



**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
OF THE CITY OF COTATI
WEDNESDAY AUGUST 26, 2009
7:00 PM REGULAR SESSION**

7:00 PM

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

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

ROLL CALL

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

Staff present: Assistant Planner Misti Harris, Administrative Services Director Jone Hayes, Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig, Director of Public Works/City Engineer Damien O'Bid, City Attorney Rich Rudnansky, Chief of Police Robert Stewart, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

PLEDGE OF ALLEGIANCE

Mayor Guardino led the pledge of allegiance.

- 1. APPROVAL OF MINUTES OF AUGUST 5, 2009 SPECIAL MEETING, AND AUGUST 12, 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 August 5, 2009 Special Meeting and August 12, 2009 Regular Meeting meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The Cotati Farmers' Market takes place at 4:30 p.m. every Thursday through October 1st in La Plaza Park.

Cotati's annual Oktoberfest will take place on Saturday September 26 in La Plaza park.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

No report.

CITY MANAGER'S REPORT

City Manager Dianne Thompson updated the Council on tree removal by PG&E, visibility and safety concerns regarding medians and pedestrian islands, and the 'Cash for Grass' program. She proposed moving the November 11 City Council meeting to November 10 due to the Veteran's Day holiday and moving the November 25 City Council meeting to November 24 due to the Thanksgiving Day holiday.

Council concurred to the proposed City Council meeting date changes in November.

APPROVAL OF FINAL AGENDA

No changes.

CITIZEN BUSINESS

Eric Kirchmann addressed the Council regarding the Accordion Festival, visibility of pedestrian islands, tree trimming, bike trails and storm drains.

Emily Straub commented on break-ins at Windmill Farms, the effect of water conserving plants on the water table, the water conservation garden landscaping, aqueducts, pipes, and water use of vineyards.

Helen Steinhoff-Norwood, speaking for the Board of Directors of Congregation Ner Shalom addressed the Council regarding the impact of the Downtown Specific Plan on their building.

Phil Maher discussed the constitutionality of Cotati's sign ordinance.

Marian Coglin addressed the Council regarding AB566 (condominium conversion of mobilehome parks).

Mike Schmidtman addressed the Council regarding the Pledge of Allegiance, the budget, the Downtown Specific Plan and the K-9 unit.

Joyce Garcia commented regarding the development process for 8910 Cypress and the recall.

Jan Kravitz discussed the Center for Biological Diversity, the California tiger salamander, the Bush Administration, the Fish and Wildlife Service and the extinction of species.

Irene Hilsendager discussed potential development along Old Redwood Highway.

Adrienne Lauby addressed City staff cuts and the participation of citizens in Council meetings.

John Moore addressed the Council regarding a campaign sign at the Shell station site at Hwy 116 and Old Redwood Hwy. and notification of residents regarding changes to Mini Park.

Michelle Berman of Cotati addressed the Council about her concerns regarding the videotaping of Council meetings, the writing of statements made during Citizen Business, fundraising for the K-9 Unit and the recall process.

Lisa Moore indicated agreement with John Moore's comments regarding neighborhood notification regarding changes to Mini Park.

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

Councilmembers commented briefly on comments made during Citizens Business. The City Council concurred to follow AB 566 and requested that staff provide brief reports regarding notification for Mini Park improvements and the sign ordinance.

DIRECTION ON FUTURE AGENDA ITEMS

None.

CONSENT CALENDAR

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

2. NOTICE OF COMPLETION FOR THE COTATI SIDEWALK ADA IMPROVEMENTS FY 2007-2008 PROJECT, NO. E07-14 (Public Works/Engineering) (Action)

Resolution No. 2009-61 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AS COMPLETE THE COTATI SIDEWALK ADA IMPROVEMENTS FY 2007-2008, PROJECT NO. E07-14

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 7:56 p.m.

CONSENT CALENDAR

Items 4 and 6 were pulled from the Consent Calendar for discussion.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to approve items 3 and 5 on the Consent Calendar.

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

This motion receives and files warrants and audited claims for July 23rd 2009 – August 12th, 2009.

4. APPROVING AMENDED AGREEMENT FOR LEGAL SERVICES WITH MEYERS NAVE RIBACK SILVER & WILSON AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

Mayor Guardino opened the floor to public comments.

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

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-62 and CRA 216 entitled: A RESOLUTION OF THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF COTATI AMENDED AGREEMENT FOR LEGAL SERVICES WITH MEYERS NAVE RIBACK SILVER & WILSON AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

5. ADOPTION OF A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010 PURSUANT TO ARTICLE XIII.B OF THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 111 (Administrative Services) (Action)

Resolution No. 2009-63 and CRA 217 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2008 - 2009 PURSUANT TO ARTICLE XIII.B OF THE CALIFORNIA CONSTITUTION, AS AMENDED BY PROPOSITION 111

Mayor Guardino called a recess at 7:59 p.m. and reconvened at 8:13 p.m.

6. ADOPTION OF RESOLUTION ADOPTING THE FISCAL YEAR 2009-2010 BUDGET (Administrative Services) (Action)

Director of Administrative Services Jone Hayes presented the staff report and responded to questions from the Council.

Mayor Guardino opened the floor to public comments.

The following individuals commented on the budget:

Suzanne Whipple

Craig Character

Susan Harvey

Adrienne Lauby

Phil Maher

Kathryn Wickstrom

Mike Schmidtman

Dave (last name not discernible)

Jolene Hopper

Phil Salazar.

Emily Straub

Jan Kravitz.

Joyce Garcia

Mac Heath

Michelle Berman

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

Responding to questions and comments from the Council and public, City Manager Thompson summarized previous cuts, impacts to the budget and possible future amendments.

Discussion ensued as to the number of public meetings that have been held regarding the budget, the public's desire for services versus the public's desire to cut planning staff, the fact that the budget is healthy except for the General fund, the ability of any councilmember to give up salary and benefits at any time, continued citizen participation in the budget process. the enacted reserve fund and future amendments to the budget.

Councilmember Barich expressed opposition to adopting a budget with a deficit.

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard and adopted 4-1 (Barich voting no) to adopt Resolution No. 2009-64 and CRA 218 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY ADOPTING THE FISCAL YEAR 2009-10 BUDGET.

Mayor Guardino called a recess at 9:23 p.m. and reconvened at 9:40 p.m.

PUBLIC HEARING

7. CERTIFICATION OF DOWNTOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF DOWNTOWN SPECIFIC PLAN (Community Development) (Action)

Mayor Guardino explained that he and Councilmember Barich have conflicts of interest for portions of the Downtown Specific Plan and would be present for a portion of the comments.

City Manager Thompson summarized the item and introduced Assistant to the City Manager/Acting Director of Community Development Marsha Sue Lustig and Assistant Planner Misti Harris, who presented the staff report.

Ms. Lustig introduced Geoff Reilly with Christopher Joseph, the Environmental Impact Report (EIR) consultant, who summarized the proposed EIR and introduced Alan Tilton of Whitlock and Weinberger, the traffic consultant who worked on the EIR.

Mr. Tilton responded to questions from the Council regarding traffic and bicycle safety.

City Attorney Rudnansky reviewed the public hearing process.

City Engineer/Director of Public Works Damien O'Bid, and Acting Community Development Director Lustig responded to questions from Council regarding hydrology and stormwater runoff, noise mitigation.

Councilmember Barich announced that he would recuse himself from discussion of the Northern Gateway subdistrict portion of the Downtown Specific Plan because he lives within 500 feet of the site.

Mayor Guardino announced that he would recuse himself from discussion of the Northern Gateway subdistrict portion of the Downtown Specific Plan (DSP) because he lives within 500 feet of the site, and turned the gavel over to Vice Mayor Coleman-Senghor.

Councilmember Barich and Mayor Guardino left the chamber at this time.

Ms. Lustig described the Northern Gateway subdistrict portion of the Downtown Specific Plan. Staff and consultants responded to questions from Council regarding parking, the impacts of Hwy 116 and Hwy 101 improvements on the DSP.

Vice Mayor Coleman-Senghor opened the public hearing for the Northern Gateway subdistrict portion of the Downtown Specific Plan.

The following individuals commented:

Phil Salazar

Lori Ann Barbor

Jan Kravitz

Michelle Berman

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

Ms. Lustig addressed the concerns of the public speakers . She noted that no residences would be constructed within the Caltrans setback for pollutants. The trucks causing the pollutants are being phased out. She noted that the Fire District has indicated support for the DSP and could call on mutual support as needed from other Fire protection agencies.

Geoff Reilly indicated that the local pollutants do not exceed the Bay Area Air Quality Management standards and explained the mitigated measures for water runoff.

Moved by Councilmember Orchard, seconded by Vice Mayor Coleman-Senghor and approved 3-0-2 (Barich and Guardino abstaining) to adopt:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC PLAN as it relates to the Northern Gateway subdistrict of the Downtown Specific Plan; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN as it relates to the Northern Gateway subdistrict of the Downtown Specific Plan; and

To introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN as it relates to the Northern Gateway subdistrict of the Downtown Specific Plan.

Mayor Guardino and Councilmember Barich returned to the chamber and resumed participation in the meeting.

Mayor Guardino announced that he would recuse himself from discussion of the La Plaza Park subdistrict portion of the Downtown Specific Plan (DSP) because he lives within 500 feet of the site and turned the gavel over to Vice Mayor Coleman-Senghor.

Mayor Guardino left the chamber at this time.

Ms. Lustig described the La Plaza Park subdistrict portion of the Downtown Specific Plan. Staff and consultants responded to questions related to how parking would be addressed for future development in the DSP area, the conceptual width of the crosswalks, strategies for accommodating truck deliveries.

Vice Mayor Coleman-Senghor opened the public hearing.

The following individuals commented:

Craig Character

Neil Hancock

Phil Maher

Emile Hewko

Phil Salazar

Michelle Berman

Adrienne Lauby

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

Ms. Lustig responded to concerns regarding the proposed non-conforming uses, density and parking and fire sprinklers.

Vice Mayor Coleman-Senghor said he wanted to review uses on a case-by-case basis by use permit.

The majority of Councilmembers concurred to amend the proposed ordinance review certain uses on a case-by-case basis by use permit.

Moved by Councilmember Orchard, seconded by Vice Mayor Coleman-Senghor and approved 3-1-1 (Barich voting no, Guardino abstaining) to adopt:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC PLAN as it relates to the La Plaza Park subdistrict of the Downtown Specific Plan; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN as it relates to the La Plaza Park subdistrict of the Downtown Specific Plan; and

To introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN as it relates to the La Plaza Park subdistrict of the Downtown Specific Plan and amended to zone banks and meeting facilities as UP and social services and hotels as UP2.

Mayor Guardino returned to the chamber and resumed participation in the meeting.

Discussion ensued relative to the length of the meeting. The majority of Councilmembers concurred to continue.

Councilmember Barich recused himself from discussion on the Historic Core subdistrict because he receives economic revenue from that area.

Ms. Lustig described the Historic Core subdistrict portion of the Downtown Specific Plan.

Mayor Guardino opened the public hearing.

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

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-0-1 (Barich abstaining) to adopt:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC PLAN as it relates to the Historic Core subdistrict of the Downtown Specific Plan; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN as it relates to the Historic Core subdistrict of the Downtown Specific Plan; and

To introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN as it relates to the Historic Core subdistrict of the Downtown Specific Plan.

Councilmember Barich returned to the chamber and resumed participation in the meeting.

Ms. Lustig described the Commerce subdistrict portion of the Downtown Specific Plan and responded to questions about traffic at the Hwy 116 and Hwy 101 interchange and chickens.

Discussion ensued related to the maximum number of chickens proposed to be allowed. Council concurred to a maximum of 20 chickens.

Mayor Guardino opened the public hearing to comments on the entire Downtown Specific Plan (DSP).

The following individuals commented:

Linda Ritter

Phil Salazar

Brad (last name not discernible)

Phil Maher.

Jenny Blaker.

Panna Lossy

Adrienne Lauby

Jan Kravitz

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

Ms. Lustig, Mr. Tilton and Mr. Reilly responded to questions from the public and the Council relating to Arthur Street, bicycle boulevards, traffic flow from Charles Street to East Cotati Avenue, the 1998 Urban Growth Boundary, serving pedestrians, bicyclists and motorized vehicles, pollutants and air quality impacts and their measurements are in the EIR and the collaboration between the City and Caltrans regarding the Highway 101 improvements.

Councilmember Barich read a statement in opposition to the Downtown Specific Plan.

Discussion ensued regarding the Downtown Specific Plan as blueprint and plan.

Moved by Vice Mayor Coleman-Senghor and seconded by Councilmember Orchard seconded a motion to adopt the Downtown Specific Plan.

Additional discussion ensued relative to the Downtown Specific Plan being a process that takes place over time, the use of private money in the development of downtown, the sources of money used for the Plan and how the Plan recognizes Cotati's uniqueness and prevents piecemeal development of the Plan area.

City Attorney Rudansky recommended that the motion and second be withdrawn and that each action be taken separately.

Vice Mayor Coleman-Senghor withdrew his motion. Councilmember Orchard withdrew her second.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-65 and CRA 219 entitled: A
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING
THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC
PLAN

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-66 and CRA 220 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN, with the addition of reference to the 1998 Urban Growth Boundary.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN, amended to zone banks and meeting facilities as UP and social services and hotels as UP2.

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 1:29 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 1:29 a.m.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk