



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
SEPTEMBER 10, 2008
6:15 PM (CLOSED SESSION)
7:00 PM (REGULAR MEETING)
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:15 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Gilardi called the regular meeting to order at 6:16 p.m.

Councilmembers present at roll: Fox, Guardino, Orchard and Mayor Gilardi

Staff present: Lustig, Taylor, Thompson

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

Mayor Gilardi adjourned to closed session in the City Manager's office at 6:16 p.m. Attorney Kent Alm of Meyers-Nave participated via telephone.

Councilmember Minnis arrived at 6:19 p.m.

CLOSED SESSION (CITY MANAGER'S OFFICE)

With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
One Case

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 7:03 p.m.

No closed session report.

ROLL CALL

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi
Staff present: Hayes, O'Bid, 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 AUGUST 27, 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 Orchard seconded by Vice Mayor Guardino and passed unanimously to approve the minutes of the August 27, 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:

- Police representatives and McGruff the safety dog attended the Farmers' Market on August 28th.
- The Open Space District matching grant for the purchase of the Falletti Ranch was approved by the Board of Supervisors on September 9.

Councilmember Orchard noted that the Board of Supervisor's vote was unanimous and the Board concurred that Cotati' use of the funds was a perfect fit.

CITIZEN BUSINESS

Michelle Berman of Cotati indicated that she believes that the timing of the purchase of the Falletti Ranch was politically motivated to make the incumbent candidate look good. She discussed the article that appeared in the newspaper about the purchase and pointed out that Councilmember Orchard has not cared about open space before now. She spoke in opposition to the Police Department deciding on its own to raise funds for a K-9 without direction for budgeting from Council.

George Barich of Cotati addressed the Council regarding comments at the August 27 meeting which he feels indicated that there is not a need for parks on the west side of Cotati and his concern that a memorandum sent to City Council candidates by City Manager Thompson in response to questions regarding the Police Department was incomplete. He noted that he was unable to review files regarding a previous lawsuit against the City at City Hall and had to obtain

the information from the County.

Lori Ann Barbour of Transition Cotati invited the Council and audience members to a September 25, event called Smart Moves regarding transportation alternatives.

Robert Coleman-Senghor spoke regarding the advantages of being an incumbent candidate. He requested a graffiti report. He expressed his belief that the City Manager should not control all information in the City and requested Council's opinion on the Police Department fundraising efforts. He indicated that citizens should be able to obtain information from the City.

Mayor Gilardi addressed citizens' comments:

- The Falletti Ranch property purchase has been in process for a year and a half; it is coincidental that it culminated during campaign season.
- A press release was issued but newspapers don't always get their information correct.
- Councilmember Orchard has been on the Open Space District Advisory Committee for a year and a half
- Regarding the police fundraising, she stated that she pointed out to the City Manager that a study of the Police Department is in process and, although the outcome of the study is not known, this is an appropriate time to fundraise because emotions are high and people want to support the K-0 program. If it is determined in the future that the K-9 program won't continue, the funds will be returned to the donors.
- She agrees that the west side of Cotati deserves a park.
- The graffiti along the wall facing East Cotati Avenue at the corner of Lancaster has been removed.
- The policy on distribution of information is that if any Councilmember asks for information the response is distributed to all Council members. If a candidate asks for information the response is distributed to all candidates. In order to facilitate this information flow all questions are funneled to the City Manager.
- She indicated that she shares concerns about the City budget. The State hasn't yet balanced its budget and until they do we must be very conservative.

In response to privacy concerns regarding questions asked by candidates, City Manager Thompson clarified that all questions are directed to the City Manager so that all information can be distributed fairly. This policy was put in place due to previous issues regarding requests for information.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

Councilmember Minnis asked to schedule a discussion of the City's hiring policies.

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

The last Cotati Farmers Market of the season will take place on Thursday 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.

The Cotati Oktoberfest will take place on Saturday, September 27 from noon to 6:00 p.m. in La Plaza Park. This annual event is sponsored by the Cotati Chamber of Commerce. The cost is \$20 in advance or \$25 at entry for adults; \$10 for children 12 and under. Enjoy German food, music, singers, dancers, plus beer or root beer in a souvenir beer stein!

A Police Department K-9 Memorial Motorcycle Run and Family Fundraising event is scheduled for Sunday, September 28. For more information and to sign up go to www.ci.cotati.ca.us or call the Police Department at 792-4611.

CONSENT CALENDAR

Items 3 and 5 were pulled from the Consent Calendar for discussion.

City Engineer Damien O'bid pointed out a correction relative to the experience requirements in the staff report for item 2.

Moved by Councilmember Orchard, seconded by Councilmember Fox and passed unanimously to approve items 2 and 4 on the Consent Calendar.

2. EAST COTATI AVENUE IMPROVEMENTS – ADVERTISE FOR BIDS (Public Works/Engineering) (Action)

Resolution No. 08-66 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI 1) MAKING FINDINGS REGARDING EXPERIENCE REQUIREMENTS; 2) ADOPTING PLANS AND SPECIFICATIONS FOR THE EAST COTATI AVENUE IMPROVEMENTS PROJECT (E06-25B); AND 3) AUTHORIZING ADVERTISEMENT FOR BIDS TO BE RECEIVED BY THURSDAY, OCTOBER 9, 2008

3. AUTHORIZE THE MAYOR TO SIGN ON BEHALF OF THE CITY COUNCIL THE ACCEPTANCE OF COPS GRANT FUNDS FOR LAW ENFORCEMENT EFFORTS (Police) (Action)

Police Chief Robert Stewart presented the staff report. In response to questions from the Council he explained that the grant money helps to fund for front-line police services and

clarified the Computer Aided Dispatch ("CAD") and Records Management System ("RMS") program.

Mayor Gilardi opened the floor to public comments.

Adrienne Lauby of Cotati asked about cooperation of the police with federal immigration officials and asked if the police share data with the Department of Homeland Security. She asked if the Police are trained in diffusing and de-escalating situations.

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

Chief Stewart explained that the Police officers are prohibited from asking individuals about their immigration status.

Moved by Vice Mayor Guardino, seconded by Councilmember Fox and passed unanimously to approve a motion authorizing the Mayor to sign on behalf of the City Council the acceptance of Community Oriented Policing (COPS) funding in the amount of \$100,000 issued by the State of California to enhance front line police services.

4. ADOPTION OF A RESOLUTION AUTHORIZING THE TEMPORARY STREET CLOSURE OF LARKSPUR COURT ON SATURDAY, SEPTEMBER 20, 2008, TO FACILITATE A NEIGHBORHOOD BLOCK PARTY BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 P.M. (Police) (Action)

Resolution No. 08-67 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, AUTHORIZING TEMPORARY CLOSURE OF LARKSPUR COURT ON SATURDAY SEPTEMBER 20, 2008, TO FACILITATE A NEIGHBORHOOD BLOCK APPRECIATION BREAKFAST/PARTY BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 P.M.

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

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

Mayor Gilardi opened the floor to public comments.

George Barich of Cotati indicated that it was a cause of concern to impose more regulation on this issue and expressed concerned about costs and appreciation for the support of mobilhome park residents.

Robert Coleman-Senghor of Cotati suggested an ombudsman to help keep mobilehome residents and park owners informed of their rights and obligations.

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

Moved by Councilmember Orchard, seconded by Councilmember Minnis and passed unanimously to adopt:

Ordinance No. 817 entitled: 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

Ordinance No. 818 entitled: 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

REGULAR AGENDA

6. SUPPORT AND JOIN THE SOLAR SONOMA COUNTY CONSORTIUM (Public Works/Engineering) (Action)

City Engineer/Director of Public Works Damien O'Bid presented the staff report and clarified that the primary goal of the consortium is to act as a clearing house for policy and financing so information is readily available to cities.

Mayor Gilardi opened the floor to public comments.

George Barich of Cotati indicated agreement with the need for bylaws and expressed concern that in future years the membership cost won't be questioned as a budget item and it may go up. He suggested that citizen volunteers could assist with the responsibilities.

Michelle Berman of Cotati indicated agreement with Mr. Barich and pointed that the people involved with Transition Cotati might dovetail with this effort..

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

Discussion ensued relative to the amount of staff and Councilmember time needed, the pending non-profit status of the organization, the need for transparency regarding the funds that flow through the consortium, the need for organizational bylaws and oversight of the groups use of funds and the need for cities to comply with state mandates for climate protection.

The majority of Council concurred that the consortium is a good start towards consolidating regional climate protection efforts and agreed to strive to limit staff time towards the organization to eight hours per month, with some flexibility for more or less time depending on the need. It was further agreed that the Council would be reviewing this program and its costs as it moves forward.

Councilmember Minnis expressed opposition to the proposal due to the amount of staff time required.

Mayor Gilardi announced that the Solar America Cities kick-off is at 4:00 p.m. on

September 18 at Sonoma Mountain Village.

Moved by Councilmember Orchard, seconded by Vice Mayor and passed 4-1 (Councilmember Minnis voting no) to adopt Resolution No. 08-68 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO SUPPORT AND JOIN THE SOLAR SONOMA COUNTY CONSORTIUM

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 8:19 p.m.

CONSENT CALENDAR

Moved by Councilmember Orchard unanimous, seconded by Vice Mayor Guardino and passed unanimously to approve item 6 on the Consent Calendar.

7. WARRANTS AND AUDITED CLAIMS FOR AUGUST 14TH, 2008 – AUGUST 27TH, 2008 (Administrative Services) (Action)

This motion receives and files warrants and audited claims for August 14th, 2008 – August 27th, 2008.

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

Mayor Gilardi adjourned the joint meeting and reconvened the regular meeting at 8:20 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 regular meeting at 8:23 p.m. in the memory of Matt Garcia and reconvened the closed session in the City Manager's office.

Respectfully submitted,

Deputy City Clerk