



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
AUGUST 27, 2008
6:30 PM (CLOSED SESSION)
7:00 PM (REGULAR MEETING)
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

7:00 PM (REGULAR SESSION)

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

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

ROLL CALL

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi
Staff present: Hayes, O'Bid, Pajon, Rudnansky, 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 JULY 23, 2008 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (Action)**

Moved by Councilmember Fox, seconded by Councilmember Orchard and passed unanimously to approve the minutes of the July 23, 2008 regular meeting as presented.

APPROVAL OF FINAL AGENDA

No changes.

CITY MANAGER'S REPORT

City Manager Dianne Thompson updated the Council on the following:

- A Housing rehabilitation loan program is being offered by the Sonoma County Community Development Commission.
- Household battery recycle program; battery drop-off location at Police Department.
- Kitchen composters are for sale in the Administrative Services Department.
- Police Sergeant Dave Houts won 6 gold medals at the Police Olympics in Idaho.
- The week-long Berkeley Executive Seminar at University of California Berkeley through the Goldman School of Public Policy was attended by the City Manager.

CITIZEN BUSINESS

Robert Coibion, property manager of a building in Cotati, expressed concern regarding the City's use permit process and associated fees and deposits for one of his tenants, an HVAC component manufacturer; he indicated that the tenant will consequently be relocating to another city.

Debbie Prusinovski of Cotati and a volunteer with the American Society invited the Councilmembers and public to the 'Fight Back Express' event at La Plaza Park as part of the Farmers' Market on Thursday, August 28th.

George Barich of Cotati discussed the contents of the impeachment item on the July 9, 2008 meeting; he believes that some color photographs submitted by the presenter were offensive. He asked who was responsible for packet contents.

(Name not discernible) of Sierra Mobilehome park commented on Mr. Barich's concerns regarding pornography

Michelle Berman of Cotati commented on the rising prices of food and the impacts of rising prices on citizens. She noted that the dog park focus group had agreed to request that a non-emergency number be placed on the leash law signs and asked why the numbers were not on the signs. She also pointed out that there is little enforcement of the leash law and wondered whether it was appropriate to spend money to replace the Police K-9 and vehicle.

Robert Coleman-Senghor stated that graffiti had been reported to him and requested that it be removed.

Mayor Gilardi explained in response to Mr. Barich's concerns that the presenter of the July 9 impeachment item, the Sonoma County Coalition to Impeach, provided the packet information for their item. This information packet was distributed along with the rest of the July 9 City Council packet to the Councilmembers and staff and placed in the public binder; however, staff determined that it would be inappropriate for the photographs in question to be placed in the packet posted on the City's web page.

In response to Ms. Berman's and Mr. Coleman-Senghor's comments, City Manager Thompson explained that the dog focus group has recommended that a non-emergency phone number be placed on the leash law signs. The signs were ordered prior to this recommendation so stickers with the phone number will be placed on the signs. The graffiti referred to by Mr. Coleman-Senghor is within the jurisdiction of the City of Rohnert Park and Cotati staff has contacted Rohnert Park staff with a request to remove it.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

Councilmember Minnis asked that a review of the water rates be scheduled due to citizen comments regarding the cost of water.

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

Mayor Gilardi announced the following:

The Cotati Farmers Market runs Thursdays through September 11, from 4:30 to 7:30 p.m. in La Plaza Park.

Individuals who are committed to working for the betterment of the City of Cotati are invited to apply for appointment to the City's Design Review Committee (alternate position with landscape design experience) or Community and Environment Commission. Download an application from the City's website at ci.cotati.ca.us or call 665-3623 to receive an application by mail.

INTRODUCTION OF NEW POLICE OFFICER

Chief of Police Robert Stewart introduced new Police Officer Andrew Lyssand and new Police Volunteer Craig Guydan.

K-9 FUNDRAISING UPDATE

Officer Chris Kaupe gave a brief history of D'Jango, Cotati's Police K-9 that recently passed away, provided an update on the K-9 fundraising efforts and explained the benefits of having a Police K-9.

CHAMBER OF COMMERCE SEMI-ANNUAL REPORT

Andrew Hutchins with the Cotati Chamber of Commerce presented the Chamber's semi-annual report for period ending June 30, 2008.

CONSENT CALENDAR

Item 3 was pulled from the Consent Calendar for discussion.

Moved by Councilmember Minnis, seconded by Vice Mayor Guardino and passed unanimously to approve items 2 and 4 on the Consent Calendar.

Councilmember Minnis and Vice Mayor Guardino recused themselves from item 3 because they live within 500 feet of the subject properties. They left the Chamber at this time.

2. ADOPTION OF A RESOLUTION OPPOSING THE STATE OF CALIFORNIA BORROWING FUNDS DESIGNATED BY TAXPAYERS FOR LOCAL GOVERNMENT, REDEVELOPMENT, AND TRANSPORTATION (City Manager)
(Action)

Resolution 08-63 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS

3. APPROVAL OF AWARD OF OPEN SPACE MATCHING GRANT TO PURCHASE 175 WEST SIERRA AVENUE, APPROVAL OF APPROPRIATION OF FUNDS IN THE AMOUNT OF \$165,000 TO ASSIST IN FALLETTI RANCH ACQUISITION AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE PURCHASE AGREEMENT AND RELATED DOCUMENTS (City Manager)
(Action)

Mayor Gilardi commended Councilmember Orchard for her efforts in bringing about the purchase of this property. She then introduced Assistant to the City Manager Marsha Sue Lustig who presented the staff report.

Mayor Gilardi opened the floor to public comment.

George Barich of Cotati indicated that he had not previously heard Council discuss its desire to purchase the subject property. He pointed out that there are no parks on the west side of Cotati and that he has asked Council to put a park on the west side.

Joan Simon of Cotati noted that she lives on the west side of Cotati and that the west side has plenty of open space and places for children to play.

Prue Draper of Cotati noted that Council has occasionally discussed purchasing the Falletti Ranch over many years. She reminded Council that citizens have indicated that preserving the Falletti property is a high priority.

Robert Coleman-Senghor expressed support for the City's contribution towards the property purchase and also expressed support for a park on the west side. He indicated that the farmhouse would be an appropriate location for the Historical Society museum.

Mike Kurvers of Cotati spoke in support of the proposal.

Michelle Berman of Cotati noted that Jennie Falletti deserves thanks for the preservation of the property as open space.

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

Mayor Gilardi acknowledged Jennie Falletti, who was given a standing ovation. Mrs. Falletti summarized the process of working with the Open Space District. She thanked Prue Draper, Councilmember Orchard, the City Manager, City staff and the Open Space District.

Mayor Gilardi acknowledged former Cotati Mayors Harold Burkemeyer, Janet Kurvers and Lisa Moore.

Councilmember Orchard acknowledged Councilmember Fox, City and Open Space District staff.

Councilmember Fox thanked Mrs. Falletti and expressed his happiness that the property will be preserved. He noted that the Open Space District approved the proposal without a blink and it will take some time to figure out what the City do with the property.

Ms. Lustig indicated that a minor change should be made to page three, third 'be it further resolved' paragraph by adding that the purchase is subject to the receipt of a satisfactory phase I environmental assessment of the property. She pointed out that the environmental consultant hired to conduct the assessment has indicated verbally that there are no environmental issues with the property.

Moved by Councilmember Orchard, seconded by Councilmember Fox and passed 3-0-2 (Councilmember Minnis and Vice Mayor Guardino abstaining) to incorporate the addition of the wording outlined above my Ms. Lustig and to adopt Resolution 08-64 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING THE AWARD OF A GRANT FOR \$3,135,000 FROM THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT TO PURCHASE THE FALLETTI RANCH, A 4.37 ACRE PARCEL LOCATED AT 175 WEST SIERRA AVENUE, COTATI, CA (APN: 144-250-008); APPROPRIATING \$165,000 OF CITY FUNDS TO ASSIST IN THE ACQUISITION OF THE FALLETTI RANCH; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITION

4. ADOPTION OF A RESOLUTION RE-ESTABLISHING A COUNCIL TRAVEL AND REIMBURSEMENT POLICY AND ETHICS TRAINING GUIDELINES PURSUANT AB 1234 (Administrative Services) (Action)

Resolution 08-65 entitled: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SUPERSEDING RESOLUTION NO. 06-18, ADOPTING A TRAVEL AND REIMBURSEMENT POLICY AND ESTABLISHING ETHICS TRAINING GUIDELINES PURSUANT TO AB 1234 AND SUPERSEDING RESOLUTION 06-18

REGULAR AGENDA

Councilmember Minnis and Vice Mayor Guardino returned to the chamber and announced that would recuse themselves from item 5 because they live within 500 feet of the subject property. They left the Chamber at this time.

5. CONSIDERATION OF A REQUEST BY THE COTATI HISTORICAL SOCIETY TO LEASE A VACANT PORTION OF CITY HALL FOR A MUSEUM (City Manager) (Action)

Marsha Sue Lustig, Assistant to the City Manager, presented the staff report.

Mayor Gilardi opened the floor to public comment.

Prue Draper of the Cotati Historical Society summarized the Society's efforts and spoke in support of the proposal.

Susan Harvey of Cotati spoke in support of the proposal and thanked Prue Draper and the Cotati Historical Society for preserving Cotati's history.

Joan Simon of Cotati spoke in support of the proposal, noting that history provides a link to the past.

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

Moved by Councilmember Orchard, seconded by Councilmember Fox and passed 3-0-2 (Councilmember Minnis and Vice Mayor Guardino abstaining) to approve the Cotati Historical License Agreement and authorize the City Manager to sign agreement.

Mayor Gilardi called a recess at 8:19 p.m. and reconvened at 8:33 p.m.

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

PUBLIC HEARING

6. INTRODUCTION OF AN ORDINANCE TO REGULATE THE CONVERSION OF MOBILE HOME PARKS TO OTHER USES, AND INTRODUCTION OF AN ORDINANCE TO REGULATE THE SUBDIVISION OF MOBILE HOME PARKS (City Manager) (Action)

Marsha Sue Lustig, Assistant to the City Manager, presented the staff report, pointing out that the Planning Commission, at its July 21, 2008 meeting, unanimously recommended to the City Council that the mobile home park subdivision ordinance be adopted with the inclusion of additional language found in Section 17.79.100E (also known as 'Attachment 7'), of the draft mobile home park subdivision ordinance. The Planning Commission also unanimously recommended to the City Council that the ordinance regulating the conversion of mobile home parks to others uses be adopted.

Mayor Gilardi opened the public hearing.

Lillian Payne Vaughn of Countryside mobilehome park indicated that she believes she is being harassed by the new owners of the park; she cited an example that she received an

eviction notice because she does not subscribe to Comcast cable. She believes that the owners are trying to get the park to a 20% vacancy rate.

Troy Soylund, the new owner of Countryside mobilehome park, discussed State law regarding mobilehome parks and the mobilehome park business model. He expressed concern that the existing document as proposed requires support of the tenants; he believes that existing tenants may not be able to afford to purchase their home, but future tenants may have that ability. He opposes the inclusion of 'Attachment 7'.

Robert Coleman-Senghor of Cotati and Cotati Planning Commissioner discussed Cotati's previous discussions regarding rent control. He supports moving forward with the strongest document possible.

Chris Cone of Sierra mobilehome park spoke in support of the ordinances as recommended by the Planning Commission.

Dawn Soylund, owner of Countryside mobilehome park expressed concern that staff had included mobilehome park residents but not mobilehome park owners in meetings during the drafting of the proposed ordinances. She pointed out that the ordinances require a resident survey and questioned why additional language, clarifying that the survey was not intended to block subdivision, was not included in the proposed ordinances. She addressed Council regarding property rights and the use of City affordable housing funds to assist mobilehome park residents in purchasing their lots.

Teresa Eaton of Cotati spoke in support of the ordinances as recommended by the Planning Commission.

Mike Kurvers of Cotati, and Cotati Planning Commissioner, spoke in support of maintaining affordable housing and of adopting the ordinance as recommended by the Planning Commission.

George Barich of Cotati expressed concern that this issue is coming before Council at the last minute and that Council had not met on August 13th or 20th. He discussed the legislative intent of the State regarding the regulation of mobilehome park subdivision.

Debbie (last name not discernible) of Sierra mobilehome park thanked Council for its support of mobilehome park residents.

Jim (last name not discernible) of Countryside mobilehome park spoke about the history of the mobilehome park business and noted that he had encouraged the city of Rohnert Park to have non-profit organizing buy the parks in that city in order to avoid issues between mobilehome park owners and residents.

Brenda Harris of Countryside mobilehome park expressed sympathy for both mobilehome park owners and residents and stated that she wants to stay in her mobile home.

Marian C. of Sierra mobilehome park spoke in support of the proposed ordinances and discussed local and state legislation regarding mobilehome parks.

Anastasia Todorovich of Countryside mobilehome park indicated that she is worried about losing her investment in her home and noted that there must be a halfway point between owners and residents.

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

City Attorney Rudnansky summarized the status of challenges to the mobilehome park ordinances of other jurisdictions and pointed out that the Sonoma County ordinance contains the wording in 'Attachment 7'.

Discussion ensued relative to Cotati's history of defending the interests of mobilehome park residents, mobile homes as a crucial component of affordable housing for the most vulnerable residents of Cotati. Council concurred in support for the proposed ordinances, pointing out that they do not diminish property rights but provide another layer of protection for residents. Council further commended the owners of Countryside mobilehome park for addressing the Council and commended the members of the Planning Commission who attended the meeting and spoke on this item.

Moved by Councilmember Orchard, seconded by Vice Mayor Guardino and passed unanimously to introduce:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI ADDING CHAPTER 17.46 "CONVERSION OF MOBILE HOME PARK TO OTHER USES" TO TITLE 17 OF THE CITY OF COTATI MUNICIPAL CODE; and

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI ADDING CHAPTER 17.79 "MOBILE HOME PARK SUBDIVISIONS" TO TITLE 17 OF THE CITY OF COTATI MUNICIPAL CODE

ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER AND ROLL CALL FOR JOINT MEETING OF CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Gilardi adjourned the regular meeting and called the joint meeting to order at 9:38 p.m.

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi

Staff present: Hayes, Rudnansky, Taylor, Thompson

CONSENT CALENDAR

Moved by Councilmember Minnis, seconded by Councilmember Orchard and passed unanimously to approve item 1 on the Consent Calendar.

7. WARRANTS AND AUDITED CLAIMS FOR JULY 24TH, 2008 – AUGUST 13TH, 2008 (Action)

This motion receives and files warrants and audited claims for July 24th, 2008 – August 13th, 2008

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

Mayor Gilardi adjourned the joint meeting and reconvened the regular meeting at 9:40 p.m.

CITY COUNCIL REPORTS AND COMMENTS

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

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Gilardi adjourned the meeting at 9:46 p.m.

Respectfully Submitted,

Deputy City Clerk