



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

WEDNESDAY, JUNE 12, 2019

CLOSED SESSION 5:00 p.m.

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

PUBLIC BUSINESS SESSION: 6:00 p.m.

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

CLOSED SESSION

CLOSED SESSION: 5:00 pm

OPENING:

- Call to Order
- Roll Call: Present - Councilmember Brigham, Councilmember Turner, Vice Mayor Wolter, and Mayor Bagby
Absent - Councilmember Cruz
- Agenda Review - closed Session (Changes and/or Deletions): None

PUBLIC COMMENTS ON CLOSED SESSION AGENDA: None

RECESS TO CLOSED SESSION: The City Council recessed to meet in closed session to discuss the following matter:

1. CONFERENCE WITH LABOR NEGOTIATOR: Pursuant Government Code Section 54957.6

Labor Negotiator: City Manager Kelley; Assistant City Manager Thompson; City Attorney Sanchez and Yuki Cruse

Employee Organizations: Cloverdale Police Officers' Association, Cloverdale Dispatchers' Association, Cloverdale Classified Service Employees Association and Unaffiliated and Unrepresented Employees

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Pursuant to Government Code Section 54956.8

Property: APN 116-110-025 and APN 116-110-024

Agency negotiator: City Attorney Sanchez, City Manager Kelley, and Assistant City Manager Thompson

Negotiating parties: Johnson Michael L TR ET AL c/o Gerald Angeli

Under negotiation: Price and terms of payment

CONVENE 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 Brigham, Councilmember Turner, Vice Mayor Wolter, and Mayor Bagby
Absent: Councilmember Cruz
- Report out of Closed Session –Actions Taken: City Attorney Sanchez stated that, at the closed session, labor negotiations and property negotiation were discussed. No reportable actions came out of closed session, only direction was given staff.
- Conflict of Interest Declaration: Vice Mayor Wolter recused himself from Item 5, Resolution 39-2019 and Councilmember Turner recused himself from Item 5, Resolution 40-2019. Councilmember Brigham recused herself from Item 6 and the cannabis portion of Item 7.
- Agenda Review – Regular Session (Changes and/or Deletions) City Manager Kelley commented that there were several matters on the agenda that may warrant continuance until the full council is present.

Councilmember Turner, out of respect for Councilmember Cruz and the community, asked to continue the final vote on Item 6, Cannabis Ordinance, until the full Council can be present. There was Council concurrence to continue the public hearing after public comment is taken.

PUBLIC COMMENTS: Mayor Bagby opened the public comment session for items not on the agenda.

Janice Quilici, Port Circle, Cloverdale, asked Council to consider creating a fire break behind the homes that are contiguous to Open Space lands such as on Port Circle.

City Manager Kelley asked for Mrs. Quilici's contact information and stated he will follow up with her.

Reese Foxen, Library Commissioner, reviewed activities at the library. She informed the group that the library now has portable WiFi devices that patrons can check out that can extend services into rural areas, which will help those who cannot afford their own WiFi hookup. The 500 devices available in the County are all checked out. The library is also doing away with fines.

Mayor Bagby thanked Ms. Foxen for her hard work.

PROCLAMATIONS / PRESENTATIONS:

- 1. Proclamation Proclaiming June 2019 as Lesbian, Gay, Bisexual and Transgender Pride Month in Cloverdale (15 Minutes).**

City Manager Kelley read the proclamation into the record and Mayor Bagby presented the proclamation to Jack Fitzsimmons.

Mr. Fitzsimmons, Cloverdale resident, thanked Council for the proclamation and invited them to attend an event at the CPAC on June 23rd regarding LGBT life in Sonoma County.

Councilmembers thanked Mr. Fitzsimmons for all the hard work has done.

CONSENT CALENDAR:

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.

On a motion by Councilmember Brigham, seconded by Councilmember Turner, approved the Consent Calendar, as follows:

2. Approval of Minutes

By Motion, approved the May 14, 2019 and May 22, 2019 Meeting Minutes as submitted.

3 General Fund Reserves Balances as of 6/30/2018 by Account Type

Reviewed, accepted and ordered filed the General Fund Reserves Balances report as of June 30, 2018.

4. Professional Services Agreement with Moe Engineering Inc. for engineering services associated with the design and administration of the City’s CDBG grants

Adopted **Resolution No. 38-2019** entitled, “Resolution of the City Council of the City of Cloverdale approving a Professional Services Agreement with Moe Engineering for engineering services associated with Cloverdale’s Community Development Block Grant for pedestrian and ADA improvements at S. Cloverdale Boulevard and South Street and Healdsburg Avenue and authorizing the City Manager to execute the agreement.

The motion to approve the Consent Calendar as submitted carried on a roll call vote with Councilmember Cruz noted as absent. (Ayes- 4, Noes – 0, Absent - Councilmember Cruz, Abstaining – None)

COMMUNICATIONS: None.

PUBLIC HEARINGS

5. Public Hearing - Cloverdale Landscaping and Lighting Assessment District for Approval of the Annual Engineer’s Report, and Resolutions Authorizing Assessments for Fiscal Year 2019-20

City Manager Kelley summarized the item, and introduced Paul Wade, consultant, who reviewed the history of the Landscaping and Lighting Districts noting that the assessments for each of the zones were reviewed annually.

Mr. Paul Wade, Coastland Engineering, reviewed the proposed changes to the assessments (attached spreadsheet) adding that the increases are necessary to maintain the landscaping in the various zones and to provide reserves. Staff recommends adopting three resolutions after the public hearing.

Mayor Bagby opened the public hearing. There being no public speakers, Mayor Bagby closed the public input portion of the public hearing.

Zone 1

Vice Mayor Wolter recused himself from voting on Zone 1 and left the dais.

In response to Council’s inquiries, staff explained the reasons why the assessments for Zone 1 were not proposed to be increased such as lower maintenance costs and less watering and maintenance needs for established landscaping and trees.

Action: Motion was made by Councilmember Turner, seconded by Councilmember Brigham, to adopt **Resolution No. 39-2019** approving the Annual Engineer's Report, confirming the Assessment Diagram and the annual assessment amounts, and authorizing the levying and collection of Assessments for Fiscal Year 2019-20 for the Cloverdale Landscaping and Lighting Assessment District for Zone 1. The motion passed by roll call vote with Councilmember Cruz noted as absent and Vice Mayor Wolter abstaining. (Ayes – 3, Noes – 0, Absent – Councilmember Cruz, Abstaining – Vice Mayor Wolter)

Vice Mayor Wolter returned to the dais at this time.

Zone 2

Councilmember Turner recused himself from voting on Zone 2 because he lives within 500 feet of Vintage Meadows and left the dais.

In response to Council's inquiries, staff clarified that General Funds are used for a portion of the maintenance of the park and restroom that are used by the public at large.

Action: Motion was made by Councilmember Brigham, seconded by Vice Mayor Wolter, to adopt **Resolution No. 40-2019** approving the Annual Engineer's Report, confirming the Assessment Diagram and the annual assessment amounts, and authorizing the levying and collection of assessments for Fiscal Year 2019-20 for the Cloverdale Landscaping and Lighting Assessment District for Zone 2. The motion carried on a roll call vote with Councilmember Cruz noted as absent and Councilmember Turner abstaining. (Ayes -3, Noes – 0, Absent - Councilmember Cruz, Abstaining - Councilmember Turner).

Councilmember Turner returned to the dais.

Zones 3, 4, 5, 6, and 7

Discussion ensued regarding the fact that some of the assessments are and/or will be maxed soon and the desire to establish a plan to reduce expenses, increase the reserve balances and overall address the structural deficit.

Action: Motion was made by Councilmember Turner, seconded by Councilmember Brigham, to adopt **Resolution No. 41-2019** approving the Annual Engineer's Report, confirming the assessment diagram and the annual assessment amounts, and authorizing the levying and collection of assessments for Fiscal Year 2019-20 for the Cloverdale Landscaping and Lighting Assessment District for Zones 3, 4, 5, 6 and 7. The motion passed by roll call vote with Councilmember Cruz noted as absent. (Ayes- 4, Noes – 0, Absent- Councilmember Cruz, Abstaining – None)

6. Cannabis Land Use Ordinance amendment

Councilmember Brigham recused herself and left the dais.

City Manager Kelley summarized the proposed revisions to the Cannabis Land Use Ordinance, which is the culmination of significant review by Council and the Planning Commission. Staff recommends that Council: (1) Hold the Public Hearing; and (2) introduce the Ordinance for first reading, waiving reading of the text, amending Cloverdale Municipal Code Section 18.15 Cannabis to: increase the number of allowed cannabis dispensaries from two (2) to three (3), add provisions related to temporary cannabis event permits, expand sections related to setbacks and waivers, and make modifications due to changes in law and other minor amendments.

Vice Mayor Wolter recommended continuance of the item to a date and time certain in order to have the full Council present in the vote. Councilmembers concurred with his recommendation.

Mayor Bagby opened the Public Hearing

Action: There being no public speakers, on a motion by Councilmember Turner and seconded by Vice Mayor Wolter, continued the public hearing to June 26, 2019 at or after 6:00 p.m. The motion passed by roll call vote with Councilmember Cruz noted as absent and Councilmember Brigham abstaining. (Ayes 3, Noes – 0, Absent - Councilmember Cruz, Abstaining - Councilmember Brigham).

Councilmember Brigham returned to the dais.

7. Resolutions establishing and updating the Schedule of Fees and Charges for City Services

Finance Director Holmes summarized the proposed updates to the Master Fee Schedule, which include several new charges such as: Tree permit fee of \$125.00 related to the tree protection ordinance, an annual encroachment fee of \$470 with a \$50.00 inspection fee per job; and a capital improvement fee of \$50.00 a month for use at the airport. Staff recommended that Council: (1) Hold the Public Hearing; and adopt the two proposed resolutions. It was noted that the Cannabis related fees would be discussed separately.

Discussion ensued about the annual encroachment fee. This was initiated to allow tree trimmers to pay an annual encroachment fee plus an inspections fee for individual jobs, rather than to require an encroachment fee for every single job, some which are very minor. The \$470.00 encroachment fee will be paid annually, plus an inspection fee of \$50.00. There is some flexibility in how many inspections can be done under the \$50.00 fee.

Councilmember Brigham asked if public utility businesses such as Comcast and PG&E could apply for the annual encroachment permit. Mr. Kelley stated that this fee applies to minor permits, and some work, such as that done by PG&E, requires more involvement.

Mayor Bagby opened the public hearing. There being no public speakers, Mayor Bagby closed the public input portion of the public hearing.

Action: Motion was made by Vice Mayor Wolter and seconded by Councilmember Turner to adopt **Resolution No. 42-2019** establishing and updating the Schedule of Fees and Charges for City Services and Repealing Previously Adopted and Conflicting Fees and Charges for Such Services. The motion passed by roll call vote with Councilmember Cruz noted as absent. (Ayes- 4, Noes – 0, Absent- Councilmember Cruz, Abstaining – 0)

Councilmember Brigham recused herself due to her business interests in the cannabis industry and left the Council dais.

Cannabis fees: Finance Manager Holmes reviewed the proposed cannabis related service fees.

Mayor Bagby opened the Public Hearing on the proposed cannabis related service fees. There being no public speakers, Mayor Bagby closed the public input portion of the Public Hearing.

Motion was made by Vice Mayor Wolter and seconded by Councilmember Turner to adopt **Resolution**

No. 43-2019 establishing and updating the Schedule of Commercial Cannabis Permit Fees and Charges for Services and Repealing Previously Adopted and Conflicting Fees and Charges for Such Services. The motion carried on a roll call vote with Councilmember Cruz noted as absent, and Councilmember Brigham abstaining. (Ayes 3, Noes – 0, Absent - Councilmember Cruz, Abstaining – Councilmember Brigham)

Councilmember Brigham returned to the dais at this time.

NEW BUSINESS:

8. Approval of the Budget for Fiscal Year 2019-2020

Finance Director Holmes summarized the budget review process to date, which culminated in the proposed budget.

City Manager Kelley noted that the budget is a comprehensive document and covers the General Fund, Enterprise Funds, affordable housing bond proceeds, etc., but does not include: (1) the outcome of labor negotiations, i.e. COLAS; (2) funding for potential improvements to the CPAC; (3) funding for special projects, i.e. removal of rubber mulch or the addition of a dog park; (4) revenue from Measure M; (5) funding for emergency preparedness planning; or (6) funding for important capital projects. City Manager Kelley added that: (1) the City's reserves are in line with the Council adopted reserve policies; and (2) the revenue projections show a slight increase from this fiscal year; but will not cover the proposed expenditures which are up \$800,000 to \$1M from the current fiscal year. To address the deficit, staff is proposing two (2) budgets one without the addition of staff discussed at the budget work session and one with the three (3) additional positions. Under either scenario it is will be necessary to utilize some of the fund balance. Under the proposed scenarios, it is also projected that Water and Sewer Enterprise Funds will also experience operational deficits in the upcoming fiscal year.

Assistant City Manager/Community Development Director Thompson gave an overview of the plans to relocate the Public Works Department staff, noting that the proposed budgets include \$105,000 to replace the existing trailer. Staff will bring back a report on other options, which are not in the budget, that staff is analyzing, such as: (1) improvements to the CPAC, assisting the Chamber relocating to the CPAC and the City leasing the Chamber building for the use of Public Works; or (2) leasing office space downtown. He discussed the capital projects and study included in the current budget and reiterated that Measure M funds were not included in the proposed budget.

City Manager Kelley inquired if Council was interested in holding a Council/staff retreat for strategic planning work and to discuss revenue enhancement measures. If Council is interested in moving forward, it will require a budget amendment. He recommended adopting the budget without adding personnel.

Council discussion ensued regarding the structural deficit under either scenario (with and without the additional staff); the need to find ways to increase revenues; the possibility of using Measure M funds to fund the parks position which is needed with the addition of the open space;

Vice Mayor Wolter was supportive of version 1.

Councilmember Turner was supportive of only adding the parks position because of the additional workload and of postponing adoption of the budget until Councilmember Cruz was in attendance.

Councilmember Brigham was also supportive of only funding the parks position.

Public Comments: None

Mayor Bagby commented on the need to be fiscally responsible and added that at the budget work session Council was only unanimously supportive of adding the parks position.

Discussion ensued regarding the structural deficit under either scenario, the need to enhance revenues, whether Council wanted to postpone adoption of the budget; and the additional actions that Council would need to take if the budget is not adopted by June 30th.

Action: Motion was made by Vice Mayor Wolter, seconded by Councilmember Brigham, to adopt **Resolution No. 44-2019** adopting the Budget for Fiscal Year 2019-2020, version 1 without the additional staff. The motion carried on a roll call vote with Councilmember Turner dissenting and Councilmember Cruz noted as absent. (Ayes – 3, Noes - Councilmember Turner; Absent - Councilmember Cruz)

City Manager Kelley clarified that, per Council's direction, staff would be coming back to Council with options to fund the parks position, and alternatives for the use of Measure M funds.

9. Resolution amending the City Personnel System to modify and update the City Clerk and Finance and Human Resource Analyst positions and adjust the salary range of the classifications

City Manager Kelley reviewed the proposal to amend the City Personnel System to modify and update the City Clerk and Finance and Human Resource Analyst positions and adjust the salary ranges. The proposed amendment of the Deputy City Clerk/Human Resources Tech class specification would result in two updated job classifications: the City Clerk position in the City Manager's (CM) Department, who will be responsible for performing the work of City Clerk; and the Finance and Human Resources (HR) Analyst, who will continue to be responsible for performing the work of an Accountant Analyst with additional Human Resources responsibilities.

Discussion ensued regarding the City Clerk's role during emergencies and the desire to have this position be an integral part of the emergency operations team.

In response to Councilmember Turner's inquiry, City Manager Kelley stated that the City Manager would continue to oversee HR and would provide direction to the Finance and Human Resources Analyst. The Finance Director would continue to be the direct supervisor.

Public Comments: None

Action: Motion was made by Councilmember Turner, seconded by Vice Mayor Wolter, to adopt **Resolution No. 45-2019** amending the City Personnel System to update the City Clerk and Finance and Human Resources Analyst Classifications. The motion carried on a roll call vote with Councilmember Cruz noted as absent. (Ayes -4; Noes – 0, Absent - Councilmember Cruz, Abstaining – 0)

10. Resolution declaring weeds growing within the City to be a public nuisance

Assistant City Manager/CDC Thompson explained that in connection with fire safety, the purpose of the item is to declare hazardous weeds on private property as a public nuisance. Annually, the Fire District inspects private properties within the City and gives notice to those property owners found in violation of the Municipal Code and orders the removal of the hazardous weeds. The Fire District has submitted a

list of properties that have not abated the hazardous weeds. The proposed resolution sets up a process by which the City can abate the nuisance and bill the property owners for the cost.

Public Comment: None

Action: Motion was made by Councilmember Brigham, seconded by Councilmember Turner, to adopt **Resolution No. 46-2019** declaring all weeds growing on private property within the City limits to be a public nuisance, and declaring the intention to remove and abate them on specified private properties. The motion carried on a roll call vote with Councilmember Cruz noted as absent. (Ayes- 4, Noes – 0, Absent - Councilmember Cruz, Abstaining – 0)

11. Sonoma County Mayors' and Councilmembers' Association Board of Directors appointments to be considered at the June 13, 2019 meeting

City Manager Kelley stated that the following appointments would be considered at the Sonoma County Mayors' and Councilmembers' Association Board of Directors meeting on June 13, 2019 in Rohnert Park:

- **ABAG Executive Board**, one position, to fill expired term of Jake Mackenzie (Rohnert Park); term expires June 2019. Two-year fixed term. Council Member Mackenzie has announced that he will not be seeking reappointment.
- **ABAG Executive Board**, (Alternate), one position, to fill expired term of Julie Combs (Santa Rosa); term expires June 2019. Two-year fixed term. Council Member Combs has announced that he will not be seeking reappointment.
- **Sonoma County Agricultural Preservation & Open Space District Citizens Advisory Committee**, one position, to fill the expired term of John Dell'Osso (Cotati). Term expires two years from appointment.
- **ABAG Regional Planning Committee**, one position, to fill vacated term (Feb. 2021) of Julie Combs (Santa Rosa). Term expires two years from appointment.

City Manager Kelley noted that only two letters of interest were received: one from Cotati Mayor John Dell'Osso interested on serving on the Sonoma County Agricultural and Open Space District Citizens Advisory Committee; and one from Santa Rosa Councilmember Susan Adams interested in being appointed to the ABAG Regional Planning Committee.

Public Comments: None

Following a brief discussion regarding the lack of interest, it was Council consensus to provide latitude to the Mayor to submit her vote as she sees fit.

SUBCOMMITTEE ITEMS: None

SUBCOMMITTEE REPORTS: (VERBAL REPORTS: 15 minutes)

- Airport - Next Meeting: October 1, 2019, 10:00 am
- Finance, Administration & Police - Next Meeting: June 27, 2019, 4:00 pm
- Planning & Community Development - Next Meeting: June 18, 2019 4:00 pm
- Public Works - Next Meeting: July 23, 2019, 4:00 pm
- Joint City/Fire District - Next Meeting: October 24, 2019, 5:30 pm
- Joint City/School District– Next Meeting: July 15, 2019, 5:00 pm

COUNCIL REPORTS (INCLUDING STUDENT LIAISON): (VERBAL REPORTS: 15 minutes) Mayor Bagby submitted her written report (attached).

City Manager Kelley reported that two additional applications for student liaison had been received.

LEGISLATIVE REPORT: City Manager Kelley reviewed a letter of opposition to SB330 (attached). Reasons stated are impacts on the City of Cloverdale that prohibit local agencies from imposing parking standards near rail stops, impacts to housing applications and impact fees.

CITY MANAGER/CITY ATTORNEY REPORT: City Attorney Sanchez stated he was working with the City Manager and Mayor to schedule performance evaluations which would take place in closed session.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS:

ADJOURNMENT: Mayor Bagby adjourned the meeting at 8:20 p.m. to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Wednesday, June 26, 2018, for Closed Session at 5:00 p.m. (at the City Hall Conference Room 124 N. Cloverdale Boulevard, Cloverdale, CA 95425) and Public Business Session at 6:00 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Boulevard, Cloverdale, CA 95425).

The foregoing minutes were approved by the City Council of the City of Cloverdale at its regular meeting held on the 26th day of June, 2019 by the following roll call vote:

Ayes: (5) Councilmember Brigham, Councilmember Cruz, Councilmember Turner, Vice Mayor Wolter and Mayor Bagby
Noes: (0) None
Absent: (0) None
Abstain: (0) None

APPROVED:

ATTEST:


Melanie Bagby, Mayor


Maria McArthur, Interim City Clerk