



MINUTES
REGULAR CITY COUNCIL MEETING AND JOINT MEETING OF THE CITY
COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY
REDEVELOPMENT AGENCY OF THE CITY OF COTATI
OF THE CITY OF COTATI
WEDNESDAY OCTOBER 28, 2009
7:00 PM REGULAR SESSION

7:00 PM

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Vice Mayor Coleman-Senghor called the meeting to order at 7:01 p.m.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Councilmember Gilardi led the pledge of allegiance.

1. APPROVAL OF MINUTES OF SEPTEMBER 23, 2009 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

Moved by Councilmember Gilardi seconded by Councilmember Orchard and passed 4-0 to approve the minutes of the September 23, 2009 Regular meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The Friends of the Library Fall Book Sale is scheduled Friday and Saturday, November 6 and 7 from 3:00 – 5:30 p.m. in the meeting room of the Rohnert Park-Cotati Regional Library. Cal 584-9121 for more information.

Redwood Empire Disposal will be offering a fall cleanup for Cotati residents on Saturday November 7th & Saturday November 14th from 8:00 a.m. – 2:00 p.m. at the Cotati Park N' Ride lot at St. Joseph's Way.

2. PROCLAMATION

Bob Abramson, board member of the United Nations Association, received the proclamation and presented a United Nations flag to the Council.

HONORARY MAYOR

Honorary Mayor Lamaison of Creekside Middle School provided a verbal report and responded to questions from the Council.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

Sonoma State University Student representative Jesse Schwartz provided a verbal report to Council.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported the following, and responded to questions from the Council:

- Mayor John Guardino had recently resigned and the Council will discuss the process of filling the resulting vacancy at its meeting on November 10, 2009.
- The second City Council meeting in November has been scheduled for Tuesday November 10 due to the Veterans' Day holiday.
- Update on the Old Redwood Highway South Rehabilitation project.
- The League of Women Voters will conduct a Candidates' Forum on Thursday November 5 at 7:00 p.m. in the City Council chamber.

Councilmember Gilardi announced that, in light of the recent traffic accident on Hwy 116, staff will be meeting with CalTrans on Monday to discuss Caltrans' plans for Hwy. 116.

APPROVAL OF FINAL AGENDA

Vice Mayor Coleman-Senghor requested a motion to establish a time certain of 8:10 p.m. for discussion of item No. 6 (100 Valparaiso). So **moved** by Councilmember Orchard, seconded by Councilmember Barich and passed 4-0.

Vice Mayor Coleman-Senghor requested a motion to establish a 35 minute timeframe for Citizens' Business, that 3 minutes per speaker be allotted and that speakers be requested to submit a speaker card. So **moved** by Councilmember Gilardi, seconded by Councilmember Orchard.

Councilmember Barich expressed opposition to the proposed changes. Discussion ensued regarding Citizens' Business. The motion passed 3-1 (Councilmember Barich voting no).

City Manager Thompson announced the item no. 7 (Sewer Code) is continued to November 10, 2009.

CITIZEN BUSINESS

Rancho Adobe Fire District Chief Treanor submitted a letter and addressed the Council regarding redevelopment funds.

Joan Simon discussed efforts to recall Councilmember Barich.

John Metreis addressed the Council regarding a plan of action to address safety issues regarding Highway 116.

Adrienne Lauby indicated support for the use of speaker cards for Citizens' Business and the recall election campaign.

Greg Karraker discussed the City of Cotati's Code of Fair Campaign Practices and submitted a proposed updated resolution.

Ken Coleman commented on the City Council Code of Ethics.

Eric Kirchmann commented on pedestrian islands and the City Council Code of Ethics.

Jan Kravitz commented on the speaker cards and speaker time limit.

Mark Landman addressed the Council regarding campaign signs.

John Moore addressed the Council regarding the democratic process of recall.

There being no one else wishing to speak, Vice Mayor Coleman-Senghor closed Citizens' Business.

Councilmember Gilardi provided an update regarding CalTrans' plans for Hwy.116.

Discussion ensued regarding the Code of Ethics, requests to remove names from the anti-recall website and previous conversations relative to racial heritage.

Vice Mayor Coleman-Senghor referred Mr. Kirchmann's concerns regarding reflective material on the curbs of pedestrian islands to staff.

Vice Mayor Coleman-Senghor called a recess at 8:07 p.m. and reconvened at 8:13 p.m.

DIRECTION ON FUTURE AGENDA ITEMS

Moved by Councilmember Barich to schedule discussion of Jean Ibarguen's building code violation issues and allegations of violations of the ethics code on an upcoming agenda.

Vice Mayor Coleman-Senghor indicated, and Council concurred, to receive a status report regarding Jean Ibarguen's building code concerns.

Councilmember Barich amended his motion to schedule discussion of allegations of violations of the Code of Ethics on an upcoming agenda.

After a brief discussion, the Vice Mayor called for a second; there being none, the Vice Mayor moved to the next item on the agenda.

CONSENT CALENDAR

This item was heard after Item No. 6

Items 3 and 4 were pulled for discussion.

Moved by Councilmember Orchard, seconded by Councilmember Barich and passed 4-0 to approve item 5 on the consent calendar.

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

Police Chief Robert Stewart presented the staff report and responded to questions from Council regarding the use of grant funds.

Vice Mayor Coleman-Senghor opened the floor to public comment; there being no one wishing to speak, Vice Mayor Coleman-Senghor closed the public comment period.

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

Moved by Councilmember Orchard, seconded by Councilmember Gilardi, and passed 3-0-1 (Barich abstaining) 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.

4. APPROVAL OF EXPENDITURES FOR STAFF TRAINING. (City Manager) (Action)

City Manager Dianne Thompson presented the staff report and responded to questions from the Council.

Vice Mayor Coleman-Senghor opened the floor to public comment.

There being no one (else) wishing to speak, Vice Mayor Coleman-Senghor closed the public comment period.

Moved by Councilmember Barich, seconded by Councilmember Gilardi and passed 4-0 to approve expenditures for designated staff to attend training.

5. NOTICE OF COMPLETION FOR THE COTATI MUNICIPAL WELL NO. 2 PUMP REPLACEMENT AND COTATI MUNICIPAL WELL NO. 3 PUMP REMOVAL PROJECTS (Public Works/Engineering) (Action)

This motion accepts the improvements and authorize filing of the Notice of Completion (NOC) for the Cotati Municipal Well No. 2 Pump Replacement and Cotati Municipal Well No. 3 Pump Removal Projects.

PUBLIC HEARINGS

6. 100 VALPARAISO TENTATIVE MAP (Continued from September 23, 2009) (Community Development) (Action)

Assistant to the City Manager Marsha Sue Lustig introduced Planner Alicia Giudice, who presented the staff report.

Larry Colvin (the applicant) introduced John Clifford and provided a brief summary of the item. He introduced Bob Haroch of Beyers Costin, who described the proposal.

The project architect discussed the proposal and responded to questions from the Council.

Vice Mayor Coleman-Senghor opened the public hearing.

Cynthia Larsen discussed the history of the site and expressed support for the project.

Tanya McGinnis discussed concerns regarding; high density up against rural property.

Prue Draper addressed the two historically significant buildings and proposed that, given the changed conditions as a result of the fires, that the City require memorialization somehow and establish a fund for the improvement of other historically significant property such as the Faletti property.

Don Cropper expressed concern that the proposed density will have too severe an impact on the neighborhood and commented on the solar requirements.

Jose Chavez indicated support for the proposal.

Jeff Morgan indicated concern for the density as too high for the character of the surrounding properties. He also expressed concern and privacy and requested a compromise that would satisfy all parties.

Amy Morgan expressed concern regarding privacy and density.

Adrienne Lauby requested more 'green building' aspects to the proposed homes, including more solar and rainwater harvesting. She expressed concerns regarding the location of the affordable housing component and suggested adding walking path along Veterans' Memorial park to link up pedestrian paths to downtown. She indicated that the fires had changed the condition of the property and that it should go back to planning.

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

Discussion ensued relative to the concerns of the property owners and the applicants, the size of the setbacks on lots 12-16 in relation to the setbacks of the existing homes on the adjoining property, the privacy of Lund Hill residents, the lack of 'feathering' density, the aspect of 3-story homes on a hillside, the number of parking spaces, the community building, preservation of the historic structure and whether changes to the proposal would require Planning Commission review.

The project architect described discussions with the neighbors on Lund Hill and the reduction in the grade to accommodate privacy concerns. He noted that there are 3 story structures in the center of the project, but not on lots 12-16, and that the community center would be constructed to resemble the historic structure

The project landscape architect discussed the tree screening along the back of lots 12-16.

Discussion ensued regarding requirements of the Rancho Adobe Fire District to secure the historic structure and the phasing of construction of affordable housing. Mr. Haroche indicated that the applicant would prefer to have the affordable housing construction completed by the 57th unit, while staff is recommending completion by the 49 unit.

Mr. Colvin addressed the Council regarding privacy concerns, grading, and tree screening and responded to questions regarding the number of stories proposed and the slope of the hillside.

Further discussion ensued relative to referring the project to staff and concerns regarding the type of foundation required, phasing of affordable housing, density, solar panels condition, off-site tree mitigation, timing of historic building reconstruction and preservation of value of historic significance, the height of the structures at top of property on lots 12-16, greenspace, parking and 'feathering' of density.

Vice Mayor Coleman-Senghor called a recess at 10:36 p.m. and reconvened at 10:46 p.m.

Further discussion ensued regarding the historic structures, the reconstruction of the historic buildings, identification of stone outbuilding as an historic resource and the building heights and setbacks of homes at the top of property.

The project applicants suggested moving the houses forward on the lots to increase the distance between the rear property lines and moving a lot from the back to the community center site and building a unit on that site.

Discussion ensued regarding the applicant's proposal to move the rear houses forward, greenspace, the project parking strategy and the applicant's request to bond for the reconstruction of the historic structures. The majority of Councilmembers agreed that the parking and greenspace were adequate, that conditions 18 (regarding the foundation), 17 (offsite tree mitigation) should be deleted, to add conditions removing 2 units from lots 12-16 and to move those same lots forward and to keep the staff recommended phasing of construction of affordable housing units.

Moved by Councilmember Orchard and seconded by Councilmember Gilardi to approve a Mitigated Negative Declaration and Mitigation Monitoring Program with amendments to condition 18 to allow the foundation to be as approved by the City Engineer, and to approve a vesting Tentative Map, Use Permit, Hillside Development Permit and Design Review for 64-unit subdivision (PA #34//06) located at 100 Valparaiso Avenue (APN 144-450-002), amended to remove 2 units from lots 12-16 and to move those same lots forward, noting that the removal of 2 lots would make it a 62-unit subdivision.

A representative from the Rancho Adobe Fire District addressed the Council to confirm that there would be nothing in the conditions to prevent the applicant from carrying out what Chief Treanor has required. After a brief discussion, Council concurred to add the Fire Chief to the list of names in condition 11 e (regarding securing the historic stone building)

Motion amended by Councilmember Orchard to include a revision to condition 11 e adding the Fire Chief. Councilmember Gilardi seconded the amended motion. The motion passed 3-1 (Councilmember Barich voting no) to adopt:

Resolution No. 2009-72 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI approving a Mitigated Negative Declaration and Mitigation Monitoring Program; and

Resolution No. 2009-73 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI approving a vesting Tentative Map, Use Permit, Hillside Development Permit and Design Review for 62-unit subdivision (PA #34//06) located at 100 Valparaiso Avenue (APN 144-450-002).

Vice Mayor Coleman-Senghor called a recess at 11:48 p.m. and reconvened at 11:56 p.m.

7. AMENDMENT OF COTATI MUNICIPAL CODE TITLE 13, PART II (SEWERS) (Public Works/Engineering) (Action)

This item was continued to November 10, 2009.

8. ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MARK NEESE D.B.A. YELLOW, GEORGE'S & CHECKER CAB TO OPERATE VEHICLES FOR HIRE (Police) (Action)

Chief of Police Robert Stewart presented the staff report..

Vice Mayor Coleman-Senghor opened the public hearing; there being no one wishing to speak, Vice Mayor Coleman-Senghor closed the public hearing.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-0 to adopt Resolution No. 2009-74 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI.

REGULAR AGENDA

9. PROPOSITION 1A SECURITIZATION PROGRAM (Administrative Services) (Action)

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

Vice Mayor Coleman-Senghor opened the floor for public comment; there being no one wishing to speak, Vice Mayor Coleman-Senghor closed the public comment period.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-0 to adopt Resolution No. 2009-75 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI.

10. RESPONSE TO SONOMA COUNTY WATER AGENCY 12 STRATEGIC ALTERNATIVES FOR WATER SUPPLY (Public Works/Engineering) (Action)

City Engineer Damien O'Bid presented the staff report and responded to questions from the Council.

Vice Mayor Coleman-Senghor opened the floor for public comment; there being no one wishing to speak, Vice Mayor Coleman-Senghor closed the public comment period.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-0 to draft letter to the Chair of the Sonoma County Water Agency Board of Directors and authorize the Vice Mayor to sign a final letter on behalf of the City.

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

Vice Mayor Coleman-Senghor adjourned the regular meeting and convened the joint meeting to order at 12:25 a.m.

CONSENT CALENDAR

Moved by Councilmember Orchard seconded by Councilmember Gilardi and passed 4-0 to approve item 11 on the Consent Calendar.

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

This motion receives and files warrants and audited claims for September 10th, 2009 – September 23rd, 2009 and September 25th, 2009 – October 15th, 2009.

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

Vice Mayor Coleman-Senghor adjourned the joint meeting and reconvened the regular meeting to order at 12:25 a.m.

12. CORRESPONDENCE AND PENDING LEGISLATION (*Discussion and possible Action*)

Sonoma County Economic Development Board request for participation in Sonoma Green Business program

Discussion ensued relative to the cost per city, currently certified green businesses, businesses who have applied for certification and the Chamber of Commerce's unwillingness to support joining due to the lack of prorating the cost per city. **Moved** buy Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-0 that given the current budget and the fact that the costs are not prorated it would not support joining and to direct staff to draft a letter over the Vice Mayor's signature to the Sonoma County Economic Development Board explaining Cotati's reasons for not supporting the program at this time.

Association of Bay Area Government (ABAG) request for support for SB 406

City Manager Dianne Thompson provided background information for SB406.

Moved buy Councilmember Gilardi, seconded by Councilmember Orchard and passed 3-0-1 (Councilmember Barich abstaining) to direct staff to draft a letter for the Vice Mayor's signature to Governor Schwarzenegger in support of SB 406.

Vice Mayor Coleman-Senghor reported receiving a proposal from Mike Healy of Petaluma to sign on as against the casino.

Vice Mayor Coleman-Senghor reported receiving a letter from the Sonoma County Board of Supervisors requesting support to eliminate the use of disposable plastic water bottles. Council concurred to schedule this issue on a future agenda at the discretion of the Vice Mayor.

CITY COUNCIL REPORTS (*Discussion*)

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

ADJOURNMENT

Vice Mayor Coleman-Senghor adjourned the regular meeting at 12:41 a.m.

Respectfully submitted,

/s/ Tamara Taylor, Deputy City Clerk