



MINUTES
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS
WEDNESDAY, APRIL 10, 2019

PUBLIC BUSINESS SESSION: 6:00 p.m.
PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425

PUBLIC BUSINESS SESSION – 6:00 p.m.

OPENING:

- Call to Order: Mayor Bagby called the meeting to order at 6:00 p.m.
- Pledge of Allegiance
- Roll Call: Present: Councilmember Cruz, Vice Mayor Wolter, Councilmember Turner; Councilmember Brigham, and Mayor Bagby
- Conflict of Interest Declaration: Councilmember Brigham recused herself from Item 12 under New Business due to a conflict of interest concerning her dispensary permit application.
- Agenda Review – Regular Session (Changes and/or Deletions) Vice Mayor Wolter asked that Item 10 of the Consent Calendar be moved to new business.

PUBLIC COMMENTS:

Chase Craig, River Road resident, commented that five homeowners including himself were impacted by the levee break near the airport. Mr. Chase stated that he was under the impression that the City is responsible for maintaining the levee and the summer bridge. City Manager Kelley and Mr. Chase exchanged contact information. City Manager Kelley stated that he will add this issue to the next Public Works Subcommittee agenda and Airport Subcommittee agenda for discussion and Mr. Chase is welcome to attend both.

PROCLAMATIONS / PRESENTATIONS:

1. **Proclamation Proclaiming the Fourth Friday in April as Children's Memorial Flag Day throughout Sonoma County in Memory of Children Who Have Died by Violence.** City Manager Kelley read the proclamation and Mayor Bagby presented it to Suzanne Taylor and Stephen Berry, representing MOVES (Minimizing Occurrences of Violence in Everyday Society), who thanked Council and informed the group of their efforts that support youth.
2. **Proclamation Recognizing April 8-12, 2019 as the Week of the Young Child in Cloverdale** – City Manager Kelley read the proclamation. No one was in attendance to receive the proclamation.

CONSENT CALENDAR:

3. **Minutes of Previous Meeting, March 6, 2019**
4. **Minutes of Previous Meeting, March 21, 2019**
5. **Minutes of Previous Meeting, March 27, 2019**
6. **Second reading and adoption of Ordinance No. 727-2019, Zoning Ordinance Amendment, amending Cloverdale Municipal Code Section 18.09.060: Tree Preservation and Municipal Code Section 18.14.030: Definitions to establish tree preservation guidelines and a permitting process**

7. **Second reading and adoption of Ordinance No. 728-2019, Rezoning an approximately 4.67 +/-acre parcel of vacant land located at 28145 Highway 101 (referred to as the Sonoma County Vintners Co-op Wine Storage Facility Annexation and Rezoning Project) to General Industrial (M-1) Zoning**
8. **Resolution No. 025-2019, amending the Fiscal Year 2018-19 Budget Airport Fund 670 in the amount of \$16,995, to cover the cost of a maintenance agreement for the Cloverdale Municipal Airport Emergency Cleanup Project**
9. **Resolution No. 026-2019, submitting a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2019-20 Transportation Development Act, Article 3 (TDA3) Pedestrian/Bicycle Project Funding funds to construct bike lanes as part of the Cloverdale, Treadway and Santana Signalization Project**
10. ***This item was pulled from the Consent Calendar***
11. **Resolution No. 027-2019, adopting a roadway improvement project list for fiscal year 2019-20 funded by SB-1: The Road Repair and Accountability Act of 2017**

Mayor Bagby stated that all items of the Consent Calendar would be considered under one action of the Council unless a Councilmember or member of the public requested that items be pulled for discussion.

Vice Mayor Wolter asked to pull Item 10, Appointment of William Wagy to the Planning Commission, from the Consent Calendar.

Action: Motion was made by Councilmember Turner to approve the Consent Calendar, except for Item 10; seconded by Councilmember Brigham. The motion passed by roll call vote: (5 ayes- Councilmember Cruz, Vice Mayor Wolter, Councilmember Brigham, Councilmember Turner and Mayor Bagby; 0-noes; 0-absent).

STUDENT LIAISON REPORT: None

COMMUNICATIONS: None.

PUBLIC HEARINGS: None

NEW BUSINESS:

10. **Motion Order to Approve the Mayor’s Appointment of William Wagy as a regular member of the Planning Commission** Vice Mayor Wolter introduced William Wagy. Mr. Wagy stated that he moved to town in 2013 and wants to serve on the Commission to preserve the quality of Cloverdale. He holds a master’s degree in business, has worked in construction and has been a civil engineer. Vice Mayor Wolter thanked Mr. Wagy for volunteering and asked him look at the projects that have been approved and what is being built around town. The Planning Commission has land use authority and commissioners need to properly condition projects. The councilmembers welcomed Mr. Wagy and thanked him for his interest.

Action: Vice Mayor Wolter motioned, and Councilmember Cruz seconded, to approve the Mayor’s appointment of William Wagy as a regular member of the Planning Commission for a four (4) year term to expire April 10, 2023. The motion passed by roll call vote: (5 ayes -Councilmember Cruz, Vice Mayor Wolter, Councilmember Brigham, Councilmember Turner and Mayor Bagby; 0-noes; 0-absent).

12. **Discuss Cloverdale’s Commercial Cannabis Dispensary Permit Issuance Process and consider options for the issuance of a second Cannabis Dispensary Permit –**

Councilmember Brigham left the Council dais at this time due to conflict of interest concerning her dispensary permit application.

City Manager Kelley reviewed the staff report and gave an overview of the process to date of the Request for Proposals process for cannabis dispensaries; noting that after extensive deliberation the Council adopted resolutions: (1) issuing a maximum of two retail cannabis dispensaries and (2) authorizing the City Manager to issue a commercial cannabis dispensary permit to Red Door Remedies. Council did not reach consensus on the issuance of the second permit. As directed by Council, staff undertook a review of the Cannabis Ordinance for possible amendments and that although minor amendments are recommended, the permit the permit process remained the same.

At this time, staff recommends that the Council discuss the Commercial Cannabis Dispensary Permit Process and consider the following options:

1. Option 1 - Direct Staff to revise the previous cannabis dispensary RFP and bring back to Council for review and approval at a future date. This option could entail referring the RFP to an appropriate Subcommittee for further review, deliberation, and revisions prior to review/approval by the City Council; or
2. Option 2 - Direct Staff to utilize the existing dispensary RFP and open a second round of RFP process to new and existing applications for the available dispensary permit. This option would entail utilizing the existing RFP, but updates to the application timelines would need to be amended to reflect a new RFP review period for ranking and interviews. Pursuant to CMC section 18.15.050(C)(2), if a new application round is opened, prior applicants may inform City Staff in writing that they wish to re-submit their application rather than file a new application.; or
3. Option 3 - Direct Staff to limit the RFP process to include only the two existing applicants from the initial RFP process (per CMC section 18.15.050(C)(2)). If Council considers Option 3, Staff recommends that the two applicants be invited to submit any applicable updates (financials, business plan, proposal team, etc.) to their existing dispensary proposal to the City Manager for review and present the existing or updated proposals to the City Council at a future, to be determined, Public Hearing date set by the Council. Note: This option would limit issuance of the one available cannabis dispensary permit to one of the two original applicants.
4. Option 4 – Remain with one existing cannabis dispensary only for the time being and suspend the RFP either indefinitely or for a time certain

Public Comments

Daniel Franksten, California Wellness, noted that it has been a long arduous process, which was difficult for both the community and the applicants. At first, the state had undefined rules, which added to the confusion. Mr. Franksten expressed gratitude for the time and effort that went into the ordinance. He added that Maryann Brigham has done a lot for community. California Wellness wants to provide medicine for people, and it is not a for-profit-only enterprise. They care about the community. Mr. Franksten asked to reopen the RFP to allow consideration of other applicants and to issue the permit to California Wellness.

Eleanor Gomez, California Wellness, will be the general manager if the request is approved. Their goal is to develop and implement wellness programs to share with residents of Cloverdale. She hopes to become a part of the community and asked that Council consider issuing them the second permit.

John Lambert, Cloverdale, commented that a decision needs to be made and spoke in support of the Brigham dispensary. He remarked that Brian Elliott, recently passed away, was involved in the process. Mayor Bagby acknowledged that Mr. Elliott was devoted to keeping residents safe and that he was acknowledged at the last Council meeting.

Shawn Bovee, Cloverdale, thanked the Council; it was long time coming and he looks forward to moving ahead.

Vice Mayor Wolter commented that he originally opposed the ordinance; but changed his mind after educating himself and researching dispensaries in other jurisdictions. He recommended revising the RFP to allow up to three dispensaries, with updated background checks. City Manager Kelley commented that Option 3 would require a public hearing, updated RFP, and applicants would be required to do background updates and incorporate new changes from state law into their proposal statements.

Councilmember Cruz wanted applications updated to insure they are complete, reflect new rules and regulations, and meet staff requirements. She supported inclusion of a third dispensary and Option 3(b).

Councilmember Turner expressed concern about changes in use if the medical dispensary became retail. City attorney Sanchez commented that the ordinance sets the maximum, but Council has the discretion to decide how many dispensaries they want. Councilmember Turner supported Option 3(b).

Discussion ensued regarding the timeframe to carry out Option 3(b), and it was Council's consensus require updated applications, consistent with current state law, that address the full proposed operation. There was no support to require rescoring. City Attorney Sanchez stated that the change would require a Zoning Ordinance amendment that needs to go before the Planning Commission. The CEQA documents would need to be updated as well.

Mr. Franksten stated he could have his application updated within a week, and did not think it needed to go to the Planning Commission because they are still within the time frame for the original RFP.

Mayor Bagby was supportive of Option 3.

Action - Vice Mayor Wolter motioned to direct staff to come back with Option 3(b), which would allow up to three (3) dispensaries, to update the RFP and to require background updates and full compliance with current rules. Councilmember Turner seconded the motion. The motion passed by roll call vote with Councilmember Brigham abstaining:(4 ayes - Councilmember Cruz, Vice Mayor Wolter, Councilmember Turner, Mayor Bagby; 0-noes; 0 absent, 1 - abstain- Councilmember Brigham).

Councilmember Brigham returned to the Council dais at this time.

13. Resolution No. 028-2019, Authorizing the City Manager to Execute the First Amendment to Individual At-Will Employment Agreement with Ms. Susan Holmes reclassifying employee from Finance Manager to Finance Director satisfying all requirements under Section 3(f) of the Employment Agreement and updating the Finance Manager Job Classification Title from Finance Manager to Finance Director

City Manager Kelley summarized the proposed amendment to the At Will Employment Agreement with Susan Holmes and elaborated on the numerous improvements that Ms. Holmes has brought to the position. The Council expressed support and appreciation.

Public comment: None

Action - Motion was made by Councilmember Brigham to adopt Resolution No. 028-2019; approving the First Amendment to an at-will employment agreement with Susie Holmes reclassifying employee from Finance Manager to Finance Director satisfying all requirements under Section 3(f) of the employment agreement and updating the corresponding Finance Manager classification title to Finance Director.

Seconded by Councilmember Cruz. The motion passed by roll call vote: (5 ayes; Councilmember Cruz, Vice Mayor Wolter, Councilmember Brigham, Councilmember Turner and Mayor Bagby; 0-noes; 0-absent).

14. Discuss and provide direction to Mayor Bagby on appointment actions of the City Selection Committee and the Mayors and Councilmembers Association Board of Directors regarding various pending appointments at the April 11th Mayor and Councilmembers Meeting

City Manager Kelley summarized the item and asked the City Council give formal direction to Mayor Bagby on how to vote to fill the open positions for the upcoming meeting of the City Selection Committee at the April 11th Mayors and Councilmembers Association meeting to be held in the City of Petaluma.

Discussion ensued regarding the various applications received, whether non-elected officials should be considered for appointments; and whether three names should be nominated to the Board of Supervisors for the Metropolitan Transportation Commission as required.

Public comment: None

Action: The Council provided direction to Mayor Bagby to support the following appointments and gave the Mayor the latitude to make changes at the table if something unexpected should come up.

City Selection Committee Appointments

Airport Land Use Commission, two positions to fill, terms expiring in May 2019. Four-year term. Sam Salmon (Windsor) and Mayor Schwedhelm for Jack Tibbets (Santa Rosa)

Local Agency Formation Commission (LAFCO), Alternate, one position, term expiring in May 2019. Four-year term: Mark Landman (Cotati)

Metropolitan Transportation Commission, one position, to fill expired term (February 2019) of Jake Mackenzie (Rohnert Park). Four-year fixed term. City Council Supports providing the following three (3) names to the Board of Supervisors in the following recommended order:

1) Jake Mackenzie (Rohnert Park), 2) Neysa Hinton (Sebastopol), 3) Stephen C. Birdlebough, LLC

Association of Bay Area Governments (ABAG) MTC Housing Legislative Working Group, two positions. Gina Belforte (Rohnert Park) and Amy Harrington (Sonoma)

Board of Directors of the Sonoma County Mayors' and Councilmembers' Association

Association of Bay Area Governments (ABAG) Regional Planning Committee, one position, to fill expired term (February 2019) of Julie Combs (Santa Rosa). Term expires two years from appointment: Julie Combs (Santa Rosa)

15. Consideration of proposal to join the Sonoma-Marin Saving Water Partnership

Public Works Director Rincon summarized the proposal, which had been discussed at the Public Works Subcommittee level and passed on to Council to see if there is interest in joining. The cost of membership has not been determined; however, the cost of membership is expected to be partially offset by a \$3,000 benefit for annual Water Loss TAP Report validation services.

Public comment. None

Council discussion ensued regarding the pros and cons of joining the Partnership.

Action: It was Council's consensus not to join the Partnership at this time.

SUBCOMMITTEE ITEMS:

Councilmember Turner asked for permission to form an Ad Hoc committee and include Councilmember Brigham to address the community concern about the use of rubberized mulch. The committee will identify concerned community members, prioritize the areas where rubber mulch is to be removed, and formulate a plan that can be used as a basis for a recommendation.

Council expressed concerns about how long the research would take and whether this undertaking would create expectations in the community which would have fiscal impacts. Permission was granted to form the Ad Hoc committee with the caveat to keep it to a few meetings.

SUBCOMMITTEE REPORTS: (VERBAL REPORTS:

- Airport (Chair Mayor Bagby and Councilmember Brigham) - Next meeting: June 4, 2019, at 10:00 a.m.
- Finance, Administration & Police (Chair Mayor Bagby and Vice Mayor Wolter) – Next meeting: April 22, 2019 at 4:00 p.m.
- Planning & Community Development (Chair Councilmember Turner and Councilmember Cruz) – Next Meeting: April 16, 2019, at 4:00 p.m.
- Public Works (Chair Councilmember Turner and Vice Mayor Wolter) - Next Meeting: May 28, 2019, at 4:00 p.m.
- Joint City/Fire District (Chair Councilmember Cruz and Councilmember Turner) - Next Meeting: June 10, 2019, at 5:30 p.m.
- Joint City/School District (Chair Councilmember Cruz and Vice Mayor Wolter) – Next Meeting: May 20, 2019, at 5:00 p.m.

COUNCIL REPORTS: Councilmember Cruz's written report is attached.

LEGISLATIVE REPORT: None

CITY MANAGER/CITY ATTORNEY REPORT: None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS: The April 24 was cancelled due to conflicting schedules.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m. to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Wednesday, May 8, 2019, for Closed Session at 5:00 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:00 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).