



AGENDA
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS

TUESDAY, JULY 26, 2016

CLOSED SESSION 5:30 p.m.

CLOSED SESSION LOCATION: CITY HALL CONFERENCE ROOM, 124 N. CLOVERDALE BLVD. CLOVERDALE, CA 95425

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

The Cloverdale City Council welcomes you to its meetings that are typically scheduled for the 2nd and 4th Tuesday of the month. Your interest and participation are encouraged and appreciated. ***Please silence all pagers, cellular telephones and other communications devices upon entering the meeting.***

ADDRESSING THE CITY COUNCIL:

When asked to do so by the Mayor, those wishing to address the City Council are asked to step up to the podium. Speak directly into the microphone so everyone in the audience can hear your comments and so they'll be recorded into the official record. State your name and City of Residence for the record. Per City Council Policy, three (3) minutes are typically allotted to each speaker. However, Council may at its discretion revise the amount of time allotted. Public comments will normally be received after staff presentations on an agenda item and before the City Council starts deliberations. A Talking Tips sheet is available for your use.

We may disagree, but we will be respectful of one another.
All comments will be directed to the issue at hand, and addressed to the City Council.
Personal attacks are unacceptable.

DISABLED OR SPECIAL NEEDS ACCOMMODATION: In compliance with the Americans with Disabilities Act, if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at 894-2521. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

WAIVER WARNING: If you challenge decisions/directions of the City Council in court, you may be limited to raising only those issues you or someone else raised at public hearings(s) described in this Agenda, or in written correspondence delivered to the City of Cloverdale at, or prior to, the public hearing(s).

CLOSED SESSION

CLOSED SESSION: 5:30 pm

OPENING:

- Call to Order
- Roll Call
- Agenda Review - Closed Session (Changes and/or Deletions)

PUBLIC COMMENTS ON CLOSED SESSION AGENDA:

Prior to adjournment into Closed Session, the public may speak on items to be addressed in Closed Session.

RECESS TO CLOSED SESSION:

CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Labor Negotiators: City Manager, Assistant City Manager, and, City Attorney

Employee Organization: Cloverdale Police Officers' Association

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code section 54956.8)

Property: Thyme Square Property, Assessor's Parcel Number: 001-440-049

Agency negotiators: City Manager, Assistant City Manager, and City Attorney

Negotiating parties: City, Alexander Valley Healthcare

Under negotiation: Sale of property

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Report out of Closed Session –Actions Taken
- Conflict of Interest Declaration
- Agenda Review – Regular Session (Changes and/or Deletions)

PUBLIC COMMENTS:

Any person wishing to speak to the City Council on any item not listed on the agenda may do so at this time. Members of the public have the right to speak on any items on the Council Agenda during that item. Pursuant to the Brown Act, the City Council is not allowed to consider issues or take action on any item not listed on the agenda. Each person wishing to speak must go to the podium when advised by the Mayor and speak directly into the microphone.

PROCLAMATIONS / PRESENTATIONS:

1. Proclamation for Cindy Wilson for her dedicated service to the library system (*Page 1*)

CONSENT CALENDAR:

All items under Consent Calendar will be considered together by one action of the Council unless any Council Member or member of the public requests that an item be removed and considered separately.

2. **Minutes of Previous Meeting: May 17, 2016 – Matlock (Page 3)**
3. **Minutes of Previous Meeting: May 24, 2016 – Moore (Pages 5 -33)**
4. **Minutes of Previous Meeting: May 26, 2016 – Moore (Pages 35 -38)**
5. **Minutes of Previous Meeting: June 14, 2016 – Moore (Pages 39 -43)**
6. **Motion Order to Approve the Mayor’s Appointment of Lou Enge and Roy Domke, Jr. as Regular Members of the City of Cloverdale’s Planning Commission- Kelley (Pages 45 -48)**

COMMUNICATIONS: None

Council may discuss at this time written communications sent to Council members since the last council meeting. Written communication to be discussed will be listed below, if any.

PUBLIC HEARINGS: None

NEW BUSINESS:

7. **Discussion Regarding Ballot Measure Options for Possible Commercial Cannabis Business Tax- Sanchez, Cayler, Cramer (Pages 49 -79)**

Recommendation: Staff recommends Council discuss the draft ballot measure related to a cannabis business tax and give direction to staff.

8. **Discussion and Possible Action on Fiscal Year 2016-2016 CalPERS Unfunded Liability Payment- Cayler (Page 81)**

Recommendation: Staff recommends that the City prepay the UAL and take advantage of the savings opportunity.

9. **Consideration of Resolution 058-2016, initiating a General Plan Amendment (GPA) for properties within the Nu Forest annexation area- Kelley, Haag (Pages 83 -90)**

Recommendation: Staff recommends adoption of City Council Resolution 058-2016, initiating a General Plan Amendment for certain properties located west of the Nu Forest property, east of Asti Road, north of the City Corporation yard and south of the existing City limit line.

10. **Discussion and Possible Action to Appoint City of Cloverdale’s Voting Delegate and Alternate Voting Delegate at League of California Cities 2016 Annual Business Meeting (General Assembly)- Cayler (Pages 91 -93)**

Recommendation: Staff recommends Council appoint the Voting Member for the 2016 League of California Cities Annual Business Meeting, and up to two members delegated as Alternate Delegates, and by motion and minute order authorize the Mayor to complete the 2016 Voting Delegate/Alternate Form according to Council direction and submit said form.

11. **Discussion and Possible Action on Request by Rick and Deborah Wilson to Remove Redwood Trees in Lighting and Landscape District Zone No. Three (The Cottages) On Foothill Blvd near Laurel Court- Cayler (Page 95 -100)**

Recommendation: Staff recommends that the redwood trees within nine feet of the fence line be removed and the redwood trees greater than nine feet from the fence be retained; thus, four of the six trees in the area would be removed. No replacement tree will be installed and all future redwood tree removal in The Cottages Lighting and Landscape District will continue to be addressed on a “case-by-case” manner as set forth in the master plan.

SUBCOMMITTEE ITEMS:

SUBCOMMITTEE REPORTS: (VERBAL REPORTS: 15 minutes)

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: October 4, 2016, 9:00 a.m.
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: August 25, 2016, 2:00 p.m.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: August 16, 2016, 4:00 p.m.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: September 27, 2016, 10:30 a.m.
- Joint City/Fire District (Chair, Councilmember Palla and Mayor Brigham) - Next Meeting: August 22, 2016, 5:00 p.m.
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) – Next Meeting: September 19, 2016, 5:00 p.m.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON): (VERBAL REPORTS: 15 minutes)

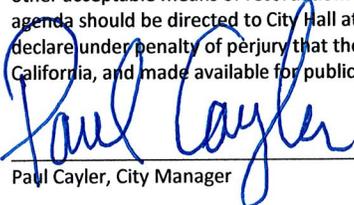
LEGISLATIVE REPORT:

CITY MANAGER/CITY ATTORNEY REPORT:

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS:

ADJOURNMENT: Adjourn to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, August 9, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

The City does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation. Questions about this agenda should be directed to City Hall at 707/894-2521. State of California, County of Sonoma, City of Cloverdale. CERTIFICATION I, Paul Cayler, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the City Hall, 124 N. Cloverdale Blvd., Cloverdale, California, and made available for public review, prior to or on this 21st day of July, 2016, at or before 5:00 p.m.



Paul Cayler, City Manager



**CITY OF CLOVERDALE
CITY COUNCIL**

**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
PRESENTED TO CLOVERDALE BRANCH LIBRARIAN CINDY WILSON UPON HER RETIREMENT FOR HER
DEDICATED SERVICE TO THE COMMUNITY OF CLOVERDALE**

WHEREAS, Cindy Wilson worked for nearly three decades for the Lake County Library system serving as the Children’s Services Manager and a Branch Library Manager; and

WHEREAS, Cindy joined the Sonoma County Library as the Cloverdale Children’s Librarian in April 2004; and

WHEREAS, Cindy served as Interim Cloverdale Branch Manager several times, and in 2009, she served as the Interim Children’s Services Coordinator; and

WHEREAS, Cindy became the permanent Cloverdale Branch Librarian in November 2011; and

WHEREAS, Cindy is known for good sense, creativity and willingness to try new things; and

WHEREAS, Cindy is an avid reader who appreciates a good mystery story, including Kate Atkinson’s Jackson Bordie series and Louise Penny’s Chief Inspector Gamache series; and

WHEREAS, a colleague at the Sonoma County Library wrote about Cindy, “She is one of the best librarians I’ve ever worked with: inventive, curious, and completely reliable.”; and

WHEREAS, Cindy is known for always bringing her best to every venture; and

WHEREAS, Cindy will be missed for her dedication, hardwork and intelligence.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Cloverdale does hereby proclaim its appreciation to Cindy Wilson upon her retirement, and for her many contributions during her tenure as the Cloverdale Branch Librarian.

BE IT FURTHER RESOLVED, that I, Mary Ann Brigham, Mayor of the City of Cloverdale, along with my fellow Council members, do hereby recognize those contributions put forth by Cindy Wilson on behalf of the citizens of Cloverdale.

Mary Ann Brigham, Mayor

Date

This page left blank for two-sided printing



**DRAFT MINUTES
REGULAR MEETING OF THE CITY COUNCIL AND JOINT MEETING OF THE CLOVERDALE COMMUNITY
DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS**

TUESDAY, MAY 17, 2016

OPEN SESSION: 9:00 a.m.

**SESSION LOCATION: CLOVERDALE FIRE DEPT. MEETING ROOM, 451 S. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

CONVENE OPEN SESSION – 9:00 a.m.

OPENING:

- Call to Order: Meeting called to order at 9:00 a.m.
- Pledge of Allegiance
- Roll Call: Present – Councilmember Palla, Councilmember Cox, Councilmember Russell, Vice Mayor Wolter, and Mayor Brigham; Absent - none
- Conflict of Interest Declaration: None
- Agenda Review – Regular Session (Changes and/or Deletions): None

PUBLIC COMMENTS: None

1. Workshop on the City of Cloverdale’s Fiscal Year 2016/2017 Budget. Cayler/Cavallari

City Manager, Paul Cayler, opened the workshop by stating the proposed budget is balanced and explained that the concept of the workshop is to identify any critical policy issues, questions, problems, and additions or deletions to the proposed budget, so that these items may be brought forward to Council at the first meeting in June. Mr. Cayler stated the budget needs to be ready for approval at the second meeting in June in order to meet the statutory requirement to have an adopted budget by July 1. Finance Manager, Joanne Cavallari, gave a PowerPoint presentation and went through the budget book with a department by department, line by line review.

The Council recommended budget adjustments, which will be brought forward at the last City Council meeting in June.

ADJOURNMENT: Mayor Brigham adjourned the meeting at 3:00 p.m. to the next regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, May 24, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425.)

This page left blank for two-sided printing



**DRAFT MINUTES
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS**

TUESDAY, MAY 24, 2016

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order: Mayor Brigham called the meeting to order at 6:30 p.m.
- Pledge of Allegiance
- Roll Call: Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, Councilmember Russell, Mayor Brigham
- Conflict of Interest Declaration: Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, and Councilmember Russell recused themselves from item seven due to their residence locations.
- Agenda Review – Regular Session (Changes and/or Deletions): None

PUBLIC COMMENTS:

Jean Herschede, Cloverdale, asked for public support for the Christmas in June fund raiser to stock the Cloverdale Food Pantry, scheduled for June 21, 2016.

LaReva Myles, Cloverdale, discussed possible items coming to ballet regarding schools and requested that school representatives be proactive in informing the public.

Shawn Bovee, Cloverdale, stated he wished to publicly thank the Council for their consideration and support for the skate park, adding that he is eager for the next step in the process for the park.

PROCLAMATIONS / PRESENTATIONS:

1. Presentation by the Sonoma County Climate Protection Authority on Climate Action 2020 Plan

Assistant City Manager Kelley introduced Lauren Casey, representative from Sonoma County Climate Protection Authority, who gave a PowerPoint presentation providing an overview regarding the progress and planning efforts for climate protection. She encouraged Council and public input stating that they are collecting comments until the end of June. The Council discussed the details of the statistics for Cloverdale and thanked Ms. Casey and the Climate Authority for the important and sensitive work they do.

PUBLIC COMMENTS:

Jorge Rebagliati, Santa Rosa, commented on the goals set forth by Sonoma County Climate Protection Authority, stating that the goals are insufficient and urged the public to declare war on climate change and provided a handout (attached).

LaReva Myles, Cloverdale, asked question about the Climate Action 2020 Plan, including if bringing the SMART Train to Cloverdale was figured into the projections for the Plan. Assistant City Manager Kelley and Councilmember Russell responded to her questions.

CONSENT CALENDAR:

2. **Resolution No. 034-2016 authorizing the destruction of certain records as incorporated as Exhibit “A” of the resolution which is authorized by the City’s official record retention schedule**
3. **Ordinance No. 707-2016 amending Cloverdale Municipal Code, Title 3, Chapter 3.04, “Officers Authorized to Sign - Procedure,” Section 3.04.020, adding the Assistant City Manager as an officer authorized to sign on behalf of the City**
4. **Resolution No. 035-2016, Supporting Sonoma County’s Active Transportation Program (ATP) Grant Application for the Crocker Street Bridge Bike and Pedestrian Passage Project**

Action: Motion was made by Councilmember Cox and seconded by Councilmember Palla to approve the consent calendar. The motion passed by roll call vote: (5-ayes – Vice Mayor Wolter, Councilmember Palla, Councilmember Russell, Councilmember Cox, Mayor Brigham; 0-noes).

COMMUNICATIONS: None

PUBLIC HEARINGS: None

NEW BUSINESS:

5. Presentation on Marijuana Dispensary and Commercial Cultivation Regulations and City Options

Chief Cramer presented this information only item with a PowerPoint presentation, which provided an overview of Cloverdale’s Ordinance, pertinent laws relating to dispensaries and commercial cultivation, the City’s options and possible next steps in moving forward. Chief Cramer requested that the City Council receive the information and provide staff direction regarding a possible ordinance regarding marijuana dispensaries and marijuana commercial cultivation. City Attorney Sanchez also addressed the Council asking for Council direction in drafting an ordinance. Discussion ensued regarding current laws and legislation and options moving forward. City Manager Cayler asked that the focus be on medical marijuana dispensaries and commercial grows since recreational use has not gone to the ballot yet. Mayor Brigham queried Councilmembers asking if they would be open to the possibility of medical marijuana dispensaries and commercial grows in Cloverdale and all Councilmembers voiced that they are open to the possibility and discussed options, including how many dispensaries should be allowed.

PUBLIC COMMENTS:

Patrick King, Cloverdale, stated that competition is necessary to keep the price reasonable.

Tom Bond Cloverdale, agreed competition is necessary, suggesting that three would be appropriate number and recommended they be located in light industrial zoning.

LaReva Myles, Cloverdale, stated that cannabis has been a part of our culture for a long time and Cloverdale is primed to facilitate commercial cannabis and the windfall for the City could be substantial and recommended the City take advantage of this opportunity.

Oli Schraner, Cloverdale, thanked the Council for their consideration and commented that Cloverdale is primed to facilitate the environment for commercial cannabis and stated this could be a big benefit to Cloverdale.

Ben Adams, Cannabis Attorney from Santa Rosa, discussed the impact of legislation and IRS laws. He discussed dedicated floor space use in cannabis dispensaries, recommending creative floor space uses to optimize profits.

Melanie Bagby, Cloverdale, commented that cannabis is an industry that will bring jobs and money to Cloverdale and voiced approval for allowing an extraction lab. She commented that a dispensary is a retail business, and as such, belongs in retail zoning.

Matt Van Benschoten, Cloverdale, requested the Council be open to manufacturing, which would assist cultivators

who have product left at the end of the season and empower business owners. He suggested resources the Council could utilize to research cannabis manufacturing. Mr. Van Benschoten provided a handout on Recommended Concentrate Production Guidelines (attached).

Dorian Schraner, Cloverdale, discussed the broad reach and potential revenue stream this industry could bring.

Jackie Rose, Cloverdale, commented on the importance of the availability of marijuana for medical patients. She urged the Council to bring these resources to Cloverdale.

Lou Viveros, soon to be a resident of Cloverdale, commented on the legislation and ballot measure coming forward and expressed the importance of small growers having time to establish themselves prior to legalization and implementation of large scale commercial cultivations.

Shawn Bovee, Cloverdale, discussed the need for more than one dispensary and not limiting dispensaries to light industrial zoning and compared marijuana to alcohol. He asked the Council to consider allowing marijuana oil extraction.

Jaime King, Cloverdale, expressed appreciation for the availability of marijuana locally. She stated that as a medical marijuana patient she is very thankful for local dispensaries.

John Bury, Cloverdale, shared that he has been a medical marijuana patient for over eight years and requested the Council to show compassion regarding the availability and accessibility of dispensaries in Cloverdale.

The Council discussed the City of Cloverdale's role moving forward, suggesting that the focus be on medical marijuana for now but expressed the desire to have future discussions on commercial marijuana. Mayor Brigham voiced that she views cannabis the same as alcohol and polled the Council regarding dispensaries and zoning. The Council agreed that dispensaries should be allowed in retail or industrial zoning with certain restrictions surrounding safety, security, and signage. Discussion ensued with City Manager Cayler suggesting, due to the length of discussion and late hour, the ad hoc subcommittee, City staff, and public have further discussion and bring this item back to the Council at a later date. Vice Mayor Wolter and Councilmember Palla stated they would like more information and suggested the ad hoc committee become a standing committee to allow more council involvement. The ad hoc committee members agreed to discuss this at their next meeting.

6. Resolution No. 040-2016 declaring all weeds growing within the City to be a public nuisance and declaring the City's intention to remove and abate the same upon specified private properties under and in accordance with the provisions of the City of Cloverdale Municipal Code Chapter 8.16, entitled Weed Abatement

Assistant City Manager Kelley presented this item, distributing a letter from Fire Chief Jenkins and a list of properties within the City that require abatement (attached). He reported an edit to the resolution stating that the hearing date should be June 28, 2016. Mr. Kelley recommended that the City Council approve Resolution No. 040-2016, with amended date, declaring all weeds growing within the City limits to be a public nuisance, and declaring the intention to remove and abate them on specified private properties.

PUBLIC COMMENTS: None

Action: Motion was made by Councilmember Palla and seconded by Vice Mayor Wolter to approve Resolution 040-2016, as amended, declaring all weeds growing within the City to be a public nuisance and declaring the City's intention to remove and abate the same upon specified private properties under and in accordance with the provisions of the City of Cloverdale Municipal Code Chapter 8.16, entitled Weed Abatement. The motion passed by roll call vote (5-ayes – Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, Councilmember Russell, and Mayor Brigham; 0-noes).

7. Resolutions of intent to levy and collect annual assessments, preliminarily approving the Engineer's Report, and setting the time and date of the public hearing for the FY 2016-17 Cloverdale Landscaping and Lighting Assessment

Paul Wade, Principal of Coastland Engineers, gave a PowerPoint presentation and provided a handout (attached) with information regarding the Engineer's Report for the Cloverdale Landscaping and Lighting Assessment District. He discussed the annual assessment for the six zones within the District and the process to levy and collect assessments with the recommendation that the City Council consider adopting the resolutions of intent to levy and collect annual assessments, preliminarily approving the Engineer's Report, and setting the time and date of the public hearing for the FY 2016-17 Cloverdale Landscaping and Lighting Assessment.

PUBLIC COMMENTS:

Jeanne Cox, Cloverdale, questioned whether the split rail fences located on Elbridge Avenue and Ranch House Drive are included in the lighting and landscaping cost figures. City Manager Cayler confirmed that the cost of the fences are included in the lighting and landscaping figures.

Dan Braccialini, Cloverdale, questioned city employee salaries (which are included in Lighting and Landscaping costs) and the amount of employee time spent on the District. Finance Manager, Joanne Cavallari, responded explaining staff salaries. Mr. Braccialini also stressed that replanting should be a high priority.

Vice Mayor Wolter recused himself from item seven, Zone 1, since he lives in that zone.

Action: Motion was made by Councilmember Cox and seconded by Councilmember Russell to approve Resolution 036-2016, 2016, a Resolution of Intent to Levy and Collect Annual Assessments, Preliminarily Approve the Engineer's Report for FY 2016-17 for the City of Cloverdale Landscaping and Lighting Assessment District and Setting the Time and Date of the Public Hearing for Zone 1. The motion passed by roll call vote (4-ayes – Councilmember Palla, Councilmember Cox, Councilmember Russell, and Mayor Brigham; 0-noes; 1-Recuse- Vice Mayor Wolter).

Action: Motion was made by Councilmember Russell and seconded by Councilmember Cox to approve Resolution 037-2016, 2016, a Resolution of Intent to Levy and Collect Annual Assessments, Preliminarily Approve the Engineer's Report for FY 2016-17 for the City of Cloverdale Landscaping and Lighting Assessment District and Setting the Time and Date of the Public Hearing for Zones 2, 4, 5, 6 and 7. The motion passed by roll call vote (5-ayes – Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, Councilmember Russell, and Mayor Brigham; 0-noes).

Councilmembers Palla, Cox, and Russell recused themselves from voting on Resolution 038-2016, since their homes are located in Zone 3. Per the Political Reform Act, when the number of conflicts prevent a quorum, the recused draw lots to determine which member shall return to voting status for a quorum. Councilmember Cox drew to return to vote.

Action: Motion was made by Vice Mayor Wolter and seconded by Councilmember Cox to approve Resolution 038-2016, a Resolution of Intent to Levy and Collect Annual Assessments, Preliminarily Approve the Engineer's Report for FY 2016-17 for the City of Cloverdale Landscaping and Lighting Assessment District and Setting the Time and Date of the Public Hearing for Zone 3. The motion passed by roll call vote (3-ayes – Councilmember Cox, Vice Mayor Wolter, and Mayor Brigham; 0-noes; 2 Recuses- Councilmember Palla, and Councilmember Russell).

8. Resolution No. 039-2016, of the City Council of the City of Cloverdale to approve the Redwood Empire Municipal Insurance Fund (REMIF) addition of Kaiser Permanente as medical plan choice for City employees and Councilmembers

Action: Motion was made by Vice Mayor Wolter and seconded by Councilmember Palla to approve Resolution No. 039-2016, approving the Redwood Empire Municipal Insurance Fund to add Kaiser Permanente as plan choice for City employees and Councilmembers. The motion passed by roll call vote (5-ayes – Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, Councilmember Russell, and Mayor Brigham; 0-noes).

SUBCOMMITTEE ACTION ITEMS: None

SUBCOMMITTEE REPORTS:

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: July 19, 2016, 9:00 a.m.
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: June 23, 2016, 2:00 p.m.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: June 21, 2016, 4:00 p.m.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: July 26, 2016, 10:30 a.m.
- Joint City/Fire District (Chair, Councilmember Palla and Mayor Brigham) - Next Meeting: June 13, 2016, 5:30 p.m.
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) Councilmember Palla reported that the committee met and formed an ad hoc committee to work with the Healdsburg Access TV to air items of interest. They also discussed the safety concerns regarding the crosswalk on Cloverdale Blvd. at School Street – Next Meeting: September 19, 2016, 5:00 p.m.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON):

Councilmember Russell discussed the General Manager’s Report for SMART. She shared that she was interviewed by KRCB and KQED on SMART.

Councilmember Cox reported that as a member of the Sons of American Legion, he participated in a ceremony to retire over 600 American flags.

Councilmember Palla reported that he attended the Town Hall Meeting with Supervisor Gore. One of the items of discussion was the Open Space District Funding. He reported that discussions will continue in hopes of gaining additional funding. Councilmember Palla reported that he also attended the Redwood Empire Division meeting with the League of California Cities and letters were sent regarding upcoming bills. He reported that he has been working with Senator McGuire for rural funding to replace old buses.

Mayor Brigham reported that Supervisor Gore contacted her regarding her complaints about the County Health and Human Services not having a local office. She stated that she has been working with Health and Human Services Department regarding possible office spaces but she is now waiting for a response from them regarding possible locations she suggested.

LEGISLATIVE REPORT: None

CITY MANAGER/CITY ATTORNEY REPORT: City Attorney Sanchez reported a change with Water Conservation and Emergency Regulation, noting that both were extended by the Governor. Mr. Sanchez stated that the State Water Board adopted new regulations, which moved urban water to a self-certification method. He discussed the guidelines of the new certification process. City Manager Cayler reported that the City is currently at Stage One Water Reduction, which is a 20% voluntary reduction.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS: Mayor Brigham expressed the desire to keep the cannabis issue moving through the process.

ADJOURNMENT: Mayor Brigham adjourned the meeting at 10:30 p.m., to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, June 14, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

Cloverdale 5/24/16 Climate Action 2020 meeting

I want to speak to the **Climate Mitigation Goals** set by the Climate Action 2020 draft.

This comprehensive Action Plan proposes to reduce Sonoma County's Greenhouse Gases emissions to levels lower than current State regulations require.

If we just want to comply with regulations, Climate Action 2020 is right on track, but **if our ultimate goal is to preserve the Climate and the environment and protect humanity from becoming Climate Change refugees**, partially reducing emissions will not be enough.

Current data of Climate Change indicators, the most recent climate research and observations of recent extreme weather-related events, are showing that significant **Climate Change is already getting established by the Greenhouse Gases already emitted and by the faster-than-predicted triggering of SLOW FEEDBACKS**, and that the window of opportunity to avoid much worse **permanent Climate disruptions** is getting smaller.

For instance, the average annual global atmospheric temperature that during the last 150 years, or so, increased to 0.8 degree Celsius WARMER than in pre-industrial times, jumped to 1 degree Celsius WARMER, in 2015, and in February 2016, the global temperature reached 1.65 degrees Celsius, temporarily passing the 1.5 degrees mark set by the Paris Climate Conference in 2015, as a MAXIMUM average annual temperature goal to hopefully stabilize the Climate.

MARCH 2016 HAS BEEN EVEN HOTTER, AND APRIL 2016 IS THE HOTTEST APRIL ON RECORD

Eight years ago, our own 2008 Sonoma County Climate Action Plan (the precursor to Climate Action 2020) understood the magnitude of the action needed:

QUOTE “We must move together at tremendous speed and scale. Individual actions and volunteerism, while essential are insufficient.

“Transforming our energy infrastructure from fossil fuels to renewables entails a unity of purpose, ingenuity and commitment similar to this country’s mobilization during World War II and the New Deal era.” UNQUOTE

Implementing this vision is even more necessary NOW.

Since emissions must be stopped globally, our greatest contribution to mitigate Climate Change would be to offer a strategy by becoming a visible model of what needs to be done now, in California, in the other States and in the rest of the world.

As that model, Sonoma County **would commit to immediately start the transformation of our whole economy to be GREENHOUSE GASES-NEGATIVE and to officially declare Climate Change a MAJOR DISASTER.**

By **officially declaring Climate Change a MAJOR DISASTER**, we will be giving Climate Change Action the **RALLYING DECLARATION** it has been missing all along, and unleashing the County, State and Federal **government resources** required for this transformation. **For far too long we have been “fighting Climate Change” without ever declaring war.**

By committing to an immediate **GREENHOUSE GASES-NEGATIVE** transformation we will be showing the world that the time for half-measures is over.

Doing so, will give us the greatest chance of thriving through change instead of merely surviving change.

Engaging the whole State of California in this goal, is a concurrent necessary step, and to that purpose I am initiating a petition to Governor Jerry Brown asking him to **DECLARE CLIMATE CHANGE A MAJOR DISASTER** to immediately start all the necessary statewide actions to fully deal with Climate Change. I hope you will sign it and support it. Thank you.

Jorge R. Rebagliati
Santa Rosa, CA 95403
707-578-6049

Recommended Concentrate Production Guidelines for the City of Cloverdale, CA

FOR A SAFER CALIFORNIA



3-Part Sensible Approach to Regulation

- ▶ Facility and Equipment Requirements
 - ▶ Protect public safety.
- ▶ Employee Training
 - ▶ Ensure employees are properly educated to operate safely in the work environment.
- ▶ Production Accountability
 - ▶ Provide accurate tracking of materials and taxable income for the City.



Brief Overview of Concentrates

- ▶ Cannabis concentrates are an effective, accurate form of medicine for patients with immune deficiencies.
- ▶ According to ArchView Market research, concentrates and concentrate derived products account for 70% of the current Medical Marijuana model. These concentrate derived products consist of most edibles, tinctures, topicals, and capsules.
- ▶ Extracts are refined using common-place solvents and practices that are FDA GRAS (Generally Recognized as Safe) and found in parallel industrial applications.
- ▶ Cannabis concentrates are the active ingredient in most cannabis-based treatments used to combat neurological disorders such as epilepsy and MS.



Facility Requirements

Other municipalities have utilized these national standards to aid in the formation of guidelines for cannabis manufacturing facilities:

- ▶ National standards for commercial operations:
 - ▶ Occupational Safety Health Administration (OSHA)
 - ▶ Flammable Solvent Classification
 - ▶ Workplace Safety
 - ▶ National Fire Protection Agency (NFPA)
 - ▶ Solvent Storage and Handling
 - ▶ Equipment Standards
 - ▶ California Department of Public Health (DPH)
 - ▶ Food Production Guideline
 - ▶ General Sanitary Requirements
 - ▶ International Building Code 2015 (IBC)
- ▶ Utilize 3rd Party Engineering services for both facility and equipment compliance verification
 - ▶ This integral step removes the majority of liability for the City by having a licensed engineer approve the facility for complaint operations



Employee Training for Safe Operations

- ▶ Standard Operating Procedures (SOPs)
 - ▶ Standards for safe operations covering all equipment and processes performed
- ▶ ServSafe Manager and Food Handler Training
 - ▶ Safe food handling and general sanitary requirements
- ▶ Flammable Solvent Handling and Storage Training
- ▶ Emergency Preparedness and Action Plan



Production Accountability

- ▶ Inventory Management
 - ▶ Help eliminate theft and diversion
 - ▶ Enables real time auditing
 - ▶ Established chain of custody for all marijuana materials and products
 - ▶ This requirement will help align local producers with looming state guidelines
- ▶ Tracking Taxable Income
 - ▶ Accurately account for all revenues generated by taxes on products
 - ▶ Ensures all products processed in a license facility are taxable at the POS and not sold to the black market.



Action Plan

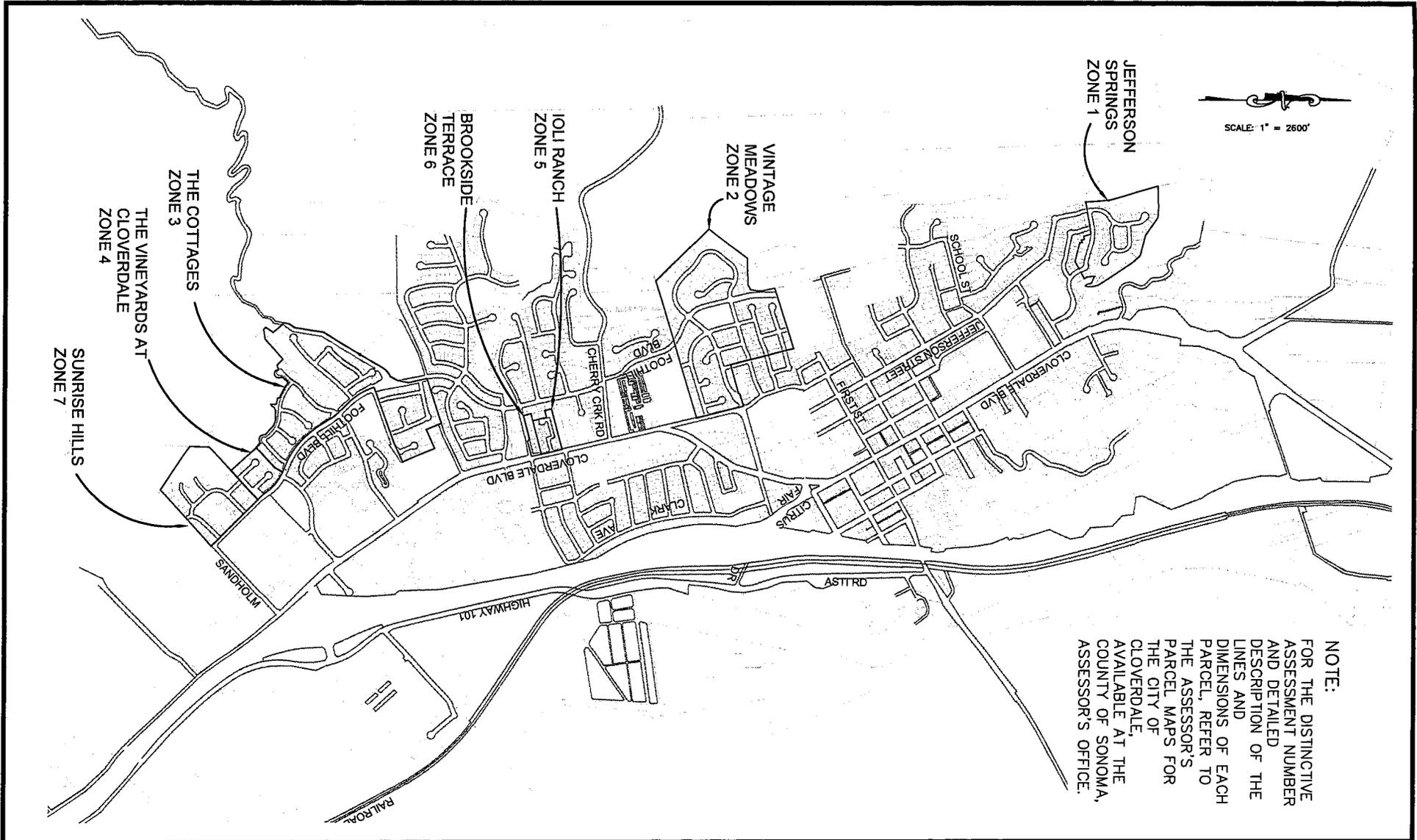
- ▶ Adopt sensible production guidelines that mirror State and National standards
- ▶ Require employee training and that operators submit Standard Operating Procedures for review
- ▶ Appoint 3rd Party Engineering Service to inspect and approve facilities for safe operations
- ▶ Require an Inventory Management System



Resources

- ▶ OSHA Hazardous Location Classification – Facility requirements
- ▶ NFPA Chapters 56 & 58 – Flammable Operations and Hazards
- ▶ Pressure Safety Inspectors – 3rd Party Engineering Service
- ▶ City of Denver Marijuana Code – General Guidelines for Commercial Production
- ▶ Colorado Marijuana Enforcement Division (MED) – State mandated requirements for production





NOTE:
 FOR THE DISTINCTIVE ASSESSMENT NUMBER AND DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL, REFER TO THE ASSESSOR'S PARCEL MAPS FOR THE CITY OF CLOVERDALE, AVAILABLE AT THE COUNTY OF SONOMA, ASSESSOR'S OFFICE.

CITY OF CLOVERDALE
 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM
 ALL ZONES
 FISCAL YEAR 2016-2017

LEGEND

———— ASSESSMENT DISTRICT BOUNDARY

ZONE 1	JEFFERSON SPRINGS	ZONE 5	IOLI RANCH
ZONE 2	VINTAGE MEADOWS	ZONE 6	BROOKSIDE TERRACE
ZONE 3	THE COTTAGES	ZONE 7	SUNRISE HILLS
ZONE 4	THE VINEYARDS AT CLOV.		



Coastland Civil Engineering, Inc.
 1400 Neotomas Avenue, Santa Rosa, CA 95405
 707.571.8005 707.571.8037 Fax

**City of Cloverdale
Landscaping and Lighting Assessment District
FY 2016-17 Budget Review**

Zone Number and Name	Current Year's Budget	% Change in Budget (From last year)	ESD's (No Change from last year)	Last Year's Assessment	Proposed FY 2016-17 Assessment	Reserves Used	Increase in Assessment	Beginning Reserve	Projected Ending Reserve	Ending Reserve as a Percent of FY 2016-17 Budget
Zone 1 Jefferson Springs	\$ 15,670.00	9.6%	67.50	\$ 141.40	\$ 141.40	\$ 6,125.50	\$ -	\$ 27,574.00	\$ 23,130.50	148%
Zone 2 Vintage Meadows	\$ 63,996.00	8.9%	206.00	\$ 272.76	\$ 272.76	\$ 7,807.44	\$ -	\$ 21,274.00	\$ 18,671.56	29%
Zone 3 The Cottages	\$ 87,509.00	7.1%	189.00	\$ 359.34	\$ 413.24	\$ 9,406.64	\$ 53.90	\$ 17,854.00	\$ 16,719.36	19%
Zone 4 The Vineyards	\$ 11,948.00	7.0%	29.00	\$ 270.22	\$ 270.22	\$ 4,111.62	\$ -	\$ 13,394.00	\$ 10,604.38	89%
Zone 5 Ioli Ranch	\$ 5,417.00	7.3%	37.00	\$ 128.84	\$ 135.90	\$ 388.70	\$ 7.06	\$ -	\$ 81.30	2%
Zone 6 Brookside Terrace	\$ 8,816.00	11.9%	14.00	\$ 562.90	\$ 593.72	\$ 503.92	\$ 30.82	\$ 1,422.00	\$ 1,769.08	20%
Zone 7 Sunrise Hills	\$ 21,044.40	0.0%	57.00	\$ 369.20	\$ 369.20	\$ -	\$ -	\$ 8,460.00	\$ 10,467.00	50%
Total	\$ 214,400.40									

	No change in assessment anticipated
	Increased assessment anticipated

Reserve Policy: 25% of operating expenses

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 1 Jefferson Springs
Creek Landscaping

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>									
Personnel											
Employee Costs (Labor and Administration)	\$9,363.00	\$10,825.00									
Services											
Assessment Engineering Services	\$784.00	\$820.00									
Miscellaneous Contract Services	\$350.00	\$450.00									
Computer Maintenance	\$0.00	\$0.00									
Vehicle Repair	\$0.00	\$250.00									
General Repair & Maintenance	\$300.00	\$300.00									
Training/Travel	\$75.00	\$75.00									
Operating Supplies	\$900.00	\$700.00									
Subtotal Services	\$2,409.00	\$2,595.00									
Supplies											
Small Tools & Equipment	\$100.00	\$75.00									
Fuel	\$220.00	\$175.00									
Utilities-Gas & Electric	\$0.00	\$0.00									
Utilities-Water	\$900.00	\$575.00									
Subtotal Supplies	\$1,220.00	\$825.00									
Subtotal Expenses	\$12,992.00	\$14,245.00									
Contingency	\$1,299.00	\$1,425.00									
TOTAL EXPENSES	\$14,291.00	\$15,670.00									
Contribution from Reserves	\$4,746.50	\$6,125.50									
TOTAL COSTS	\$9,544.50	\$9,544.50									
TOTAL REVENUE	\$9,544.50	\$9,544.50									
Estimated Number of ESD Units in Zone 1	67.5	67.5									
Proposed Assessment per ESD for Zone 1	\$141.40	\$141.40									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2015-16 Zone 1 Maximum Annual Assessment per ESD</td> <td style="width: 20%; text-align: right;">\$194.06</td> <td style="width: 20%;"></td> </tr> <tr> <td style="padding-left: 40px;">2015 Cost of Living Increase (CPI)</td> <td style="padding-left: 20px;">2.60%</td> <td></td> </tr> <tr> <td>2016-17 Zone 1 Maximum Annual Assessment per ESD</td> <td></td> <td style="text-align: right;">\$199.11</td> </tr> </table>			2015-16 Zone 1 Maximum Annual Assessment per ESD	\$194.06		2015 Cost of Living Increase (CPI)	2.60%		2016-17 Zone 1 Maximum Annual Assessment per ESD		\$199.11
2015-16 Zone 1 Maximum Annual Assessment per ESD	\$194.06										
2015 Cost of Living Increase (CPI)	2.60%										
2016-17 Zone 1 Maximum Annual Assessment per ESD		\$199.11									

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 2 Vintage Meadows
Street Landscaping and Park

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>												
Personnel														
Employee Costs (Labor and Administration)	\$29,310.00	\$34,253.00												
Services														
Assessment Engineering Services	\$3,379.00	\$3,506.00												
Miscellaneous Contract Services	\$15,200.00	\$15,200.00												
Computer Maintenance	\$0.00	\$0.00												
Vehicle Repair	\$0.00	\$365.00												
General Repair & Maintenance	\$600.00	\$600.00												
Training/Travel	\$150.00	\$150.00												
Operating Supplies	\$2,000.00	\$2,000.00												
Subtotal Services	\$21,329.00	\$21,821.00												
Supplies														
Small Tools & Equipment	\$400.00	\$400.00												
Fuel	\$350.00	\$275.00												
Utilities-Gas & Electric	\$400.00	\$325.00												
Utilities-Water	\$4,200.00	\$3,875.00												
Subtotal Supplies	\$5,350.00	\$4,875.00												
Subtotal Expenses	\$55,989.00	\$60,949.00												
Contingency	\$2,799.56	\$3,047.00												
TOTAL EXPENSES	\$58,788.56	\$63,996.00												
Contribution from Reserves	\$2,600.00	\$7,807.44												
TOTAL COSTS	\$56,188.56	\$56,188.56												
TOTAL REVENUE	\$56,188.56	\$56,188.56												
Estimated Number of ESD Units in Zone 2	206.0	206.0												
Proposed Assessment per ESD for Zone 2	\$272.76	\$272.76												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2015-16 Zone 2 Maximum Annual Assessment per ESD</td> <td style="text-align: right; width: 20%;">\$387.08</td> <td style="width: 20%;"></td> </tr> <tr> <td style="padding-left: 20px;">2015 Cost of Living Increase (CPI)</td> <td style="text-align: right;">2.60%</td> <td></td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black;">2016-17 Zone 2 Maximum Annual Assessment per ESD</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">\$397.14</td> </tr> </table>			2015-16 Zone 2 Maximum Annual Assessment per ESD	\$387.08		2015 Cost of Living Increase (CPI)	2.60%		2016-17 Zone 2 Maximum Annual Assessment per ESD					\$397.14
2015-16 Zone 2 Maximum Annual Assessment per ESD	\$387.08													
2015 Cost of Living Increase (CPI)	2.60%													
2016-17 Zone 2 Maximum Annual Assessment per ESD														
		\$397.14												

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 3 The Cottages
Landscaping & Maintenance

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>
Personnel		
Employee Costs (Labor and Administration)	\$46,446.00	\$54,335.00
Services		
Assessment Engineering Services	\$4,565.00	\$4,794.00
Miscellaneous Contract Services	\$6,700.00	\$6,950.00
Computer Maintenance	\$0.00	\$0.00
Vehicle Repair	\$0.00	\$525.00
General Repair & Maintenance	\$600.00	\$600.00
Training/Travel	\$210.00	\$210.00
Operating Supplies	\$3,200.00	\$1,750.00
Subtotal Services	\$15,275.00	\$14,829.00
Supplies		
Small Tools & Equipment	\$200.00	\$100.00
Fuel	\$500.00	\$375.00
Utilities-Gas & Electric	\$620.00	\$600.00
Utilities-Water	\$12,600.00	\$13,103.00
Subtotal Supplies	\$13,920.00	\$14,178.00
Subtotal Expenses	\$75,641.00	\$83,342.00
Contingency	\$6,051.00	\$4,167.00
TOTAL EXPENSES	\$81,692.00	\$87,509.00
Contribution from Reserves	\$13,776.74	\$9,406.64
TOTAL COSTS	\$67,915.26	\$78,102.36
TOTAL REVENUE	\$67,915.26	\$78,102.36
Estimated Number of ESD Units in Zone 3	189.0	189.0
Proposed Assessment per ESD for Zone 3	\$359.34	\$413.24

2015-16 Zone 3 Maximum Annual Assessment per ESD	\$662.80
2015 Cost of Living Increase (CPI) 2.60%	
2016-17 Zone 3 Maximum Annual Assessment per ESD	\$680.03

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 4 The Vineyards at Cloverdale
Landscaping & Maintenance

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>
Personnel		
Employee Costs (Labor and Administration)	\$7,189.00	\$8,359.00
Services		
Assessment Engineering Services	\$613.00	\$625.00
Miscellaneous Contract Services	\$50.00	\$50.00
Computer Maintenance	\$0.00	\$0.00
Vehicle Repair	\$0.00	\$100.00
General Repair & Maintenance	\$260.00	\$260.00
Training/Travel	\$40.00	\$40.00
Operating Supplies	\$200.00	\$200.00
Subtotal Services	\$1,163.00	\$1,275.00
Supplies		
Small Tools & Equipment	\$100.00	\$100.00
Fuel	\$100.00	\$100.00
Utilities-Gas & Electric	\$100.00	\$225.00
Utilities-Water	\$1,500.00	\$803.00
Subtotal Supplies	\$1,800.00	\$1,228.00
Subtotal Expenses	\$10,152.00	\$10,862.00
Contingency	\$1,015.00	\$1,086.00
TOTAL EXPENSES	\$11,167.00	\$11,948.00
Contribution from Reserves	\$3,330.62	\$4,111.62
TOTAL COSTS	\$7,836.38	\$7,836.38
TOTAL REVENUE	\$7,836.38	\$7,836.38
Estimated Number of ESD Units in Zone 4	29.0	29.0
Proposed Assessment per ESD for Zone 4	\$270.22	\$270.22
2015-16 Zone 4 Maximum Annual Assessment per ESD	\$342.44	
2015 Cost of Living Increase (CPI) 2.60%		
2016-17 Zone 4 Maximum Annual Assessment per ESD		\$351.34

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 5 Ioli Ranch
Landscaping & Maintenance

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>
Personnel		
Employee Costs (Labor and Administration)	\$3,006.00	\$3,138.00
Services		
Assessment Engineering Services	\$277.00	\$279.00
Miscellaneous Contract Services	\$0.00	\$0.00
Computer Maintenance	\$0.00	\$0.00
Vehicle Repair	\$0.00	\$100.00
General Repair & Maintenance	\$120.00	\$120.00
Training/Travel	\$13.00	\$15.00
Operating Supplies	\$120.00	\$100.00
Subtotal Services	\$530.00	\$614.00
Supplies		
Small Tools & Equipment	\$75.00	\$75.00
Fuel	\$80.00	\$75.00
Utilities-Gas & Electric	\$100.00	\$125.00
Utilities-Water	\$800.00	\$824.00
Subtotal Supplies	\$1,055.00	\$1,099.00
Loan Reimbursement		
General Fund FY 2014-15 Loan Reimbursement		\$566.00
Subtotal Expenses	\$4,591.00	\$5,417.00
Contingency	\$459.08	\$0.00
TOTAL EXPENSES	\$5,050.08	\$5,417.00
Contribution from Reserves	\$283.00	\$388.70
TOTAL COSTS	\$4,767.08	\$5,028.30
TOTAL REVENUE	\$4,767.08	\$5,028.30
Estimated Number of ESD Units in Zone 5	37.0	37.0
Proposed Assessment per ESD for Zone 5	\$128.84	\$135.90

2015-16 Zone 5 Maximum Annual Assessment per ESD	\$132.46
2015 Cost of Living Increase (CPI) 2.60%	
2016-17 Zone 5 Maximum Annual Assessment per ESD	\$135.90

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 6 Brookside Terrace
Landscaping & Maintenance

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>									
Personnel											
Employee Costs (Labor and Administration)	\$4,822.00	\$5,626.00									
Services											
Assessment Engineering Services	\$425.00	\$477.00									
Miscellaneous Contract Services	\$0.00	\$0.00									
Computer Maintenance	\$0.00	\$0.00									
Vehicle Repair	\$0.00	\$125.00									
General Repair & Maintenance	\$70.00	\$70.00									
Training/Travel	\$30.00	\$30.00									
Operating Supplies	\$100.00	\$75.00									
Subtotal Services	\$625.00	\$777.00									
Supplies											
Small Tools & Equipment	\$70.00	\$30.00									
Fuel	\$100.00	\$75.00									
Utilities-Gas & Electric	\$120.00	\$120.00									
Utilities-Water	\$1,300.00	\$1,658.00									
Subtotal Supplies	\$1,590.00	\$1,883.00									
Subtotal Expenses	\$7,037.00	\$8,286.00									
Contingency	\$843.60	\$530.00									
TOTAL EXPENSES	\$7,880.60	\$8,816.00									
Contribution from Reserves	\$0.00	\$503.92									
TOTAL COSTS	\$7,880.60	\$8,312.08									
TOTAL REVENUE	\$7,880.60	\$8,312.08									
Estimated Number of ESD Units in Zone 6	14.0	14.0									
Proposed Assessment per ESD for Zone 6	\$562.90	\$593.72									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2015-16 Zone 6 Maximum Annual Assessment per ESD</td> <td style="width: 20%; text-align: right;">\$578.67</td> <td style="width: 20%;"></td> </tr> <tr> <td style="padding-left: 20px;">2015 Cost of Living Increase (CPI)</td> <td style="text-align: right;">2.60%</td> <td></td> </tr> <tr> <td>2016-17 Zone 6 Maximum Annual Assessment per ESD</td> <td></td> <td style="text-align: right;">\$593.72</td> </tr> </table>			2015-16 Zone 6 Maximum Annual Assessment per ESD	\$578.67		2015 Cost of Living Increase (CPI)	2.60%		2016-17 Zone 6 Maximum Annual Assessment per ESD		\$593.72
2015-16 Zone 6 Maximum Annual Assessment per ESD	\$578.67										
2015 Cost of Living Increase (CPI)	2.60%										
2016-17 Zone 6 Maximum Annual Assessment per ESD		\$593.72									

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget
Zone 7 Sunrise Hills
Landscaping & Maintenance

	<u>2015-16 Budget</u>	<u>2016-17 Budget</u>									
Personnel											
Employee Costs (Labor and Administration)	\$11,046.00	\$13,297.00									
Services											
Assessment Engineering Services	\$1,155.00	\$1,098.00									
Miscellaneous Contract Services	\$3,800.00	\$300.00									
Computer Maintenance	\$0.00	\$0.00									
Vehicle Repair	\$0.00	\$225.00									
General Repair & Maintenance	\$200.00	\$100.00									
Training/Travel	\$60.00	\$60.00									
Operating Supplies	\$1,200.00	\$1,750.00									
Subtotal Services	\$6,415.00	\$3,533.00									
Supplies											
Small Tools & Equipment	\$170.00	\$100.00									
Fuel	\$200.00	\$150.00									
Utilities-Gas & Electric	\$200.00	\$0.00									
Utilities-Water	\$1,100.00	\$2,000.00									
Subtotal Supplies	\$1,670.00	\$2,250.00									
Subtotal Expenses	\$19,131.00	\$19,080.00									
Contingency	\$1,913.40	\$1,964.40									
TOTAL EXPENSES	\$21,044.40	\$21,044.40									
Contribution from Reserves	\$0.00	\$0.00									
TOTAL COSTS	\$21,044.40	\$21,044.40									
TOTAL REVENUE	\$21,044.40	\$21,044.40									
Estimated Number of ESD Units in Zone 7	57.0	57.0									
Proposed Assessment per ESD for Zone 7	\$369.20	\$369.20									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2015-16 Zone 7 Maximum Annual Assessment per ESD</td> <td style="width: 20%; text-align: right;">\$416.25</td> <td style="width: 20%;"></td> </tr> <tr> <td style="padding-left: 40px;">2015 Cost of Living Increase (CPI)</td> <td style="text-align: right;">2.60%</td> <td></td> </tr> <tr> <td>2016-17 Zone 7 Maximum Annual Assessment per ESD</td> <td></td> <td style="text-align: right;">\$427.07</td> </tr> </table>			2015-16 Zone 7 Maximum Annual Assessment per ESD	\$416.25		2015 Cost of Living Increase (CPI)	2.60%		2016-17 Zone 7 Maximum Annual Assessment per ESD		\$427.07
2015-16 Zone 7 Maximum Annual Assessment per ESD	\$416.25										
2015 Cost of Living Increase (CPI)	2.60%										
2016-17 Zone 7 Maximum Annual Assessment per ESD		\$427.07									

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget

Summary of Fund Balances

	<u>FY 2016-17</u>	
Zone 1 Jefferson Springs		
Estimated Starting Reserve Fund Balance July 1	\$27,574.00	176% starting reserve
Estimated Assessment Revenue	\$9,544.50	
Estimated Miscellaneous Revenue Allocation	\$1,682.00	
Estimated Expenses	\$15,670.00	
Estimated Ending Reserve Fund Balance June 30	\$23,130.50	148% ending year reserve/expenditures
Zone 2 Vintage Meadows		
Estimated Starting Reserve Fund Balance July 1	\$21,274.00	33% starting reserve
Estimated Revenue	\$56,188.56	
Estimated Miscellaneous Revenue Allocation	\$5,205.00	
Estimated Expenses	\$63,996.00	
Estimated Ending Reserve Fund Balance June 30	\$18,671.56	29% ending year reserve/expenditures
Zone 3 The Cottages		
Estimated Starting Reserve Fund Balance July 1	\$17,854.00	20% starting reserve
Estimated Revenue	\$78,102.36	
Estimated Miscellaneous Revenue Allocation	\$8,272.00	
Estimated Expenses	\$87,509.00	
Estimated Ending Reserve Fund Balance June 30	\$16,719.36	19% ending year reserve/expenditures
Zone 4 The Vineyards at Cloverdale		
Estimated Starting Reserve Fund Balance July 1	\$13,394.00	112% starting reserve
Estimated Revenue	\$7,836.38	
Estimated Miscellaneous Revenue Allocation	\$1,322.00	
Estimated Expenses	\$11,948.00	
Estimated Ending Reserve Fund Balance June 30	\$10,604.38	89% ending year reserve/expenditures
Zone 5 Ioli Ranch		
Estimated Starting Reserve Fund Balance July 1	\$0.00	0% starting reserve
Estimated Revenue	\$5,028.30	
Estimated Miscellaneous Revenue Allocation	\$470.00	
Estimated Annual Expenses	\$4,851.00	
Estimated General Fund Reimbursement	\$566.00	
Estimated Ending Reserve Fund Balance June 30	\$81.30	2% ending year reserve/expenditures
Zone 6 Brookside Terrace		
Estimated Starting Reserve Fund Balance July 1	\$1,422.00	16% starting reserve
Estimated Revenue	\$8,312.08	
Estimated Miscellaneous Revenue Allocation	\$851.00	
Estimated Expenses	\$8,816.00	
Estimated Ending Reserve Fund Balance June 30	\$1,769.08	20% ending year reserve/expenditures

CITY OF CLOVERDALE
Landscaping and Lighting Assessment District
Fiscal Year 2016-17 Budget

Summary of Fund Balances

FY 2016-17

Zone 7 Sunrise Hills

Estimated Starting Reserve Fund Balance July 1	\$8,460.00	40% starting reserve
Estimated Revenue	\$21,044.40	
Estimated Miscellaneous Revenue Allocation	\$2,007.00	
Estimated Expenses	\$21,044.40	
Estimated Ending Reserve Fund Balance June 30	\$10,467.00	50% ending year reserve/expenditures

Note: Miscellaneous Revenue Allocation includes interest income plus ad valorem allocations.



CLOVERDALE FIRE PROTECTION DISTRICT
SERVING OUR COMMUNITY WITH PRIDE

Date 05/18/2016

CITY OF CLOVERDALE
RECEIVED

MAY 23 2016

City of Cloverdale
Attn: City Manager Paul Caylor & honorable Mayor MaryAnn Brigham
124 N Cloverdale Blvd
Cloverdale, CA 95425

RE: WEED ABATEMENT

Dear City Manager Paul Caylor and Mayor MaryAnn Brigham,

In April of 2016 the Cloverdale Fire Protection District, pursuant to the California Fire Code, declared weeds a public nuisance in the Cloverdale City Limits. This declaration is made annually before we receive complaints and inspect properties for vegetation management compliance.

The Cloverdale Fire Protection District now requests that the City Council pass a Resolution declaring the following properties non compliant and a public nuisance and that the City Council approve removal of the weeds from these properties, including driveways and adjacent sidewalks as necessary. The request for Council action is deemed necessary due to failed attempts by the Fire Protection District to resolve the nuisance through violation notices as shown below that were sent on April 25th, 2016 with a deadline of May 18th, 2016 for completion:

Property address and APN #

1299 S. Cloverdale Blvd APN#117-040-093

100-106PolarisCt&101-106OrionCtAPN#117-350-002/007/008/009/010/011/012/013/014

28640 Hwy 101 (Property between IROC & MGM) APN#116-300-021

129 Railroad Ave APN#001-103-041

612 N. Cloverdale Blvd APN#001-151-023

531 N. Cloverdale Blvd APN#001-002-021

563 N. Jefferson St APN#116-430-009

555 N. Jefferson St APN#116-430-007

217 Vista View APN#001-250-049

224 Vista View APN#001-340-021

208/210 Vista View APN#001-340-003/004

Each of these properties was inspected by our fire district personnel prior to each notice of violation.

Sincerely,

Jason Jenkins
Fire Chief

**Exhibit A – List of Private Properties in violation with the
City of Cloverdale Weed Abatement Ordinance**

The Cloverdale Fire Protection District requests that the City Council pass a Resolution declaring the following properties non-compliant and a public nuisance and that the City Council approve removal of the weeds from these properties, including driveways and adjacent sidewalks as necessary. The request for Council action is deemed necessary due to failed attempts by the Fire Protection District to resolve the nuisance through violation notices as shown below that were sent on April 25th, 2016 with a deadline of May 18th, 2016 for completion:

<u>Property Address</u>	<u>Assessor Parcel Number (APN)</u>
1299 S. Cloverdale Blvd	APN: 117-040-093
100-106 Polaris Ct / 101-106 OrionCt	APN: 117-350-002/007 /008/009/010/011/012/013/014
129 Railroad Ave	APN: 001-103-041
612 N. Cloverdale Blvd	APN: 001-151-023
531 N. Cloverdale Blvd	APN: 001-021-021
563 N. Jefferson St	APN: 116-430-009
555 N. Jefferson St	APN: 116-430-007
217 Vista View	APN: 001-350-049
224 Vista View	APN: 001-340-021
210/212 Vista View	APN: 001-340-003/004

Each of these properties was inspected by our fire district personnel prior to each notice of violation.

This page left blank for two-sided printing



DRAFT MINUTES
SPECIAL MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS
THURSDAY, MAY 26, 2016
PUBLIC BUSINESS SESSION: 10:30 a.m.
PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE LIBRARY, CONFERENCE ROOM, 401 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425

OPENING:

- Call to Order: Mayor Brigham called the meeting to order at 10:30 p.m.
- Roll Call: Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, Councilmember Russell, and Mayor Brigham
- Conflict of Interest Declaration: None
- Agenda Review – Regular Session (Changes and/or Deletions): None

PUBLIC COMMENTS:

COMMUNICATIONS: None.

NEW BUSINESS:

1. City of Cloverdale Council’s Strategic Planning Retreat- Second Session

Facilitator, Sue Haun, Strategies by Design, opened the Strategic Planning Retreat Workshop by welcoming everyone. Members of the public present were Toni Landucci, Jimmy Halliday, and Melanie Bagby. Ms. Haun presented the meeting agenda, which included:

A. Where We Are Now

- Results for Employee Survey, Customer Survey & Key Stakeholders Meeting
- SWOT Analysis & Forces of Change Context Map

B. Setting a Strategic Direction

- A Common Language
- Strategic Framework / Process
- Proposed Vision and Mission
- Strategic Focal Areas
- Define Outcomes / Performances Measures
- Establish Priorities

C. Next Steps for Finishing Strategic Plan and Development Implementation Plans

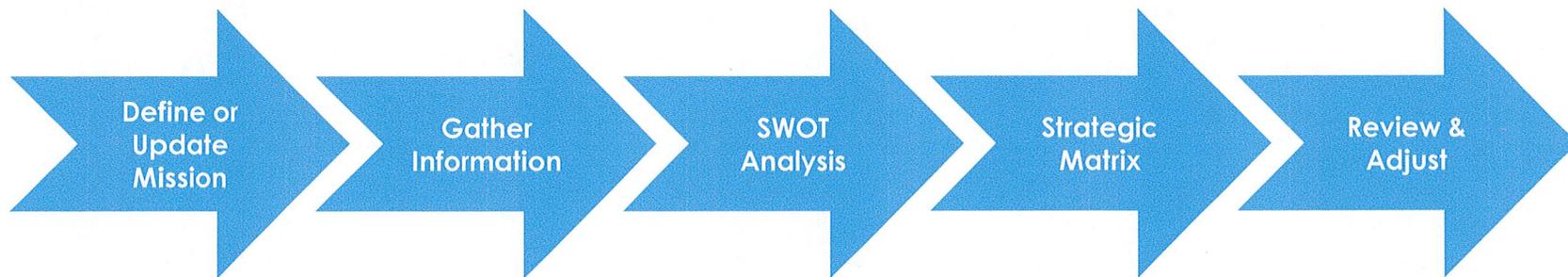
The City Council, City Senior Staff, and members of the public proceeded with the workshop, discussing the results of Employee Survey, Customer Survey and Stakeholders Meetings. Ms. Haun distributed a Context Map and Strategic Planning Process Plan (attached). The workshop continued with the group working to define and develop the strategic plan direction for the City.

ADJOURNMENT: Mayor Brigham adjourned the meeting at 3:24 p.m. to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, June 14, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

This page left blank for two-sided printing

Strategic Planning Process

January – June



Org. Purpose

- Develop or Update the Mission Statement
- Optionally, Develop Vision and Values Statements

Gather Inputs

- From all Stakeholders

SWOT Analysis

- Internal Analysis
 - Strengths
 - Weaknesses
- External Analysis
 - Opportunities
 - Threats
- Strategic Issues / Questions

Strategic Matrix

- Review Inputs
- Define Outcomes & Objectives
- Define Strategies
- Define Action Plan

Final Review

- Review Outcomes, Objectives & Strategies
- Identify Associated Plans (e.g., financial, staffing, etc.)
- Define Implementation Framework



Where you are now



Where you are going & How you will get there

CONTEXT MAP

May 26, 2016



Societal Trends	Political Factors	Economic Climate	Community Trends	Technology Factors	Citizen Needs	Uncertainties
<ul style="list-style-type: none"> • Social media growth • Less face to face interactions among younger generations • Expectation of instant response • Spending more than saving • Aging population with increasing number of 65+ by 2019 • Demand for quality services • Declining home ownership / transient population • Demand for transit oriented development • Extended families living together 	<ul style="list-style-type: none"> • Unfunded state and federal mandates • Voter apathy / limited citizen engagement • Distrust of government • Polarization of political views / lack of compromise • City Council dynamics • Resistance to taxes and fees 	<ul style="list-style-type: none"> • 8.9% unemployment rate in July 2014, higher than Sonoma County (5.8%) • Rising median income • 7.8% retail vacancy rate (above Sonoma County) • Upward trend in taxable sales • Regional competition • State limitations on local ability to raise revenue 	<ul style="list-style-type: none"> • 4% population growth predicted by 2019 • Increasing concentration of households in higher-income tiers by 2019 • Increasing median home price • Additional school choice • More rental housing available • Growing need for affordable housing choices • “Clustering” of cultural communities • Mass transit availability • Growing redevelopment opportunity 	<ul style="list-style-type: none"> • Rise of social media and the need to manage and respond to it • Cost of technology upgrades • Need to leverage IT for efficiency, effectiveness, responsiveness • Cyber security costs 	<ul style="list-style-type: none"> • Public safety • Future water supply • Customer service • Recreation • Roads and sidewalks • Parks / green space • Good educational opportunity • Transportation options, including for the aged • Clean community • Housing diversity and supply 	<ul style="list-style-type: none"> • Financial / economic outlook • Water needs • State infringement on ability to raise revenue • Ability to deliver services to a growing population / sustainability? • Catastrophic events



**DRAFT MINUTES
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS**

TUESDAY, JUNE 14, 2016

CLOSED SESSION 5:30 p.m.

CLOSED SESSION LOCATION: CITY HALL CONFERENCE ROOM, 124 N. CLOVERDALE BLVD. CLOVERDALE, CA 95425

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

CLOSED SESSION: 5:30 pm

OPENING:

- Call to Order: Mayor Brigham called the meeting to order at 5:30 p.m.
- Roll Call: Present- Councilmember Palla, Councilmember Cox, Councilmember Russell, and Mayor Brigham, with Vice Mayor Wolter absent.
- Agenda Review - Closed Session (Changes and/or Deletions): None

PUBLIC COMMENTS ON CLOSED SESSION AGENDA: None

RECESS TO CLOSED SESSION:

CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Labor Negotiator: Paul Cayler, City Manager; David Kelley, Assistant City Manager; and Jose M. Sanchez, City Attorney

Employee Organizations: Cloverdale Police Officers' Association

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order: Mayor Brigham called the meeting to order at 6:30 p.m.
- Pledge of Allegiance
- Roll Call: Councilmember Palla, Councilmember Cox, Councilmember Russell, and Mayor Brigham, with Vice Mayor Wolter absent.
- Report out of Closed Session –Actions Taken: No reportable action
- Conflict of Interest Declaration: None
- Agenda Review – Regular Session (Changes and/or Deletions): None

PUBLIC COMMENTS:

Patrick King, Cloverdale, voiced concern about phase two of the Sunrise Hills subdivision development and requested that steps be taken to ensure plans that are approved adhere to the design restrictions of the plan development.

Shawn Bovee, Cloverdale, discussed the progress towards a skate park in Cloverdale and encouraged the Council to make sure that a skate park is included in the Thyme Square project.

PROCLAMATIONS / PRESENTATIONS:

1. Introduction of new employees: Eric Sanders - Water Operator II, and Trevor Anderson- Meter Reader
City Manager Cayler introduced and welcomed two newly hired City staff: Water Treatment Operator II, Eric Sanders and Meter Reader, Trevor Andersen.

2. Proclamation for World Elder Abuse Awareness Day
Mayor Brigham presented the proclamation to Colleen Hale and thanked her for her dedication to the Senior Center and all of the seniors in the Cloverdale Community.

3. Presentation by Ms. Jamie Kerr of 530 Collective Corporation Regarding the Medical Marijuana Regulation and Safety Act of 2015

Mayor Brigham introduced Jamie Kerr, founder of 530 Collective and 530 Edibles, which is a store front medical marijuana dispensary that has been in operation in Shasta Lake since 2009. Ms. Kerr gave a PowerPoint presentation on the Medical Marijuana Regulation and Safety Act of 2015. She discussed current bills and legislation, the State Agencies involved, and the many license types, and impact on local government.

PUBLIC COMMENTS:

Patrick King, Cloverdale, thanked Ms. Kerr for her excellent presentation and recommended a residency requirement be implemented to facilitate creating small businesses and keeping the supply chain in the community. Ms. Kerr responded questioning the legality of residency requirement and discussed options for small businesses and marketing and distributing.

Shawn Bovee, Cloverdale, questioned how Shasta City determined how many dispensaries would be allowed and the cost of the license. Ms. Kerr responded explaining the process used by Shasta Lake and other cities. Mr. Bovee requested the City Attorney research the legality of implementing residency requirements. City Attorney Sanchez responded that the legality of a residency requirement and inspection requirements are on the list to research.

CONSENT CALENDAR:

- 4. Minutes of Previous Meeting April 12, 2016**
- 5. Minutes of Previous Meeting May 10, 2016**
- 6. Action on Resolution No. 041-2016 adopting the 2015 Urban Water Management Plan prepared by RMC**
- 7. Action on Resolution No. 042-2016, of the City Council of the City of Cloverdale Re-appointing Ms. Reece Foxen to Serve a Four Year Term as Cloverdale's Representative on the Sonoma County Library Commission**

Item five was pulled for a separate vote since Mayor Brigham was absent the May 10, 2016 meeting.

Action: Motion was made by Councilmember Russell and seconded by Councilmember Cox to approve the consent calendar minus item number five. The motion passed by roll call vote: (4-ayes – Councilmember Palla, Councilmember Cox, Councilmember Russell, and Mayor Brigham; 0-noes; 1-Absent- Vice Mayor Wolter).

Action: Motion was made by Councilmember Palla and seconded by Councilmember Cox to approve consent calendar item number five. The motion passed by roll call vote: (3-ayes – Councilmember Palla, Councilmember Cox, and Councilmember Russell; 0-noes; 1-Absent- Vice Mayor Wolter; 1-Abstain-Mayor Brigham).

COMMUNICATIONS: None.

PUBLIC HEARINGS: None

NEW BUSINESS:

8. Presentation of the Wastewater Treatment Plant Capacity Study by RMC

Vanessa Apodaca, Interim City Engineer reported that the solids loading capacity of the City's treatment plant is one of the primary factors used in the considering approval for residential, commercial, and industrial development, as well as planning for future plant expansions. Ms. Apodaca introduced Mary Cousins from RMC Consulting Firm, who presented a PowerPoint presentation, discussing the details of the Treatment Plant Capacity Study. She explained that the capacity of the plant could be increased with a relatively small capital project, adding that there is not an immediate need for the project since loading levels have recently decreased.

City Manager Cayler thanked Ms. Cousins for her informative presentation and acknowledged the work staff has accomplished to increase Cloverdale's opportunities for additional growth. Discussion ensued regarding the capacity study and future growth.

SUBCOMMITTEE ITEMS:

Finance, Administration & Police

9. Action on Resolution No 033-2016, authorizing the City Manager to sign an agreement with Exchange Bank and approving the City Manager and Finance Manager as signers on the Investment Account

Finance Manager, Joanne Cavallari, presented this item, commenting that this item is a follow up from the May 10th Council meeting, where Council requested additional information from the Exchange Bank regarding the bank's rate of return on investments. Ms. Cavallari distributed a Trust and Investment Management summary sheet which showed the rate of return on one Exchange Bank account (attached) and introduced Steve Jenkins and Andriy Lesyshyn from the Exchange Bank to answer questions. She stated that Mike Nixon, the City Treasurer was also present to answer questions. Mr. Jenkins came to the podium to discuss investment returns and answer questions.

PUBLIC COMMENTS:

Mike Nixon, Cloverdale City Treasurer, voiced approval for the agreement with the Exchange Bank and complimented Finance Manager Cavallari, stating that she is doing a fantastic job with the City's finances.

Jeanne Cox, Cloverdale, asked for clarification whether the request is to approve both the City Manager and the Finance Manager as signers. City Manager Cayler confirmed the request is to add both as signers.

Action: Motion was made by Councilmember Cox and seconded by Councilmember Palla to approve Resolution No. 033-2016, authorizing the City Manager to sign an agreement with Exchange Bank and approving the City Manager and Finance Manager as signers on the Investment Account. The motion passed by roll call vote: (4-ayes – Councilmember Palla, Councilmember Cox, Councilmember Russell, and Mayor Brigham; 0-noes; 1-Absent- Vice Mayor Wolter).

SUBCOMMITTEE REPORTS:

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: July 19, 2016, 9:00 a.m.
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: June 23, 2016, 2:00 p.m.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: June 21, 2016, 4:00 p.m.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: July 26, 2016, 10:30 a.m.
- Joint City/Fire District (Chair, Councilmember Palla and Mayor Brigham) - Next Meeting: TBD
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) – Next Meeting: September 19, 2016, 5:00 p.m. Councilmember Palla reported the committee met and discussed next year's student liaison, commenting that there are two students who applied and both are being recommended by the committee to attend alternating Council meetings.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON):

Councilmember Russell shared information on the SMART Train, the SHARE Sonoma County program, and a Staff Report from SCTA/RCPA. She discussed the recent data regarding the impacts of climate change.

Councilmember Cox reported that he and the Mayor, along with Rich Cowart, met with Sonoma County Department of Human Services and discussed the plan to develop an office in Cloverdale to make programs and services more accessible to local residents.

Councilmember Palla reported on the progress of the Clover Springs Open Space project. He stated that he and the City Manager met with Supervisor Gore to discuss the project, noting that the City has only two years to complete the project.

LEGISLATIVE REPORT: None

CITY MANAGER/CITY ATTORNEY REPORT: City Attorney Sanchez commented on the tight timeframe to add the previously discussed cannabis general tax measure to the ballot for the upcoming General Election. Discussion ensued regarding the process and costs to put the cannabis general tax on the ballot.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS: The Council directed staff to agendize the cannabis general tax measure for the next Council meeting.

ADJOURNMENT: Mayor Brigham adjourned the meeting at 8:56 p.m., to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, June 28, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

CITY of CLOVERDALE

1. EXCHANGE BANK Trust and Investment Management

- Granted trust powers in 1963.
- One of only 12 California chartered community banks with trust powers
- Assets under management: \$1 billion
- Accounts: 950
- Employees: Staff of 20 trust and investment personnel

2. Cloverdale Investment Policy Statement

- Similar to the CA Local Agency Investment Guidelines
- Objectives: Safety first, Liquidity second, and Return last
- Slight deviation from the LAIGs: The IPS does not include State Obligations (CA and Others) & CA Local Agency Obligations

3. Treasury Yield Curve (%):

	<u>12/31/2014</u>	<u>12/31/2015</u>	<u>6/10/2016</u>
3 Mo. Bill	0.01	0.16	0.24
6 Mo. Bill	0.10	0.47	0.41
1 Yr. Note	0.26	0.60	0.54
2 Yr. Note	0.67	1.05	0.73
5 Yr. Note	1.66	1.76	1.17

4. Administration and Operations

- Account statement available daily online (after 9:00 PM)
- Monthly statements
- Quarterly performance measurement reports
- Deadline for daily transfers to for from EB depository account: 11:00 AM
- Account Relationship Manager: Andriy Lesyshyn
- Investment Officers: Bill Sullivan & Denise Palmer
- Annual Fee for \$5 million: 42 basis points

This page left blank for two-sided printing



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 6
Meeting Date: July 26, 2016

Agenda Section	Staff Contact
New Business	David J. Kelley, Assistant City Manager/CDD Director

Agenda Item Title

Motion Order No. 007-2016, to Approve the Mayor’s Appointment of Lou Enge and Roy Domke, Jr. as Regular Members of the City of Cloverdale’s Planning Commission.

Summary

According to Cloverdale Municipal Code (CMC) Section 2.36.10, the Planning Commission shall be composed of five (5) regular members appointed by the Mayor. It is also the policy of the city to allow one nonresident commissioner who must reside at a place no more than five miles from City Hall. In addition to the five regular members, two resident alternate commissioners serve for a term of two (2) years. The current membership including appointment date and term expiration of the Planning Commission is identified in Table 1.

Table 1 – City of Cloverdale Planning Commission Membership

Name of Commissioner	Member	Date Appointed	Term Expires
Bob Bialon	Regular	March 22, 2016	March 22, 2020
Mike Shanahan	Regular	May 14, 2014	June 30, 2018
Roy Domke, Jr.	Regular	March 27, 2013	June 30, 2016
Lou Enge	Regular	June 10, 2015	June 30, 2016
Jimmy Halliday	Regular/non-resident	August 13, 2014	June 30, 2019
Shawn Bovee	Alternate	June 10, 2015	June 30, 2017
Jason Turner	Alternate	March 22, 2016	March 22, 2018

The term for Commissioners Lou Enge and Roy Domke, Jr. expire on June 30, 2016. Both Commissioners submitted written e-mail requests (Attachment 1 and 2) to Mayor Brigham requesting their reappointment to the Planning Commission. Mayor Brigham requested staff to bring forward the appointment of Commissioners Lou Enge and Roy Domke, Jr. for the Council’s consideration. Reappointment of Commissioners Lou Enge and Roy Domke, Jr. to the Planning Commission will ensure a full Commission is available for the next Planning Commission meeting scheduled on August 2, 2016.

Options

- 1.) Approve the recommended appointments; 2.) Select other members of the community to fill the two vacancies; or 3.) Provide additional direction to Staff.

Budget/Financial Impact

N/A

Subcommittee Recommendation

N/A

Recommended Council Action

By Motion Order No. 007-2016,, approve Lou Enge and Roy Domke Jr. as Regular Members of the Planning Commission with terms ending June 30, 2020 respectively.

Attachments:

1. Letter (e-mail) of Interest from Ms. Lou Enge
 2. Letter (e-mail) of Interest from Mr. Roy Domke, Jr.
-

cc:

From: [Mary Ann Brigham](#)
To: [David Kelley](#)
Subject: Fwd: From Lou (Commissioner Enge)
Date: Tuesday, June 07, 2016 6:10:36 PM

Begin forwarded message:

From: Lou Enge
Subject: **From Lou (Commissioner Enge)**
Date: June 7, 2016 at 6:06:16 PM PDT
To: Mary Ann Brigham
Cc: Paul Cayler

Hi Mary Ann,
This is my official e mail confirming that I would like to continue serving on the
Planning Commission.

Thank you.
Lou Enge

From: [Mary Ann Brigham](#)
To: [David Kelley](#)
Subject: Fwd: Hi Mary Ann: My Planning Commissioner term is expiring in June and I wish to let you know that I am definitely interested in continuing serving on that body. Mr. Kelly asked me to officially announce this to you as Mayor. Please let me know if you...
Date: Tuesday, June 07, 2016 6:12:02 PM

Begin forwarded message:

From: Roy Domke

Subject: Hi Mary Ann: My Planning Commissioner term is expiring in June and I wish to let you know that I am definitely interested in continuing serving on that body. Mr. Kelly asked me to officially announce this to you as Mayor. Please let me know if you would like to discuss this further by phone or in person. My cell phone is [REDACTED]. Cheers, Roy Domke

Date: April 16, 2016 at 12:13:15 PM PDT

To: Mary Ann Brigham

Sent from my iPhone



**City Council
Agenda Item Summary**

Agenda Item: 7
Meeting Date: July 26, 2016

Agenda Section	Staff Contact
New Business	Jose M. Sanchez, City Attorney Paul Cayler, City Manager Stephen Cramer, Chief of Police

Agenda Item Title

City Council Discussion Regarding Ballot Measure Options for Possible Commercial Cannabis Business Tax.

Summary

At its June 14, 2016 regular meeting, the City Council directed staff to return with information on the procedure and deadlines to place a local cannabis business tax measure on the November ballot. At its regular meeting on June 28, 2016, the City Council discussed these options and directed staff to return with a draft ballot measure and tax ordinance for discussion. If Council desires to move forward with a tax measure, final action to place the item on the November ballot is required by the August 9th City Council meeting.

Draft Ballot Measure and Cannabis Business Tax Ordinance:

Based on direction from the City Council and information on best practices gathered by city staff, the draft ballot measure and cannabis business tax ordinance are structured as follows:

- A business operations tax rate of up to 10% on gross receipts (this is not a sales tax) of all permitted marijuana businesses within the City;
- The ability for City Council to set different tax rates for different types of marijuana businesses (dispensaries could be taxed at the maximum 10%, for example, while a manufacturing or testing business could be taxed at 4%; nonprofit dispensaries could also be taxed at a lower rate than for-profit dispensaries if so desired by the City Council);
 - No sunset date;
 - All tax revenues go to the City’s general fund;
 - Clear procedures establishing how the business tax is levied and collected; and
 - Strict penalties for violators to encourage compliance and compensate the City for staff time to regulate the business tax.

The use of a percentage tax on gross receipts, rather than a tax on square footage, means that the City would only collect revenues from businesses based on their actual sales. A square-footage tax (used by a small number of jurisdictions) would mean that a cultivation business, for example, would pay the same operations tax amount each month, even if it lost its harvest and was unable to sell the cannabis that month.

The draft ballot measure reads as follows:

“Cannabis Business Tax.

To fund essential City services such as police, streets, parks, libraries, senior and youth programs, shall an ordinance be adopted imposing an operations tax on all permitted cannabis businesses in Cloverdale, at a rate of up to 10% on gross receipts, to raise estimated revenues of \$150,000 per business, with no sunset date, subject to audits, with funds staying local and allowing for the tax rate to vary by business activity

type?”

Information on Cannabis Taxes in California Cities:

Currently there are at least eighteen cities in the State with cannabis taxes on the books. Some cities have a tax in place, but do not levy it because they do not allow marijuana businesses to locate within the city. Voters in Davis recently passed a ballot measure allowing for a 10% tax on gross receipts of *non-medical* marijuana businesses; the intent is for the tax to be levied if a statewide measure legalizing recreational marijuana sales passes in November.

Some cities tax dispensary sales only, while others also tax cultivation and other operations. Some cultivation taxes are based on square footage of an operation, while others tax a percentage of gross receipts. A tax measure could be designed to cover all “marijuana business operations,” including dispensary sales, cultivation, and even distribution, delivery, and testing businesses.

Below is a sampling of commercial marijuana taxes in California cities.

City	Tax Information	Date Passed	% of Yes Votes	Est. Revenues
Alturas	10% of gross receipts/ general tax	June 2016	81%	n/a
Sacramento	4% of gross receipts/ general tax *City has 30-plus dispensaries	November 2010	71%	\$2.86 million <i>*An attempt to pass a special tax to replace this general tax failed at the June 2016 ballot</i>
Shasta Lake	6% (initially) of gross receipts, allows up to 10% / general tax *City has 2 dispensaries	November 2014	73%	\$175,000-\$200,000
Santa Cruz	7% (initially) of gross receipts, allows up to 10% / general tax *City has 2 dispensaries	November 2014	82%	\$150,000-\$275,000
Palm Springs	10-15% of gross receipts/ general tax *City has an estimated 6 dispensaries	November 2013	66%	\$1 million
Berkeley	\$25 per square foot for first 3,000 square feet @ nonprofit collectives; \$10 per square foot after 3,000 square feet	November 2010	83%	n/a

Desert Hot Springs	10% on proceeds from dispensary sales \$25 per square foot of cultivation up to 3,000 square feet, then \$10 per square foot	November 2014	72% (dispensary sales) 68% (cultivation proceeds)	n/a *City has approved zoning for large scale indoor cultivation operations that could bring up to \$10 million in tax revenues
--------------------	---	---------------	--	--

Items Attached to This Agenda Report:

1. Draft Resolution calling for the Cannabis Business Tax Measure to be placed on the ballot. This Resolution includes the proposed language that would appear on the ballot.
2. Draft Ordinance authorizing the Cannabis Business Tax Measure, which would be attached to the Resolution if the Council directs staff to bring this item back for consideration on August 9th.

Options

1. Take no action.
2. Direct staff to bring back a resolution and other necessary items for City Council consideration at the next regular meeting to place a cannabis business tax measure on the November 8, 2016 ballot as presented in the draft documents.
3. Direct staff to bring back a resolution and other necessary items for City Council consideration at the next regular meeting to place a cannabis business tax measure on the November 8, 2016 ballot with amendments to the draft documents.

Budget/Financial Impact

If a cannabis business tax is placed on the ballot and approved by voters, it is estimated that the City could make up to \$150,000 in revenue from each marijuana business (if the Council later votes to allow marijuana businesses to locate in the City).

Recommended Council Action

Discuss the draft ballot measure related to a cannabis business tax and direct staff based on the three options listed above.

Attachments

Draft City Council Resolution to place a cannabis business tax on the November 8, 2016 ballot and attached draft Ordinance regarding the same.

2678310.1

CITY OF CLOVERDALE

CITY COUNCIL

RESOLUTION NO. 059-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION ON NOVEMBER 8, 2016 TO CONSIDER THE CITY OF CLOVERDALE CANNABIS BUSINESS TAX MEASURE; ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE ELECTION; AND REQUESTING THAT THE SONOMA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION AND PREVIOUSLY CALLED MUNICIPAL ELECTION TO BE HELD ON THE SAME DATE AND DIRECT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION

WHEREAS, the passage of the Medical Marijuana Regulation and Safety Act by the California Legislature establishes a regulatory, permitting, and oversight structure of medical marijuana businesses at the state level and allows local jurisdictions to enact taxes on such businesses; and

WHEREAS, the City Council desires to find new revenue sources for the General Fund in order to fund essential City services to preserve and improve the quality of life in Cloverdale; and

WHEREAS, a Cannabis Business Tax would create a local revenue source for City services that cannot be taken by Sacramento or Washington, ensuring our tax dollars are spent locally to help keep the City financially stable; and

WHEREAS, the City desires to protect and maintain city services its constituents have identified as priorities, such as emergency response services; preventing and investigating property crimes, like thefts and burglaries; maintaining adequate street maintenance and pothole repair; supporting the City's local businesses; maintaining and improving parks and libraries; and enhancing the fiscal stability of the City of Cloverdale.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cloverdale does hereby find, determine, and declare as follows:

1. The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Pursuant to California Constitution Article XIII C, Section 2; Government Code section 53724; and Elections Code section 9222, the City Council of the City of Cloverdale hereby calls an election at which it shall submit to the qualified voters of the City the Cloverdale Cannabis Business Tax Measure, which if approved, would adopt a business tax at a rate of up to 10% on gross receipts of permitted cannabis businesses. The City Council hereby requests that the

election be consolidated with the statewide election to be held on November 8, 2016 and the previously called municipal election. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Election Code section 10418.

3. The question to be presented to the voters shall be as set forth below. This question requires the approval of a majority of qualified electors casting votes:

<p>City of Cloverdale Cannabis Business Tax.</p> <p>To fund essential City services such as police, streets, parks, libraries, senior and youth programs, shall an ordinance be adopted imposing an operations tax on all permitted cannabis businesses in Cloverdale, at a rate of up to 10% on gross receipts, to raise estimated revenues of \$150,000 per business, with no sunset date, subject to audits, with funds staying local and allowing for the tax rate to vary by business activity type?</p>	<p>YES</p>	
	<p>NO</p>	

4. The Ordinance authorizing the general tax to be approved by the voters is as set forth in Attachment 1 hereto. The Ordinance specifies that the rate of the Cannabis Business Tax shall be no more than percent (10%) of the gross receipts of all cannabis businesses operating in the City. The tax can only be ended by voters. The Ordinance and Cannabis Business Tax shall be approved if a simple majority of votes cast on the measure are affirmative. The full text of the Ordinance proposed to be adopted by the voters shall be available upon request to the Office of the City Clerk and on the City’s website.

5. The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

6. The Board of Supervisors is requested to instruct the Office of the Registrar of Voters to provide such services as may be necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one (1) election. The City recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City’s cost of placing the measure on the election ballot.

7. Arguments; Impartial Analysis; Deadlines

- a. The last day for submission of primary arguments for or against the measure shall be by 5 p.m. on August XX, 2016.

- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5 p.m. on August XX, 2016.
 - c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.
 - d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the primary arguments.
 - e. Pursuant to California Elections Code section 9282, the Mayor is hereby authorized to submit a written argument in favor of the proposed measure, not to exceed three hundred (300) words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the Mayor is also authorized to submit a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.
 - f. Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure, and file the impartial analysis with the City Clerk by August XX, 2016.
 - g. Pursuant to California Elections Code section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.
8. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma, together with the attached ballot measure.
9. The jurisdictional boundaries of the City of Cloverdale have not changed since the last general municipal election.
10. The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*,

“CEQA Guidelines”). The Cannabis Business Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.

11. This Resolution shall become effective immediately upon its passage and adoption.

It is hereby certified that the foregoing Resolution No. 059-2016 was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on the 26th day of July, 2016 by the following roll call vote: (-)

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

MaryAnn Brigham, Mayor

Paul Cayler, City Clerk

2678523.1

**CITY OF CLOVERDALE
CITY COUNCIL
ORDINANCE NO. 708-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF CLOVERDALE AMENDING THE
CLOVERDALE MUNICIPAL CODE BY ADDING CHAPTER 3.46, "CANNABIS
BUSINESS TAX"**

WHEREAS, in 1996 the California voters approved Proposition 215, "The Compassionate Use Act," which provides that qualified patients may obtain and use marijuana for medical purposes with a physician's recommendation and will not be subject to certain criminal penalties under state law; and

WHEREAS, in 2003, the state Legislature enacted Senate Bill 420, the "Medical Marijuana Program Act," as a supplement to The Compassionate Use Act, which allows cities to adopt and enforce rules consistent with the Medical Marijuana Program Act; and

WHEREAS, in 2015, the state Legislature enacted the Medical Marijuana Regulation and Safety Act, which creates a regulatory, permitting, and oversight structure for the medical marijuana industry at the state level but does not impede on land use and police powers of local governments;; and

WHEREAS, the City Council of the City of Cloverdale desires to impose a tax on all cannabis businesses that may operate within Cloverdale if future land use regulations allow for such businesses; and

WHEREAS, California Constitution Article XIII C, Section 2(b), provides that no local government may impose a general tax unless and until that tax is submitted to the electorate and approved by a majority votes; and

WHEREAS, the tax imposed by this Ordinance is an excise tax on the privilege of conducting business within the City and will only become effective if approved by a majority of the City' voters at the November 8, 2016 municipal election.

NOW, THEREFORE, the City Council of the City of Cloverdale does ordain as follows:

SECTION 1. Amendment of Code. Chapter 3.46 of the Cloverdale Municipal Code is added to read as follows:

Chapter 3.46

CANNABIS BUSINESS TAX

Sections:

3.46.010 Purpose of chapter.

- 3.46.020 Tax imposed.**
- 3.46.030 Definitions.**
- 3.46.040 Other licenses, permits, taxes, fees or charges.**
- 3.46.050 Payment of tax does not authorize unlawful business.**
- 3.46.055 Registration with tax administrator.**
- 3.46.060 Payment – Location.**
- 3.46.070 Amount of business tax owed.**
- 3.46.080 Payment – Time limits.**
- 3.46.090 Payments and communications made by mail – Proof of timely submittal.**
- 3.46.100 Payment – When taxes deemed delinquent.**
- 3.46.110 Notice not required by city.**
- 3.46.120 Payment – Penalty for delinquency.**
- 3.46.130 Waiver of penalties.**
- 3.46.140 Refunds – Credits.**
- 3.46.150 Refunds and procedures.**
- 3.46.160 Exemptions – Application – Issuance conditions.**
- 3.46.170 Exemptions – General.**
- 3.46.180 Enforcement – Duties of tax administrator and police chief.**
- 3.46.190 Rules and regulations.**
- 3.46.200 Apportionment.**
- 3.46.210 Audit and examination of records and equipment.**
- 3.46.220 Tax deemed debt to city.**
- 3.46.230 Lien – Recordation.**
- 3.46.240 Warrant for collection of tax.**
- 3.46.250 Seizure and sale.**
- 3.46.260 Successor’s and assignee’s responsibility.**
- 3.46.270 Deficiency determinations.**
- 3.46.280 Tax assessment – Authorized when – Nonpayment – Fraud.**
- 3.46.290 Tax assessment – Notice requirements.**
- 3.46.300 Tax assessment – Hearing – Application and determination.**
- 3.46.310 Conviction for chapter violation – Taxes not waived.**
- 3.46.320 Violation deemed misdemeanor – Penalty.**

3.46.330 Severability.**3.46.340 Effect of state and federal reference/authorization.****3.46.350 Remedies cumulative.****3.46.360 Amendment or repeal.****3.46.010 Purpose of chapter.**

This chapter shall be known as the “cannabis business tax” and is enacted solely to raise revenue for the general governmental purposes of the city and not for purposes of regulation or of raising revenues for regulatory purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the city’s general fund and used for the usual current expenses of the city. The cannabis business tax under the provisions of this chapter is not a sales or use tax and shall not be calculated or assessed as such. The cannabis business tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker.

3.46.020 Tax imposed.

There is established and imposed a cannabis business tax at the rate set forth in this chapter.

3.46.030 Definitions.

The definitions set forth in this section shall govern the application and interpretation of this chapter.

(A) “Business” shall include all activities engaged in or caused to be engaged in within the city, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

(B) “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission or room and board.

(C) "Engaged in business" means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the city or coming into the city from an outside location to engage in such activities. A person shall be deemed engaged in business within the city if:

- (1) Such person or person's employee maintains a fixed place of business within the city for the benefit or partial benefit of such person;
- (2) Such person or person's employee owns or leases real property within the city for business purposes;
- (3) Such person or person's employee regularly maintains a stock of tangible personal property in the city for sale in the ordinary course of business;
- (4) Such person or person's employee regularly conducts solicitation of business within the city;
- (5) Such person or person's employee performs work or renders services in the city on a regular and continuous basis involving more than five working days per year;
- (6) Such person or person's employee utilizes the streets within the city in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

(D) "Evidence of doing business" means whenever any person shall, by use of signs, circulars, cards or any other advertising media, including the use of Internet or telephone solicitation, represent that such person is engaged in cannabis business in the city then these facts may be used as evidence that such person is engaged in business in the city.

(E) “Gross receipts,” except as otherwise specifically provided, means the total amount actually received or receivable from all sales from the cannabis business, including membership dues and fees; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, memberships, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized from trading in stocks or bonds, however designated. Included in “gross receipts” shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever, except that the following shall be excluded therefrom:

- (1) Cash discounts allowed and taken on sales;
- (2) Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as gross receipts;
- (3) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
- (4) Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
- (5) Receipts from investments where the holder of the investment receives only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a person’s own account, not derived in the ordinary course of a business;
- (6) Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer’s business;

- (7) Cash value of sales, trades or transactions between departments or units of the same business;
- (8) Transactions between a partnership and its partners;
- (9) Receipts from services or sales in transactions between affiliated corporations. An affiliated corporation is a corporation:
 - (a) The voting and nonvoting stock of which is owned at least eighty percent by such other corporation with which such transaction is had; or
 - (b) Which owns at least eighty percent of the voting and nonvoting stock of such other corporation; or
 - (c) At least eighty percent of the voting and nonvoting stock of which is owned by a common parent corporation which also has such ownership of the corporation with which such transaction is had;
- (10) Transactions between a limited liability company and its member(s), provided the limited liability company has elected to file as a Subchapter K entity under the Internal Revenue Code and that such transaction(s) shall be treated the same as between a partnership and its partner(s) as specified in subsection (E)(9);
- (11) Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;
- (12) Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

“Gross receipts” subject to the cannabis business tax shall be that portion of gross receipts relating to business conducted within the city.

(F) “Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, oil, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including food products containing cannabis..

(G) “Cannabis business” means any business activity which entails the distribution, delivery, dispensing, exchanging, bartering or sale of either medical non-medical cannabis, including but not limited to, cultivating, planting, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, wholesale, testing, and/or retail sales of cannabis, products including cannabis, and any ancillary products in the city, whether or not carried on for gain or profit.

(H) “Cannabis business tax”, “business tax” or “cannabis tax” means the tax due for engaging in cannabis business in the city.

(I) “Medical Cannabis” means cannabis authorized in strict compliance with Health & Safety Code Sections 11362.5, 11362.7 et seq., as such sections may be amended from time to time.

(J) “Non-medical cannabis” means cannabis authorized strict compliance with any state or federal law pertaining to cannabis that is not medical cannabis.

(K) “Person” means, without limitation, any natural individual, organization, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and nonprofit), cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

(L) “Operator” shall mean any person conducting, operating, or maintaining in whole or in part as principal, agent, officer, employee or independent contractor any cannabis business or medical marijuana business as defined in this chapter, taxable under this chapter.

(M) “Sale” means and includes any sale, exchange, or barter.

(N) “Tax administrator” or “administrator” means the finance director or such other administrator designated by the city manager to administer this chapter.

3.46.040 Other licenses, permits, taxes, fees or charges.

Nothing contained in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any license or permit required by, under or by virtue of any provision of any other title or chapter of this code or any other ordinance or resolution of the city, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this code or any other ordinance or resolution of the city.

3.46.050 Payment of tax does not authorize unlawful business.

(A) The payment of a business tax required by this chapter, and its acceptance by the city, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this code and all other applicable laws, nor to carry on any cannabis business in any building or on any premises in the event that such building or premises are situated in a zone or locality in which the conduct of such cannabis business is in violation of any law.

(B) No tax paid under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any ordinance of the city.

3.46.055 Registration with tax administrator.

(A) Within thirty days after the effective date of the ordinance codified in this chapter, or within thirty days after commencing business, whichever is later, each operator of any cannabis business operating in the city shall register the business with the tax

administrator and obtain from him or her a cannabis business tax certificate, to be at all times posted in a conspicuous place on the premises.

(B) The certificate shall, among other things, state the following:

1. The name of the business,
2. The address of the business;
3. The date upon which the certificate was issued;

3.46.060 Payment – location.

The tax imposed under this chapter shall be paid to the administrator in lawful money of the United States at the offices of the finance director in Cloverdale, California. “Lawful money” shall mean any coin, currency or negotiable instrument, exchangeable for said coin or currency, which the United States Congress has declared to be a national legal tender.

3.46.070 Amount of business tax owed.

(A) Every person engaged in cannabis business in the city shall pay a business tax at a rate of up to ten percent of gross receipts. The tax under this chapter shall not be imposed on cannabis businesses unless and until the city council, **by resolution**, takes action to set a tax rate not to exceed ten percent of gross receipts.

(B) Notwithstanding the maximum tax rate of ten percent of gross receipts imposed under subsection (A), the city council may, in its discretion, at any time by resolution, implement a lower tax rate for all cannabis businesses or establish differing tax rates for different categories of cannabis businesses, as defined in such resolution, subject to the maximum rate of ten percent of gross receipts. The city council may, by resolution, also increase any such tax rate from time to time, not to exceed the maximum tax rate of ten percent of gross receipts established under subsection (A).

3.46.080 Payment – time limits.

The business tax imposed by this chapter shall be due and payable as follows:

(A) Each person owing a tax under this chapter shall, on or before the last day of each calendar month, prepare a tax statement to the administrator of the total gross receipts and the amount of tax owed for the preceding calendar month. At the time the tax statement is filed, the full amount of the tax owed for the preceding calendar month shall be remitted to the administrator.

(B) All tax statements shall be completed on forms provided by the administrator.

(C) Tax statements and payments for all outstanding taxes owed the city are immediately due to the administrator upon cessation of business for any reason.

3.46.090 Payments and communications made by mail – proof of timely submittal.

Whenever any payment, statement, report, request or other communication received by the administrator is received after the time prescribed by this chapter for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed on or prior to the date prescribed in this chapter for the receipt thereof, or whenever the administrator is furnished substantial proof that the payment, statement, report, request or other communication was in fact deposited in the United States mail on or prior to the date prescribed for receipt thereof, the administrator may regard such payment, statement, report, request or other communication as having been timely received. If the due date falls on Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the City Hall building at 124 N. Cloverdale Blvd., Cloverdale, CA 95425.

3.46.100 Payment – when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this chapter, the taxes required to be paid pursuant to this chapter shall be deemed delinquent if not paid on or before the due date specified in Section 3.46.080.

3.46.110 Notice not required by city.

The administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter and failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this chapter.

3.46.120 Payment – penalty for delinquency.

(A) Any person who fails or refuses to pay any business tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

(1) A penalty equal to twenty-five percent of the amount of the tax in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax; and

(2) An additional penalty equal to twenty-five percent of the amount of the tax if the tax remains unpaid for a period exceeding one calendar month beyond the due date, plus interest on the unpaid tax and on the unpaid penalties.

(3) In addition to the penalties imposed, any person who fails to remit any tax imposed by this chapter shall pay interest at the rate of one and one-half percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the last day of the month following the monthly period for which the amount or any portion thereof should have been paid until the date of payment.

(4) Only payments for the full amount due shall be accepted unless an alternate payment agreement is reached with the administrator.

(B) Whenever a check is submitted in payment of a business tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the tax amount due plus the return check fee; penalties and interest as provided for in this section; and any amount allowed under state law.

(C) The cannabis business tax due shall be that amount due and payable from the first date on which the person was engaged in cannabis business in the city, together with applicable penalties and interest calculated in accordance with subsection (A).

(D) Any person whose cannabis business tax is delinquent by at least sixty calendar days may be subject to revocation of a city business license or other city permit associated with the subject cannabis business.

3.46.130 Waiver of penalties.

The administrator may waive the first and second penalties imposed upon any person if:

(A) The person provides evidence satisfactory to the administrator that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent business tax and accrued interest owed the city prior to applying to the administrator for a waiver.

(B) The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during any twenty-four-month period.

(C) A request for relief from the first and second penalties must be filed in writing within thirty days of the date the remittance was due to the city, but no later than ten days of the city's notice to the operator of the amount past due.

3.46.140 Refunds – credits.

(A) No refund shall be made of any tax collected pursuant to this chapter, except as provided in Section 3.46.150.

(B) No refund of any tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution or other termination of a business.

(C) Any person entitled to a refund of taxes paid pursuant to this chapter may elect in writing to have such refund applied as a credit against such person's business taxes for the next calendar month.

3.46.150 Refunds and procedures.

(A) Whenever the amount of any business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded to the claimant who paid the tax; provided, that a written claim for refund is filed with the administrator within one year of the date the tax was originally due and payable.

(B) The administrator or the administrator's authorized agent shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the administrator to do so.

(C) In the event that the business tax was erroneously paid and the error is attributable to the city, the entire amount of the tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the city shall retain an amount from the refund reasonably calculated to cover expenses in verifying the error.

3.46.160 Exemptions – application – issuance conditions.

Any person desiring to claim exemption from the payment of the tax set forth in this chapter shall make application upon forms prescribed by the administrator and shall furnish such information and make such affidavits as may be required by the administrator.

3.46.170 Exemptions – general.

Except as may be otherwise specifically provided in this chapter, the terms hereof shall not be deemed or construed to apply to any person when imposition of the tax upon that person would violate the Constitution of the United States or that of the state of California or preemptive federal or state law.

3.46.180 Enforcement – duties of tax administrator and police chief.

It shall be the duty of the administrator to enforce each and all of the provisions of this chapter, and the police chief shall render such assistance in the enforcement of this chapter as may from time to time be required by the administrator.

(Ord. 2014-15 § 1 (part), 2014).

3.46.190 Rules and regulations.

For purposes of apportionment as may be required by law and for purposes of administration and enforcement of this chapter generally, the administrator, with the concurrence of the city attorney, may from time to time promulgate administrative rules and regulations

3.46.200 Apportionment.

(A) None of the tax provided for by this chapter shall be applied so as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States or the state of California.

(B) If any case where a business tax is believed by a taxpayer to place an undue burden upon interstate commerce or be violative of such constitutional clauses, the taxpayer may apply to the administrator for an adjustment of the tax. It shall be the taxpayer's obligation to request in writing for an adjustment within one year after the date of payment of the tax. If the taxpayer does not request in writing within one year from the date of payment, then taxpayer shall be conclusively deemed to have waived any adjustment for that year and all prior years.

(C) The taxpayer shall, by sworn statement and supporting testimony, show the method of business and the gross volume of business and such other information as the administrator may deem necessary in order to determine the extent, if any, of such undue burden or violation. The administrator shall then conduct an investigation, and shall fix as the tax for the taxpayer an amount that is reasonable and nondiscriminatory, or if the tax has already been paid, shall order a refund of the amount over and above the tax so fixed. In fixing the tax to be charged, the administrator shall have the power to base the tax upon a percentage of gross receipts or any other measure which will assure that the tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the tax as prescribed by this chapter.

(D) Should the administrator determine that the gross receipt measure of tax to be the proper basis, the administrator may require the taxpayer to submit a sworn statement of the gross receipts and pay the amount of tax as determined by the administrator.

3.46.210 Audit and examination of records and equipment.

(A) The administrator shall have the power to audit and examine all books and records of persons engaged in cannabis business including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of persons engaged in cannabis business, and, where necessary, all equipment of any person engaged in cannabis business in the city for the purpose of ascertaining the amount of business tax, if any, required to be paid by the provisions hereof, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to the provisions of this chapter. If such person, after written demand by the administrator, refuses to make available for audit, examination or verification such books, records or equipment as the administrator requests, the administrator may, after full consideration of all information within his or her knowledge concerning the cannabis business and activities of the person so refusing, make an assessment in the manner provided in Sections [3.46.250](#) through [3.46.270](#) of any taxes estimated to be due.

(B) It shall be the duty of every person liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of at least four years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the city, which records the administrator shall have the right to inspect at all reasonable times.

3.46.220 Tax deemed debt to city.

The amount of any tax, penalties and interest imposed by the provisions of this chapter shall be deemed a debt to the city and any person carrying on any cannabis business without first having paid such tax shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of the tax, and penalties and interest imposed on such business and for attorneys' fees in the enforcement of this chapter.

3.46.230 Lien – recordation.

If any amount required to be paid to the city under the ordinance codified in this chapter is not paid when due, the administrator, upon expiration of the second delinquency period referenced in Section 3.46.120(A)(2), may, within four years after the amount is due, record in the office(s) of the county recorder(s) of any county in the state of California a certificate specifying the amount of tax, penalties and interest due, the name and address of the operator liable for the same and the fact that the administrator has complied with all provisions of this chapter in the determination of the amount required to be paid. From the time of the recording, the amount required to be paid together with penalties and interest shall constitute a lien upon any and all real property in any county owned by the operator or thereafter acquired by the operator. The lien shall have the force, effect and priority of a judgment lien and shall continue for ten years from the time of filing of the certificate unless sooner released or otherwise discharged.

3.46.240 Warrant for collection of tax.

At any time within four years after any operator is delinquent in the payment of any amount herein required to be paid off after the last recording of a certificate of lien under Section 3.46.230, the administrator may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the city under this chapter. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The administrator may pay or advance to the sheriff, marshal or constable the same fees, commissions and expenses for his or her services as are provided by law for similar services pursuant to a writ of execution.

3.46.250 Seizure and sale.

At any time within four years after any operator is delinquent in the payment of any amount, the administrator may forthwith collect the amount in the following manner: The administrator shall seize any property, real or personal, of the operator and sell the property, or a sufficient part of it, at public auction to pay the amount due together with

any penalties and interest imposed for the delinquency and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall be only of property of the operator not exempt from execution under the provisions of the California Code of Civil Procedure.

3.46.260 Successor's and assignee's responsibility.

If any operator, while liable for any amount under this chapter, sells, assigns or otherwise transfers the business, whether voluntarily or involuntarily, the operator's subsequent successor, assign or other transferee, or other person or entity obtaining ownership or control of the business, shall satisfy any tax liability owed to the city associated with the business. Failure to do so for the benefit of the city will result in being personally liable to the city for the full amount of the tax liability, which includes interest and penalties.

The successor operator, assign, purchaser, transferee, or other person or entity seeking to obtain ownership or control of the business shall notify the administrator of the date of transfer at least thirty days prior to the transfer date; or if the agreement to sell, transfer, or otherwise dispose of the business was made less than thirty days prior to the date of transfer, notice shall be provided immediately.

The successor operator, assign, purchaser, transferee, or other person or entity who obtains ownership or control of the business shall be deemed to have complied with the requirement of this section to satisfy the unpaid tax liability if that person or entity complies with the requirements of California Revenue and Taxation Code Section 7283.5 by withholding from the purchase price an amount sufficient to cover the tax liability, or by otherwise paying the tax liability until the administrator provides a "Tax Clearance Certificate" showing that it has been paid and stating that no amount is due through the date of transfer.

The administrator, within ninety days of receiving a written request from a successor operator, assign, purchaser, transferee, or other person or entity who obtains or attempts to obtain ownership or control of the business, may issue a "Tax Clearance Certificate" stating either the amount of tax liability due and owing for the property, or stating that there is no tax liability due and owing for the property. The administrator

may also request financial records from the current or former owner or operator to conduct an audit of the tax that may be due and owing. After completing the audit within ninety days after the date that the records were made available, the administrator may issue a tax clearance certificate within thirty days of completing the audit, stating the amount of the tax liability owed, if any. If the city determines that the records provided for an audit are insufficient, the administrator may rely on the facts and information available to estimate any tax liability associated with the property. The administrator may issue a tax clearance certificate stating the amount of the tax liability, if any, based on such facts and information available. A written application for a hearing on the amount assessed on the tax clearance certificate must be made within ten days after the serving or mailing of the certificate. The hearing provision of Section 3.46.300 shall apply. If an application for a hearing is not made within the time prescribed, the tax clearance certificate shall serve as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate.

3.46.270 Deficiency determinations.

If the administrator is not satisfied that any statement filed as required under the provisions of this chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Sections 3.46.280 through 3.46.300.

3.46.280 Tax assessment – authorized when – nonpayment – fraud.

(A) Under any of the following circumstances, the administrator may make and give notice of an assessment of the amount of tax owed by a person under this chapter at any time:

- (1) If the person has not filed any statement required under the provisions of this chapter;
- (2) If the person has not paid any tax due under the provisions of this chapter;
- (3) If the person has not, after demand by the administrator, filed a corrected statement, or furnished to the administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this chapter;
- (4) If the administrator determines that the nonpayment of any business tax due under this chapter is due to fraud, a penalty of forty percent of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this chapter.

(B) The notice of assessment shall separately set forth the amount of any tax known by the administrator to be due or estimated by the administrator, after consideration of all information within the administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

3.46.290 Tax assessment – notice requirements.

The notice of assessment shall be served upon the person either by handing it to him or her personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the administrator for the purpose of receiving notices provided under this chapter; or, should the person have no address registered with the administrator for such purpose, then to such person's last known

address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.

3.46.300 Tax assessment – hearing – application and determination.

Within ten days after the date of service the person may apply in writing to the administrator for a hearing on the assessment. If application for a hearing before the city is not made within the time herein prescribed, the tax assessed by the administrator shall become final and conclusive. Within thirty days of the receipt of any such application for hearing, the administrator shall cause the matter to be set for hearing before him or her not later than thirty-five days after the receipt of the application, unless a later date is agreed to by the administrator and the person requesting the hearing. Notice of such hearing shall be given by the administrator to the person requesting such hearing not later than five days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the administrator should not be confirmed and fixed as the tax due. After such hearing the administrator shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 3.46.290 for giving notice of assessment. The amount determined to be due shall be payable after fifteen days.

3.46.310 Conviction for chapter violation – taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes.

3.46.320 Violation deemed misdemeanor – penalty.

Any person violating any of the provisions of this chapter, or any regulation or rule passed in accordance herewith, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

3.46.330 Severability.

Should any provision of this chapter, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

3.46.340 Effect of state and federal reference/authorization.

(A) Unless specifically provided otherwise, any reference to a state or federal statute in this chapter shall mean such statute as it may be amended from time to time; provided, that such reference to a statute herein shall not include any amendment thereto, or to any change of interpretation thereto by a state or federal agency or court of law with the duty to interpret such law, to the extent that such amendment or change of interpretation would, under California law, require voter approval of such amendment or interpretation, or to the extent that such change would result in a tax decrease. To the extent voter approval would otherwise be required or a tax decrease would result, the prior version of the statute, or interpretation thereof, shall remain applicable; for any application or situation that would not require voter approval or result in a decrease of a tax, provisions of the amended statute, or new interpretation thereof, shall be applicable to the maximum possible extent.

(B) To the extent that the city's authorization to collect or impose any tax imposed under this chapter is expanded as a result of changes in state or federal law, no amendment or modification of this chapter shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the authorization up to the full amount of the tax imposed under this chapter.

3.46.350 Remedies cumulative.

All remedies and penalties prescribed by this chapter or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (Government Code Section [12650](#) et seq.) and the California Unfair Practices Act

(Business and Professions Code Section [17070](#) et seq.), are cumulative. The use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

3.46.360 Amendment or repeal.

This chapter of the Cloverdale Municipal Code may be repealed or amended by the city council without a vote of the people. However, as required by Chapter XIIC of the California Constitution, voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this chapter beyond the maximum amount of ten percent. The people of the city of Cloverdale affirm that the following actions shall not constitute an increase of the rate of a tax:

- (A) The restoration of the rate of the tax to a rate that is no higher than the maximum ten percent tax rate set by this chapter, if the city council has previously acted to reduce the rate of the tax;
- (B) The city council's adoption of an resolution, as authorized by Section [3.46.070\(A\)](#), to raise the tax rate provided the tax rate is not raised to a rate higher than ten percent.
- (C) An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this chapter;
- (D) The establishment of a class of persons that is exempt or excepted from the tax or the discontinuation of any such exemption or exception (other than the discontinuation of an exemption or exception specifically set forth in this chapter); or
- (E) The collection of the tax imposed by this chapter, even if the city had, for some period of time, failed to collect the tax.

SECTION 2. CEQA.

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The Cannabis Business Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section

15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

APPROVED by the following vote of the People of the City of Cloverdale at the November 8, 2016 election: _____ % voting in favor; and

ADOPTED this ____ day of _____ 2016 by the following roll call vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

APPROVED:

ATTEST:

MaryAnn Brigham, Mayor

Paul Cayler, City Clerk

APPROVED AS TO FORM:

Jose M. Sanchez, City Attorney

This page left blank for two-sided printing



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 8
Meeting Date: July 26, 2016

Agenda Section New Business	Staff Contact Paul Cayler, City Manager
---------------------------------------	---

Agenda Item Title
Discussion and Possible Action on Fiscal Year 2016-2016 CalPERS Unfunded Liability Payment

Summary

Effective with FY 2015-2016 CalPERS (PERS) changed the way employers pay retirement contributions. In the past, the Unfunded Accrued Liability (UAL) payment was included in the employer contribution percentage applied to the biweekly payroll. Beginning in FY 15-16 the employer contribution was a lower percentage of the biweekly payroll **plus** a flat payment amount for the UAL. The UAL payment can be paid monthly or as a lump sum annually. PERS provides a discount to employers who prepay the annual UAL contribution as a lump sum prior to the end of July. The UAL payments for FY 16-17 would be \$39,308.11 per month, or \$471,697.32 annually. The prepayment lump sum amount is \$454,946.00, a savings of \$16,751.32 annually. This is equal to a total savings of about 3.6%. Sufficient cash is available to prepay the UAL, and the cost is included in the adopted 16-17 Budget. The 3.6% savings is more than the cash would earn in interest if it were left on deposit with the bank or in LAIF. The savings would be split between the funds based on the payroll costs for the year. The savings to the General Fund would be \$12,542.35.

Options

1) Approve the request to make a lump sum payment in the amount of \$454,946.00; or 2) Make monthly payments of \$39,308.11 which is equal to \$471,697.32 annually.

Budget/Financial Impact

The annual savings would be \$16,751.32. This is equal to a total savings of about 3.6%.

Subcommittee Recommendation

City staff was unable to bring this to the Finance, Admin and Police Subcommittee due to the payment deadline of July 31, 2016.

Recommended Council Action

Staff is recommending that the City prepay the UAL and take advantage of the savings opportunity.

Attachments:

This page left blank for two-sided printing



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 9 Meeting Date: July 26, 2016

Agenda Section	Staff Contact
New Business	David Kelley, Assistant City Manager /Community Development Director Jerry Haag, City Consultant

Agenda Item Title

Consideration of Resolution No. 058-2016, initiating a General Plan Amendment (GPA) for properties within the Nu Forest annexation area.

Summary

Project Location. East of Asti Road, south of current City limits, north of the City’s Corporation Yard and west of the Russian River. Assessor’s Parcels 116-260-030, -033, -045, -046 & -050.

Project Background. Nu Forest Products, Inc. currently operates a large lumber and planing mill in Healdsburg as well as a small lumber storage facility and office in the unincorporated portion of Sonoma County, east of Cloverdale. The company is working to consolidate all operations in Cloverdale and close out their Healdsburg operations. The Nu Forest owner requested annexation to the City and, in mid-2015, the City Council directed City staff to process the annexation. The Nu Forest property encompasses approximately 12.85 acres of land and is located within the City’s Sphere of Influence and Urban Growth Boundary area.

State annexation law known as the Cortese-Knox- Hertzberg Act prohibits creation of unincorporated County islands substantially surrounded by land within a city. Since the Nu Forest property is not located immediately adjacent to the current City boundary, it is necessary to include four properties that lie between the Nu Forest property and the current City boundary in the annexation process. This has been done to ensure that no unincorporated “County islands” would be created if just the Nu Forest property were to be annexed.

The affected non-Nu Forest properties lie west of the Nu Forest holdings and include the following:

Assessor Parcel No.	Site Address	Owner	Acres	Existing Use	Proposed Use
116-260-033	340 Asti Road	Cerasoli	0.45 acre	single family dwelling	Single family dwelling & light industrial
116-260-030	29550 Ivy Dell Ln.	Schwartzler Trust	0.45 acre	single Family dwelling	Single family dwelling
116-260-050	428 Asti Road	Matovich Trust	6.3 acres	vacant	Single family dwelling
116-260-046	(no address)	Poustinchian	4.07 acres	vacant	Light industrial
116-260-045	650 Asti Road	PG&E	4.5	Substation	Substation

The above listed properties are depicted on Exhibit 1 attached to this staff report.

The Cloverdale General Plan designates many of these intervening properties as “CF-Conservation Features” or “TOD-Transit Oriented Development.” None of the property owners with a CF general plan land use designation desire to continue with this designation. They believe the C-F designation is very restrictive and allows a comparatively limited range of land uses than the current Sonoma County Light Industrial designation. One property owner with an existing TOD designation (Mr. Poustinchian) desires a “General Industrial” land use designation. The existing PG&E electric substation at the southern end of the annexation area is currently designated as “TOD,” and a changed designation of “Public/Quasi-Public” is recommended for this site

recognizing the existing and future use of this property.”

Requested Action. To ensure that the desire of these local property owners are met and to continue with the Nu Forest annexation, City staff is recommending that an amendment to the General Plan be initiated on the five properties. The proposed General Plan land use designation is depicted on Exhibit 2. The Nu Forest property is designated as “General Industrial” on the City’s General Plan map and no amendment to this site is needed.

Pursuant to Section 18.03.060.C of the Zoning Ordinance, amendments to the General Plan may only be initiated by a majority vote of the City Council or the Planning Commission or by the filing of an application to the City from each affected property owner. To ensure the annexation process moves forward expeditiously, City Council action to amend the General Plan as described in this staff report is recommended.

The proposed action would initiate revised General Plan land use designations on the intervening properties as follows:

Property	Current General Plan	Proposed General Plan
Cerasoli Property	Conservation Feature (CF)	General Industry (GI)
Schwartzler Property	Conservation Feature (CF)	Rural Residential (RR)
Matovich Property	General Industry (GI)	Rural Residential (RR)
Poustinchian Property	Transit Oriented Development (TOD)	General Industry (GI)
PG&E	Transit Oriented Development (TOD)	Public/Quasi-Public (PI)

If initiated by the City Council, staff will continue working to complete the annexation documentation. Other items required in order to complete the annexation process include CEQA documentation, a rezoning ordinance, a plan for municipal services and related documents. A Planning Commission public hearing is anticipated on all of these items, followed by a City Council public hearing. Following City Council action, and assuming approval, the annexation request would then be filed with the Sonoma County Local Agency Formation Commission (LAFCO). LAFCO filing is anticipated this fall.

The GPA that would be initiated by this action would be the second GPA considered by the City of Cloverdale in 2016, following the GPA for the Alexander Valley Resort project. State Law allows jurisdictions to approve up to four GPAs per calendar year.

Environmental Review. Since the requested action, the proposed General Plan Amendment initiation, would not, by itself, change the General Plan or make any other direct land use changes, staff has determined that this action qualifies as an exemption to CEQA and the CEQA Guidelines pursuant to Guidelines Section 15262, Feasibility and Planning Studies.

The Community Development Department prepared and circulated a proposed Mitigated Negative Declaration for the CEQA review of the proposed annexation, General Plan Amendment, rezoning and future development of the Nu Forest project.

Options

- 1) Adopt the attached resolution initiating the General Plan Amendment for properties located immediately west of the Nu Forest site.
- 2) Do not adopt the attached resolution, which may hinder the successful conclusion of the annexation.

Budget/Financial Impact

These are no budget or financial impacts of this project. Staff costs for the GPA, annexation and related actions have been funded by Nu Forest, the major project proponent. If the properties are successfully annexed there would be additional employment and tax revenues to the City.

Subcommittee Recommendation

N/A.

Recommended Council Action

- 1) Adopt City Council Resolution 058-2016, initiating a General Plan Amendment for certain properties located west of the Nu Forest property, east of Asti Road, north of the City Corporation yard and south of the existing City limit line.

Attachments:

1. Resolution No. 058-2016
2. Exhibit 1 – City of Cloverdale Proposed Annexation Properties
3. Exhibit 2 – City of Cloverdale Proposed General Plan Land Use Designations

cc:

This page left blank for two-sided printing

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 058-2016**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE INITIATING AN AMENDMENT TO THE GENERAL PLAN THAT WOULD CHANGE LAND USE DESIGNATIONS FOR 11.27 ACRES OF LAND SITE FROM THE “CONSERVATION FEATURES” AND “TRANSIT ORIENTED DEVELOPMENT” LAND USE DESIGNATIONS TO A COMBINATION OF “GENERAL INDUSTRIAL,” “RURAL RESIDENTIAL” AND “PUBLIC/ QUASI-PUBLIC”, LOCATED SOUTH OF EXISTING CITY BOUNDARIES AND NORTH OF THE CLOVERDALE WASTEWATER TREATMENT FACILITIES (APNs 116-260-030, -033, -045, -046 & -050)

WHEREAS, the owner of the Nu Forest property located in the unincorporated portion of Sonoma County and within the Cloverdale Sphere of Influence and Urban Growth Boundary generally west of the Russian River, north of the City Corporation Yard and Wastewater Treatment Plant and south of existing city limits (APNs 116-260-004 & 055) desires annexation of their property to the City of Cloverdale for the purpose of expanding their operations to include a lumber and planing mill in addition to lumber storage and office uses on the site; and

WHEREAS, in order to annex the Nu Forest property, other smaller properties located west of the Nu Forest site need to be annexed into the City to avoid creating a “county island,” that is not allowed under State annexation law known as the Cortese-Knox- Hertzberg Act; and

WHEREAS, the five other properties proposed for annexation to the City of Cloverdale are shown on Exhibit 1, which is incorporated by reference into this Resolution and include the following

- Cerasoli Property (APN 116-260-033): “Conservation Feature” designation to “General Industrial;”
- Schwartzler Trust Property (APN 116-260-030): “Conservation Feature” designation to “Rural Residential;”
- Matovich Trust Property (APN 116-260-050): “General Industrial” designation to “Rural Residential;”
- Poustinchian Property (APN 116-260-046): “Transit Oriented Development” designation to “General Industrial”
- PG&E Property (APN 116-260-045): from “Transit Oriented Development” to “Public/ Quasi-Public”; and

WHEREAS, these small properties are designated for “Conservation Feature” and “Transit Oriented Development” on the current Cloverdale General Plan Land Use Map; and

WHEREAS, the property owners that have been included in the annexation area have expressed their desire to have the Cloverdale General Plan Land Use Map amended to replace the existing “Conservation Feature” and “Transit Oriented Development” land use designation with a combination of “General Industrial,” “Rural Residential” land use designations as shown on Exhibit 2. Exhibit 2 is hereby incorporated by reference into this Resolution; and

WHEREAS, the existing PG&E electrical substation located in the southern portion of the annexation area (APN 116-260-0450) is recommended to be included in the General Plan Amendment since the Cloverdale General Plan currently designates this site as “Transit Oriented Development” which is inconsistent with the current use of the site and a “P-Public/Quasi-Public” designation is more appropriate for this property; and

WHEREAS, Section 18.03.060.C of the Cloverdale Zoning Ordinance requires that General Plan Amendments may only be initiated by a majority vote of the City Council or the Planning Commission or by an application of all affected property owners; and

WHEREAS, to expedite the progress of the Nu Forest annexation project, City staff is requesting that the City Council adopt the attached resolution initiating a General Plan Amendment for the five properties lying west of the Nu Forest site and west of the current City boundary as shown on Exhibits 1 and 2, attached to this Resolution; and

WHEREAS, if initiated by the City Council, staff will complete the California Environmental Quality Act (CEQA) environmental review of the project and prepare necessary documentation for public hearings on the General Plan Amendment and other project elements by the Planning Commission and City Council so that the annexation effort may move forward quickly; and

WHEREAS, a Staff Report dated July 26, 2016 and incorporated herein by reference described and analyzed the project.

NOW, THEREFORE BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this Resolution.

NOW, THEREFORE BE IT RESOLVED that the City Council initiates an Amendment to the Cloverdale General Plan for Assessor’s Parcels 116-260-030, -033, -45, -046 & -050 as depicted on Exhibit 2 attached to this Resolution.

It is hereby certified that the foregoing Resolution No. 058-2016 was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on July 26, 2016, by the following roll call vote: (Ayes-; Noes-).

Ayes:

Noes:

Absent:

Recuse:

APPROVED:

ATTESTED:

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

Exhibit 1: Annexation Properties

Exhibit 2: Proposed General Plan land Use Designations

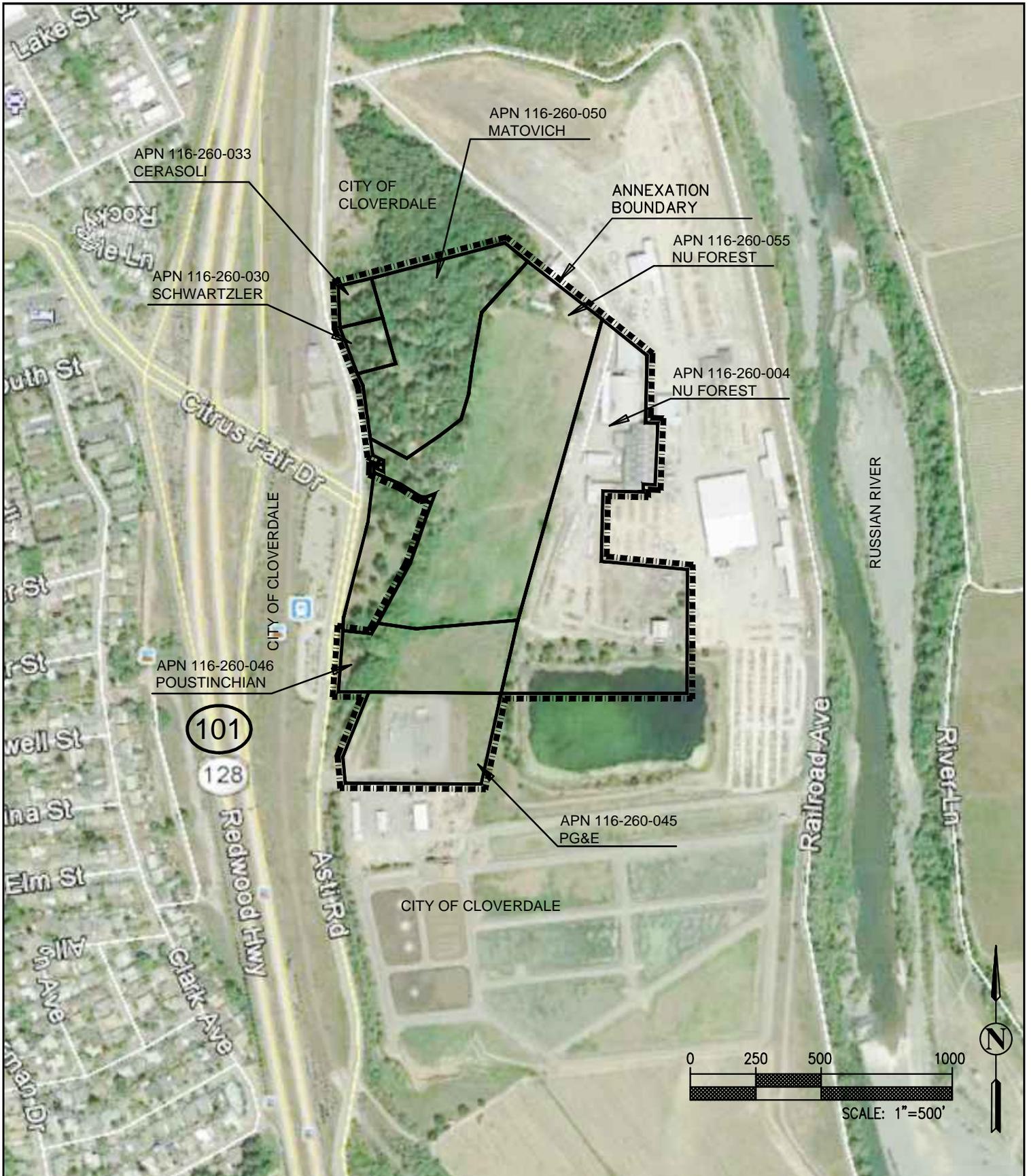
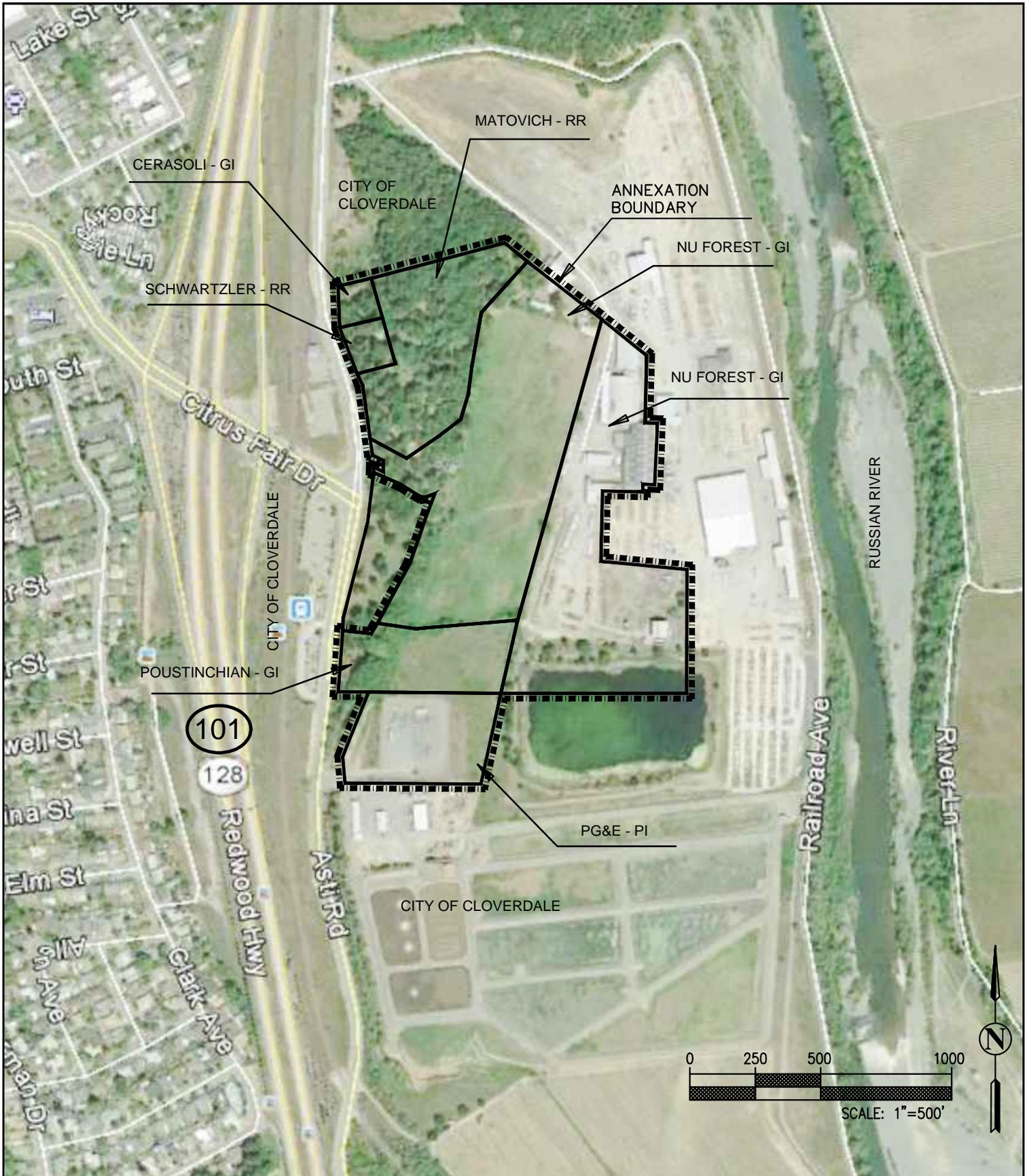


Exhibit 1
 City of Cloverdale
 Proposed Annexation

APN	Owner	Area (per AP Map)
116-260-004	Nu Forest Products	12.17 acres
116-260-030	Schwartzler	0.73 acres
116-260-033	Cerasoli	0.45 acres
116-260-045	PG&E	4.05 acres
116-260-046	Poustinchian	4.07 acres
116-260-050	Matovich	6.30 acres
116-260-055	Nu Forest Products	14.68 acres



	Property Owner	Current General Plan	Proposed General Plan
Exhibit 2 City of Cloverdale Proposed General Plan Designations	Cerasoli	Conservation Feature (CF)	General Industry (GI)
	Schwartzler	Conservation Feature (CF) General Industry (GI)	Rural Residential (RR)
	Matovich	Industry (GI)	Rural Residential (RR)
	Poustinchian	Transit Oriented Development (TOD)	General Industry (GI)
	PG&E	Transit Oriented Development (TOD)	Public/Quasi-Public (PI)



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 10
Meeting Date: July 26, 2016

Agenda Section Regular	Staff Contact Paul Cayler, City Manager
----------------------------------	---

Agenda Item Title
Action Appointing City of Cloverdale’s Voting Delegate and Alternate Voting Delegate at League of California Cities 2016 Annual Business Meeting (General Assembly)

Summary
The League of California Cities will conduct its Annual Conference in Long Beach, CA on October 5-7, 2016. As a part of the conference, there is a Business Meeting where membership considers and takes action on resolutions to set League policy. The purpose of this agenda item is to appoint Cloverdale’s voting delegate. Cloverdale may appoint up to two alternate voting delegates. Please find attached the 2016 Annual Conference Voting Procedures and the Voting Delegate/Alternate Form. The League of California Cities advises that member cities should take action by July 31, 2016.

Options
None recommended.

Budget/Financial Impact
None.

Subcommittee Recommendation
None.

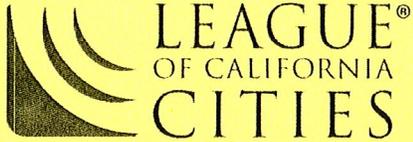
Recommended Council Action
After Council discussion, one member of the Council should be appointed the Voting Member for the 2016 League of California Cities Annual Business Meeting, and up to two members delegated as Alternate Delegates. By motion and minute order authorize the Mayor to complete the 2016 Voting Delegate/Alternate Form according to Council direction and submit said form.

- Attachments:**
1. Annual Conference Voting Procedures 2016 Annual Conference
 2. 2016 Annual Conference Voting Delegate/Alternate Form

cc:

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2016 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 23, 2016. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 23, 2016

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247

This page left blank for two-sided printing



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 11
Meeting Date: July 26, 2016

Agenda Section New Business	Staff Contact Paul Cayler, City Manager
---------------------------------------	---

Agenda Item Title

Discussion and Possible Action on Request by Rick and Deborah Wilson to Remove Redwood Trees in Lighting and Landscape District Zone No. Three (The Cottages) On Foothill Blvd near Laurel Court.

Summary

City staff received a request by Rick and Deborah Wilson to remove five redwood trees in Lighting and Landscape District Zone No. Three (The Cottages) which are located between their home at 312 Laurel Court and Foothill Blvd. There are six redwood trees in the area in questions. The trees are over ten years old and were planted in the original development of the Cottages subdivision. Redwood trees in The Cottages landscape district have long been a subject of discussion. In 2007, the City Council reviewed the matter and directed that redwood trees be removed. In response, a number of trees were removed with some of the redwood trees left. Subsequently in 2012, a landscape district master plan was developed. Public meetings on the plan were conducted. In the end, the plan document concludes that there is public consensus for redwood tree removal, however not all residents agreed so it was set forth that further redwood tree removal will be a “case-by-case” decision. It is the understanding that when redwood trees were removed in 2007 that no replacement trees were installed.

Rick and Deborah Wilson state that they purchased their home seven years ago. They are requesting that the redwood trees in question be removed because they are concerned about potential property damage caused to their property, especially their backyard fence. The Wilsons also state they want to construct a backyard swimming pool, and they are concerned about redwood tree root intrusion. There appears to be contradictory statements by the Wilsons about whether the objective of their tree removal request is due to their home’s view to the east. In an email from the Wilson’s they stated: “Our concerns have to do with how close the trees are to our fences not the view”. However, in verbal testimony before the Planning and Community Development Subcommittee, Mr. Wilson stated that they want the trees removed for a variety of reasons including views of the vineyard and hills.

City Landscape Crew Leader Murray Rosen has been consulted on the proposed tree removal. Mr. Rosen is a certified arborist. Mr. Rosen believes that the trees may be removed with City forces. Mr. Rosen recommended that suitable replacement trees be planted. The Wilsons have stated that they are not willing to reimburse for the replacement of the trees.

On June 21, 2016, the Planning and Community Development Subcommittee reviewed the matter of redwood tree removal. Mr. Wilson appeared before the committee. The committee requested further information on the distance of trees to the fence and whether “topping” the tree would be possible. Mr. Rosen measured six trees the distance from the middle of trunk to the fence, and found the following: one tree at 7 feet, three trees at 9 feet, one tree at 20 feet and one tree at 23 feet. Mr. Rosen stated that redwood trees can tolerate topping especially when they are relatively young, however topping redwood trees does tend to damage their typical aesthetic.

Options

Options for the requested tree removal are: 1) Remove all the trees per the Wilson’s request; 2) Remove a portion of the tree that are closest to the fence line; and 3) Do not remove the trees.

Budget/Financial Impact

The fiscal impact of the tree removal will impact the budget of The Cottages' Lighting and Landscape District (Zone No. 3). The cost of tree removal depends on the scope of tree removal, and whether the removed trees are to be replaced.

Subcommittee Recommendation

The Planning and Community Development Subcommittee reviewed the issue and directed that the matter be brought to the City Council for discussion and possible action. The committee requested additional information and made no specific recommendation on tree removal.

Recommended Council Action

The City Manager recommends that the redwood trees in the area in question within nine feet of the fence line be removed. The redwood trees greater than nine feet from the fence be retained. This means that four of the six trees in the area would be removed. No replacement tree will be installed. All future redwood tree removal in The Cottages Lighting and Landscape District continue to be addressed on a "case-by-case" manner as set forth in the master plan.

Attachments:

1. Photograph of redwood trees in question.
 2. City Council Meeting Minutes from 2007 wherein redwood tree removal was discussed.
 3. Applicable Page of the Updated Lighting and Landscape District Master Plan (2012).
-

cc:



This page left blank for two-sided printing

DISCUSSION: Public Works Superintendent Crabb provided an overview of the need to replace the valve, contacted several of the local contractors and one bid was received.

City Manager Long Preferred that the bid received in writing, and other firms and Council approve the purchase for repair and empower the City Manager to execute this bid and Allow the City Manager sign the lowest bid in the amount not to exceed Jehn, Ayes in favor.

ACTION: Councilmember Jehn motioned to approve the repair of the underground valve at the Water Treatment Plan; approving the City Manager to approve the expenditure in the amount not to exceed \$16,317.86 to the lowest bidder.

MOTION ORDER 003-2007



D.3 Discussion and direction to Staff regarding the Redwood Trees along Foothill Blvd and the Center Planting areas on Cloverdale Blvd. (CC) Crabb

Recommendation: Staff requests the City Council receive information on the problems with the Redwood trees along Foothill Blvd., and in the center planting areas on Cloverdale Blvd then provide direction to Staff to revise the project or by motion direct the Public Works Department to proceed with the project as proposed.

DISCUSSION AND DIRECTION: Councilmember Russell declared conflict of interest as her property is within the 500 foot area and left the room.

Public Works Superintendent Crabb provided a visual report on the redwood trees planted along foothill, Elbridge, Hot springs Road, and Grape Gables which are planted too close to the fences. He noted that in some cases they are breaking the fences and encroaching within some residents properties. Cloverdale Blvd includes some Redwood trees as well. That will damage some of the streets and recommended that these too be removed. The Committee has looked at transplanting some of the smaller trees. It was recommended that the smaller trees (5-inch in diameter) be moved and the larger ones be removed in total. He noted that some trees would not be replanted as those areas have oaks and other vegetation that will fill in after the trees are removed. Some areas of transplant include Jefferson Springs landscape area, Open Space at Clover Springs and other various sites.

Councilmember Jehn questioned the timing of the removal and transplanting. Mr. Crabb noted that transplanting would need to be done during a time the trees would have a better survival rate. Will be meeting with an arborists has indicated that fall is the best time to transplant the trees. Those trees that have the potential for property damages will be focused on first, priority will be given to Hot Springs road

ACTION: Councilmember Jehn motioned to approve staff's recommendation to transplant and remove the trees as noted, seconded by Councilmember Raymond. Ayes in favor: (3-0)

MOTION ORDER 004-2007

Councilmember Russell returned to the dais.

E ADMINISTRATION

E.1 Approval of Resolution revising the City's Personnel Rules & Regulation to allow for pro-rated fringe benefits for permanent part time employees. (cc) Long

Recommendation: A Resolution has been prepared for Council's approval, revising its Personnel System Rules and Regulations and Approving Pro-Rated Fringe Benefits for Regular Part-Time Employees that Work in Excess of 1,000 hours per Fiscal Year.

City Manager Long provided a brief report and noted an amended resolution was provided for approval.

ACTION: AMENDED RESOLUTION PRESENTED: Councilmember Russell motioned and read resolution 61-2007 as amended by title only, seconded by Councilmember Jehn. Roll Call: Councilmembers Russell, Jehn, Raymond and Mayor Wolter.

Resolution 61-2007 - Revising its Personnel System Rules and Regulation and Approving 50% Pro-Rated Fringe Benefits for Regular Part Time Employees that work 1,000 Hours or More Per Fiscal Year.

E.2 Approval of Resolution to pay \$5.00 of office visit co-payment for eligible employees (CC) Long

Recommendation: A Resolution has been prepared approving the City of Cloverdale's Reimbursement of its Employees for their increased Co-payments for Medical Insurance Benefits.

DISCUSSION: City Manager Long provided the brief report for Council.

- Groom and prune back perennials for re-bloom later in the summer. This also involves a light pruning of the shrubs to keep them tidy and encourage new growth for fall when the weather cools.
- Keep weeds in check and pick up litter and keep beds clean.

Fall

- Rake leaves and clean landscaped areas of debris.
- Start closing down the irrigation systems as wet and cold weather come in.
- Groom planting beds for winter and re-mulch where needed.

Items of concern from residents and L&L Action Plan

1. Redwood Trees along Foothill Blvd. and on Hot Springs.

- *Response:* Some residents asked for the redwood trees near their back fence lines to be removed while other residents wanted the redwoods to stay. The majority preferred to have the trees removed. However, it may not be necessary to remove all the trees but rather take out the trees on a case by case basis that present the biggest problems for neighbors. Where redwoods are removed they would be replaced with trees that would be more appropriate and in keeping with the surrounding landscaping.

2. More regular attention to maintenance of landscape.

- *Response:* We now have two full-time employees with horticulture experience working in parks and landscape maintenance. We feel they will be able to attend to the landscaping needs of the district in a timely, professional way that will improve the standard of care.

3. Maintenance of the Winery Trail

- *Response:* Since the Master Plan Update meeting for The Cottages the trail has been given significantly more attention. The broken black irrigation tubing that littered both sides of the trail has been picked up. The newly planted trees have been re-staked and re-tied. Debris has been blown off the trail on a weekly basis. The stream along the trail needs some clearing out of invasive species of broom. This is a labor intensive project that will require extra staffing and will need the approval of Fish and Game.

4. Volunteers.

- *Response:* Some neighbors expressed an interest in volunteering time to help maintain Furber Park doing tasks such as raking leaves, weeding and picking up litter. Furber Park while located in the middle of The Cottages is actually not funded from L&L assessments but rather the General Fund. The topic of using volunteers is currently being discussed and considered by city officials..