



**AGENDA**  
**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**

The Cotati City Council welcomes you to its meetings that are generally scheduled for the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday (or as otherwise noticed) of every month. Your interest and participation are encouraged and appreciated.

*City Council Agenda and Minutes can be viewed at the City's website: ..... [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)*

*To receive the City Council Agenda by e-mail, provide your*

*e-mail address to the City Manager's office, or e-mail your request to: ..... [ttaylor@ci.cotati.ca.us](mailto:ttaylor@ci.cotati.ca.us)*

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda.

Any writings or documents provided to a majority of the Cotati City Council regarding any item on this agenda will be made available for public inspection in the City Manager's office located at 201 West Sierra Avenue, Cotati, California, during normal business hours.

Disabled Accommodation: Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the Deputy City Clerk at (707) 665-3623 at least 48 hours in advance of the meeting.

Waiver Warning: If you challenge decisions/direction of the City Council of the City of Cotati in court, you may be limited to raising only those issues you or someone else raised at public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Cotati at, or prior to, the public hearing(s).

*Those wishing to address the Council are asked to sign the limit discussion to one presentation per individual and to keep comments to between 3 and 5 minutes; when you are called, step to the podium and state your name and address for the record. Persons wishing to address the Council are not required to identify themselves (Gov't. Code § 54953.3); however, this information assists the Mayor by ensuring that all persons wishing to address the Council are recognized and it assists the Deputy City Clerk in preparing the City Council meeting minutes.*

**6:15 PM CLOSED SESSION**

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

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

**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  
Sonoma County Central Landfill Cost Recovery Matter

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**7:00 PM (REGULAR SESSION)**

**CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE AND 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)*

**APPROVAL OF FINAL AGENDA**

**CITY MANAGER'S REPORT**

**CITIZEN BUSINESS**

Any item raised by a member of the public which is not listed on the agenda but may require Council action shall be automatically referred to City staff for investigation and disposition unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency, or the need to take such action arose after the posting of the agendas within the meaning of Government Code Section 54954.2(b). In either event, the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made may take action thereon. Please confine your comments during this portion of the agenda to matters not already on the agenda. The public will be given an opportunity to speak on each agenda item at the time it is called.

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

**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](http://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](http://www.ci.cotati.ca.us) or call the Police Department at 792-4611.

## **CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

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

This resolution 1) Finds that the experience requirements are appropriate for the East Cotati Avenue Improvements, Project No. E06-25B (Project); and 2) Adopts plans and specifications for the project entitled East Cotati Avenue Improvements, Project No. E06-25B as submitted by the Director of Public Works/City Engineer; and 3) Authorizes and directs the City Clerk to advertise for bids to be received by the Director of Public Works/City Engineer or his designated representative on or before 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)**

This motion authorizes the Mayor to sign on behalf of the City Council the acceptance of Community Oriented Policing (COPS) funding in the amount of \$100,000.00 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)**

This resolution authorizes 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

- 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)**

These ordinances, introduced at the Council's August 13, 2008 meeting, respectively 1) regulate the conversion of mobile home parks to other uses; 2) regulate subdivision of the mobile home parks.

#### **REGULAR AGENDA**

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

It is recommended that the Council adopt a resolution supporting and joining 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**

#### **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**

## **CITY COUNCIL REPORTS AND COMMENTS**

### **ADJOURNMENT OF REGULAR CITY COUNCIL MEETING**

Certification of Posting of the Agenda: I declare under penalty of perjury that I am employed by the City of Cotati and that I posted this agenda on the bulletin boards of City Hall, Veterans' Memorial Building and the U.S. Post Office on or before September 4, 2008.

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Deputy City Clerk

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**DRAFT**

Subject to approval.



**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 28<sup>th</sup>.

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](http://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 Soyland, 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 Soyland, 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 13<sup>th</sup> or 20<sup>th</sup>. 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,

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Deputy City Clerk



## City Council Agenda Consent Calendar

**Subject:** East Cotati Avenue Improvements – Advertise for Bids

**Date:** September 10, 2008

**Written by:** Damien O’Bid, Director of Public Works / City Engineer

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### Recommendation

It is recommended that the Council adopt a resolution to:

1. Find that the experience requirements are appropriate for the East Cotati Avenue Improvements, Project No. E06-25B (Project); and
2. Adopt plans and specifications for the project entitled *East Cotati Avenue Improvements, Project No. E06-25B* as submitted by the Director of Public Works/City Engineer; and
3. Authorize and direct the City Clerk to advertise for bids to be received by the Director of Public Works/City Engineer or his designated representative on or before Thursday, October 9, 2008. The advertisement is to be placed in a newspaper of general circulation, printed and published in Sonoma County, in accordance with the provisions of Section 22037 of the Public Contract Code.

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### Background

The East Cotati Avenue Improvements, Project No. E06-25B (Project) includes rehabilitation, overlay, and restriping of East Cotati Avenue from Bay Tree Court to Old Redwood Highway. The Project also includes construction of a new pedestrian island at the future East Cotati Avenue Laguna trail crossing and an upgraded pedestrian crossing of East Cotati Avenue at Charles Street.

This Project is the third phase of improvements to occur on East Cotati Avenue. The initial phase of work, which occurred during the winter of 2007/2008, was the replacement of the City’s water line from La Salle Avenue to a point immediately east of the railroad tracks. The second phase of work, which occurred during the spring/summer of 2008, included rehabilitation, overlay and restriping of East Cotati Avenue from Bay Tree Court to the railroad tracks.

The Project includes continuous bike lanes in both directions, and re-striping to create a single lane in each direction from Old Redwood Highway to a merge just west of La Salle Avenue.

The Laguna pedestrian island will have in-ground warning lights, lighted crossing signs and new street lights at either side of East Cotati Avenue. This island will also include planted areas in the median.

The upgraded pedestrian crossing of East Cotati Avenue at Charles Street will include restriping, curb stops surrounding a center refuge area, and non-lighted pedestrian crossing signs. Contractors are required to have a Class A license to be eligible to bid on this project, and shall have completed three similar projects in the past three years, each with a project length of no less than 1,000 linear feet.

The engineers estimate for the project is \$1.2 - 1.3 million.

### **Analysis/Discussion**

The Project will rehabilitate, overlay and restrip one of the City's main arterials that is in poor condition. It will also improve safety for the bicyclists and motorists traveling east-west along East Cotati Avenue, and will provide safer crossing points for pedestrians or bicyclists at the future Laguna trail crossing.

### **Financial Considerations**

In the adopted FY 08/09 budget funds for this project have been allocated in the Cotati Community Redevelopment Agency TABs Fund (Fund 36, Dept. 900) and the Park in Lieu Fund (Fund 24). Fund 36 is expected to contribute full funding for the road rehabilitation and overlay, and partial funding for the Laguna pedestrian island. Fund 24 will contribute the balance of the funds for the Laguna pedestrian island. Fund 24 consists of developer contributions.

### **Environmental Issues**

None.

Attachments:

1. Proposed resolution of the City Council of the City of Cotati 1) Making the 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 October 9, 2008.

On File with the City Clerk:

1. Contract Documents
2. Engineers Memo

RESOLUTION NO. \_\_\_\_\_

**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.**

**WHEREAS**, Director of Public Works/City Engineer has recommended that this Council adopt certain plans and specifications to construct the East Cotati Avenue Improvements, Project No. E06-25B.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cotati that:

1. All of the above recitals are true and correct.
2. The experience requirements are appropriate for the *East Cotati Avenue Improvements, Project No. E06-25B*.
3. The plans and specifications for the project entitled *East Cotati Avenue Improvements, Project No. E06-25B* as submitted by the Director of Public Works/City Engineer, be adopted and are hereby approved.
4. The City Clerk is hereby authorized and directed to advertise for bids to be received by the Council's representative, the Director of Public Works/City Engineer, or his designated representative on or before Thursday, October 9, 2008, and said advertisement is to be placed in a newspaper of general circulation, printed and published in Sonoma County, in accordance with the provisions of Section 22037 of the Public Contract Code.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 10th day of September, 2008 by the following vote, to wit:

FOX: \_\_\_\_\_  
 ORCHARD: \_\_\_\_\_  
 GILARDI: \_\_\_\_\_  
 MINNIS: \_\_\_\_\_  
 GUARDINO: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Deputy City Clerk

Approved as to form:  
\_\_\_\_\_  
City Attorney



## City Council Agenda Consent Calendar

**Subject:** Authorize the Mayor to Sign on Behalf of the City Council the Acceptance of Community Oriented Policing (COPS) Grant Funds for Law Enforcement Efforts

**Date:** September 10, 2008

**Written By:** Robert Stewart, Chief of Police

### **Recommendations:**

It is recommended that the Council adopt a motion to authorize the Mayor to sign on behalf of the City Council the acceptance of COPS funding in the amount of \$100,000.00 issued by the State of California to enhance front line police services.

### **Background:**

The State of California has provided grant funds for numerous years in order to support law enforcement efforts. These funds may be utilized for the hiring of police officers or for supporting operational and equipment needs. As the State of California has not finalized their budget and the COPS money was one of the targeted areas for deletion, staff is bringing this item forward to meet statutory requirements if funding is available.

### **Analysis/Discussion:**

In the event that the State of California allocates \$100,000.00 to each law enforcement agency as in past years, the City has identified the use of those monies as shown below. The purpose of the Supplemental Law Enforcement Services Fund (SLESF) is to support "front line municipal police services."

| <b><u>Expenditure Project</u></b> | <b><u>Amount Allocated</u></b> | <b><u>Grant Period</u></b> |
|-----------------------------------|--------------------------------|----------------------------|
| Countywide CAD/RMS project        | \$ 99,422                      | 2008-09                    |
| Overtime                          | \$ 578                         | 2008-09                    |

### **Financial Considerations:**

COPS funds were not included in the City's interim budget due to the uncertainty of receiving them. In the event the State allocates the COPS appropriation, the funding source will be incorporated in the City's upcoming revised budget.

### **Environmental Issues:**

None

Approved by: \_\_\_\_\_  
Pat Gilardi, Mayor



## City Council Agenda Consent Calendar

**Subject:** 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.

**Date:** September 10, 2008

**Written by:** Robert Stewart, Chief of Police

---

### **Recommendation**

It is recommended that the Council adopt 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.

---

### **Background**

Residents of Larkspur Court have submitted the attached petition (Exhibit A) requesting Council approval for a closure of Larkspur Court for a neighborhood block party on Saturday, September 20, 2008, between the hours of 6:00 a.m. and 12:00 p.m.

### **Analysis/Discussion**

Closure of the street for the specified period of time should not result in unsafe conditions for emergency vehicles or traffic circulation. The emergency response agencies will be notified of the closure upon Council approval of this item.

### **Financial Considerations**

The street closure fee has been collected from the petitioner.

### **Legal Considerations**

California Vehicle Code Section 22111(e) allows that local authorities, for those highways and roadways under their jurisdiction, may adopt rules and regulations by ordinance or resolution allowing for the temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is

necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

**Environmental Issues**

None

Attachments:

1. Exhibit A – Letter Petitioning for Street Closure
2. Proposed resolution

August 24, 2008

City Council  
City of Cotati  
201 W. Sierra Ave.  
Cotati, CA 94931

RE: Road Closure

Dear City Council:

I would like to have a block/client appreciation breakfast on my court at Larkspur Court on Saturday, September 20, 2008. I would like to close off this court from 6:00 am to 12:00 pm on this day. There are 4 homes facing this court, and I have received permission from all to close down this court for this party. Below are their signatures, addresses and phone numbers of all the homes except Donna Ryan's home. She is presently in Mexico. I have emailed her and hope to get a response, but I know she would approve as we're always talking about a block party.

If you could contact me ASAP I would greatly appreciate this.

Sincerely,

Kathy Coghlan  
442 Larkspur Court  
(707)664-1990 home  
(707)849-0143 cell

Jenna Ackman  
Name  
707-665-9165  
Phone

437 Larkspur Ct. Cotati Ca 94931  
Address

Kenneth DeBrecht  
Name  
707-792-2634  
Phone

8432 La Salle Ave  
Address

Bill Andrew  
Name  
707-795-5327  
Phone

8426 LaSalle Ave  
Address

Donna Ryan  
Name  
\_\_\_\_\_  
Phone

See Back 433 Larkspur  
Address



Print

Close window

**Re: Court Closure**

From: **Donna Lee Ryan** (donnaleeryan@yahoo.com)  
Sent: Wed 8/20/08 11:46 AM  
To: Kathy Coghlan (casey760@hotmail.com)

its ok for me and i'll be flying back tomorrow sounds like fun

PRIVILEGED AND CONFIDENTIAL: This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. Receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. If you are not the intended recipient of this message, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please immediately notify DONNA LEE RYAN by return message via e-mail donnaleeryan@yahoo.com and permanently delete the original message and any copy of any email and printout hereof from your mail system. Thank you.

--- On **Wed, 8/20/08, Kathy Coghlan <casey760@hotmail.com>** wrote:

From: Kathy Coghlan <casey760@hotmail.com>  
Subject: Court Closure  
To: "Donna Lee Ryan" <donnaleeryan@yahoo.com>  
Date: Wednesday, August 20, 2008, 10:45 AM

Bien Dios!!

Hope everything is happy in Mexico.

I'm trying to get permission to close off our block for a party on 9/20/08 from 6am to 12pm. I'll be serving breakfast in the court. I'm trying to get permission from the City Council and since you're out of town, I thought I'd email you for your consent. Is it OK with you??

Kathy Coghlan

**RESOLUTION NO. \_\_\_\_\_**

**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.**

**WHEREAS**, on Saturday, September 20, 2008, the residents of Larkspur Court, will be hosting a block appreciation breakfast/party ; and

**WHEREAS**, California Vehicle Code Section 21101(e) authorizes temporary street closures where certain conditions exist; and

**WHEREAS**, it will be necessary to temporarily close Larkspur Court on Saturday, September 20, 2008, between the hours of 6:00 a.m. and 12:00 p.m.; and

**WHEREAS**, the Chief of Police of the City of Cotati has arranged for the temporary street closure and traffic rerouting which will minimize the traffic hazard conditions and allow for orderly movement of traffic; and

**WHEREAS**, the Chief of Police is in contact with the Chief of the Rancho Adobe Fire Protection District, ambulance services and others who may need ingress, egress or ability to traverse the affected area and has reasonably provided for their needs.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cotati that the Chief of Police is to effect the temporary street closure and traffic rerouting on Saturday, September 20, 2008 as deemed reasonably necessary; and

**BE IT FURTHER RESOLVED** that the Chief of Police communicate needed temporary street closure and traffic rerouting to fire, ambulance and other emergency providers, including a plan for accessibility.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 10<sup>th</sup> day of September, 2008, by the following vote, to wit:

GILARDI \_\_\_\_\_  
GUARDINO \_\_\_\_\_  
FOX \_\_\_\_\_  
MINNIS \_\_\_\_\_  
ORCHARD \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



## City Council Agenda Consent Calendar

**Subject:** 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.

**Date:** September 10, 2008

**Written By:** Marsha Sue Lustig, Assistant to the City Manager

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### **RECOMMENDATIONS**

It is recommended that the Council 1) adopt an ordinance to regulate the conversion of mobile home parks to other uses; and, 2) adopt an ordinance to regulate subdivision of the mobile home parks.

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### **Background**

At its July 21, 2008 meeting, the Planning Commission unanimously recommended to the City Council that the mobile home park subdivision ordinance and that the ordinance regulating the conversion of mobile home parks to others uses be adopted.

On August 27, 2008, the City Council conducted a public hearing and unanimously introduced the proposed ordinances.

### **Analysis/Discussion**

These ordinances are designed to provide existing mobile home park residents with the maximum protections allowed by law and to guarantee residents that there will be public dialogue regarding all applications for mobile home park conversions and a process for ensuring that the requirements of any City-approved mobile home park conversion or subdivision are completed.

### **Environmental Considerations**

None.

### **Financial Considerations:**

None.

Attachments:

1. Proposed Subdivision Ordinance
2. Proposed Conversion Ordinance



**ORDINANCE NO.**

**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**

**WHEREAS**, there are three mobile home parks in the City of Cotati ("Cotati") containing approximately 107 mobile home spaces; and

**WHEREAS**, a substantial number of Cotati's mobile home park residents are seniors, low-income, and/or disabled, many of whom live on limited or fixed incomes; and

**WHEREAS**, mobile home parks provide a significant source of affordable housing for Cotati residents; and

**WHEREAS**, the rent mobile home park residents pay for their spaces is regulated through the rent control standards administered by the City of Cotati through Chapter 19.14 of the Cotati Municipal Code; and

**WHEREAS**, among other things, Cotati's mobile home park residents have significant personal and social ties to the community and have made a substantial financial and personal investment in their mobile homes; and

**WHEREAS**, Cotati's mobile home owners will face significant cost and risk of potential damage in locating an alternative site for moving and reinstalling their mobile homes; and

**WHEREAS**, given the scarcity of mobile home sites in Cotati and Sonoma County and the very low vacancy rates at such sites, mobile home owners cannot relocate easily within Cotati or Sonoma County; and

**WHEREAS**, the California State Legislature recognizes the need to protect mobile home owners and has enacted legislation to achieve such end; and

**WHEREAS**, the Subdivision Map Act, through Government Code Section 66427.4, permits an owner of a mobile home park to convert a mobile home park to another non-mobile home park use; and

**WHEREAS**, Government Code Section 66427.4 authorizes local agencies such as the City of Cotati to adopt regulations governing this conversion process governed by the Subdivision Map Act, including the adoption of measures to mitigate the adverse impacts of the conversion on the existing mobile home park residents; and

**WHEREAS**, it is desirous to adopt regulations governing the conversion process because once the conversion of a mobile home park to a non-mobile home park use is completed all of the existing residents of the mobile home park will be evicted; and

**WHEREAS**, on November 8, 2006, the Cotati City Council adopted an urgency ordinance, Ordinance Number 789, imposing an initial 45-day moratorium on the conversion of mobile home parks to other uses; and

**WHEREAS**, on December 13, 2006, the Cotati City Council adopted a subsequent ordinance, Ordinance Number 791, extending the urgency ordinance to October 28, 2007; and

**WHEREAS**, on October 24, 2007, the Cotati City Council extended the moratorium for a period of one additional year, Ordinance Number 810, to October 24, 2008; and

**WHEREAS**, there is a growing move by mobile home park owners in Sonoma County to initiate the conversion of mobile home parks; and

**WHEREAS**, the conversion of a mobile home park to another use will have a substantial adverse economic effect on the mobile home park residents; and

**WHEREAS**, when a mobile home in an existing park is sold it is generally sold in place, thus a mobile home in an existing mobile home park is not often moved from its location once it has been placed in a mobile home park; and

**WHEREAS**, relocating homeowners in an area in excess of fifty (50) miles from their existing home creates a special hardship, particularly for elderly and/or disabled residents who need to be in social service support networks and close to social services; and

**WHEREAS**, a move in excess of fifty (50) miles would seriously disrupt these support resources, would jeopardize the jobs of those residents currently employed, and would not constitute adequate replacement housing for such residents; and

**WHEREAS**, due to the preceding circumstances, spaces in the existing mobile home parks in Cotati represent an important component of the housing stock in the City especially for senior citizens, the disabled, and/or persons of low/moderate income; and

**WHEREAS**, unless mitigation measures are undertaken, the conversion of mobile home parks to other uses under the Subdivision Map Act would have a substantial adverse economic effect upon the mobile home residents in terms of cost of relocation, including the significantly higher cost of other types of housing in the immediate area if such mobile home residents cannot relocate to other mobile home parks; and

**WHEREAS**, mobile home owners have invested substantial sums in the acquisition, installation and maintenance of their mobile homes, and these units represent their sole or principal financial asset; and

**WHEREAS**, one result of conversion, unless mitigated, can be the destruction of the value of the mobile home; and

**WHEREAS**, this destruction of value would be a direct cost of relocation and would adversely affect the homeowners' ability to find adequate replacement housing, so that it is important to provide reasonable relocation assistance to avoid such an adverse effect; and

**WHEREAS**, it is the policy of State law, as enunciated in Government Code Sections 66427.4, that prior to the conversion of a mobile home park to other uses, the proponent of the proposed change of use must file a report on the impact of such change with the public agency having jurisdiction over the mobile home park, and the agency shall have the power to require measures to be undertaken to mitigate the adverse impacts of such conversion upon the ability of displaced residents to find adequate replacement housing; and

**WHEREAS**, Government Code Section 66427.5 permits the conversion of a mobile home park to resident ownership and such a process involves the subdivision of an existing mobile home park into separate lots or the creation of a mobile home park condominium so that mobile home park residents could own not only their mobile homes but also the land space on which the mobile home rests; and

**WHEREAS**, Government Code Section 66427.5 provides that existing mobile home park residents must be given the opportunity to either purchase the land on which their mobile home rests or to continue residency in the mobile home park as tenants after the conversion of the mobile home park to resident ownership; and

**WHEREAS**, in some instances, the conversion of a mobile home park to resident ownership may provide existing mobile home park residents with the security and advantages of full home ownership; however, in other instances the benefits of a mobile home park conversion to resident ownership will prove more illusory than real; and

**WHEREAS**, the land underlying the mobile home park is often valued in the millions of dollars and since most mobile home park residents are lower income, they will be financially unable to purchase the land on which their mobile homes rest; and

**WHEREAS**, although Government Code Section 66427.5 allows existing mobile home park residents to continue to reside in the mobile home park as tenants after the park is converted to resident ownership, Government Code Section 66427.5 provides that rent control protection will no longer apply to these tenancies; and

**WHEREAS**, in the case of non-lower income households, rents may increase to market levels over a four year period; and

**WHEREAS**, in the case of lower income households, Government Code Section 66427.5 provides restrictions on the amount of rent which may be charged, but since rent control protections will no longer apply, these rents may exceed the amount certain lower income households can afford and/or exceed the amount of rent otherwise permissible under Cotati's rent control provisions and, furthermore, rent control protections do not appear to extend to new tenants who move to the mobile home park after it is converted to resident ownership; and

**WHEREAS**, the Cotati City Council wishes to follow the policy of State law; and

**WHEREAS**, regulating the conversion of mobile home parks to other uses or to resident ownership is consistent with the City's General Plan, Municipal Code, and Land Use Code; and

**WHEREAS**, Policy H-2.10 of the Housing Element of the Cotati General Plan provides that the City will "[e]ncourage the preservation and maintenance of the community's mobile home parks"; and implementing policy IP-2.10.2 provides that the City will "[w]ork with residents and owners to facilitate resident purchase of mobile home parks, including identifying sources such as HCD's Mobilehome Park Resident Ownership Program;" and

**WHEREAS**, at a duly noticed public hearing and public meeting in accordance with Government Code Section 65854 on July 21, 2008, the Planning Commission reviewed the proposed amendments to Cotati's Land Use Code and recommended the proposed amendments to the Cotati City Council; and,

**WHEREAS**, the on July 21, 2008, the Planning Commission received compelling public testimony provided by mobile home park residents which articulated that the tenants live on limited fixed incomes, have invested their limited life savings, enjoy the community camaraderie of their park, and overall have a concern that they will be without a home or options if their mobile home park were converted; and

**WHEREAS**, on July 21, 2008, the Planning Commission found that the proposed ordinance is to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that it found and determined that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect on the environment in that the adoption of this ordinance will not result in any physical change to the environment; and

**WHEREAS**, at a duly noticed public hearing and public meeting in accordance with Government Code Section 65856, on August 27, 2008, the Cotati City Council, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Council considered all the facts relating to the proposed amendments to the City of Cotati Land Use Code.

**NOW, THEREFORE**, the Cotati City Council does ordain as follows:

**SECTION I.** The above recitations are true and correct.

**SECTION II:** Article 6 of Title 17, the Land Use Code, is hereby amended to add a new Chapter 17.79 entitled, "Mobile Home Park Subdivisions," to read and provide as follows:

**17.79.010 Purpose**

A. The California Subdivision Map Act distinguishes between subdivisions created from the conversion of rental mobile home parks to resident ownership (Government Code Section 66427.5) and subdivisions created from the conversion of mobile home parks to uses other than resident ownership (Government Code Section 66427.4).

B. In the case of a subdivision of a mobile home park to a use other than as resident ownership, Government Code Section 66427.4 requires that the conversion be preceded by adequate notice, the filing and distribution of a conversion impact report on the effect of a conversion on mobile home park residents and the adoption of mitigation measures imposed on the applicant to mitigate the adverse effects on mobile home park residents displaced by such conversion.

C. In the case of a subdivision of a mobile home park to resident ownership, Government Code Section 66427.5 requires that existing tenants of the mobile home park be provided the option to either purchase his or her subdivided unit created by the conversion to resident ownership, or to continue residency as a tenant. For residents who desire to continue residency as a tenant, Government Code Section 66427.5 allows rent to increase to market levels subject to certain restrictions regarding the timing of rent increases and certain protections for lower income households. Government Code Section 66427.5 further requires that the applicant, as part of the tentative map application, file a report on the impact of the conversion upon the existing residents of the mobile home park.

D. It is the intent and purpose of the Cotati City Council in adopting this chapter, to establish reasonable standards and requirements in accordance with the authority granted by Government Code Sections 66427.4 and 66427.5.

**17.79.020 Definitions**

As used in this chapter, the following words and phrases shall have the following meanings:

A. "Applicant" means the person, firm, corporation or other entity having leasehold interest or fee ownership in the operation of a Mobile home park or any part thereof.

B. "Comparable housing" means housing that is comparable in floor area and number of bedrooms to the Mobile home to which comparison is made, which housing meets the minimum standards of the State Uniform Housing Code.

C. "Comparable mobile home park" means any other Mobile home park substantially equivalent in terms of park conditions, amenities, rent and other relevant factors, such as proximity to public transportation and shopping, the job market where a displaced resident is gainfully employed, social services which are used by a displaced resident, and proximity to schools if the resident has school-age children.

D. "Conversion of a mobile home park" means a change in the use of a Mobile home park to a purpose other than the rental, or the holding out for rent, of some or all of the Mobile home lots at the Mobile home park to accommodate Mobile homes used for human habitation. The "Conversion of a mobile home park" shall include, but is not limited to, a change of a park or any portion thereof to a condominium, stock cooperative, planned unit development, commercial use, industrial use, or vacant land.

E. "Designated resident organization" means any association of Mobile home owners and/or Mobile home residents within a Mobile home park which has, not later than fifteen days after issuance of a notice of intent to convert a Mobile home park, provided the owner or manager of the Mobile home park written notice of the following:

1. The name and address of the organization.
2. The name and address of the representative of the organization to whom all notices under this chapter shall be given.
3. A statement that the organization is interested in purchasing the Mobile home park.

F. "Disabled mobile home owner" means a Mobile home owner who is the primary wage earner of a household, or a single person, with any medically determinable physical or mental impairment limiting his or her mobility, substantially affecting his or her ability to obtain employment, or requiring special care facilities in the Mobile home. "Physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical or laboratory diagnostic techniques.

G. "Mobile home" means a structure designed for human habitation or for being moved on a street or highway with a permit pursuant to Section 35790 of the Vehicle Code. Mobile home includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobile home as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Civil Code Section 799.29, a commercial modular, as defined in Section 18001.8 of the Health and Safety Code, or factory-built housing, as defined in Section 19971 of the Health and Safety Code.

H. "Mobile home lot" means a portion of a Mobile home park designated or used for the occupancy of one Mobile home.

I. "Mobile home owner" means a person who has the right to use of a Mobile home lot within a Mobile home park on which to locate, maintain, and occupy a Mobile home, lot improvements and accessory structures for human habitation, including the use of the services and facilities of the park.

J. "Mobile home park" means an area of land where two or more Mobile home lots are rented or leased, or held out for rent or lease, to accommodate Mobile homes used for human habitation.

K. "Mobile home resident" means a person, including Mobile home owner, who occupies a Mobile home.

L. "Resident ownership" means either the ownership of the Mobile home park after conversion by a resident organization of an interest in the Mobile home park that entitles the resident organization to control the operations of the Mobile home park for a term of no less than 15 years, or the ownership of individual interests in the Mobile home park, or both.

**17.79.030 Subdivisions Governed by Government Code Section 66427.4 (Conversion of a Mobile Home Park to Another Use); Incorporation of Sections from Chapter 17.46, Mobile Home Park Conversions**

A. The following sections from Chapter 17.46 , Mobile Home Park Conversions, are incorporated herein to this Chapter and shall apply to subdivisions created under the authority of Government Code Section 66427.4. In this instance, the application for the conversion of a Mobile home park shall mean the application for a tentative map or parcel map. A discretionary permit or a discretionary land use permit shall refer to a tentative map or parcel map.

Section 17.46.040 – Disclosure of Notification Requirements

Section 17.46.050 – Applicability

Section 17.46.060 – Right of Negotiated Purchase

Section 17.46.070 – Notice to Prospective Residents

Section 17.46.080 – Supplemental Information Required

Section 17.46.090 – Conversion Impact Report

Section 17.46.100 – Special Notice and Informational Meeting Requirements

Section 17.46.110 – Mitigation of Adverse Impacts and Reasonable Costs of Relocation

Section 17.46.130 – Applicant Obligations After Approval of the Conversion Impact Report

Section 17.46.140 – Issuance of Grading and/or Building Permits

B. The conversion of a rental Mobile home park to Resident ownership shall be governed by Section 17.79.050 through Section 17.79.100 of this chapter.

**17.79.040 Subdivisions Governed by Government Code Section 66427.4 (Conversion of a Mobile Home Park to Another Use); Public Hearings, Findings**

A. A public hearing on the conversion impact report shall be held in conjunction with any public hearing by the Planning Commission and Cotati City Council on the tentative map or parcel map and any legislative action or further discretionary land use approvals required for the subdivision of the Mobile home park.

B. The Planning Commission shall make a recommendation to the Cotati City Council on the adequacy of the conversion impact report.

C. Upon receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing. City Council approval of the conversion impact report shall require that the Council make the following determinations:

1. That the conversion impact report complies with the requirements of this chapter. If the City Council determines that the conversion impact report does not comply with the requirements of this chapter, the City Council shall specify in which respects the conversion impact report fails to comply with such requirements. The City Council may condition any legislative actions and approval of the tentative or parcel map upon the completion of specific amendments to the conversion impact report. In the alternative, the City Council may continue further action on the map until the conversion impact report is found by the City Council to comply with the requirements of this chapter.

2. That specified conditions shall be imposed upon the approval of the tentative map or parcel map to mitigate adverse impacts upon the ability of displaced Mobile home owners and Mobile home residents to find adequate housing in a Mobile home park and to require that reasonable costs of relocation be paid as set forth in this chapter.

D. No legislative action or tentative map or parcel map approval shall be taken until the City Council has first determined that the conversion impact report complies with the requirements of this chapter, or by specific amendments, will comply with this chapter, and conditions have been imposed on the applicant to mitigate adverse impacts on the displaced Mobile home owners and Mobile home residents through the requirement that the Applicant pay the reasonable costs of relocation as set forth in this chapter.

E. Prior to approving the tentative map or parcel map, the Planning Commission and City Council shall consider the following factors:

1. Whether there will exist at the time of the conversion of the Mobile home park to the use contemplated by the map application available Mobile home lots and other comparable housing within Sonoma County to accommodate the present Mobile home owners and Mobile home residents of the Mobile home park.

2. If the proposed subdivision will create other residential uses, whether the Mobile home owners and Mobile home residents will have the opportunity to purchase or rent the residential units, and whether the Applicant is providing financial incentives and financial assistance to present Mobile home owners and Mobile home residents to allow for such purchase or rental.

3. Whether the proposed conversion will be detrimental to the public health, safety and general welfare.

**17.79.050 Subdivisions Governed by Government Code Section 66427.5 (Conversion of a Mobile Home Park to Resident Ownership); Applicability**

Sections 17.79.060 through 17.79.090 shall apply to all conversions of Mobile home parks to Resident ownership, except those conversions for which mapping requirements have been waived pursuant to Government Code Section 66428.1.

**17.79.060 Subdivisions Governed by Government Code Section 66427.5 (Conversion of a Mobile Home Park to Resident Ownership); Survey of Resident Support**

A. No later than 90 days before the Applicant intends to file an application for a tentative map or parcel map to convert a rental Mobile home park to Resident ownership, the Applicant shall mail a notice to each Mobile home owner, Mobile home resident and the Designated resident organization. The notice shall: (1) describe the proposed Resident ownership project, (2) describe the approval process which will be required in order that the present Mobile home park may be converted to a Resident ownership project, (3) include a projected time line for the conversion, (4) state that if the Resident ownership project is approved, each existing tenant shall have the option to either purchase his or her condominium or subdivided unit or to continue residency as a tenant provided that such tenant remains in possession at such time as the tentative map or parcel map is approved, (5) state that if the Resident ownership project is approved, and after the conversion of the Mobile home park occurs, Mobile home owners and Mobile home residents who choose to continue residency as a tenant shall be required to pay rent at market rate levels subject to the protections provided by Government Code Section 66427.5(f) which shall be described in the notice, (6) state that each Mobile home owner and Mobile home resident shall be provided with notice of any hearings before the Planning Commission or City Council regarding the proposed resident ownership project and that such Mobile home owner and Mobile home resident shall have the right to appear and be heard at such meeting, (7) state that a survey shall be conducted by an independent entity to determine whether there is support for the proposed Resident ownership project, and (8) state any other information the Applicant deems relevant concerning the proposed Resident ownership project.

B. Within 15 days of the date the notice was mailed, the Applicant and representatives from the Designated resident organization shall meet to discuss and agree on the manner in which the survey shall be conducted as required by Government Code Section 66427.5(d)(2). The Applicant and the representatives from the Designated resident organization shall also agree

on the person or entity who shall conduct the survey. Such person or entity must be independent of the Applicant and the Mobile home park owner.

C. The survey shall be conducted by written ballot. Each occupied Mobile home space shall be entitled to one vote.

D. The person or entity conducting the survey shall also circulate the Mobile home park petition and disclosure statement provided for in Government Code Section 66428.1(b) for the purpose of allowing the City to determine whether the requirement for a parcel map or a tentative map shall be waived as permitted by Government Code Section 66428.1 for resident ownership projects.

E. The Applicant shall be responsible for paying the full and complete costs of the survey. The notice provided for above, the survey and the survey results shall be submitted by the Applicant at the time the application for the tentative map or parcel map is filed. No application for a tentative map or parcel map shall be deemed complete until the Applicant has submitted the survey to the City and the City has determined that the survey complies with the requirements of Government Code Section 66427.5(d).

**17.79.070 Subdivisions Governed by Government Code Section 66427.5 (Conversion of a Mobile Home Park to Resident Ownership); Notice to Prospective Residents**

A. Commencing at a date not less than 60 days prior to the filing of a tentative map or parcel map to convert the mobile home park to a Resident ownership project, the Applicant, or his or her agent, shall provide notice to each prospective Mobile home owner and each prospective Mobile home resident who proposes to rent a Mobile home lot or rent a Mobile home within such park. The notice shall be in writing and in the form outlined in Government Code Section 66452.8(b). The notice shall be given prior to the acceptance of any rent or deposit from the prospective tenant.

B. Failure by the Applicant or his or her agent to give the notice required above, shall not be grounds to deny the project. However, if the Applicant or his or her agent fails to give such notice, and the prospective tenant moves into the Mobile home park and must later vacate the park, the Applicant shall be responsible for paying the tenant the following:

1. In the case of a Mobile home owner, the reasonable cost of relocating the home owner's Mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the Mobile home and accessories at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, and earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the Mobile home owner caused by the relocation; reasonable living expenses of displaced Mobile home owner from the date of actual displacement to the date of occupancy at the new site; and payment of any security deposit required at the new site.

2. In the case of a Mobile home tenant, or a Mobile home owner who sells his or her Mobile home and decides to move to alternate housing, the actual moving expenses incurred when moving from the Mobile home park plus the payment of any security deposit required at the new housing site.

3. The first month's rent at the new rental unit or at the new Mobile home park, whichever is applicable.

C. Notice that the Applicant intends to apply for tentative or parcel map approval to convert the Mobile home park to Resident ownership shall be posted by the Applicant at all entrances to the Mobile home park and in a conspicuous location in the Mobile home park office and clubhouse.

**17.79.080 Subdivisions Governed by Government Code Section 66427.5 (Conversion of a Mobile Home Park to Resident Ownership) ; Conversion Impact Report**

A. As part of the application for a tentative map or parcel map to convert the Mobile home park to Resident ownership, the Applicant shall file a conversion impact report as required by Government Code Section 66427.5(b). No application shall be deemed complete unless a conversion impact report has been filed and the City has determined that the report complies with the requirements of this section.

B. At a minimum, the conversion impact report shall include the following, as well as any other information deemed necessary and appropriate by the City.

1. Identification of all Mobile home owners and Mobile home residents who reside in the Mobile home park as of the date the application was filed. Of the Mobile home owners, the Applicant shall identify those on rent control. The Applicant shall also identify those Mobile home owners and Mobile home residents who are lower income as defined by Section 50079.5 of the Health and Safety Code, seniors, and/or disabled.

2. A listing of those Mobile home owners and Mobile home residents in the Mobile home park who, as of the date the application was filed, would be entitled to purchase his or her condominium or subdivided unit or continue residency at the Mobile home park as a tenant after it is converted to a resident owner project, if such project is approved, as required by Government Code Section 66427.5(a). The Applicant shall also list those Mobile home owners and Mobile home renters whom the Applicant believes are not entitled to the protections of Government Code Section 66427.5(a) and the reasons therefor.

3. A list of all Mobile home parks within Cotati, Sonoma County and within a 50-mile radius and an identification of which of those Mobile home parks have vacancies and an identification of which of those Mobile home parks are comparable to the Mobile home park which is the subject of the conversion application. This list shall include the age of the Mobile home park and the Mobile homes therein, a schedule of rents for each park listed including the types of leases offered, the reported rent, and the criteria of the management of each park for acceptance of new tenants and used Mobile homes. Information pertaining to rent control, the

availability of medical and dental services, shopping facilities, and all nearby social and religious services and facilities shall also be included. The report shall also include any written commitments from the Mobile home park owners that they are willing to accept displaced Mobile home owners with the listing of known available mobile home lots.

4. The availability and cost of rental housing of comparable size and quality in the Cotati and Sonoma County. The report shall include the identification and rent levels for all apartment complexes of 40 or more units within a 15-mile radius of Cotati.

5. The report shall also contain the Applicant's best estimate of the number of Mobile homes in the park that may be accommodated in other locations and the number of Mobile homes for which no reasonable alternative location exists.

6. A description of the improvements the Applicant proposes to make to the Mobile home park prior to the park being marketed as a Resident ownership project and a timetable for the performance of those improvements.

7. An estimate of the purchase price projected for each condominium or subdivided unit and the terms and conditions under which each condominium or subdivided unit will be offered for sale to the general public.

8. An estimate of the monthly rent projected for each condominium or subdivided unit and the terms and conditions which will be applicable to the rental of such units.

9. A list of any incentives and/or financial assistance the Applicant proposes to make available to Mobile home owners and Mobile home residents residing in the Mobile home park as of the date of the application in order to assist the purchase or lease of condominium or subdivided units.

10. A discussion of whether any of the present Mobile home owners or Mobile home residents will be temporarily displaced during the conversion process to Resident ownership, the length of time for such expected displacement and the manner in which the Applicant proposes to mitigate the impacts caused to the Mobile home owner or Mobile home resident as a result of such displacement.

11. A list of any incentives and/or financial assistance the Applicant proposes to make available to Mobile home owners and Mobile home residents residing in the Mobile home park as of the date of the application who may seek to move to other housing instead of exercising the right to purchase his or her condominium or subdivided unit or continue residency at the Mobile home park as a tenant after it is converted to a Resident owner project.

12. Such other documents or information as the City Manager may reasonably require as part of the conversion impact report.

C. The City, at its option and sole discretion, may have the conversion impact report

reviewed by a qualified consultant. The Applicant shall pay the full cost and expense of such review. Upon notification by the City Manager that the City desires a review of the conversion impact report, the Applicant shall pay to the City, within ten days of date of notice from the City, the amount determined necessary by the City to perform this review. If the City's initial estimate is not sufficient, the Applicant shall pay all other reasonable amounts determined to be necessary by the City to complete this review within ten days of the date of notice by the City for such additional funds. If the City Manager determines it necessary, the Applicant shall revise the conversion impact report in conformance with the consultant review.

D. The Applicant shall provide a copy of the conversion impact report to each Mobile home owner and Mobile home resident of the Mobile home park at least 15 days prior to the first hearing on the tentative map or parcel map by the Planning Commission.

**17.79.090 Subdivisions Governed by Government Code Section 66427.5 (Conversion of a Mobile Home Park to Resident Ownership); Rights of Existing Mobile Home Owners and Mobile Home Residents Upon Conversion of a Mobile Home Park to Resident Ownership**

A. All Mobile home owners and all Mobile home residents who resided in the Mobile home park on the date notice was provided pursuant to Section 17.79.060 and who have continued to reside in the Mobile home park as of the date the tentative map or parcel map was approved, shall be entitled to either purchase his or her condominium or subdivided unit that was created by the conversion of the park to resident ownership, or to continue residency as a tenant.

B. The Mobile home owner or the Mobile home resident shall have the right to purchase his or her condominium or subdivided unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable. The right to purchase shall include the provision of any incentives or financial assistance identified by the Applicant in the conversion impact report.

C. If the Mobile home owner or Mobile home resident decides to continue residency as a tenant, market rate rents shall apply and rent control protections shall no longer be available. The market rate rental amount shall require City Council discussion at a public hearing. The Applicant shall be required, prior to the date of the hearing, to provide the City with an appraisal, conducted in accordance with nationally recognized professional appraisal standards, supporting the proposed market rate rent. After City Council discussion, market rate rents shall not go into effect until the first subdivided unit in the Resident ownership project is sold. Until the sale of the first unit has closed escrow and title has transferred, rent control protections shall continue to apply.

D. For those Mobile home owners or Mobile home residents who decide to continue residency as tenants and who are not lower income households as defined by Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, shall increase from the pre-conversion rent to the market levels discussed by the City Council, in equal annual increases over a four-year period. In the event the

City Council does not discuss the market level rental amount until after the first subdivided unit in the Resident ownership project has sold, the Mobile home owner or Mobile home resident shall owe rent in accordance with this section from the date of the sale of that unit.

E. For those Mobile home owners or Mobile home residents who decide to continue residency as a tenant and who are lower income households, as defined by Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent by an amount equal to the average monthly increase in rent in the four years preceding the conversion, except in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. This rent increase shall not go into effect until the first subdivided unit in the Resident ownership project has sold. Until such time, rent control protections shall continue to apply.

F. The Applicant may file an application for City Council discussion of the market rate rent proposed by the Applicant any time after escrow has been established for the sale of the first subdivided unit in the Resident ownership project. The appraisal submitted by the Applicant as part of the market rate setting discussion must have been completed within 60 days of the date the Applicant's application was filed. The City shall not discuss the market rate setting if the appraisal is older than 60 days.

G. The City shall provide notice of the hearing before the City Council at least 15 days prior to the hearing to each Mobile home owner and Mobile home resident of the Mobile home park. At the hearing, the City Council shall determine if the appraisal submitted by the Applicant was conducted in accordance with nationally recognized professional appraisal standards. If the City Council determines that the appraisal was not conducted in accordance with nationally recognized professional appraisal standards, the City Council shall order that a second appraisal be performed by an appraiser selected by the City Council. The Applicant shall be responsible for paying the full cost of this second appraisal. Once the second appraisal is complete, the City Council shall schedule another public hearing with 15 days' notice to each Mobile home owner and Mobile home resident.

H. Mobile home owners and Mobile home residents who, pursuant to paragraph A, are entitled to either purchase their condominium or subdivided units or continue residency as tenants shall have until 30 days after the City Council discusses the market rate rent to decide whether to purchase or rent. If the Mobile home owner or Mobile home resident decides to purchase, written notice to that effect must be mailed to the applicant within 30 days of the City Council decision. Mobile home owners or Mobile home residents who exercise the right to purchase by providing the 30 days' notice shall pay rent in accordance with paragraphs D and E until escrow on the purchase has closed. Mobile home owners and Mobile home residents who do not exercise the option to purchase within the time provided above shall continue their residency as tenants subject to the rental obligations outlined in this section. No tenancy in the converted ownership project may be terminated except in accordance with Civil Code Section 798.56. For purposes of Civil Code Section 798.56, conversion of the Mobile home park to Resident ownership shall not be deemed a change in use of the park pursuant to subsection (g) of

Civil Code Section 798.56.

**17.79.100 Subdivisions Governed by Government Code Section 66427.5 (Conversion of a Mobile Home Park to Resident Ownership); Public Hearings and Conditions of Approval**

A. In addition to notice requirements otherwise imposed by law, the Applicant shall post at all entrances to the Mobile home park and in a conspicuous location in the Mobile home park office and clubhouse, notice of the time, place and location of any public hearings before the Planning Commission or the City Council concerning the review of the tentative map or parcel map to convert the Mobile home park to Resident ownership. The notices shall be posted at least 15 days before the date of such hearing.

B. At the public hearing, the Planning Commission shall determine whether the conversion impact report complies with the requirements of Section 17.79.080 and shall make a recommendation to the City Council on the adequacy of the conversion impact report.

C. The City Council, as part of the public hearing on the tentative map or parcel map, shall approve the conversion impact report if the City Council determines that it complies with the requirements of Section 17.79.080.

D. If the City Council approves the tentative map or parcel map to convert the Mobile home park to resident ownership, the City Council shall include as part of the conditions of approval the rights of existing Mobile home owners and Mobile home residents as specified in Section 17.79.090 above.

E. A tentative or parcel map for the subdivision of a Mobile home park shall be approved if the following findings are made:

1. A survey of resident support has been conducted and the results filed with the City in accordance with the requirements of Government Code Section 66427.5 and this Chapter.

2. A conversion impact report has been completed and filed with the city in accordance with the requirements of Government Code Section 66427.5 and this Chapter.

3. The conversion to resident ownership is consistent with the General Plan, any applicable Specific or Area Plan, and the provisions of Title 17 of the Cotati Municipal Code.

4. The conversion is a bona-fide resident conversion. For purposes of determining whether a proposed conversion is a bona-fide resident conversion, the following criteria shall be used:

(a) Where the survey of resident support is conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that more than 50% of resident households support the conversion to resident ownership, the conversion shall be presumed to be a bona-fide resident conversion.

(b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 and with this chapter shows that at least 20% but not more than 50% of residents support the conversion to resident ownership, the sub-divider shall have the burden of demonstrating that the proposed conversion is a bona-fide resident conversion. In

such cases, the sub-divider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the City, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time.

(c) Where the survey of support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that less than 20% of residents support the conversion to resident ownership, the conversion shall be presumed not to be a bona-fide resident conversion.

5. Appropriate provision has been made for the establishment and funding of an association or corporation adequate to ensure proper long-term management and maintenance of all common facilities and infrastructure.

#### **17.79.110 Fees for Costs Incurred**

The City Council may, by resolution, adopt a fee schedule for the costs incurred by the City in implementing the provisions of this chapter.

#### **17.79.120 Violations**

In addition to any remedies or penalties for noncompliance with this chapter, as provided elsewhere in the Cotati Municipal Code, any owner of a Mobile home park or Applicant who violates any rights of any Mobile home owner or Mobile home resident established under this chapter shall be liable to that person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against or harass any Mobile home owner or resident with the intent to prevent such person from exercising his or her rights under this chapter.

**SECTION III.**      Environmental Determination. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the City Council finds and determines that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect of the environment in that the adoption of this ordinance will not result in any physical change to the environment.

**SECTION IV.**        Severability. If any section, subsection, sentence, clause or phrase or word in this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

**SECTION V.**        Effective Date. This ordinance shall take effect thirty (30) days from its passage. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof, as provided in Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Cotati.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on the 27th day of August, 2008, and legally adopted on the 10th day of September, 2008, by the following vote, to wit:

GILARDI  
GUARDINO  
FOX  
MINNIS  
ORCHARD

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

1132479.1



**ORDINANCE NO.**

**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**

**WHEREAS**, there are three mobile home parks in the City of Cotati ("Cotati") containing 107 mobile home spaces; and

**WHEREAS**, a substantial number of Cotati's mobile home park residents are seniors, low-income, and/or disabled, many of whom live on limited or fixed incomes; and

**WHEREAS**, mobile home parks provide a significant source of affordable housing for Cotati residents; and

**WHEREAS**, the rent mobile home park residents pay for their spaces is regulated through the rent control standards administered by the City of Cotati through Chapter 19.14 of the Cotati Municipal Code; and

**WHEREAS**, Cotati's mobile home park residents have significant personal and social ties to the community and have made a substantial financial and personal investment in their mobile home; and

**WHEREAS**, Cotati's mobile home owners will face significant cost and risk of potential damage in locating an alternative site for moving and reinstalling their mobile homes; and

**WHEREAS**, given the scarcity of mobile home sites in Cotati and Sonoma County and the very low vacancy rates at such sites, mobile home owners cannot relocate easily within Cotati or Sonoma County; and

**WHEREAS**, the California State Legislature recognizes the need to protect mobile home owners and has enacted legislation to achieve such end; and

**WHEREAS**, state law, through Government Code Section 65863.7, permits an owner of a mobile home park to convert a mobile home park to another non-mobile home park use or to close the mobile home park; and

**WHEREAS**, Government Code Section 65863.7 authorizes local agencies such as Cotati to adopt regulations governing this conversion process, including the adoption of measures to mitigate the adverse impacts of the conversion on the existing mobile home park residents; and

**WHEREAS**, it is desirous to adopt regulations governing the conversion process because once the conversion of a mobile home park to a non-mobile home park use is completed or closure of the mobile home park, all of the existing residents of the mobile home park will be evicted; and

**WHEREAS**, on November 8, 2006, the Cotati City Council adopted an urgency ordinance, Ordinance Number 789, imposing an initial 45-day moratorium on the conversion of mobile home parks to other uses; and

**WHEREAS**, on December 13, 2006, the Cotati City Council adopted a subsequent ordinance, Ordinance Number 791, extending the urgency ordinance to October 28, 2007; and

**WHEREAS**, on October 24, 2007, the Cotati City Council extended the moratorium for a period of one additional year, Ordinance Number 810, to October 24, 2008; and

**WHEREAS**, there is a growing move by mobile home park owners in Sonoma County to initiate the conversion of mobile home parks; and

**WHEREAS**, the closure of a mobile home park will have a substantial adverse economic effect on the mobile home park residents; and

**WHEREAS**, when a mobile home in an existing park is sold, it is generally sold in place, thus a mobile home in an existing mobile home park is not often moved from its location once it has been placed in a mobile home park; and

**WHEREAS**, there are few vacant spaces in mobile home parks within the immediate vicinity of the City of Cotati, and the number of vacant spaces in Sonoma County is limited; and

**WHEREAS**, relocating homeowners in an area in excess of fifty (50) miles from their existing home creates a special hardship, particularly for elderly and/or disabled residents who need to be in social service support networks and close to social services; and

**WHEREAS**, a move in excess of fifty (50) miles would seriously disrupt these support resources, would jeopardize the jobs of those residents currently employed, and would not constitute adequate replacement housing for such residents; and

**WHEREAS**, due to the preceding circumstances, spaces in the existing mobile home parks in Cotati represent an important component of the housing stock in the City especially for senior citizens, the disabled, and/or persons of low/moderate income; and

**WHEREAS**, unless mitigation measures are undertaken, the conversion of mobile home parks to other uses would have a substantial adverse economic effect upon the mobile home residents in terms of cost of relocation, including the significantly higher cost of other types of housing in the immediate area if such mobile home residents cannot relocate to other mobile home parks; and

**WHEREAS**, mobile home owners have invested substantial sums in the acquisition, installation and maintenance of their mobile homes, and these units represent their sole or principal financial asset; and

**WHEREAS**, one result of conversion, unless mitigated, can be the destruction of the value of the mobile home; and

**WHEREAS**, this destruction of value would be a direct cost of relocation and would adversely affect the homeowners' ability to find adequate replacement housing, so that it is important to provide reasonable relocation assistance to avoid such an adverse effect; and

**WHEREAS**, it is the policy of State law, as enunciated in Government Code Sections 65863.7, that prior to the conversion of a mobile home park to other uses, or prior to the closure of a park or the cessation of use of the land as a mobile home park, the proponent of the proposed change of use must file a report on the impact of such change with the public agency having jurisdiction over the mobile home park, and the agency shall have the power to require measures to be undertaken to mitigate the adverse impacts of such conversion upon the ability of displaced residents to find adequate replacement housing; and

**WHEREAS**, the Cotati City Council wishes to follow the policy of State law; and

**WHEREAS**, on regulating the conversion of mobile home parks to other uses or the cessation of use is consistent with the Cotati's General Plan, Municipal Code, and Land Use Code; and

**WHEREAS**, Policy H-2.10 of the Housing Element of the Cotati General Plan provides that the City will "[e]ncourage the preservation and maintenance of the community's mobile home parks;" and implementing policy IP-2.10.2 provides that the City will "[w]ork with residents and owners to facilitate resident purchase of mobile home parks, including identifying sources such as HCD's Mobilehome Park Resident Ownership Program;" and

**WHEREAS**, at a duly noticed public hearing and public meeting in accordance with Government Code Section 65854 on July 21, 2008, the Planning Commission reviewed the proposed amendments to the Cotati's Land Use Code and recommended the proposed amendments to the Cotati City Council; and

**WHEREAS**, the on July 21, 2008, the Planning Commission received compelling public testimony provided by mobile home park residents which articulated that the tenants live on limited fixed incomes, have invested their limited life savings, enjoy the community camaraderie of their park, and overall have a concern that they will be without a home or options if their mobile home park were converted; and

**WHEREAS**, on July 21, 2008, the Planning Commission found that the proposed ordinance is to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that it found and determined that there is nothing in this ordinance or its

implementation that could foreseeably have any significant effect on the environment in that the adoption of this ordinance will not result in any physical change to the environment; and

**WHEREAS**, at a duly noticed public hearing and public meeting in accordance with Government Code Section 65856, on August 27, 2008, the City Council, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Council considered all the facts relating to the proposed amendments to the City of Cotati Land Use Code.

**NOW, THEREFORE**, the Cotati City Council does ordain as follows:

**SECTION I.** The above recitations are true and correction.

**SECTION II:** Article 4 of Title 17, the Land Use Code, is hereby amended to add a new Chapter 17.46 entitled, "Conversion of Mobile Home Park to Other Uses," to read and provide as follows:

**17.46.010. Purpose**

A. The purpose of this chapter is to ensure that any proposed conversion of an existing mobile home park to another use, including a proposal to close a mobile home park or to cease using the land upon which the mobile home park is located as a mobile home park, is consistent with the provisions of this chapter, Section 65863.7 of the Government Code and Section 798.56 of the Civil Code. This requires that the conversion of a mobile home park be preceded by adequate notice, the filing and distribution of a conversion impact report on the effect of a conversion on mobile home park residents, and the adoption of measures imposed on the applicant to mitigate the adverse effects on mobile home park residents displaced by such conversion.

B. The City Council finds and declares that unless mitigation measures are required in conformance with Government Code Section 65863.7 and this chapter, the conversion of mobile home parks could have a substantial adverse effect upon park residents in terms of cost of relocation, the scarcity of similar comparable housing within a reasonable proximity to Cotati, and significantly higher costs for other types of housing in the immediate area if park residents cannot relocate to other mobile home parks.

C. It is the intent and purpose of the City Council in adopting this chapter to establish reasonable standards and requirements in accordance with the authority granted by State law to mitigate the adverse effects of relocation upon mobile home park residents who are confronted with a proposed conversion of their mobile home park or portions of the park.

## **17.46.020 Definitions**

As used in this chapter, the following words and phrases shall have the following meanings:

A. "Applicant" means the person, firm, entity or corporation applying for the conversion, closure or cessation of the use of the land at issue as a mobile home park or any part thereof. If the owner of the controlling interest in the mobile home park is not the Applicant, then the Applicant must provide evidence of the controlling owner's consent to the filing of the application.

B. "Comparable housing" means housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.

C. "Comparable mobile home park" means any other Mobile home park substantially equivalent in terms of park conditions, amenities, rent and other relevant factors, such as proximity to public transportation and shopping, the job market where a displaced resident is gainfully employed, social services which are used by a displaced resident, and proximity to schools if the resident has school-age children.

D. "Conversion of a mobile home park" means a change in the use of a Mobile home park to a purpose other than the rental, or the holding out for rent, of some or all of the Mobile home lots at the Mobile home park to accommodate Mobile homes used for human habitation. A conversion shall also include the closure or cessation of all or a portion of the park as a Mobile home park, whether immediately or on a gradual basis.

E. "Designated resident organization" means any association of Mobile home owners and/or Mobile home residents within a Mobile home park which has, not later than fifteen days after issuance of a notice of intent to convert a Mobile home park, provided the owner or manager of the Mobile home park written notice of the following:

1. The name and address of the organization.
2. The name and address of the representative of the organization to whom all notices under this chapter shall be given.
3. A statement that the organization is interested in purchasing the mobile home park.

F. "Disabled mobile home owner" means a Mobile home owner who is the primary wage earner of a household, or a single person, with any medically determinable physical or mental impairment limiting his or her mobility, substantially affecting his or her ability to obtain employment, or requiring special care facilities in the Mobile home. "Physical or mental impairment" is an impairment that results from anatomical, physiological or psychological

abnormalities which are demonstrable by medically acceptable clinical or laboratory diagnostic techniques.

G. "Mobile home" means a structure designed for human habitation or for being moved on a street or highway with a permit pursuant to Section 35790 of the Vehicle Code. Mobile home includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobile home as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Civil Code Section 799.29, a commercial modular, as defined in Section 18001.8 of the Health and Safety Code, or factory-built housing, as defined in Section 19971 of the Health and Safety Code.

H. "Mobile home lot" means a portion of a Mobile home park designated or used for the occupancy of one mobile home.

I. "Mobile home owner" means a person who has the right to the use of a Mobile home lot within a Mobile home park on which to locate, maintain, and occupy a Mobile home, lot improvements and accessory structures for human habitation, including the use of the services and facilities of the park.

J. "Mobile home park" means an area of land where two or more Mobile home lots are rented or leased, or held out for rent or lease, to accommodate Mobile homes used for human habitation.

K. "Mobile home resident" means a person, including a Mobile home owner, who occupies a mobile home.

#### **17.46.030 Exemptions**

A. This chapter shall not apply to conversion projects which include a subdivision map except as specifically required by Chapter 17.79 of this Code.

B. This chapter shall not apply when the closure or cessation of use of a mobile home park results from an adjudication of bankruptcy. It shall be the responsibility of the Applicant to present Cotati with certified copies of all court documents which establish that the closure or cessation results from a bankruptcy adjudication.

#### **17.46.040 Disclosure of Notification Requirements**

When an application has been made to the City for the conversion of a Mobile home park, the City shall inform the Applicant, in writing, of the provisions of Civil Code Section 798.56 and of all applicable City requirements which impose on the Applicant the duty to notify the residents and Mobile home owners of the Mobile home park about the conversion application. Notice shall be transmitted to the residents and Mobile home owners by either mail, return receipt requested, or by personal service. When personal service is made, a written certificate of proof of service shall be filed with the City. This disclosure shall be made at least 30 days prior to any hearing on the application. No hearing on the application shall be held or any other action taken on the application until

the Applicant has verified, to the satisfaction of the City, that required notices have been provided to the residents and Mobile home owners.

**17.46.050      Applicability**

A. No legislative action or discretionary land use permit for the conversion of a Mobile home park shall be approved until a conversion impact report has been submitted as required by this chapter and the Cotati City Council, at a public hearing, has considered and approved the conversion impact report and the City Council has imposed conditions to mitigate the adverse impacts on Mobile home owners and Mobile home residents caused by the conversion of the Mobile home park. The conditions imposed by the City Council to mitigate the adverse impacts on Mobile home owners shall not exceed the reasonable cost of relocation.

B. No closure of a Mobile home park or cessation of the use of the land as a Mobile home park shall occur until a conversion impact report has been submitted as required by this chapter and the Cotati City Council, at a public hearing, has considered and approved the conversion impact report and the City Council has imposed conditions to mitigate the adverse impacts on Mobile home owners and Mobile home residents caused by the closure of the Mobile home park or the cessation of the use of the land as a Mobile home park. The conditions imposed by the City Council to mitigate the adverse impacts on Mobile home owners shall not exceed the reasonable cost of relocation.

**17.46.060      Right of Negotiated Purchase**

A. At least 90 days prior to the date of filing an application to convert a Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park, the Applicant shall notify, in writing by certified mail, each Mobile home owner, Mobile home resident and the Designated resident organization of the proposed project of the Applicant's intention to convert. Said notice of intention to convert shall contain a statement that (1) the Applicant proposes a conversion of the Mobile home park; (2) the Applicant will file an application for conversion with Cotati; (3) a Designated Resident Organization has the rights set forth in subsection 17.46.060(C); and, if applicable, (4) the Applicant shall file an application for a final public report with the California Department of Real Estate.

B. A Designated resident organization shall have the right to negotiate for purchase of a Mobile home park for which a conversion is proposed, if the designated resident organization mails a written notice of its intention to exercise this right to the Applicant within 30 days of the date of issuance of the notice of intention to convert.

C. If the Designated resident organization has provided written notice to the Applicant within the time provided for above, the Applicant and the Designated resident organization shall enter into good faith negotiations for the purchase of the Mobile home park by the Designated resident organization. This good faith negotiation period shall continue

until the end of the 90-day notice period provided for above. The Applicant and the Designated resident organization may agree to shorten the good faith negotiation period and the Applicant may agree to extend such period. Cotati shall not accept an application for the conversion of the Mobile home park as complete unless the Applicant verifies, under penalty of perjury, compliance with this section and compliance with the good faith negotiation obligation with the Designated resident organization which is imposed by this section.

**17.46.070 Notice to Prospective Residents**

When an application to convert a Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park has been filed with the City, the Mobile home park owner shall advise each prospective Mobile home owner and each prospective Mobile home resident who proposes to rent a Mobile home lot or rent a Mobile home within such park in writing of such application and of the Mobile home park owner's desire to convert the Mobile home park. This written notice shall be provided to each prospective Mobile home owner or Mobile home resident either prior to the execution of a rental agreement or commencement of occupancy, whichever occurs first. Notice that an application to convert the Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park shall also be posted at all entrances of the Mobile home park and in a conspicuous location in the Mobile home park office and clubhouse.

**17.46.080 Supplemental Information Required**

A. In addition to the materials which must be submitted in connection with any legislative action or discretionary land use permit for the conversion of a Mobile home park to another use, the Applicant shall file the following information as part of the application to convert a Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park:

1. A declaration that, after the date of filing of such application, each prospective Mobile home owner and Mobile home resident of the Mobile home park shall receive written notice that complies with the requirements of Section 17.46.070, and that the mobile home park owner has posted the signage also required by Section 17.46.070.
2. A declaration, under penalty of perjury, that the Applicant has complied with the right of negotiated purchase obligations provided for in Section 17.46.060.
3. A statement detailing the current ownership of all improvements and underlying land; the name and address of each present Mobile home resident and Mobile home owner within the Mobile home park on three sets of gummed labels for the mailing of public hearing notice.
4. A timetable for conversion, closure or cessation of the Mobile home park use.

5. A conversion impact report on the impact of the conversion project on the Mobile home park residents which complies with the requirements of Section 17.46.090 and Section 65863.7 of the California Government Code.

6. A boundary map and survey showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property.

7. If applicable, the proposed organizational documents and true copies of any and all documents submitted to the California Department of Real Estate for the proposed conversion project subject to the following provisions:

a. The Applicant shall file with Cotati a true copy of any amended, revised or additional documents submitted to the Department of Real Estate ten days prior to the public hearing before the Planning Commission on the conversion project.

b. The applicant shall file with Cotati a true copy of the final public report within ten days of issuance by the Department of Real Estate.

8. An official site plan for the Mobile home park.

9. Such other documents or information as Cotati may require to further the purposes of this chapter.

B. Copies of the complete application to convert a Mobile home park to another use, including the application materials required in connection with any legislative action or discretionary approvals for the conversion, plus the supplemental information required by this section, shall be made available upon request at the on-site office of the Mobile home park, during regular business hours, to Mobile home owners and Mobile home residents. In the event the application is revised in order that the City may accept the application as complete, a copy of the revised application shall be made available at the on-site office of the Mobile home park, during regular business hours, to Mobile home owners and Mobile home residents.

#### **17.46.090 Conversion Impact Report**

A. All Applicants filing an application to convert a Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park shall file a conversion impact report as part of the application. No application shall be deemed complete unless a conversion impact report has been filed and the City had determined that the report complies with the requirements of this section.

B. At a minimum the conversion impact report shall include the following, as well as any other information deemed necessary and appropriate by the City:

1. A detailed description of the Mobile home spaces within the Mobile home park, including but not limited to:

- a. The total number of Mobile home spaces in the park and the number of spaces occupied; the monthly space vacancy over the preceding two years of each Mobile home lot proposed to be converted;
  - b. The square footage of each Mobile home lot and the length of time each space has been occupied by the present resident(s) thereof;
  - c. The age, size, and type of Mobile home occupying each space;
  - d. The current or last monthly rent charged for each space, including any utilities or other costs paid by the present resident(s) thereof, and the rental rate for the preceding two years.
2. Identification of all residents sixty-two years and over, all residents with minor children, all permanently disabled residents, all Mobile home owners on rent control, all Mobile home owners on leases and all residents of the Mobile home park who live in a park-owned Mobile home and pay rent for both the Mobile home and the Mobile home lot. The number of very-low, low, and moderate income residents shall also be provided.
3. A listing of those Mobile home owners and Mobile home residents in the Mobile home park entitled to relocation assistance benefits pursuant to the provisions of this chapter and a listing of those Mobile home owners and residents whom the Applicant believes are not entitled to such assistance as well as the reasons therefor.
4. A list of all Mobile home parks within Cotati, Sonoma County, and within a 50-mile radius and an identification of which of those Mobile home parks have vacancies and an identification of which of those Mobile home parks are comparable to the Mobile home park which is the subject of the conversion application. This list shall include the age of the Mobile home park and the Mobile homes therein, a schedule of rents for each park listed including the types of leases offered, the reported rent, and the criteria of the management of each park for acceptance of new tenants and used Mobile homes. Information pertaining to rent control, the availability of medical and dental services, shopping facilities, and all nearby social and religious services and facilities shall also be included. The report shall also include any written commitments from the Mobile home park owners that they are willing to accept displaced Mobile home owners with the listing of known available mobile home lots.
5. A detailed analysis of the economic impact of the relocation on the Mobile home owner, including comparisons of current rents paid for Mobile home lots and rents to be paid for Mobile home lots at comparable Mobile home parks within Cotati, Sonoma County and other mobile home parks within a 50-mile radius.
6. The identification of two moving companies, which must be approved by the City, along with the address and telephone numbers of these moving companies, with estimates as to the per mile costs of moving Mobile homes of various sizes including, but not limited to,

tear down and set up of Mobile homes, and the moving of personal property, and any direct or indirect costs associated with a relocation of a Mobile home to another Mobile home park.

7. The availability and cost of rental housing of comparable size and quality in Cotati and Sonoma County. The report shall include the identification and rent levels for all apartment complexes of 40 or more units within a 15-mile radius of Cotati.

8. The identification of two moving companies, which must be approved by Cotati, along with the address and telephone numbers of these moving companies, with estimates as to the costs by weight, volume or other identified basis for the moving of the furnishings and personal possessions of the Mobile home owners and residents to other rental housing if it becomes infeasible to move to another Mobile home park.

9. The identification of three Members of the Appraisal Institute ("MAI"), appraisers of mobile homes, who must be approved by Cotati, along with the address, telephone number and fee schedule for each approved appraiser.

10. The identification of three housing specialists, who must be approved by the City, along with the address, and telephone number of each housing specialist. The services which shall be provided by the housing specialists include, but are not limited to, assistance in locating a suitable replacement Mobile home park, coordination of moving the Mobile home and personal property, assistance in locating comparable rental housing, the moving of furnishings and other possessions to such rental housing and any other tasks necessary to facilitate the relocation to other comparable housing.

11. The report shall also contain the property owner's best estimate of the number of Mobile homes in the park being closed that may be accommodated in other locations and the number of Mobile homes for which no reasonable alternative location exists.

12. A relocation plan, which must include a timetable for implementing the physical relocation of Mobile homes, the securing of comparable housing for persons whose Mobile homes cannot be relocated and the implementation of other relocation assistance.

13. Such other documents or information as the city manager may reasonably require as part of the conversion impact report.

C. Cotati, at its option and sole discretion, may have the conversion impact report reviewed by a qualified consultant. The Applicant shall pay the full cost and expense of such review. Upon notification by the City Manager that the City desires a review of the conversion impact report, the Applicant shall pay to the City, within ten days of date of notice from the City, the amount determined necessary by the City to perform this review. If the City's initial estimate is not sufficient, the Applicant shall pay all other reasonable amounts determined to be necessary by the City to complete this review within ten days of the date of notice by the City for such additional funds. If the City Manager determines it

necessary, the Applicant shall revise the conversion impact report in conformance with the consultant review and recommendations.

**17.46.100 Special Notice and Informational Meeting Requirements**

A. In addition to the notice otherwise required in connection with any legislative action or the issuance of discretionary permits in connection with the proposed conversion of a Mobile home park to another use, the following notice shall be given in all instances involving an application to convert a Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park.

1. At least 15 days before the date set for hearing before the Planning Commission and City Council, a notice of the time, place, and purpose of any public hearing on an application for a conversion of the Mobile home park shall be sent by the City to each resident and Mobile home owner of the Mobile home park.

2. A copy of the staff report prepared for the hearing before the Planning Commission and City Council on the Mobile home park conversion application shall be mailed to each Mobile home owner and each Mobile home park resident at least five days before the date set for hearing.

3. The failure of the City to mail any notice or report, or the failure of any Mobile home owner or resident to receive the same, shall not affect the validity of any proceedings taken under this chapter, nor prevent the Planning Commission or City Council from proceeding with any hearing at the time and place set therefor.

B. In addition to the above noticing requirements and at least 15 days prior to the date of a public hearing before the Planning Commission and/or City Council, the Applicant shall cause to be prepared and installed at all park entrances signage describing the proposed conversion project and the date, time and location of the public hearing. The sign material, color, type style, size and installation shall be approved by the City Manager.

C. Within five days of receipt of a final public report on the proposed project from the California Department of Real Estate, if applicable, the Applicant shall notify each of the Mobile home owners and residents of the Mobile home park of the issuance of said report. The notice shall indicate that copies of said report are available on request.

D. At the time an application is filed to convert a Mobile home park to another use, to close the Mobile home park or to cease the use of the land as a Mobile home park, and prior to the Planning Commission public hearing on the application, the City Manager shall hold an educational forum for the Mobile home owners and Mobile home park residents to explain the application process and the requirements for, and components of, a conversion impact report. Simplified educational materials regarding the ordinance shall be prepared, as appropriate, for distribution to the residents and Mobile home owners.

E. The cost to the City in providing the notice and conducting the educational forum, including the preparation of educational materials, shall be included as part of the fees established by the City in implementing this chapter as provided for in Section 17.46.150.

**17.46.110 Mitigation of Adverse Impacts and Reasonable Costs of Relocation**

A. All Mobile home owners who rented a Mobile home lot in the Mobile home park, and all Mobile home residents who rented a Mobile home from the park owner as of the date of the notice provided in Section 17.46.060(A) shall be entitled to the reasonable costs of relocation as provided for herein.

B. The City Council, upon reviewing the conversion impact report and the recommendation of the Planning Commission, shall require the Applicant to mitigate the adverse impacts caused by the conversion of a Mobile home park to another use, the closure of the Mobile home park or the cessation of the use of the land as a Mobile home park in a manner not to exceed the reasonable costs of relocation.

C. As used in this chapter, the reasonable costs of relocation shall include:

1. The reasonable cost of relocating a displaced Mobile home owner's Mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the Mobile home and accessories at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, and earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the Mobile home owner caused by the relocation; reasonable living expenses of displaced Mobile home owner from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent paid for a Mobile home lot in the existing park and any higher rent for a Mobile home lot at the new site for the first 24 months of the relocated tenancy. For Disabled mobile home owners, the reasonable cost of relocation shall mean any higher rent for a Mobile home lot at the new site for the first 36 months of the relocated tenancy.

2. If the City Council determines that a particular Mobile home cannot be relocated to a Comparable mobile home park within Cotati or Sonoma County (and no other identified location is acceptable to the homeowner) and the Mobile home owner has elected to sell his or her Mobile home, then the City Council may, as a part of the reasonable cost of relocation as provided in Government Code Section 65863.7(e) require the Applicant to provide for the purchase of the Mobile home. The purchase price shall be determined based upon consideration of factors, including the value of the Mobile home in its current location including the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, and earthquake bracing, and assuming the continuation of the Mobile home park in a safe, sanitary, and well maintained condition, and not considering the effect of the conversion on the value of the Mobile home. The purchase price shall be determined by an appraisal of the Mobile home by one of the appraisers listed in the conversion impact report. The Applicant shall be responsible for the entire cost of the appraisal. If the Mobile home owner disputes the value of a Mobile

home, the Mobile home owner shall select one of the other appraisers listed in the conversion impact report to prepare an appraisal. The Mobile home owner shall be responsible for paying the costs of that appraisal. The appraisals shall be made no more than 60y days prior to their submittal. The mobile home owner shall be entitled to the average of the appraisals performed by the applicant and the mobile home owner.

3. For those Mobile home owners and Mobile home residents who move to other rental housing, the reasonable cost of relocation shall include a rent subsidy for 24 months based on the difference between the rent of the rental housing leased by the Mobile home owner or Mobile home resident and the rent of the Mobile home lot or Mobile home on the date of the notice provided for in Section 17.46.060(A). A Disabled mobile home owner shall be entitled to a rent subsidy for 36 months. The reasonable cost of relocation shall also include reasonable living expenses from the date of actual displacement to the date of occupancy at the new site, payment of any security deposit required at the new site and reasonable moving expenses for furnishings and personal property from the mobile home park to the new site.

D. The Applicant and a Mobile home owner or Mobile home resident may agree to other mutually satisfactory relocation assistance. To be valid, such an agreement must be in writing and must include a provision stating that the Mobile home owner or Mobile home resident is aware of the provisions of this chapter and voluntarily agrees to the relocation assistance contained in the agreement. A copy of this chapter shall be included as an attachment to the agreement. The agreement shall contain a provision in at least 10 point type clearly stating the importance of obtaining legal advice prior to the signing of the agreement and the Applicant and Mobile home owner shall initial that portion of the agreement.

E. When any Mobile home owner or Mobile home resident gave notice of his/her intent to move prior to the date of the notice provided for in Section 17.46.060(A), eligibility for the costs of relocation shall be forfeited.

F. A Mobile home owner or Mobile home resident who moves to the Mobile home park after having received notice pursuant to Section 17.46.070 shall not be entitled to the reasonable costs of relocation if such person has executed a written agreement waiving the receipt of the reasonable costs of relocation. To be effective, the waiver must contain the text of this chapter and must state that the person executing the waiver has read and understood his or her rights pursuant to this chapter and knowingly agreed to waive those rights.

#### **17.46.120 Public Hearings; Findings**

A. A public hearing on the conversion impact report shall be held in conjunction with any public hearing by the Planning Commission and City Council on any legislative action and discretionary land use approvals required for the conversion of the Mobile home park to another use. If the Applicant seeks only to close the Mobile home park, or cease the use of the land as a Mobile home park, the Planning Commission and City Council shall conduct a public hearing on the conversion impact report as a condition to the Applicant's ability to close the Mobile home park or cease the use of the land as a Mobile home park.

B. The Planning Commission shall make a recommendation to the City Council on the adequacy of the conversion impact report.

C. Upon receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing. City Council approval of the conversion impact report shall require that the City Council make the following determinations:

1. That the conversion impact report complies with the requirements of this chapter. If the City Council determines that the conversion impact report does not comply with the requirements of this chapter, the City Council shall specify in which respects the conversion impact report fails to comply with such requirements. The City Council may condition any legislative actions and discretionary land use approvals required for the conversion to the Mobile home park to another use upon the completion of specific amendments to the conversion impact report. In the alternative, the City Council may continue further action on the conversion project until the conversion impact report is found by the City Council to comply with the requirements of this chapter.

2. That specified conditions shall be imposed upon the conversion of the Mobile home park to another use, the closure of the Mobile home park, or the cessation of the use of the land as a Mobile home park to mitigate adverse impacts upon the ability of displaced Mobile home owners and Mobile home residents to find adequate housing in a Mobile home park and to require that reasonable costs of relocation be paid as set forth in this chapter.

D. No legislative action or discretionary permit for the conversion of the Mobile home park to another use shall be approved unless and until the City Council has first determined that the conversion impact report complies with the requirements of this chapter, or by specific amendments, will comply with this chapter, and conditions have been imposed on the Applicant to mitigate adverse impacts on the displaced Mobile home owners and Mobile home residents through the requirement that the Applicant pay the reasonable costs of relocation as set forth in this chapter.

**17.46.130 Applicant Obligations After Approval of the Conversion Impact Report**

A. In accordance with Civil Code Section 798.56(g), after all required legislative actions and discretionary permits have been approved by the City Council, that Applicant shall give the Mobile home owners and the Mobile home residents six months or more written notice of termination of tenancy.

B. No later than 30 days after the City Council has approved the conversion impact report and issued the findings as required by Section 17.46.120(C), or if a conversion to another use governed by Section 17.79.030 the findings as required by Section 17.79.040(C), one of the housing specialists identified in the conversion impact report shall make personal contact with each Mobile home owner and Mobile home resident to determine the applicable costs of relocation the Mobile home owner and/or Mobile home resident is entitled to and to outline the services the housing specialist will provide the Mobile home owner and/or Mobile home resident in securing alternate housing. The Mobile home owner and/or Mobile home resident shall agree to a schedule of services to be provided by the housing specialist. All of the costs associated with the services provided by the housing specialist shall be paid for by the Applicant.

C. Not less than 30 days prior to the date a Mobile home owner or Mobile home resident is required to vacate the Mobile home park, the Applicant shall pay any cash or monetary relocation costs required by this chapter to the Mobile home owner or Mobile home resident, or to any former Mobile home owner or Mobile home resident entitled to such costs. The Applicant shall also pay relocation costs to any person, firm or corporation performing relocation related services for the Mobile home owner or Mobile home resident as he or she may direct. If the Applicant purchases the Mobile home pursuant to Section 17.46.110(C)(2), the Mobile home owner shall promptly submit to the Applicant all documents necessary to transfer complete title and ownership of the Mobile home to the Applicant, free and clear of all security interests, liens and other encumbrances.

D. All mitigation measures imposed in the City Council’s approval of the conversion impact report shall be fully performed prior to the required vacation of the Mobile home park by the Mobile home owner or Mobile home resident, unless otherwise provided in the City Council approval. No Mobile home owner or Mobile home resident shall be required to vacate the Mobile home park unless the Applicant is in full compliance with all mitigation measures imposed by the City Council pertaining to that Mobile home owner or Mobile home resident.

**17.46.140 Issuance of Grading and/or Building Permits**

No building permit shall issue for the conversion of the Mobile home park until the Applicant has filed with the City a verified statement, made under penalty of perjury, that all required relocation assistance has been paid by the Applicant to each eligible Mobile home owner or Mobile home resident. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

**17.46.150 Fees for Costs Incurred**

The City Council may, by resolution, adopt a fee schedule for the costs incurred by the City in implementing the provisions of this chapter.

**17.46.160 Occupancy of Park Below Twenty Percent or Other Evidence of Park Closure**

A. The owner of a Mobile home park shall file a notice with the City Manager whenever 20 percent or more of the total number of Mobile home lots in a Mobile home park are uninhabited. For purposes of this chapter, a Mobile home lot is uninhabited when it is either (1) unoccupied by a Mobile home or (2) occupied with a Mobile home in which no persons reside. When 20 percent or more of the Mobile home lots are uninhabited, this shall be deemed a conversion of the Mobile home park by closure or cessation of use in accordance with the provisions of this section unless the owner of the Mobile home park demonstrates that closure of the Mobile home park is not occurring. The owner of the Mobile home park shall provide the City Manager with the reasons why this rate of vacancy does not constitute a conversion of the Mobile home park through closure or cessation at the same time the owner provides the City Manager with notice that 20 percent of the lots are uninhabited.

B. The City Manager, or the City Manager’s designee, shall investigate whether this 20 percent vacancy rate indicates a conversion of some or all of the Mobile home park. If, as a result of the investigation, the City Manager determines that some or all of the Mobile home park is being converted through closure or cessation, the City Manager shall provide the owner of the Mobile park with written notice of this fact and the reasons upon which the City Manager bases his or her conclusion. The Mobile home park owner shall be directed to prepare and file with the City a conversion impact report by a designated date. When the conversion impact report is deemed complete, a hearing shall be scheduled before the Planning Commission and then the City Council.

C. The determination of the City Manager may be appealed by the owner of the Mobile home park by filing a written notice of appeal with the City Clerk not more than 15 days after the receipt of the City Manager’s notice. A hearing on the appeal shall be scheduled before the City Council which shall render a decision on the appeal.

**17.46.170 Violations**

In addition to any remedies or penalties for noncompliance with this chapter, as provided elsewhere in the Cotati Municipal Code, any owner of a Mobile home park or Applicant who violates any rights of any Mobile home owner or Mobile home resident established under this chapter shall be liable to that person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against or harass any Mobile home park owner or resident with the intent to prevent such person from exercising his or her rights under this chapter.

**SECTION III.**        Environmental Determination. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the City Council finds and determines that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect of the environment in that the adoption of this ordinance will not result in any physical change to the environment.

**SECTION IV.**        Severability. If any section, subsection, sentence, clause or phrase or word in this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

**SECTION V.**        Effective Date. This ordinance shall take effect thirty (30) days from its passage. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof, as provided in Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Cotati.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on the 27th day of August, 2008, and legally adopted on the 10th day of September, 2008, by the following vote, to wit:

GILARDI  
GUARDINO  
FOX  
MINNIS  
ORCHARD

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

1132432.1

## City Council Agenda Regular Calendar

**Subject:** Support and Join the Solar Sonoma County Consortium

**Date:** September 10, 2008

**Written by:** Damien O'Bid, City Engineer

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### **Recommendation**

It is recommended that the Council adopt a resolution supporting and joining the Solar Sonoma County Consortium.

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### **Background**

Solar Sonoma County (SSC) is a public-private consortium of local government agencies, businesses, and other entities and individuals working collaboratively to identify and implement initiatives that promote, expand, and accelerate use of solar photovoltaic (PV) and solar thermal technologies throughout Sonoma County. SSC consists of a paid Program Team, a Steering Committee and a Working Group with representatives from the consortium.

The stated goals of SSC include:

1. Generating 25 Megawatts of new solar power over the next three years.
2. Reducing CO<sub>2</sub> emissions to meet, or exceed, targets for climate protection.
3. Reduce/remove up-front cost barriers to solar installation with innovative financing and incentives.
4. Cut energy costs for municipalities, local businesses and residents.
5. Establish and implement quality control standards for solar installation.
6. Install the most solar energy in the 10 Bay Area Counties (Sonoma County is now second).
7. Protect our environment and reduce our dependence on fossil fuel.
8. Jumpstart the shift to net zero energy.

Prior to collection of the first year's membership dues, SSC has been fully funded by a grant from the Bay Area Air Quality Management District and a grant from the U.S. Department of Energy's Solar America cities program.

### **Analysis/Discussion**

If the City elects to join SSC, the City will play a supporting role in a variety of activities to meet the stated goals. These will likely include:

1. Adopt uniform county-wide policies to streamline and create incentives for SSC to coordinate increasing local solar installations dramatically – starting with an initial target of 25 megawatts in three years.
2. Identify a targeted amount of solar PV, solar thermal, and energy efficiency measures tied to the City's electricity demand and existing greenhouse gas emissions reductions targets and deployed on/for the City's facilities over the next 36 months.
3. Commit to participating in monthly SSC Working Group sessions by sending a representative (staff and/or elected official).
4. Collaborate with project subcommittees toward achieving SSC goals.
5. Identify, collect, and share our successes, best practices, goals, and challenges concerning the City's solar and energy efficiency projects and initiatives with other local government SSC members.
6. Help SSC with tracking all solar installations (municipal, commercial, and residential) in our community to monitor our progress toward SSC's initial 25 megawatt target and beyond.
7. Contribute and collaborate in producing a county-wide Solar Implementation Plan, to be completed by March 2010.
8. Adopt policies proposed in the Solar Implementation Plan where possible.
9. Promote SSC and goals on the City's website and in other communications including newsletters, flyers, etc.
10. Support SSC outreach efforts to our constituents, including participation in SSC events.

The SSC is still in its formative stages, and is just beginning to work on issues around implementation of solar technologies. Therefore, it is not yet clear if membership in SSC will be an effective use of limited staff resources to accomplish the City's adopted greenhouse gas

reduction goals. However, at this initial stage, the SSC's stated goals appear to align with the City's adopted goals. Therefore, it is recommended that the City participate in SSC for one year and then reassess membership prior to the following year to ensure effective use of City resources.

### **Financial Considerations**

The membership dues in the first year of the program are being paid by the Sonoma County Water Agency and PG&E. Therefore, the primary financial impact in the first year is related to staff time. If staff is fully engaged in SSC's programs, it is expected that participation will require 8-16 hours per month.

### **Environmental Issues**

None.

Attachments:

1. Proposed resolution supporting and joining the Solar Sonoma County Consortium



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO  
SUPPORT AND JOIN THE SOLAR SONOMA COUNTY CONSORTIUM**

**WHEREAS**, Solar Sonoma County (SSC) was established in 2007 as a county-wide version of the successful Solar Sebastopol; and

**WHEREAS**, the mission of SSC is to promote new installations of solar photovoltaic (PV) and solar thermal on public facilities, homes, and private properties and to promote energy efficiency county-wide through a public/private partnership with an initial target of 25 new megawatts of solar power by March, 2010; and

**WHEREAS**, SSC has received a BAAQMD grant, and also a grant from the Department of Energy's (DOE) "Solar American Cities" grant program; and

**WHEREAS**, the Sonoma County Water Agency and PG&E have agreed to jointly sponsor SSC for the fiscal year beginning July 1, 2008, by covering membership dues for the government entities in order to rapidly foster widespread community involvement in SSC; and

**WHEREAS**, the governmental entities will receive the benefit of the work of the entire SSC group to assist in local governments and citizens with technical advice and assistance regarding solar installations; and

**WHEREAS**, the governmental entities will be able to post updates on the SSC website to share what they are doing to promote solar to reduce greenhouse gases and also to make this easily accessible to the public; and

**WHEREAS**, it is the intent of SSC that a member from each city and the County of Sonoma, whether elected or staff, attend one Working Group meeting per month to ensure that all are working together to further their common goals; and

**WHEREAS**, the kickoff event for SSC will be tentatively held September 18, 2008 at Sonoma Mountain Village, and all members are invited to attend.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cotati that the City does hereby formally join SSC for fiscal year 2008/2009, with no membership dues, and does further commit to work with the other cities and the County of Sonoma in the Solar Sonoma County effort to promote solar energy across our county, and to work to become leaders of solar installations throughout the nation.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 10th day of September, 2008 by the following vote, to wit:

FOX: \_\_\_\_\_  
ORCHARD: \_\_\_\_\_  
GILARDI: \_\_\_\_\_  
MINNIS: \_\_\_\_\_  
GUARDINO: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

## **Joint Meeting of City Council and Redevelopment Agency Board of Directors Agenda Consent Calendar**

**Subject:** Receive and File Warrants and Audited Claims for August 14th, 2008 – August 27th, 2008

**Date:** September 10, 2008

**Written by:** Jone Hayes, Director of Administrative Services

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### **Recommendation**

It is recommended that the City Council receive and file the warrants and audited claims (the A/P Check Registers) as submitted.

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### **Background**

Warrants (checks) are created by City Staff in compliance with the following Municipal Code Sections:

**2.12.160 Expenditure control--Purchasing.**

It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or his authorized representative. The city manager, or his authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city. (Ord. 97 §7.9, 1968).

**3.36.010 Expenditures--Compliance required.**

All expenditures of city funds in connection with purchases must be made strictly in accordance with the duly adopted budget, and in order that budgetary control may be effectively exercised, the procedures in this chapter shall be followed. (Ord. 575 §1(part), 1992).

### **Analysis/Discussion**

Warrants and Audited Claims listings (now identified as the A/P Check Registers) list all warrants issued for the period indicated. Per Council action on July 11, 2007 all warrants are released as they are created.

All expenditures of City funds in connection with wages and benefits and purchases of services or materials are strictly in accordance with the duly adopted budget and / or Council actions

amending the adopted budget. Expenditures have been approved for payment by either the City Manager or by Department Heads.

### **Financial Considerations**

The following are the totals for the Warrants and Audited Claims (the A/P Check Registers) issued for the period of August 14th 2008 – August 27th, 2008:

|              |               |
|--------------|---------------|
| Aug 27, 2008 | \$ 272,204.97 |
|--------------|---------------|

### **Environmental Issues**

None.

Attachments:

1. Check Register dated 8/27/08

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A / P CHECK REGISTER

PAGE: 1

PACKET: 00235 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

| VENDOR | NAME / I.D.                                | DESC  | CHECK TYPE | CHECK DATE             | DISCOUNT | AMOUNT                      | CHECK NO#        | CHECK AMOUNT |
|--------|--|---|------------|------------------------|----------|-----------------------------|------------------|--------------|
| ACC04  | ACCURINT-ACCT#1022911<br>I-20080731        | MISC INFO SEARCHES - JULY 2008                          | R          | 8/27/2008              |          | 30.00CR                     | 056520           | 30.00        |
| ADV01  | AD-VANTAGE MARKETING<br>I-44994            | 2007 WATER QUALITY REPORT                               | R          | 8/27/2008              |          | 1,147.60CR                  | 056521           | 1,147.60     |
| AFL01  | AFLAC<br>I-137052ER                        | SERVICE FEES - AUGUST 2008                              | R          | 8/27/2008              |          | 42.00CR                     | 056522           | 42.00        |
| AKC01  | AK & COMPANY<br>I-081108                   | STATE MANDATED COSTS 07/08                              | R          | 8/27/2008              |          | 375.00CR                    | 056523           | 375.00       |
| AND04  | DAVID ANDERSON<br>I-082608                 | RFD EXCESS DOC RETRIEVAL FEE                            | R          | 8/27/2008              |          | 14.35CR                     | 056524           | 14.35        |
| ARC01  | ARCH'S GLASS<br>I-426435                   | GLASS REPL - REC BLDG                                   | R          | 8/27/2008              |          | 229.00CR                    | 056525           | 229.00       |
| ATT01  | AT&T<br>I-080808                           | 960-739-3086-555-7                                      | R          | 8/27/2008              |          | 274.73CR                    | 056526           | 274.73       |
| ATT09  | AT&T LONG DISTANCE<br>I-080408             | 817507218   | R          | 8/27/2008              |          | 31.44CR                     | 056527           | 31.44        |
| BLU01  | BLUE CROSS OF CALIF.<br>I-111774F          | 1231HA 9/1 - 10/1/08                                    | R          | 8/27/2008              |          | 22,708.75CR                 | 056528           | 22,708.75    |
| CHE02  | PICHMONY CHEYKIM<br>I-082108               | REF RM RENTAL DEPOSIT-8/8/08                            | R          | 8/27/2008              |          | 350.00CR                    | 056529           | 350.00       |
| CIT04  | CITY OF UKIAH<br>I-3929                    | RRWA SUPPORT/WK PLAN 08/09                              | R          | 8/27/2008              |          | 17,359.06CR                 | 056530           | 17,359.06    |
| CIT08  | CITY OF SANTA ROSA<br>I-081908             | MAYORS/COUNCIL DINNER 8/14/08                           | R          | 8/27/2008              |          | 42.00CR                     | 056531           | 42.00        |
| CIT09  | CITY OF SANTA ROSA<br>I-104675<br>I-104799 | SUBREG WSTWTR SYSTEM-AUG<br>CAD/RMS O&S APR - JUNE 2008 | R<br>R     | 8/27/2008<br>8/27/2008 |          | 130,410.62CR<br>14,798.94CR | 056532<br>056532 | 145,209.56   |
| CIT23  | CITY ELECTRIC-CREDIT OFF.<br>I-7960-606264 | PW SUPPLIES   | R          | 8/27/2008              |          | 145.80CR                    | 056533           | 145.80       |

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A / P CHECK REGISTER

PAGE: 2

PACKET: 00235 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

| VENDOR | NAME / I.D.  | DESC  | CHECK TYPE | CHECK DATE | DISCOUNT | AMOUNT  | CHECK NO#  | CHECK AMOUNT  |
|--------|--|---|------------|------------|----------|---|--|---|
| COU05  | COUNTY OF SONOMA-GENERAL SVCS<br>I-FL-327  | FLEET SVCS - JULY 2008  | R          | 8/27/2008  |          | 110.68CR  | 056534   | 110.68  |
| DAD02  | DADCO<br>I-081808  | REFUND DEMO PERMIT #28059   | R          | 8/27/2008  |          | 94.63CR   | 056535   | 94.63   |
| DAI01  | DAILY JOURNAL CORPORATION<br>I-B1409370  | PUBLIC HEARING - MHP ORD  | R          | 8/27/2008  |          | 105.88CR  | 056536   | 105.88  |
| DEP10  | DEPARTMENT OF JUSTICE<br>I-6922946   | FINGERPRINT APPS - JULY   | R          | 8/27/2008  |          | 204.00CR  | 056537   | 204.00  |
| FIS01  | FISHMAN SUPPLY CO.<br>I-736713   | JANITORIAL SUPPLIES   | R          | 8/27/2008  |          | 145.40CR  | 056538   | 145.40  |
| GRA01  | GRAINGER, INC.<br>C-9710219289<br>I-9707102423<br>I-9708958641<br>I-9710814444<br>I-9710875163<br>I-9711719865<br>I-9711798596 | SUPPLY RETURN - GATEWAYS<br>PW SUPPLIES - STREETLIGHTS<br>PD SUPPLIES<br>PW SUPPLIES - GATEWAYS<br>PW SUPPLIES - STREETLIGHTS<br>PW SUPPLIES - STREETLIGHTS<br>PW SUPPLIES - STREETLIGHTS | R          | 8/27/2008  |          | 101.99<br>120.05CR<br>220.28CR<br>169.24CR<br>58.12CR<br>528.62CR<br>121.43CR | 056539<br>056539<br>056539<br>056539<br>056539<br>056539<br>056539 | 101.99<br>120.05<br>220.28<br>169.24<br>58.12<br>528.62<br>1,115.75 |
| HAN01  | HANSEL FORD<br>I-F26662<br>I-G27760  | #24 OIL & FILTER CHANGE<br>#16 - WINDOW SERVICE   | R          | 8/27/2008  |          | 44.16CR<br>151.14CR   | 056540<br>056540   | 44.16<br>195.30   |
| HSB01  | HSBC BUSINESS SOLUTIONS.<br>I-29275<br>I-56143   | KIDS DAY / REC SUPPLIES<br>SUPPLIES-REC / SIME RETIREMENT   | R          | 8/27/2008  |          | 56.87CR<br>69.16CR  | 056541<br>056541   | 126.03  |
| HUB02  | HUB CONSULTING LLC<br>I-0808H850.01  | W SIERRA/ECA REHAB CONSULTING   | R          | 8/27/2008  |          | 446.25CR  | 056542   | 446.25  |
| IND03  | INDEPENDENT ELECTRIC<br>I-060326808-01   | PW SUPPLIES - PARKS   | R          | 8/27/2008  |          | 338.75CR  | 056543   | 338.75  |
| INT14  | INTERACTIVE COMPUTER DESIGNS INC.<br>I-68786   | INSITE FEES - AUGUST 2008   | R          | 8/27/2008  |          | 117.00CR  | 056544   | 117.00  |
| JAN02  | JANI-KING OF CALIF. INC.<br>I-8080658<br>I-8080659   | CLASSROOM 6 - AUG<br>COTATI RM - AUG 2008   | R          | 8/27/2008  |          | 60.00CR<br>580.00CR   | 056545<br>056545   | 640.00  |

PACKET: 00235 Regular Payments  
 VENDOR SET: 01  
 BANK : AP AP - CASH CLEARING (POOL)

| VENDOR | NAME / I.D.   | DESC   | CHECK TYPE                 | CHECK DATE   | DISCOUNT | AMOUNT  | CHECK NO#  | CHECK AMOUNT       |
|--------|---|--|----------------------------|--|----------|---|--|--------------------|
| JEI01  | J.E.I.<br>I-15180   | DIGITAL VOICE RECORDER MAINT   | R                          | 8/27/2008  |          | 470.00CR  | 056546   | 470.00             |
| JOH03  | JOHNSON CONTROLS INC.<br>I-0808061419<br>I-0808071351<br>I-0808150975                                       | HVAC SVC - DISPATCH<br>HVAC REPAIR - DISPATCH<br>HVAC REPAIR - DISPATCH  | R<br>R<br>R                | 8/27/2008<br>8/27/2008<br>8/27/2008  |          | 590.49CR<br>422.75CR<br>896.50CR  | 056547<br>056547<br>056547                               | 470.00<br>1,909.74 |
| JUD01  | JUDICIAL DATA SYSTEM CORP<br>I-9373   | PARKING CITATIONS - JULY   | R                          | 8/27/2008  |          | 204.24CR  | 056548   | 204.24             |
| LEH01  | LEHR AUTO ELECTRIC, INC.<br>I-01019668  | VEHICLE SUPPLIES - PD  | R                          | 8/27/2008  |          | 107.98CR  | 056549   | 107.98             |
| MCP02  | GRAHAM MCPHAIL III<br>I-082008  | REIMB HYDRANT DEP LESS WATER   | R                          | 8/27/2008  |          | 987.72CR  | 056550   | 987.72             |
| MED02  | MEDIA GRAPHICS, INC.<br>I-12947   | ENVELOPES (5,000) - PD   | R                          | 8/27/2008  |          | 214.44CR  | 056551   | 214.44             |
| MEN05  | RODOLFO MENDOZA<br>I-082108   | RFD RM RENTAL DEPOSIT-8/16/08  | R                          | 8/27/2008  |          | 350.00CR  | 056552   | 350.00             |
| MEY02  | MEYERS NAVE<br>I-2008070619<br>I-2008070623<br>I-2008070642<br>I-2008070742<br>I-2008070743<br>I-2008070744 | IN-LIEU FEES-JULY<br>PLF - JULY<br>COST RECOVERY - JULY<br>LEGAL SVCS - JULY 2008<br>NON-RETAINER LEGAL SVCS-JULY<br>MHP CONVERSION ORD - JULY | R<br>R<br>R<br>R<br>R<br>R | 8/27/2008<br>8/27/2008<br>8/27/2008<br>8/27/2008<br>8/27/2008<br>8/27/2008 |          | 71.55CR<br>371.00CR<br>1,903.23CR<br>10,600.00CR<br>13,308.30CR<br>8,572.75CR | 056553<br>056553<br>056553<br>056553<br>056553<br>056553 | 34,826.83          |
| OFF09  | OFFICE DEPOT<br>I-439358562-001<br>I-440187089-001  | OFFICE SUPPLIES<br>OFFICE SUPPLIES   | R<br>R                     | 8/27/2008<br>8/27/2008   |          | 66.47CR<br>106.13CR   | 056554<br>056554   | 172.60             |
| PHI02  | THE PHILLIPS GROUP<br>I-8452<br>I-8464<br>I-8643  | PLAN CK - 373 BLODGETT<br>PLAN CK - 8381 GRAV HWY - B<br>PLAN CK - 8381 GRAV HWY - A   | R<br>R<br>R                | 8/27/2008<br>8/27/2008<br>8/27/2008  |          | 2,982.00CR<br>430.00CR<br>470.00CR  | 056555<br>056555<br>056555                               | 3,882.00           |
| PIP01  | PIPELINE EXCAVATORS<br>I-082008   | REFUND HYDRANT METER DEPOSIT   | R                          | 8/27/2008  |          | 1,000.00CR  | 056556   | 1,000.00           |



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A / P CHECK REGISTER

PAGE: 5

PACKET: 00235 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

| VENDOR NAME / I.D. | DESC                      | CHECK TYPE | CHECK DATE | DISCOUNT | AMOUNT   | CHECK NO# | CHECK AMOUNT |
|--------------------|---------------------------|------------|------------|----------|----------|-----------|--------------|
| I-38884            | DEV REV SVCS THRU 7/27/08 | R          | 8/27/2008  |          | 674.50CR | 056568    |              |
| I-38885            | DEV REV SVCS THRU 7/27/08 | R          | 8/27/2008  |          | 182.25CR | 056568    | 16,008.48    |
| *VOID* VOID CHECK  |                           | V          | 8/27/2008  |          |          | 056569    | **VOID**     |

\* \* T O T A L S \* \*

| REGULAR CHECKS:     | NO# | DISCOUNTS | CHECK AMT  | TOTAL APPLIED |
|---------------------|-----|-----------|------------|---------------|
| HANDWRITTEN CHECKS: | 49  | 0.00      | 272,204.97 | 272,204.97    |
| PRE-WRITE CHECKS:   | 0   | 0.00      | 0.00       | 0.00          |
| DRAFTS:             | 0   | 0.00      | 0.00       | 0.00          |
| VOID CHECKS:        | 1   | 0.00      | 0.00       | 0.00          |
| NON CHECKS:         | 0   | 0.00      | 0.00       | 0.00          |
| CORRECTIONS:        | 0   | 0.00      | 0.00       | 0.00          |

REGISTER TOTALS:

50 0.00 272,204.97 272,204.97

TOTAL ERRORS: 0

