



**MINUTES**  
**REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL**  
**AND THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY**  
**REDEVELOPMENT AGENCY**  
**WEDNESDAY JULY 14, 2010, 6:00 PM CLOSED SESSION**  
**7:00 PM REGULAR MEETING**  
**City Council Chambers, City Hall, 201 W. Sierra Avenue**

**6:00 PM CLOSED SESSION CALL TO ORDER (CITY COUNCIL CHAMBERS)**

Mayor Coleman-Senghor called the meeting to order at 6:00 p.m. in the City Council chamber and opened the floor to public comment. There being no one wishing to speak, he adjourned to closed session in the City Manager's office.

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

**CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION** Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) (one potential case).

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

City Designated Representative: City Manager or designee

Employee Organizations: (1) Cotati Employees Association (2) Cotati Police Officers Management Association (3) Cotati Police Officers Association

**7:00 PM REGULAR SESSION**

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

Mayor Coleman-Senghor called the meeting to order at 7:06 p.m. He indicated that there was no report out of the closed session and that one litigation item had been postponed.

**ROLL CALL**

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

Staff present: City Attorney Mike Gogna, Administrative Services Director Jone Hayes, Police Chief Susan Jones, Acting Community Development Director/Assistant to the City Manager Marsha Sue Lustig, City Engineer/Director of Public Works Damien O'Bid, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson

**PLEDGE OF ALLEGIANCE**

Joan Simon led the pledge of allegiance.

**1. APPROVAL OF MINUTES OF JUNE 23, 2010 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

**Moved** by Vice Mayor Orchard, seconded by Councilmember Susan Harvey to approve the minutes of the June 23, 2010 Regular meeting as submitted.

Mayor Coleman-Senghor asked that the minutes be amended to include a transcription of the exchange between the City Council and the City Attorney at the beginning of Citizen Business.

Council discussed the proposed revision, conferred with City Attorney Mike Gogna and reached concurrence to amend the minutes and continue approval of same to the next meeting (August 11, 2010).

Councilmember Susan Harvey and Vice Mayor Orchard withdrew the second and the motion.

**Moved** by Vice Mayor Orchard, seconded by Councilmember Susan Harvey and passed unanimously, to revise the minutes of the June 23, 2010 minutes to include a transcription of the exchange between the City Council and the City Attorney at the beginning of Citizen Business and to bring the revised minutes back to Council for approval at the next meeting (August 11, 2010).

**ANNOUNCEMENTS**

The Cotati Historical Society Museum is open on Saturdays 1:00 - 4:00 p.m. the second Wednesday of the month 5:30 – 8:00 p.m.

The Cotati Chamber of Commerce presents the Cotati Farmers Market, which takes place every Thursday through September 16 from 4:30 to 7:30 p.m. in La Plaza Park.

There will be a free Movie in the Park event on Friday July 16 with a showing of the family film 'Space Jam' starting just after sunset in La Plaza park.

Cotati's 18<sup>th</sup> Annual Kids Day Parade and Festival is taking place on Saturday July 17. The parade starts at 10:00 a.m. and the fun continues at the festival in La Plaza park.

Blood Bank of the Redwoods is hosting a blood drive in Cotati at Oliver's Market, located at 546 E Cotati Ave., on Saturday, July 24 from 4:30 p.m. to 7:30 p.m.

**CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported the following:

- The City has received approval of a \$1.1 Million dollar grant to revitalize the downtown Old Redwood Highway corridor between Highway 116 and La Plaza Park
- The City has recently learned that it will receive a \$1.5 million grant from the Metropolitan Transportation Commission (MTC) to construct a plaza and depot building at the future

SMART station at East Cotati Avenue and Santero Way. Thanks to City Engineer / Director of Public Works Damien O'Bid and Acting Community Development Director Marsha Sue Lustig for their efforts to obtain these grants.

- A Rock for No Rock concert was presented last Sunday by Frank Hayhurst of Zone Music to raise awareness of the Roblar Road Quarry issue. Staff is following the Roblar Road Quarry project as it moves through the Sonoma County approval process.

Councilmembers commented briefly on the City Manager's report.

City Engineer/Director of Public Works Damien O'Bid updated the Council on the Highway 101 widening project.

City Manager Dianne Thompson introduced Susan Jones, the City's new Interim Police Chief.

### **APPROVAL OF FINAL AGENDA**

City Manager Dianne Thompson announced that a closed session item regarding anticipated litigation has been cancelled and will be rescheduled.

**Moved** by Councilmember Harvey, seconded by Councilmember Orchard and passed unanimously to approve the final agenda.

### **CITIZEN BUSINESS**

Mayor Coleman-Senghor read aloud this statement from the agenda: Any citizen wishing to speak to the Council on any Consent Calendar item or any item not listed on the agenda may do so at this time. Pursuant to the Brown Act, the Council is not allowed to consider issues or take action on any item not listed on the agenda during this period. Please keep comments to 3 minutes or as the Mayor directs. Speak into the microphone from the podium.

Bill Dressbach spoke in opposition to item 2 (Massage Therapy ordinance).

George Barich requested that items 2, 3 and 4 be pulled from the Consent Calendar and addressed the Council regarding comments made at the its June 23, 2010 meeting.

Joyce Garcia discussed comments made at previous meetings and asked the Mayor why he refuses to participate in the pledge of allegiance to the flag.

Oso Koenigshofer commented on correspondence that he sent to the Council regarding the City's processing of his development project.

Kathryn Wickstrom discussed her and her husband's recent experience with the Cotati Police and indicated support for the Police Department and concern that the recently adopted budget does not provide for adequately Police Staff.

Craig C. spoke in opposition to item 2 (Massage Therapy ordinance).

Greg Karraker expressed his concern about the lack of repairs to the flagpole located across from the Fire Station and announced the formation of the Downtown Cotati Flagpole Organization. He submitted an information flyer. He discussed the possibility of filing a complaint with the District Attorney regarding Council ethics and asked about donations to the City from the recall proponents.

Michael Ceremello discussed the wording of, and the Council's compliance with, the Brown Act.

Ken Coleman thanked the Police Department for protecting his house while he was out of town and expressed support for the Department and concerns about the budget. He asked about his previously submitted ethics complaint.

Eric Kirchmann discussed his concerns regarding the agenda and asked when public comment on agenda items may be made.

Joan Simon addressed the Council regarding comments made during Citizen Business and the City Manager's report and discussed the flagpole repair organization, concerns regarding noise from a local bar that is bothering residents, and FPPC investigation on George Barich.

Edith Goss addressed the Council regarding problems with noise and brawling at a local bar near her home and her experience with the Police Department in trying to correct them. She requested that the Council add more police officers.

Emily Straub indicated support for appointing one of the Cotati Police officers as Police Chief.

Bernadette Murray spoke in support of item no. 2 (Massage Therapy ordinance).

Mayor Coleman-Senghor closed Citizen Business.

Councilmembers commented briefly on statements made during Citizen Business.

## **DIRECTION ON FUTURE AGENDA ITEMS**

Councilmembers discussed potential future agenda items, including a presentation by the Rancho Adobe Fire District, discussion of Council protocol, a presentation by the local economic development group, and discussion of a park use fee waiver request policy and the proposed Roblar Road Quarry.

City Manager Thompson and Administrative Services Director Hayes clarified that the Council protocol item would consist of discussion regarding the formation of a subcommittee, that park use fee waiver request policy would be evaluated during the upcoming event policy discussion and that staff is monitoring the Roblar Road Quarry issue and will bring an informational item back to Council in August.

**Moved** by Councilmember Gilardi, seconded by Councilmember Harvey and passed unanimously to schedule discussion of the formation of a subcommittee on Council protocol on a future agenda.

**Moved** by Councilmember Gilardi, seconded by Councilmember Harvey and passed unanimously to schedule a presentation by the local economic development group on a future agenda.

City Attorney Mike Gogna indicated that consensus of Council is adequate for direction of future agenda items.

Council clarified that they were not deliberating on these items but rather were taking action to schedule them on a future agenda. Council agreed to indicate concurrence rather than vote to place items on a future agenda.

Council concurred to schedule a presentation by the Rancho Adobe Fire District on a future agenda.

## **CONSENT CALENDAR**

**Moved** by Councilmember Orchard, seconded by Councilmember Landman and passed unanimously to adopt items 2 through 4 on the Consent Calendar.

**2. ADOPTON OF AN ORDINANCE ESTABLISHING REGULATIONS FOR MASSAGE PRACTITIONERS AND MASSAGE ESTABLISHMENTS (Community Development) (Action)**

Ordinance Number 827 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI ADDING MUNICIPAL CODE CHAPTER 9.20, TITLED "MASSAGE THERAPY, MASSAGE BUSINESS OR ESTABLISHMENT."

**3. ADOPTION OF A RESOLUTION CALLING A GENERAL MUNICIPAL ELECTION AND REQUESTING THE SONOMA COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE ELECTION (City Manager) (Action)**

Resolution No. 2010-42 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, CALIFORNIA, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF COTATI ON NOVEMBER 2, 2010 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

**4. APPROPRIATION OF \$10,000 FROM THE SEWER OPERATING FUND BALANCE FOR SEWER LIFT STATION AND LATERAL REPAIRS (Public Works/Engineering) (Action)**

Motion appropriating \$10,000 from the Sewer Operating Fund balance for sewer lift station and lateral repairs.

## **REGULAR AGENDA**

**5. SONOMA COUNTY WATER AGENCY (SCWA) WATER SUPPLY STRATEGY ACTION PLAN (Public Works/Engineering) (Action)**

City Engineer/Director of Public Works Damien O'Bid presented the staff report and responded to questions from the Council regarding carbon-free water, water loss percentages and program costs.

Mayor Coleman-Senghor opened the floor to public comment.

George Barich asked whether the City Council members are encouraged to ask questions about agenda items before the Council meeting, as he was when he was on the Council.

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

Discussion ensued relative to the Council's understanding of the plan, noting that they are well informed and commended staff for their work on this item.

**Moved** by Councilmember Landman, seconded by Councilmember Harvey and passed unanimously to authorize the Mayor to sign a final letter on behalf of the City, and direct staff to implement water supply pilot programs.

**6. CODE OF ETHICS CITY COUNCIL POLICY SUBCOMMITTEE (City Manager) (Action)**

City Manager Dianne Thompson presented the staff report and responded to questions regarding ethics complaints.

Mayor Coleman-Senghor opened the floor to public comment.

The following individuals spoke:

Greg Karraker (opposed to Code of Ethics)

George Barich spoke (opposed to proposed subcommittee)

Ken Coleman (opposed to Code of Ethics)

Michael Ceremello (opposed to proposed subcommittee)

Eduardo Diaz (supported the proposed subcommittee; volunteered to assist)

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

Discussion ensued relative to the differences between this proposed Code of Ethics City Council subcommittee, which is to review allegations of violations of the City Council Code of Ethics Policy and report back to the Council, and the possible future City Council Protocol subcommittee, which purpose would be to work with staff on development of a council protocol document that would incorporate and perhaps rework the ethics policy.

Council concurred in support of the subcommittee and discussed membership and procedure for making a motion.

**Moved** by Councilmember Gilardi, seconded by Vice Mayor Orchard and passed unanimously to establishing a subcommittee to review allegations of violations of the Code of Ethics City Council Policy and to appoint Vice Mayor Orchard and Councilmember Susan Harvey to its membership,

with Councilmember Mark Landman as alternate member.

## **PUBLIC HEARING**

### **7. ESTABLISHING THE OUTSTANDING BACKFLOW TESTING CHARGES AND LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2010-2011 (Administrative Services) (Action)**

Administrative Services Director Jone Hayes presented the staff report.

Mayor Coleman-Senghor opened public hearing.

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

**Moved** by Councilmember Orchard, seconded by Councilmember Susan Harvey and passed unanimously to adopt Resolution No. 2010-43 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 2010-11.

### **8. ACCEPTING AND APPROVING THE ENGINEER'S REPORTS FOR FISCAL YEAR 2009-2010 FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES (Administrative Services) (Action)**

Administrative Services Director Jone Hayes presented the staff report and responded to questions regarding correspondence received regarding this item; staff confirmed that the bush referred to in the correspondence has been removed and that no other protests have been received.

Mayor Coleman-Senghor opened the floor to public comment.

**Moved** by Vice Mayor Orchard, seconded by Councilmember Susan Harvey and passed unanimously to adopt:

Resolution No. 2010-44 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE VALPARAISO VISTA SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-45 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE QUAIL HOLLOW IV SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-46 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR

2010-11 FOR THE SOMMERS SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-47 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE MACKLIN PHASE I SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-48 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE SIERRA MEADOWS SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-49 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE OAK KNOLL SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-50 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE GARDEN GATE SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN

Resolution No. 2010-51 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE PARK MEADOWS SUBDIVISION MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-52 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE SANTERO WAY DEVELOPMENTS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN; and

Resolution No. 2010-53 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AND APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2010-11 FOR THE ALTMAN ACRES SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND ORDERING THE ESTABLISHMENT OF THE ASSESSMENT RATES, AS STATED THEREIN.

**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 Coleman-Senghor adjourned the Regular meeting and called to order the joint meeting at 9:20 p.m.

**CONSENT CALENDAR (JOINT MEETING)**

**Moved** by Vice Mayor Orchard, seconded by Councilmember Gilardi and passed unanimously to adopt item 9 on the Consent Calendar.

**9. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for June 10th, 2010 – June 23rd, 2010.

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

Mayor Coleman-Senghor adjourned the Joint meeting and called to order the Regular meeting at 9:20 p.m.

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

Councilmembers briefly discussed a letter that they all received which was not signed and had no return address.

**CITY COUNCIL REPORTS (Discussion)**

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

**ADJOURNMENT**

Mayor Coleman-Senghor adjourned the meeting at 9:28 p.m.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk