

# City of Cotati



**MINUTES  
REGULAR CITY COUNCIL MEETING AND  
JOINT MEETING OF THE CITY COUNCIL  
AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS  
December 12, 2007  
City Council Chambers, City Hall, 201 W. Sierra Avenue**

## **CALL TO ORDER**

Mayor Fox called the meeting to order at 7:04 p.m.

## **ROLL CALL**

Councilmembers present: Guardino, Minnis and Orchard, Vice Mayor Gilardi, Mayor Fox  
Staff present: Thompson, Abaci, Hayes, Woltering, Taylor

## **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

## **CLOSED SESSION ANNOUNCEMENT**

None at this time; closed session added as urgency item; see 'approval of final agenda' (below)

## **APPROVAL OF MINUTES AND NOTICE OF WAIVING READING**

## **APPROVAL OF MINUTES AND NOTICE OF WAIVING READING**

1. Minutes of November 26, 2007 Special meeting and minutes of November 28, 2007 Regular meeting

-- Notice of waiving the reading of all ordinances introduced and/or adopted under this agenda

Moved by Councilmember Orchard seconded by Councilmember Minnis and passed unanimously to approve the minutes of the November 26, 2007 Special meeting as revised (the word "new" was deleted) and minutes of November 28, 2007 Regular meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

## **APPROVAL OF FINAL AGENDA**

Mayor Fox requested that an urgency item be added to the agenda. Assistant City Attorney John reported that the urgency item was a closed session for a conference with legal counsel – existing litigation (Subdivision (a) of section 54956.9 of the Government Code). Name of case: Pacific Legal Foundation vs. Court of Sonoma County

Moved by Vice Mayor Gilardi, seconded by Councilmember Guardino and passed unanimously to add the urgency item as reported above to the agenda.

## **CITIZEN BUSINESS**

George Barich commented that he had requested that the Department of Public Works replace the stop sign at the end of his street and discussed a pathway that is located on land controlled by his homeowners' association but frequented by the public. He asked that the Council not schedule meetings that conflict with meetings of the Rancho Adobe Fire District.

## **COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS**

Mayor Fox clarified that the Cotati City Council will make every effort to not schedule regular agenda items when the Rancho Adobe Fire Protection District Board has regular agenda items scheduled and directed the City Manager accordingly.

## **ORAL AND WRITTEN COMMUNICATIONS**

### Announcements

Mayor Fox announced the following:

- There will be no City Council meeting on December 26; the next Council meeting is scheduled for January 9, 2008.
  - City Hall offices will be closed from December 17, 2007 through January 1, 2008.
  - Kitchen composters are available at a cost of two dollars each in the Finance Department at City Hall, 201 West Sierra Avenue.
  - The City of Cotati Recreation Department is offering a class in Special Holiday Origami Decoration on Sunday, December 16<sup>th</sup> from 10:00 a.m. to 12:00 noon. For details and a complete list of events and classes visit the city's website at [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)
  - The next Cotati Creek Critters' Community Planting Day is Sunday, December 30 from 10:00 a.m. to 1:00 p.m.; meet at City well lot #2 on Lakewood Avenue. For additional details visit their website at [www.cotaticreekcritters.info](http://www.cotaticreekcritters.info)
2. Report from Sonoma State University Representative (*Nicole Schlossberg, Student Representative, Sonoma State University*)

No item.

3. Report by Student Honorary Mayor (*Bobby Farlin, Technology High School*)

Bobby Farlin, Student Honorary Mayor, read a biographical statement and suggested a bowling alley and kids' center as future development projects. He introduced his school principal and parents and responded to questions from the Council. Mayor Fox presented him with a certificate of commendation.

### Correspondence and Presentations

-- No items.

### Proclamation(s)

-- No items.

### Commissions, Committees, Boards and Task Forces

#### 4. Consider Extension of Two Planning Commissioners' Terms (*Director of Planning*)

David Woltering, Director of Planning, presented the staff report.

Mayor Fox opened the floor for public comments. No comments

**Moved** by Vice Mayor Gilardi, seconded by Councilmember Orchard and passed unanimously to extend the current terms of Planning Commissioners Kelly McClelland and Jerry Pagnusat until formal appointment/re-appointment of the two positions occurs.

Mayor Fox called a recess at 7:22. p.m. and reconvened at 7:35 p.m.

#### 5. Consideration of report and recommendations from Council Subcommittee on California Tiger Salamander (CTS) relating to Memorandum of Agreement, Implementation Plan, and Conservation Strategy and provide direction to staff and subcommittee members on issues being considered relating to same by the CTS Implementation Committee. (*Director of Planning*)

David Woltering, Director of Planning, presented the staff report, noting that the subcommittee is continuing its research on various implementation issues. He requested that the Council receive the staff report continue this item to a date uncertain, noting that the intention is to schedule the item for a January, 2008 City Council meeting.

The City Council concurred to continue this item to a date uncertain.

### **CITY MANAGER REPORT**

City Manager Dianne Thompson reported the following:

- A Salary survey of public employees' salary appeared in the Press Democrat. The salaries of some Cotati employees was overstated because the cost of benefits was included.
- New parking lot lights are being installed in the City Hall parking lot. Grant funds were used for the materials.
- The East Cotati Avenue water line installation is proceeding on schedule. No work will be done on the water line during holidays.

- Council has requested that its second regular meeting in January be held on Tuesday, January 22. This request will be placed on the January 9, 2008 City Council consent calendar.

## CONSENT CALENDAR

### READING OF CONSENT CALENDAR TITLES:

6. Approve Resolution 07-80, Endorsing the Sonoma County Adult and Youth Development (SCAYD) Application for Community Development Block Grant (CDBG) Funding to help Support the Homeless Prevention Program (*Director of Finance*)

Item no. 7 was pulled for discussion (see below).

8. Adoption of Ordinance No. 811 Amending Sections 13.64.010, 13.64.030 and 13.64.040 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code (*City Engineer*)

**Moved** by Vice Mayor Gilardi and seconded by Councilmember Orchard to approve item nos. 6 and 8 on the Consent Calendar.

Yes: 5      No: 0      Abstain: 0

7. Request Approval for Demolition and Improvements to the Vacant Portion of the Former Police Department in Cotati City Hall (*City Manager*)

Councilmember Guardino recused himself from this item due to a potential material conflict of interest.

City Manager Dianne Thompson presented the staff report.

Mayor Fox opened the floor for public comment.

Pru Draper of the Cotati Historical Society spoke in support of the project.

George Barich of Cotati spoke in opposition to the proposal; he indicated that there had not been public discussion regarding use of the subject portion of City Hall by a non-profit organization.

The Council responded to Mr. Barich's concerns, noting that the demolition of the site is necessary in order to satisfy building code requirements and that a proposal for the use of the site by the Cotati Historical Society would be considered by the Council at a future date.

**Moved** by Councilmember Orchard and seconded by Councilmember Minnis to approve item no. 7 on the Consent Calendar.

Yes: 4      No: 0      Abstain: 1 (Guardino)

## PUBLIC HEARINGS

9. Adoption of Resolution No. 07-84 approving the assignment of the City's solid waste franchise from USA Waste, Inc. to Redwood Empire Disposal, Inc., and approving an Amended and Restated Agreement for Garbage and Rubbish Disposal between the City and Redwood Empire Disposal, Inc. establishing the terms and conditions of the City's solid waste collection and disposal franchise (*City Manager*)

City Manager Dianne Thompson introduced Robert Hilton of HF&H Consultants, Inc., who presented the staff report.

Sedonna Cody with the Ratto Group commended staff for their work on the item.

Mayor Fox opened the public hearing.

George Barich of Cotati stated that he believes that the City did not perform in a timely fashion regarding this project.

Tom Ritter, District Manager of Empire Waste Management, commended staff for performing due diligence during the assignment process.

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

Discussion ensued regarding the resolution. Council concurred to replace the term 'easy to misplace' with 'difficult to track' in the 6<sup>th</sup> paragraph.

**Moved** by Councilmember Orchard and seconded by Vice Mayor Gilardi to adopt Resolution No. 07-84 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE ASSIGNMENT OF THE CITY'S SOLID WASTE FRANCHISE FROM USA WASTE OF CALIFORNIA, INC. TO REDWOOD EMPIRE DISPOSAL, INC. , APPROVING AN AMENDED AND RESTATED AGREEMENT FOR GARBAGE AND RUBBISH DISPOSAL, AND AUTHORIZING MAYOR TO EXECUTE AMENDED AND RESTATED AGREEMENT BETWEEN CITY AND REDWOOD EMPIRE DISPOSAL, amended as noted above.

Yes: 5      No: 0      Abstain: 0

10. Adoption of Resolution No. 07-81, Approving a Mitigated Negative Declaration and Mitigation Monitoring Program, Adoption of Resolution No. 07-82, Approving a Tentative Map for creation of two (2) Single-family Lots, and adoption of Resolution No. 07-83, Design Review for two single family homes on the resulting lots 1 and 2 of the Percevski Subdivision (PA #20//06) located at 301 Valparaiso Avenue (APN 144-392-006) (*Director of Planning*)

Alicia Giudice, Associate Planner, presented the staff report and responded to questions from Council regarding lot setbacks, the amount of permeable and impermeable surfaces proposed, and neighbors' concerns regarding the project.

Greg LeDoux of Cotati, the project architect, summarized the history of the project.

Mayor Fox opened the public hearing.

Dave Charlston of 8686 Nina Court spoke in opposition to the proposal because he believes that the lot sizes are too small, it would increase runoff into Cotati Creek, and because he has concerns regarding tree removal. He believes that the proposed homes don't fit in with the rural character of the neighborhood.

Phil Salazar of 8676 Nina Court indicated opposition to the proposal because he believes that Cotati Creek would not be able to handle the additional runoff. He expressed concerns regarding traffic and parking as well as safety and street damage during construction. He believes that the houses are too big, and the lots are too small, and that the site plans are incorrect.

Beth F. of Williams Street, Cotati, indicated agreement with the previous speakers regarding drainage concerns.

Mr. Ledoux addressed concerns of the public speakers:

- The proposed lots each exceed 6,000 square feet.
- A sycamore tree and some Monterey pine trees are to be removed because they are not suited to have near development. Tree removal would be mitigated with new planting as indicated on the landscape plan.
- Regarding the rural quality of the neighborhood, the proposed lot sizes are comparable to existing lots in the adjacent subdivision. The proposal would be an infill development which makes good use of existing infrastructure.
- Current drainage from the site is not controlled. Drainage improvements on the subject property organize direct the flow to a small retention area on the site and then to the Cotati Creek; which, according to FEMA map, can theoretically contain the 100 year flood, although the personal experience of the neighbors may indicate otherwise.
- Street improvements would be completed per Council direction. The applicant and the neighbors are interested in deferring street improvements until other frontage develops.

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

Associate Planner Giudice further addressed concerns of the public speakers:

- She indicated confidence in the accuracy of the plans; two site plans prepared by two separate professional engineering firms.
- The applicant addressed drainage from the proposed development and staff will continue to work with the applicant, the Sonoma County Water Agency and our City

Engineer to review more detailed plans as they are submitted prior to improvement plan approval.

- Two oak trees will be saved and protective measures will be put in place before construction starts. The applicant will be mitigating for tree loss as required by Cotati's tree replacement plan and will also be planting 24" box trees as required to maximize screening and buffering of the proposed structures.
- The submitted traffic control plan addresses construction traffic. Nina Court will not be used for construction traffic.
- Regarding the drainage from the hill behind the site, the applicant is required to address drainage increase resulting from development of the subject property development, and cannot be obligated to address drainage from other properties.

Responding to questions from the Council, Planning Director Woltering explained that the proposed deferral of improvements would with the land. A deed restriction would provide notice to future property owners of requirements, if any, that impermeable surfaces be used in any future development of the site.

Associate Planner Giudice and Planning Director Woltering responded to additional questions, indicating that drainage impacts to adjacent properties may be improved due to the proposed improvements on this property. The Sonoma County Water Agency would be responsible for clearing any debris in the creek itself that may be impeding water flow.

Discussion ensued regarding the proposed lot sizes, the proposed drainage improvements and impacts of impermeable surfaces, the need for enforcement of conditions of approval, deed restrictions to notify property owners of certain conditions of approval, and the capacity of Cotati Creek during normal and extreme conditions.

Vice Mayor Gilardi indicated opposition to the proposal, but if it were approved she would request a deed restriction as notice to future property owners of requirements, if any, that impermeable surfaces be used in any future development of the site.

Councilmember Orchard also indicated opposition to the proposal. She noted her appreciation of the greenpoint checklist; however she indicated agreement with the Vice Mayor's concerns regarding drainage and expressed concern regarding the proposal's value as infill development because it does not address the concerns of the neighbors.

Responding to further questions from the Council, Planning Director Woltering indicated that the property owner would be entitled to construct a second dwelling unit. Per the Map Act, the City can impose conditions on lot splits.

Discussion ensued regarding the impacts of the proposed project as compared to the impacts of a second dwelling unit.

Council concurred to continue this item in order to allow the City Engineer to review it in light of the drainage concerns, and to have the City Engineer present at the meeting to respond to questions.

**Moved** by Vice Mayor Gilardi, seconded by Councilmember Guardino and passed unanimously to continue this item to the second City Council meeting in January.

Mayor Fox called a recess at 9:22 p.m., reconvening at 9:37 p.m.

11. Introduction of Ordinance No. 812 amending Chapters and Sections of Title 17 - Land Use Code of the Cotati Municipal Code to establish performance criteria for allowing Outdoor Dining as a Permitted Use instead of a Conditional Use and otherwise clarifying and streamlining the permitting processes for outdoor dining uses in the City of Cotati. *(Director of Planning)*

David Woltering, Director of Planning, presented the staff report and responded to questions from the Council.

Mayor Fox opened the public hearing.

George Barich of Cotati spoke in opposition to the proposal. He believes that the public hearing process should remain and he indicated concerns that the walkability of the downtown area and public safety would be compromised.

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

Director Woltering responded to questions regarding current fees and what the fees would be if approved.

**Moved** by Councilmember Orchard and seconded by Vice Mayor Gilardi to introduce Ordinance No. 812 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING SECTIONS 17.22.020, TABLE 2-3, ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR MIXED USE CORRIDORS AND DISTRICTS, AND 17.42.130 E., OUTDOOR DINING AREAS, TO MODIFY THE CITY OF COTATI REQUIREMENTS FOR ALLOWING RESTAURANT - OUTDOOR DINING

Yes: 5      No: 0      Abstain: 0

## **REGULAR AGENDA**

12. Review of Animal Control Enforcement Options and Related Strategies to Achieve Municipal Code Compliance; Request Direction and Authority to Implement Strategies; and Possible Additional Appropriation of Funds *(Chief of Police)*

Robert Stewart, Chief of Police, presented the staff report and responded to questions from the Council.

Discussion ensued regarding utilizing the Building Official for increased enforcement along the creek, enforcement times and days, whether to issue warnings at first and then citations, bail amount, wording of the signs and the expansion and/or addition of dog parks,.

The majority of Council members concurred to utilize the Building Official for enforcement and to place the dollar amount of the fine on the signs, and to postpone discussion regarding the expansion or addition of dog parks in future General Plan discussions.

Further discussion ensued regarding the amount of the bail, the location and number of signs and whether to include pet waste infraction information on the signs.

City Manager Thompson responded to questions from Council and proposed a maximum dollar amount to be spend on signage as a maximum and direct staff to place the signs as they deem most effective.

Mayor Fox opened the floor for public comment.

George Barich of Cotati indicated concern about potential damage to signs that higher fines would cause resentment, and noted that it can be difficult for people to report their friends' dogs off leash.

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

Chief Steward responded to questions regarding how Building Official Woods would be equipped and trained.

Councilmember Minnis expressed concern that the Police Department is selectively enforcing, and in some cases, not enforcing the leash law. She supported increasing the fine to \$250 and installing signs that say, 'leash laws enforced \$250 fine.'

The majority of Council concurred on the following:

- Raise the bail amount to be consistent with other Sonoma County cities,
- approve the sign wording generally as recommended by staff but with the inclusion of the dollar amount of the fine to the sign wording and to have the wording be succinct and to the point.
- Spend a maximum amount of \$5,000 on signage
- Have random hours of enforcement
- Increase outreach about the leash law via the City's website and including information in water bills.

## **JOINT MEETING OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

### Call to Order

Mayor Fox called the joint meeting to order at 10:40 p.m.

### Roll Call

Council/Agency Members present: Guardino, Minnis, Orchard, Gilardi, Fox  
Staff present: Thompson, Abaci, Hayes, Taylor

### Consent Calendar

READING OF CONSENT CALENDAR TITLES:

13. Receive and File Warrants and Audited Claims for October 25, 2007 – November 27th, 2007 (*Director of Finance*)

**Moved** by Member Gilardi and seconded by Member Orchard to approve the Consent Calendar.  
unanimous

Yes: 5      No: 0      Abstain: 0

### Regular Agenda

-- No items.

### Adjournment of joint meeting; reconvening of regular meeting of City Council

Mayor Fox adjourned the joint meeting of the City Council and Redevelopment Agency Board of Directors and reconvened the regular meeting of the City Council at 10:41 p.m.

## **DISCUSSION AND/OR ACTION ON PENDING STATE OR FEDERAL LEGISLATION AND ACTIVITIES**

### **CITY COUNCIL REPORTS AND COMMENTS**

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

### **ADJOURNMENT TO CLOSED SESSION**

Mayor Fox adjourned the meeting at 10:49 p.m.

Respectfully submitted,

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Tamara Taylor, Deputy City Clerk