



**MINUTES  
SPECIAL 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  
TUESDAY NOVEMBER 10, 2009  
6:00 PM CLOSED SESSION  
7:00 PM REGULAR SESSION**

**6:00 PM CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9(a))**

City of Cotati vs. Gilman Ranch, LLC et. al (Sonoma County Superior Court Case # 244542)

**7:00 PM**

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

Vice Mayor Coleman-Senghor called the meeting to order at 7:00 p.m.

**ROLL CALL**

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

Staff present: 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 Orchard led the pledge of allegiance.

Vice Mayor Coleman-Senghor wished the Marine Corp happy birthday and recognized the nation's veterans in honor of Veterans' Day. He announced that there was nothing to report out of closed session.

**1. APPROVAL OF MINUTES OF OCTOBER 28, 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 Barich seconded by Councilmember Gilardi and passed 4-0 to approve the minutes of the October 28, 2009 Regular meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

## **ANNOUNCEMENTS**

City Hall offices will be closed on Wednesday November 11 in observance of the Veterans' Day holiday.

Cotati voters are encouraged to cast their ballot at the November 17, 2009 special election.

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

## **HONORARY MAYOR**

Honorary Mayor Joseph Pearson of Rancho Cotate High School provided a verbal report to Council.

## **SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

No report.

## **CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported on the status and funding of the Old Redwood Highway South rehabilitation project and corrected inaccuracies in a recent article in the local paper.

## **APPROVAL OF FINAL AGENDA**

Vice Mayor Coleman-Senghor asked for a motion for a time certain of 8:00 p.m. for discussion of item 5 (Council vacancy). **So moved** by Councilmember Orchard, seconded by Councilmember Gilardi. Prior to the vote, Vice Mayor Coleman-Senghor indicated that as meeting chair he would like to set a time limit for members of the public wishing to address the Council of three minutes and that he would like consensus to endeavor to end Council meetings by 11:00 p.m.

Discussion ensued regarding the proposed procedural changes. The majority of Council concurred in support for the meeting chair to make such changes. Councilmember Barich indicated opposition to the changes.

The motion passed 3-1 (Councilmember Barich voting no).

## **CITIZEN BUSINESS**

Derek Kwan spoke in favor of opening a hookah lounge in Cotati.

Joyce Garcia read a statement regarding the Code of Ethics.

Jan Kravitz addressed the Council regarding his concern for traffic issues related to pedestrian islands and changes in the procedure of Citizens Business.

Mark Landman commented on the non-compliance of the 'no on recall' signs and the lack of staff to enforce the sign ordinance and requested Council's assistance for increased enforcement.

Ken Coleman addressed the Council regarding the Code of Ethics.

Councilmember Barich requested that the staff contact the owner of the site of the former shell station have him remove the signs. He said he had not received any notice of a violation.

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

Councilmember Gilardi requested that a regular report be made regarding climate change activities. **So moved** by Councilmember Orchard, seconded by Councilmember Gilardi. The Council discussed how eth report might appear on the agenda and concurred that it be made on a regular basis by the City Manager under the 'City Manager Report' section of the agenda. The Council further agreed that a motion would not be required. Accordingly, Councilmembers Orchard and Gilardi withdrew the motion and second. Council directed staff to include a regular verbal climate change activity report by the City Manager as part of the 'City Manager Report' section of the agenda.

Vice Mayor Coleman-Senghor confirmed that discussion regarding the use of plastic water bottles would be scheduled on a future agenda.

Councilmember Barich moved for a report regarding the hazards of the traffic islands. Discussion ensued relative to asking for a report from the City Engineer regarding the safety measures that have been taken without the presumption that they have been unsafe. Councilmember Barich modified his motion to request report and full discussion from the City Engineer regarding the safety concerns of the pedestrian islands. Additional discussion ensued. Councilmember Orchard indicated that she doesn't want a full discussion. Councilmember Gilardi seconded the motion and requested that all sides be heard as she has spoken with a number of people, including students, who fully support the pedestrian islands. The motion passed 4-0.

Councilmember Barich moved to scheduled discussion of a roof leak in the City Council office. There was no second to the motion.

Councilmember Barich expressed concern that items not related to city business cost staff time and indicated that such items be scheduled on a separate meeting at which Department Heads would not be required to attend.

Responding to a question from the Council, City Manager Thompson indicated that the City Attorney and the Deputy City Clerk are paid on an hourly basis.

Councilmember Barich moved to schedule on a future agenda discussion to move proclamations, presentations, and other items not related to city business to a separate meeting at which Department Heads would not be required to attend. There was no second to the motion.

Councilmember Barich moved to schedule re-consideration on December 9<sup>th</sup> of the proposed City Council initiative, originally discussed on July 22, 2009, to place a sales tax measure on the ballot. Vice Mayor Coleman-Senghor seconded the motion. Discussion ensued regarding whether to have staff report back and about Councilmember Barich's previous vote against declaring a fiscal emergency.

City Attorney Rudansky responded to questions and described the constitutional requirement for a unanimous vote declaring a fiscal emergency in order to place a sales tax on the item on a special election ballot.

Vice Mayor Coleman-Senghor restated the motion to schedule a report on the City Council sponsored sales tax revenue measure at the December 9, 2009 City Council meeting. The motion passed 4-0.

## **CONSENT CALENDAR**

**2. AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT WITH THE CITY OF ROHNERT PARK AND RANCHO ADOBE FIRE TO PARTICIPATE IN A JOINT DISASTER MANAGEMENT AND TRAINING PROGRAM (Police) (Action)**

Moved by Councilmember Barich, seconded by Councilmember Gilardi and passed 4-0 to adopt a motion to authorize the City Manager to execute the Cooperative Agreement for Joint Disaster Management and Training.

## **PUBLIC HEARINGS**

**3. AMENDMENT OF COTATI MUNICIPAL CODE TITLE 13, PART II (SEWERS) (Continued from October 28, 2009) (Public Works/Engineering) (Action)**

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

Vice Mayor Coleman-Senghor opened the public hearing.

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

**Moved** by Councilmember Orchard, seconded by Councilmember Barich and adopted 4-0 to introduce an ordinance entitled: ORDINANCE OF THE COUNCIL OF THE CITY OF COTATI REPEALING, REENACTING, AND AMENDING CERTAIN PORTIONS OF EXISTING COTATI CITY CODE TITLE 13, PART II - SEWERS.

**4. ADOPTION OF A RESOLUTION APPROVING A GARBAGE AND RUBBISH DISPOSAL RATE INCREASE EFFECTIVE JANUARY 1, 2009 (City Manager) (Action)**

The Council took up this item during a break from discussion of item 5.

Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig presented the staff report and responded to questions from the Council.

Vice Mayor Coleman-Senghor opened the public hearing.

Eric Kirchmann discussed the proposed resolution.

Pamela Davis of Redwood Empire Disposal summarized the proposal and responded to questions from the Council.

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

**Moved** by Councilmember Orchard, seconded by Councilmember Gilardi and adopted 4-0 to adopt Resolution No. 2009-76 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING A GARBAGE AND RUBBISH DISPOSAL RATE INCREASE FOR THE 2010 CALENDAR YEAR

Discussion of item 5 continued at this time.

## **REGULAR AGENDA**

### **5. CITY COUNCIL VACANCY (City Manager) (Action)**

City Manager Dianne Thompson presented the staff report.

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

Mike Sheehan indicated support for a special election to fill the vacancy and to place a sales tax measure on the same ballot.

Jan Kravitz indicated support for a special election to fill the vacancy.

Ken Coleman indicated support for a special election to fill the vacancy and to place a sales tax measure on the same ballot.

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

Discussion ensued regarding calling a special election to fill the Council vacancy and putting a revenue measure on the same ballot.

Vice Mayor Coleman-Senghor called a recess at 8:12 p.m. and reconvened at 8:32 p.m.

City Attorney Rudnansky indicated that an election to fill the vacancy would take place on the next established election date of April 13, 2010. Further discussion ensued regarding filling the vacancy by special election, when a special election would take place and whether a sales tax measure could be placed on the same ballot.

The majority of Council members expressed support to fill the vacancy by appointment. Councilmember Barich indicated support for a special election.

**Moved** by Councilmember Orchard, seconded by Councilmember Gilardi and passed 3-1 (Councilmember Barich voting no) to fill the vacancy by appointment.

Discussion ensued relative to the appointment and application process. Vice Mayor Coleman-Senghor directed the Council to begin consideration of Item 4 on the agenda while the proposed application is reviewed by the Council and the public.

The Council considered item 4 at this time and continued discussion of this item after completion of item 4.

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

Eric Kirchmann commented on the selection process and reviewed what other cities have done.

John Moore confirmed that the vacancy must be filled within 30 days and commented on the selection process.

Joyce Garcia expressed opposition to the decision to make an appointment.

(Name not discernible) spoke in favor of appointment process.

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

Discussion ensued relative to the proposed application, with the Council concurring to strike certain portions of the public information resume relating to personal information, to change 'Home phone' and 'Work phone' to 'Contact number' and to add 'optional' to 'E-mail'.

The Council discussed the letter of interest and adding a section for listing civic activities, whether requesting such information would be a violation of civil rights and should be optional. It was noted that applicants would not be required to supply all of the information on the form and that all applications submitted would be forwarded to the Council.

The Council discussed the application and agreed to home/business to 'contact phone' rest is okay email is optional

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-0 to approve the application with the above changes.

Discussion commenced regarding whether to have criteria or guidelines for selecting a Council member. Vice Mayor Coleman-Senghor advocated for specific criteria to apply for each applicant. The majority of Council expressed support for more flexibility and to use guidelines to consider during the applicant interview process.

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard and passed 3-1 (Vice Mayor Coleman-Senghor voting no) to consider the following guidelines to during the interview process: community service, public service, knowledge and understanding of the city of cotati, knowledge and understanding of regional issues and availability.

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

Vice Mayor Coleman-Senghor adjourned the special City Council meeting and called to order the special joint meeting at 9:37 p.m.

**CONSENT CALENDAR**

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

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-0 to receive and file warrants and audited claims for October 16th, 2009 – October 28th, 2009.

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

Vice Mayor Coleman-Senghor adjourned the special joint meeting and reconvened the special City Council meeting at 9:38 p.m.

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

None submitted.

**CITY COUNCIL REPORTS (Discussion)**

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

**ADJOURNMENT**

Vice Mayor Coleman-Senghor adjourned the regular meeting at 9:42 p.m.

Respectfully submitted,

/s/ Tamara Taylor, Deputy City Clerk