



MINUTES
REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL
AND THE BOARD OF DIRECTORS OF THE
COTATI COMMUNITY REDEVELOPMENT AGENCY
WEDNESDAY JULY 13, 2011
6:30 PM CLOSED SESSION, 7:00 PM REGULAR SESSION
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Orchard called the closed session to order at 6:32 p.m. All Councilmembers were present.

Mayor Orchard opened the floor to public comment on the closed session item; there being no one wishing to speak, Mayor Orchard closed the public comment period and adjourned to closed session.

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Property: 7883 Old Redwood Hwy (APN 144-200-001); Agency Negotiator: City Manager or designee; Negotiating Party: Paul Oliva or designee; Under Negotiations: Price and terms

7:00 PM REGULAR SESSION

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

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

REPORT OUT OF CLOSED SESSION

ROLL CALL

All Councilmembers present: Dell'Osso, Gilardi, and Landman, Vice Mayor Harvey and Mayor Orchard.

Staff present: Director of Administrative Services Jone Hayes, City Engineer/Director of Public Works Damien O'Bid, Community Development Director Vicki Parker, Police Chief Michael Parish, City Attorney Richard Rudnansky, Deputy City Clerk Tamara Taylor and City Manager Dianne Thompson.

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES OF JUNE 22, 2011 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

The Council considered this item immediately prior to the Consent Calendar.

Moved by Councilmember Gilardi, seconded by Vice Mayor Harvey and passed unanimously to approve the minutes of the June 22, 2011 Regular meeting minutes as corrected (name of the California Homeakers Association was confirmed) and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The Cotati Historical Society Museum is open regularly on Saturdays from 1:00 – 4:00 p.m. and the 2nd Wednesday of each month from 5:30-8:30 p.m.

The Cotati Farmers Market, sponsored by the Cotati Chamber of Commerce, takes place in La Plaza Park from 4:30 to 7:30 every Thursday afternoon through September 15th. For additional information call 707-795-5508.

Cotati's annual Kids Day Parade and Festival will be on Saturday July 16th. The parade starts at 10:00 a.m. and the fun continues at the festival in La Plaza Park.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported that the Kids Day float won first prize in the Penngrove parade, and provided updates on the musical note decoration for the Highway 101 soundwalls, and on the Capital Improvement Program. She introduced Vice Chair Wendy Skillman, Vice Chair of the Community and Environment Commission (CEC), summarized the activities of the CEC. City Manager Thompson then announced the potential cancellation of the August 24, 2011 City Council meeting and introduced new Community Development Director Vicki Parker, who made some introductory remarks.

Chief of Police Michael Parish introduced new Lieutenant Bill French, who addressed Council briefly and responded to questions.

City Manager Thompson announced that the Police Department would host an open house at the Police Facility on Wednesday July 20, 2011 from 5:00 to 7:00 p.m., and that there would be a reception for new Community Development Director Vicki Parker in the City Council chamber on Wednesday July 27, 2011 from 5:30 until 7:00 p.m., immediately prior to the Regular City Council meeting.

APPROVAL OF FINAL AGENDA

Council concurred to move item 8 (8910 Cypress Avenue) up as the first public hearing in advance of item 5 (Landscape and Lighting Assessment Districts).

CITIZEN BUSINESS

George Barich addressed the Council regarding how the Mayor calls out his name. He asked about the status of the weed abatement program, and commented on the City Manager's report, the Capital Improvement Program and lack of response of Council members to emails.

Greg Karraker asked how much Kids Day cost and why isn't the City supporting it any more?

Eric Kirchman commented on the Brown Act, commended the Council on its balanced budget and new City leading staff members, and discussed liability concerns, the Valparaiso pedestrian bridge, and the origin of the musical notes on the Hwy. 101 soundwall.

Joyce Garcia commented on the emergency preparedness project listed in the top seven projects noted in the 2011-12 City Council Goals and Objectives.

James Barrow addressed the Council as the President of the Countryside Homeowners Association and submitted information expressing the Association's concern regarding a recent rent increase at the Countryside mobilehome park.

Councilmembers briefly commented on statements made during Citizen Business.

DIRECTION ON FUTURE AGENDA ITEMS

None.

CONSENT

The City Council considered item no. 1 (minutes) at this time.

Moved by Councilmember Dell'Osso, seconded by Vice Mayor Susan Harvey and passed unanimously to approve item 2 on the regular meeting consent calendar.

2. CITY OF COTATI 2011/2012 WATER CONSERVATION EDUCATION PROGRAM (Engineering/Public Works) (Action)

This motion authorizes the City Manager to execute an agreement with Daily Acts to lead the City's 2011/2012 Water Conservation Education Program.

Members of the public indicated that they wanted to speak on item 2. Mayor Orchard noted that the Council had already voted on this item and that she would open the item to comments.

Joyce Garcia indicated opposition to this item.

Greg Karraker indicated opposition to this item.

Councilmembers commented briefly on comments made by the public speakers, and concurred not to re-open the item for further consideration.

REGULAR AGENDA

3. PROVIDE DIRECTION TO COTATI'S SONOMA COUNTY WASTE MANAGEMENT AGENCY BOARDMEMBER REGARDING DEVELOPMENT OF A CARRYOUT PLASTIC BAG BAN (Community Development - Planning) (Action)

City Manager Dianne Thompson introduced Sonoma County Waste Management Agency Executive Director Henry Mikus and Waste Management Specialist Patrick Carter, who presented a report regarding development of a county-wide ban on carryout plastic bags and responded to questions from the Council relative to costs of the various ordinance options and various plastic-type bags

Mayor Orchard opened the floor to public comment.

The following individuals spoke:

George Barich (opposed to banning carryout bags);

Joyce Garcia (opposed to banning carryout bags);

Laurie Ann Barbour (in favor of banning carryout bags and Styrofoam);

Greg Karraker (opposed to banning carryout bags);

Linnell Hardy (in favor of banning carryout bags and Styrofoam);

David Deioma asked whether there had been any negative effects on other jurisdictions that have banned plastic bags.

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

Mr. Carter indicated that ordinances banning single-use carryout bags have not been in effect long enough to gauge the effect.

Discussion ensued relative to the need for a county-wide, consistent and legally defensible ordinance on this issue, the responsibility of agencies to balance the rights of the individual against the effects on the environment, and the effect of single use carry-out bags as well as plastics and other petroleum based materials on the environment. Council noted that the scope of this discussion is banning single use carry-out bags and that banning other items may be considered at a future time.

The Council concurred to direct City staff members representing the City on the Sonoma County Waste Management Agency to vote to support a county-wide ordinance.

4. RECEIVE AND FILE URBAN WATER MANAGEMENT PLAN (Engineering/Public Works) (Action)

City Engineer/Director of Public Works Damien O'Bid presented the staff report.

Mayor Orchard opened the floor to public comment.

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

Moved by Councilmember Landman seconded by Vice Mayor Susan Harvey and passed unanimously to receive and file the 2010 City of Cotati Urban Water Management Plan, prepared by Carrollo Engineers.

PUBLIC HEARINGS

Item No. 8 was heard first, prior to item no. 5

5. ACCEPTING AND APPROVING THE ENGINEER'S REPORTS FOR FISCAL YEAR 2011-2012 FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES (Administrative Services) (Action)

Director of Administrative Services Jone Hayes presented the staff report and responded to questions from the Council regarding costs and how much landscaping is being done.

Mayor Orchard opened the public hearing.

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

Moved by Vice Mayor Susan Harvey, seconded by Councilmember Dell'Osso and passed unanimously to adopt:

Resolution No. 2011-41 entitled: ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE VALPARAISO VISTA SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-42 entitled: ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE QUAIL HOLLOW IV SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-43 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE SOMMERS SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-44 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE MACKLIN PHASE I SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-45 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE SIERRA MEADOWS SUBDIVISION MAINTENANCE ASSESSMENT

DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-46 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE OAK KNOLL SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-47 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE GARDEN GATE SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-48 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE PARK MEADOWS SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-49 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE SANTERO WAY DEVELOPMENTS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2011-50 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2011-12 FOR THE ALTMAN ACRES SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREINs

It is recommended that the City Council adopt a motion to receive all oral and written protests to the amount of 2011-2012 assessments and to adopt 10 resolutions to accept and approve the Engineer's Reports for the Fiscal Year 2011-2012 for the 1) Valparaiso Vista Subdivision, 2) Quail Hollow IV Subdivision, 3) Sommers Subdivision, 4) Macklin I Subdivision, 5) Sierra Meadows Subdivision, 6) Oak Knoll Subdivision, 7) Garden Gate Subdivision, 8) Park Meadows Subdivision, 9) Santero Way Subdivision, and 10) Altman Acres Subdivision Landscaping and Lighting Maintenance Assessment Districts and order the establishment of the 2011-2012 assessments.

6. ESTABLISHING THE OUTSTANDING BACKFLOW TESTING CHARGES AND LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2011-2012 (Administrative Services) (Action)

Administrative Services Director Jone Hayes presented the staff report.

Mayor Orchard opened the public hearing.

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

Discussion ensued.

Moved by Councilmember Landman seconded by Vice Mayor Susan Harvey and passed unanimously to receive all oral and written protests and adopt Resolution No. 2011- 51 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ORDERING THE ESTABLISHMENT OF OUTSTANDING BACKFLOW TESTING CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2011-12

7. CONSIDERATION OF OBJECTIONS TO REPORT OF SEWER CHARGES AND PENALTIES OUTSTANDING AND ADOPTION OF A RESOLUTION APPROVING ITEMIZED REPORT SEWER CHARGES AND PENALTIES OUTSTANDING AND DIRECTING LEVYING OF ASSESSMENTS (Administrative Services) (Action)

Administrative Services Director Jone Hayes presented the staff report.

Mayor Orchard opened the public hearing.

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

Moved by Vice Mayor Susan Harvey seconded by Councilmember Dell'Osso, and passed unanimously to adopt receive all Resolution No. 2011-52 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ESTABLISHING THE OUTSTANDING WATER/SEWER CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2011-2012

8. DELETE CONDITION NO. 22 AND AUTHORIZE AMENDMENTS TO THE 8910 CYPRESS AVENUE SUBDIVISION FINAL MAP TO REMOVE CERTAIN SETBACKS (Community Development - Planning) (Action)

This item was heard before item no. 5

Mayor Orchard announced that she had a conflict of interest because she lives within 500 feet of the subject property, and would abstain from consideration and vote on this item. She indicated that Vice Mayor Harvey would preside over this item. Mayor Orchard left the City Council chamber at this time.

Assistant City Planner Misti Harris presented the staff report.

Vice Mayor Susan Harvey opened public hearing.

Joyce Delario, the applicant, indicated that she would be available for questions.

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

Moved by Councilmember Dell'Osso seconded by Councilmember Gilardi and passed 4-0-1 (Mayor Orchard abstaining) to adopt Resolution No. 2011- 53 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI REMOVING CONDITION NO. 22 AND AUTHORIZING AMENDMENTS TO THE 8910 CYPRESS AVENUE SUBDIVISION FINAL MAP TO REMOVE CERTAIN SETBACKS

Mayor Orchard returned to the City Council Chamber and resumed participation as presiding officer.

Item no. 5 was heard at this time.

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

Mayor Orchard adjourned the regular meeting and called to order the joint meeting at 8:53 p.m.

CONSENT CALENDAR (JOINT MEETING)

Moved by Councilmember Harvey, seconded by Councilmember Landman and passed unanimously to approve item 2 on the joint meeting consent calendar.

9. WARRANTS AND AUDITED CLAIMS JUNE 9, 2011 – JUNE 22, 2011 (Administrative Services) (Action)

This motion receives and files Warrants and Audited Claims for June 9, 2011 – June 22, 2011.

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

Mayor Orchard adjourned the joint meeting and reconvened the regular meeting at 8:54 p.m.

CITY COUNCIL REPORTS (Discussion)

Councilmembers reported on recent and upcoming activities, including reports from meetings attended at City expense. The Council concurred to schedule discussion of redistricting on the July 27, 2011 City Council agenda.

Councilmember Dell'Osso indicated that he would not be at the July 27, 2011 City Council meeting.

ADJOURNMENT

Mayor Orchard adjourned the meeting at 9:15 p.m.

Respectfully submitted,

/s/ Tamara Taylor, Deputy City Clerk