointed out that a 'no' vote on this resolution deprives Cotati voters of the opportunity to decide on this issue.

Responding to questions from the Council, City Attorney Thorington explained that a unanimous vote would not be needed to place the item on a regular election ballot. Discussion ensued relative to placing the revenue measure on the November 2010 ballot.

The majority of Councilmembers concurred to schedule discussion of the revenue measure on the November 2010 ballot at City Council meeting in the near future.

Further discussion ensued regarding the proposed reserve resolution. Administrative Director Hayes responded to questions regarding the proposed reserve fund.

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard and passed unanimously to adopt Resolution No. 2009-50 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ESTABLISHING A GENERAL FUND RESERVE.

Mayor Guardino called a recess at 10:30 p.m., reconvening at 10:40 p.m.

Citizens' Business 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

Mayor Guardino adjourned the regular meeting and convened the joint meeting to order at 11:17 p.m.

CONSENT CALENDAR

Mayor Guardino opened the floor to public comment:

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

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously to approve items 5 and 6 on the Consent Calendar.

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

This motion receives and files warrants and audited claims for June 25th, 2009 – July 9th, 2009.

6. CONSIDERATION OF ADOPTION OF RESOLUTION OF THE CITY COUNCIL / BOARD OF DIRECTORS CONTINUING THE FY 08-09 BUDGET TO AUGUST 26, 2009 (Administrative Services) (Action)

Resolution No. 2009-53 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE COTATI COMMUNITY REDEVELOPMENT AGENCY CONTINUING THE FISCAL YEAR 2008-2009 BUDGET

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

Mayor Guardino adjourned the joint meeting and reconvened the regular meeting to order at 11:25 p.m.

CITY COUNCIL REPORTS (Discussion)

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

Councilmember Gilardi expressed concerns regarding environmental issues related to the Sonoma County Transit Authority Environmental Impact Report.

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Guardino adjourned the regular meeting at 11:29 p.m. to closed session.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk