



124 N. Cloverdale Boulevard
Cloverdale, CA 95425
Phone: 707-894-2521
www.cloverdale.net

MINUTES - FINAL

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

WEDNESDAY, MARCH 9, 2022

CLOVERDALE PERFORMING ART CENTER
209 N. CLOVERDALE BOULEVARD, CLOVERDALE, CA 95425

A. CLOSED SESSION

OPENING: CLOSED SESSION - 5:00 p.m.

- Call to Order-Mayor Lands called the meeting to order.
- Roll Call: Mayor Lands, Vice Mayor Wolter, Councilmembers: Bagby, Cruz, Palla
- Agenda Review: Closed Session (Changes and/or Deletions)-No changes/deletions.

PUBLIC COMMENTS ON CLOSED SESSION AGENDA:

Mayor Lands allowed for public comment. Hearing none, he closed the public comment period.

RECESS TO CLOSED SESSION:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code Sec 54957) Title: City Attorney
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code Sec 54957) Title: City Manager

A. OPENING PUBLIC SESSION - 6:00 p.m.

Due to technical difficulties with the dais camera, Mayor Lands announced viewers could view the dais via Finance Director Holmes' camera.

- Call to Order – Mayor Lands called the meeting to order at 6:01 p.m.
- Pledge of Allegiance was led by Mayor Lands.
- Roll Call:
 - Mayor Lands
 - Vice Mayor Wolter
 - Councilmember Bagby
 - Councilmember Cruz
 - Councilmember Palla
- Report Out of Closed Session – There was no reportable action.
- Conflict of Interest Declaration-Councilmember Cruz announced a conflict on D.2.

- Agenda Review - Regular Session (Changes and/or Deletions). None

B. PUBLIC COMMENTS:

Elvira, whose brother was run over on Friday and hospitalized for severe injuries. She requested a light for the subject crosswalk. Mayor Lands expressed the Council's concern for her brother's injuries and stated the City would seek to ensure the crosswalk is safe. Councilmember Palla requested that this intersection be placed on the Public Works Subcommittee's agenda and requested the accident history for the intersection.

Twenty-two year Cloverdale resident spoke in support of a light at this crosswalk. Between Cloverdale and Healdsburg Avenue, visibility is poor, and there have been other accidents, including a fatality.

The cousin of injured pedestrian requested safety measures.

Virginia Jimenez spoke in support of a light at this crossing.

Councilmember Bagby requested updates to Planning and Sustainability. A complete streets plan is needed, and Cloverdale Boulevard needs to become a neighborhood street.

Councilmember Cruz thanked the speakers on behalf of the entire community for speaking on this safety issue.

C. PROCLAMATIONS/PRESENTATIONS

C.1 Student Liaison Report

Action(s): The Council received a report from Guadalupe Nunez, Student Liaison.

C.2 The City Council proclaimed March 2022 as American Red Cross Month in Cloverdale and thanked the local chapter for their service to the community.

D. CONSENT CALENDAR:

Consent Items D.1. D.2., D.3, and D.5. were pulled from the Consent Calendar for discussion.

D.4 Agreement with Moe Engineering for Project Management and Pre-construction Services³ for the Plaza Restroom Project and 2nd Street City Park Basketball Court Improvement Project

Action(s):

Adopted:

1. Resolution 21-2022 of the City Council of the City of Cloverdale approving a Professional Services Agreement with Moe Engineering, Inc. to provide the preparation of the necessary documents and inspection services for the Per Capita Grant project installing new basketball courts at City Park and authorizing the City Manager to execute said agreement at a fee estimate and budget contingency of \$53,086
2. Resolution 22-2022 of the City Council of the City of Cloverdale approving a Professional Services Agreement with Moe Engineering, Inc. to provide the preparation of the necessary documents and inspection services for the installation of a restroom

facility at City Plaza and authorizing the City Manager to execute said agreement at a fee estimate and budget contingency of \$42,512.80.

There were no public comments.

Motion was made by Councilmember Bagby, seconded by Councilmember Palla, to approve the Consent Calendar, Item D.4.

AYES: (5) Councilmember Palla, Vice Mayor Wolter, Councilmembers Bagby and Cruz,
Mayor Lands
NOES: (0)
ABSENT: (0)
ABSTAINED: (0)

D.1 Authorizing Continued Remote Teleconference Meetings of the City in Compliance with Assembly Bill 361

Action(s):

Adopted Resolution 23-2022 entitled, "A Resolution of the City Council of the City of Cloverdale Authorizing Continued Remote Teleconference Meetings of the City of Cloverdale of the City in Compliance with Assembly Bill 361.

Mayor Lands stated that he would like to discontinue the resolution authorizing remote teleconference meetings.

Councilmember Bagby stated the Brown Act needs to be amended, and Cloverdale needs to implement the necessary technology. She believes the emergency continues. The legislation was put into place because of the pandemic to allow legislators to join meetings by teleconference without having their home address published or opening their home to the public.

Councilmember Palla agrees that the Brown Act needs to be updated, however feels the emergency does not exist to the previous level.

In response to Vice Mayor Wolter, Attorney Mog stated that Councilmembers would be able to join remotely under the prior Brown Act provisions. The Council's determination regarding the state of emergency would govern Cloverdale's advisory bodies.

Councilmember Cruz agreed with Councilmember Bagby's comments.

Mayor Lands agrees the Brown Act needs to change, but this was set up for emergency purposes and is no longer necessary.

Erin Gore stated that eliminating the remote meetings will impact public participation.

Councilmember Palla stated that the Health Officer has stated the threat is reduced, but Cloverdale should still exercise safety. He could support keeping this in place, although it is unclear how much longer the State will keep it this way. His concern is the technological challenges and impacts on the meeting. He would like to receive updates on the League of California Cities' actions to bring about change to the Brown Act.

Motion made by Councilmember Bagby, seconded by Councilmember Cruz, to approve Resolution 23-2022 entitled, "A Resolution of the City Council of the City of Cloverdale Authorizing Continued Remote Teleconference Meetings of the City of Cloverdale of the City in Compliance with Assembly Bill 361. The motion passed by a roll call vote: 4-ayes, 1-no.

AYES: (4) Councilmember Palla, Vice Mayor Wolter, Councilmembers Bagby and Cruz
NOES: (1) Mayor Lands
ABSENT: (0)
ABSTAINED: (0)

D.3 Approve Agreement with Woodard Curran for Preparation of a National Pollutant Discharge Elimination System Permit Application and Report of Waste Discharge for the City of Cloverdale Wastewater Treatment Plant

Action(s):

Approved Resolution 24-2022 entitled, "A Resolution of the City Council of the City of Cloverdale approving a Professional Services Agreement with Woodard Curran for Preparation of a National Pollutant Discharge Elimination System Permit Application and Report of Waste Discharge for the City of Cloverdale Wastewater Treatment Plant."

In response to Councilmember Bagby, City Manager Kelley stated this did not go to the Public Works Subcommittee because this is part of the required action to renew the permit, and there is not much discretion.

There were no public comments.

Motion made by Councilmember Bagby, seconded by Councilmember Palla, to approve Resolution 24-2022 entitled, "A Resolution of the City Council of the City of Cloverdale approving a Professional Services Agreement with Woodard Curran for Preparation of a National Pollutant Discharge Elimination System Permit Application and Report of Waste Discharge for the City of Cloverdale Wastewater Treatment Plant." The motion passed by a roll call vote: 5-ayes

AYES: (5) Councilmembers Palla, Bagby, Cruz, Vice Mayor Wolter, Mayor Lands
NOES: (0)
ABSENT: (0)
ABSTAINED: (0)

D.5 Funding Agreement with La Familia Sana in an amount not to exceed \$75,000

Action(s):

Approved RESOLUTION 25-2022 titled, "A Resolution of the City Council of the City of Cloverdale approving a Funding Agreement with the La Familia Sana in an amount not to exceed Seventy-five Thousand Dollars (\$75,000) and authorizing the City Manager to execute said agreement in a form approved by the City Attorney".

Mayor Lands thanked La Familia Sana for their work, but this is a large, one-time expenditure.

Councilmember Bagby would like to co-write a letter of support with La Familia Sana in support of Senate Bill 1229 to provide scholarship incentives for returning students to work as counselors in local schools and community organizations like La Familia Sana.

Councilmembers Cruz and Palla commended La Familia Sana on meeting the mental health needs of the community during these extraordinary times.

There were no public comments.

Motion made by Mayor Lands and second by Councilmember Bagby, to approve Resolution 25-2022 titled, "A Resolution of the City Council of the City of Cloverdale approving a Funding Agreement with the La Familia Sana in an amount not to exceed Seventy-five Thousand Dollars (\$75,000) and authorizing the City Manager to execute said agreement in a form approved by the City Attorney". The motion passed by a roll call vote: 5-0.

AYES: (5) Councilmembers Palla, Cruz, Bagby, Vice Mayor Wolter, Mayor Lands
NOES: (0)
ABSENT: (0)
ABSTAINED: (0)

D.2 Second reading of an Ordinance Approving a Development Agreement with Coppertower Family Medical Center pertaining to the Development of the Alexander Valley Wellness Center.

Councilmember Cruz announced that she owns property within the vicinity of the subject property and recused herself on this item.

Action(s):

Held second reading by title only to adopt Ordinance 745-2022 titled: "An Ordinance of the City of Cloverdale approving a Development Agreement with Coppertower Family Medical Center pertaining to the Development of the Alexander Valley Wellness Center project located on the 2.8-acre project site located at the corner of S. Cloverdale Boulevard and Citrus Fair Drive (APN 001-440-049)

There were no public comments.

Motion made by Mayor Lands and second by Councilmember Palla, to approve Ordinance 745-2022 titled, "An Ordinance of the City of Cloverdale approving a Development Agreement with Coppertower Family Medical Center pertaining to the Development of the Alexander Valley Wellness Center project located on the 2.8-acre project site located at the corner of S. Cloverdale Boulevard and Citrus Fair Drive (APN 001-440-049). The motion passed by a roll call vote: 3-1-1.

AYES: (3) Councilmembers Palla, Vice Mayor Wolter, Mayor Lands
NOES: (1) Councilmember Bagby
ABSENT: (0)
ABSTAINED: (0)
RECUSED: (1) Councilmember Cruz

E. COMMUNICATIONS:

City Manager Kelley noted there was email correspondence from Barry Miller inquiring about obtaining a quote from the Sheriff's Department to provide law enforcement services. This non-agenda item communication was distributed to the City Council.

F. PUBLIC HEARING:

F.1 Public Hearing and Consideration of Ordinance amending Chapter 8.12, “Collection, Disposal, and Processing of Solid Waste, Recyclables and Organic Waste and Related Activities” of the Cloverdale Municipal Code Implementation of Senate Bill 1383 for Solid Waste Management.

Action(s):

1. Conducted public hearing and introduced and held first reading, by title only, an ordinance amending Title 8, Chapter 8.12 of the City of Cloverdale Municipal Code regarding “Collection, Disposal, and Processing of Solid Waste, Recyclables and Organic Waste and Related Activities” to comply with Senate Bill 1383 for Solid Waste Management.
2. Approved a Memorandum of Understanding Regarding Implementation of SB 1383 Regulations with Zero Waste Sonoma.

City Manager Kelley presented the report on the comprehensive revision of this section of the Code.

In response to Councilmember Bagby, Debra Kaufmann, R3 Consulting Group, stated this program creates diversion from the landfill and extends the life of the landfill.

Councilmember Cruz stated Zero Waste Sonoma has been responsive to the community. She noted a concern regarding receiving a 64 recycling bin that is considerably larger than her need or for which she has room.

In response to Vice Mayor Wolter, City Manager Kelley stated that a report will be coming to the Council that will discuss unfunded mandated costs. Deborah Kaufman outlined the fines for non-compliance by the City and users. Mayor Wolter would appreciate a memorandum outlining the potential for the City being fined.

Councilmember Cruz invited Leslie Lukacs, Executive Director of Zero Waste Sonoma, to respond to Vice Mayor Wolter’s concerns regarding fines. Leslie Lukacs stated that Zero Waste Sonoma is in full compliance with the legislation and is working to ensure no Sonoma County jurisdictions are in jeopardy of being fined.

Mayor Lands inquired about defined measures to determine whether users are in compliance. Leslie Lukacs stated that the legislation is prescriptive. Zero Waste would work with customers who are not in compliance first and then coordinate with the City if necessary. Deborah Kaufman stated an agreement with a food recovery organization is required, but the amount is not prescribed. City Manager Kelley stated that the hauler could provide a report on waste generation to assess which categories should be targeted to reduce solid waste.

There were no additional public comments.

1. Motion made by Councilmember Bagby and second by Councilmember Palla to introduce and hold by first reading, by title only, Ordinance 746-2022 amending Title 8, Chapter 8.12 of the City of Cloverdale Municipal Code regarding “Collection, Disposal, and Processing of Solid Waste,

Recyclables and Organic Waste and Related Activities” to comply with Senate Bill 1383 for Solid Waste Management. The motion passed by a 5-0 roll call vote.

AYES: (5) Councilmembers Bagby, Palla, Cruz, Vice Mayor Wolter, Mayor Lands
NOES: (0)
ABSENT: (0)
ABSTAINED: (0)
RECUSED: (0)

2. Motion made by Councilmember Palla and second by Councilmember Bagby to approve a Memorandum of Understanding Regarding Implementation of SB 1383 Regulations with Zero Waste Sonoma. The motion passed by a 5-0 roll call vote.

AYES: (5) Councilmembers Bagby, Palla, Cruz, Vice Mayor Wolter, Mayor Lands
NOES: (0)
ABSENT: (0)
ABSTAINED: (0)
RECUSED: (0)

G. NEW BUSINESS:

G.1 Presentation and acceptance of the FY 2020/21 City of Cloverdale Audited Financial Statements

Action(s):

Reviewed and accepted by motion the FY 2020/21 City of Cloverdale Audited Financial Statements

Finance Director Holmes introduced John Cropper, Cropper Accountancy Corporation, who oversaw the audit. Auditor Cropper presented the audit’s opinion and answered questions. Cloverdale received an unmodified clean opinion.

There were no public comments.

Motion made by Councilmember Palla, second by Councilmember Bagley, to accept the Fiscal Year 2020/21 City of Cloverdale Audited Financial Statements The motion passed by a 5-0 roll call vote.

AYES: (5) Councilmembers Bagby, Palla, Cruz, Vice Mayor Wolter, Mayor Lands
NOES: (0)
ABSENT: (0)
ABSTAINED: (0)

G.3 Discussion of Annual Cannabis Permit Fee

Mayor Lands took this item out of order. City Manager Kelley introduced Erin Gore, who made a presentation on behalf of the Cloverdale cannabis industry requesting a change in the current tax structure on Measure P excise tax rate as well as other changes. The Finance Administration and Police Subcommittee received a presentation and recommended that the request be forwarded to the City Council for review and consideration.

Erin Gore stated that the cannabis industry is in severe distress due to oversupply of cannabis, plummeting prices, illicit market success, over taxation, COVID, and inflation. They are requesting to change the current tax structure from 4.5% gross receipts flat rate to a tier of 3% for Cultivation, 1% for Manufacturing, 1% for Distribution, and 3.5% for Retail (Store front and non-store front). Measure P allows the City Council to set different tax rates for different types of cannabis businesses so long as the tax rate does not exceed 10% of a business's gross receipt. They also would like a reduction in late payment penalty from 25% to 1% and to use the cannabis tax funds to drive equity community-based progress on the war on drugs that would require a change by the voters..

Diana, cannabis industry, stated that some of the revenues could be used to enforce the regulations across the industry.

Attorney Mog believes the Council could change penalties by Ordinance without voter approval. City Manager Kelley referred to an overhead. The requested changes in the excise tax tier may be approved by Council resolution. Allocation of these General Fund tax revenues could be made during the budget process. During its deliberations, the Council expressed concern regarding cash accumulations by the cannabis industry, which is why deposits are made directly at the bank. The late fee penalty is significant, but there has been discretionary waiver.

Councilmember Palla stated that the tax rate was intended to support enforcement and education, and he would want to discuss the implementation of these important components. He would like the dollar amounts that correspond to the requested reductions. Erin Gore stated that staff does not have the break down based on the tiers they report, and the industry is reluctant to disclose the information. Councilmember Palla asked for the best information the industry can provide so that the Council can make an informed decision. Erin Gore will provide the information to the best of her ability, but this is time sensitive.

Councilmember Bagby stated Cloverdale was a leader and started the process due to compassionate care. It is timely to review the modifications, normalize the industry, remove the Draconian measures, and advocate for enforcement of illegal grows at the County and State level. She is concerned about loss of jobs and revenues the industry brings to Cloverdale.

Mayor Land asked how the proposed percentages were developed. Erin Gore stated that the industry collectively discussed and arrived at the proposed percentages as being fair to the industry and the City. They used logic and common sense based on their bottom line as to what would allow them to stay in Cloverdale. But the information is confidential.

Councilmember Palla stated the ordinance includes provisions for audit and examination of records and equipment. While he is not suggesting it, the mechanism is there. Erin Gore stated the audits are different than their future projections. Councilmember Palla stated he was asking for information based on past receipts.

There were no additional public comments.

Vice Chair Wolter moved to direct staff to return with a resolution amending the cannabis taxes as outlined in the staff report, and to return with a report on the late fees without delaying the taxes. Councilmember Bagby seconded the motion. There was no vote on this item.

In response to Chair Wolter, City Manager Kelley advised the resolution could be considered by the City Council at their next meeting. The ordinance revisions could require publication, but the fiscal impacts information could return as soon as possible.

Erin Gore stated that legal operators are inspected quarterly.

Councilmember Bagby would like to consider making the adjustments retroactive if approved in March. David Kelley stated if approved, the resolution would take effect at that meeting.

The City Council recessed and reconvened at 9:29 p.m.

G.2 Discussion and Consideration of the City of Cloverdale Draft Budget Goal Statements for Fiscal Year 2022-2024

Action(s):

Reviewed and provided direction to staff on Draft Budget Goals for the Fiscal Year 2022-2024 City of Cloverdale Bi-annual Two-Year Operating Budget.

City Manager Kelley provided a presentation on the goal setting process.

Councilmember Cruz stated the budget should be revised to compensate Councilmembers for their representation at regional boards and to provide Council and Planning Commissioner training. There should be a budget for community development, community safety, youth activities, and promoting Cloverdale.

Councilmember Bagby's priorities include a professional organization, prioritizing filling staff positions, training, and a culture of professional development. She believes emergency preparedness is good as it is, as is housing and homelessness. Drought response should focus on water wise development standards with an emphasis on conversations with the community to provide housing for working families. Revenue enhancement is critical, as is principal investment of tax dollars and ensuring investments have the maximum return. Infrastructure focus should be on City centered development in key areas. The Capital Improvement Program must be the priority infrastructure focus. Investment in technology is necessary to maximize efficiency.

Councilmember Palla would like to retain a professional grant writer to provide funding for critical priorities. He would like to see potential projects during the next 12-18 months under each category, e.g. Asti Road.

Vice Mayor Wolter stated that technology with enhanced cyber security is a priority. He would like to measure achievement in the categories that are on-going priorities.

Mr. Kelley would develop a workplan for the budget workshop that implements the themes if they meet the Council's approval.

Mayor Lands supports the grant writer priority. Progress toward objective goals would be evaluated.

There were no public comments.

H. **SUBCOMMITTEE ITEMS:**

Finance, Administration & Police

- - Next Meeting - April 4, 2022
- **Planning & Sustainability**
 - Next Meeting - April 19, 2022
- **Public Works & Facilities**
 - Next Meeting - March 22, 2022
- **Joint City/Cloverdale Fire District**
 - Next Meeting - June 13, 2022. City Manager Kelley will contact the Fire Chief again for an earlier date.
- **Joint City/Cloverdale Unified School District**
 - Mayor Lands announced that the March 21, 2022 will be rescheduled, but the Measure H Committee received a draft Tentative Map.
- **Homelessness Community Advisory Group**
 - Next Meeting - April 12, 2022 Mayor Lands stated that housing vouchers are being administered differently than was visualized and severely restricts housing opportunities. He reported on the point and time count.

I. **SUBCOMMITTEE REPORTS:** (Verbal reports only)

No additional reports.

J. **COUNCIL REPORTS:** (Verbal reports only)

No additional reports.

K. **INFORMATIONAL REPORTS:**

No additional reports.

L. **LEGISLATIVE REPORTS, LETTERS OF SUPPORT/OPPOSITION:**

Councilmember Bagby stated they would receive a report about the next Sonoma County Legislative meeting.

M. **CITY MANAGER/CITY ATTORNEY REPORT(S):**

City Manager Kelley reminded Councilmember regarding the April 14th Mayor and Councilmembers' Association meeting.

N. **STATUS UPDATE ON CURRENT IMPACTS TO WATER SUPPLY:** (Verbal report)

City Manager Kelley reported a report on drought condition information will be provided in the weekly newsletter.

O. **STATUS UPDATE ON CURRENT EMERGENCY:** Discussion and possible direction related to COVID-19.

None

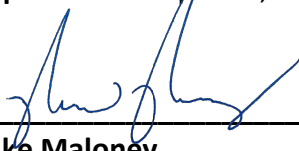
P. **COUNCIL DIRECTION ON FUTURE AGENDA ITEMS:**

Councilmembers would like not like to consider outsourcing of Police services with the County. Councilmember Cruz would like to prioritize Council consideration of the safety hazard at the intersection that was discussed under general public comments.

Q. **ADJOURNMENT:**

The meeting adjourned at 10:23 p.m.

Approved On: April 13, 2022



Mike Maloney
City Clerk