



MINUTES

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

WEDNESDAY, AUGUST 11, 2021

PUBLIC BUSINESS SESSION: 6:00 p.m.

LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BOULEVARD,
CLOVERDALE, CA 95425

Members of City Council were given the opportunity to participate in the meeting via Zoom consistent with the provisions of the Governors Executive Order N-29-20, which suspended certain requirements of the Brown Act. The public was directed on procedure for providing comments. Members of the public were given the option to participate in the meeting using Zoom.

CONVENE PUBLIC BUSINESS SESSION – 6:00 p.m.

OPENING:

- Call to Order: Mayor Cruz called the meeting to order at 6:02 p.m.
- Pledge of Allegiance: Mayor Cruz led in the Pledge of Allegiance.
- Roll Call: Present at Roll Call were Councilmember Bagby, Councilmember Wolter, Councilmember Palla, Vice Mayor Lands and Mayor Cruz.
- Conflict of Interest Declaration: None
- Agenda Review – Regular Session (Changes and/or Deletions): None

PUBLIC COMMENTS: Mayor Cruz opened the public comment period. No comments were forthcoming.

PROCLAMATIONS/PRESENTATIONS:

1. Presentation on the BAYREN Water Upgrades \$ave Program

City Manager Kelley introduced the item and Chris Cone, RCPA (Sonoma County Regional Protection Authority, a division of the SCTA) Program Manager. Ms. Cone presented on the item and summarized the program.

Council and staff discussion ensued. By Council consensus, Council was in support of offering the program to residents and if an option for early payoff arises make it available to the program participants.

Mayor Cruz opened the public comment period.

Debbie Howell, Cloverdale resident, encouraged Council to obtain more information and resources from other providers before adopting a resolution approving participation in the program.

Mayor Cruz closed the public comment period.

CONSENT CALENDAR: Mayor Cruz explained that all items under the Consent Calendar will be considered together by one action of the Council unless any Councilmember or member of the public requests that an item be removed and considered separately. Consent item nos. 4 and 6 were pulled for further discussion.

Mayor Cruz opened the public comment period. No comments were forthcoming.

Councilmember Bagby motioned, and Councilmember Palla seconded to approve the Consent Calendar as modified to approve Consent item nos. 2, 3, and 5. The motion passed with the following roll call vote: Ayes: 5 (Councilmember Bagby, Councilmember Wolter, Vice Mayor Lands, Councilmember Palla and Mayor Cruz); Noes-0; Absent-0; Abstain-0.

2. Minutes approved: City Council Minutes of the Regular Meeting of July 28, 2021.

3. Adopted Resolution 069-2021 Accepting Public Improvements Performed by M3, Inc. for the 2nd Street Park Americans with Disabilities Act (ADA) Improvements, and Authorize the City Manager to Release Undisputed Performance Bond and Retention.

4. Annual Adoption of a Resolution to Approve the Ad Valorem 2021-22 Tax Rate for Inclusion on Property Tax Bills to Fund CalPERS Retirement Expenses

Councilmember Wolter indicated he pulled the item to inquire about the Ad Valorem tax savings to property owners. Finance Director Holmes stated that with an increase of assessed home values in the City of Cloverdale the Ad Valorem rate paid by property owners has gone down.

Mayor Cruz opened the public comment period. No comments were forthcoming.

Action: Councilmember Lands motioned, Councilmember Wolter seconded to adopt Resolution No. 070-2021 entitled, “A Resolution of the City Council of the City of Cloverdale Setting the Ad Valorem Tax Rate for Public Employee Retirement System Retirement Benefits for Fiscal Year 2021-2022.” The motion passed with the following roll call vote: Ayes: 5 (Councilmember Bagby, Councilmember Wolter, Vice Mayor Lands, Councilmember Palla and Mayor Cruz); Noes-0; Absent-0; Abstain-0.

5. Revision to the current Emergency Operations Plan to reflect the updated Sonoma County Public Safety Power Shutoff (PSPS) Annex

Adopted Resolution No. 071-2021 entitled, “A Resolution of the City Council of the City of Cloverdale revising the current Emergency Operations Plan to reflect the updated Sonoma County Public Safety Power Shutoff (PSPS) Annex.”

6. Resolution Establishing a Fee Schedule for the Water Upgrades \$ave Program and Authorizing the City Manager to Sign a Master Agreement with the Association of Bay Area Governments, a California joint powers authority (“ABAG”)

City Manager Kelley reported on the item. Council and staff discussion ensued.

Mayor Cruz opened the public comment period.

Jane Elias, Cloverdale Resident, commented about the poor audio. Jane Elias also explained that the program is similar to the SCEIP (Sonoma County Energy and Independence Program), which is a voluntary program, and before participants enroll all the details of the program are fully disclosed.

Mayor Cruz closed the public comment period.

Councilmember Bagby motioned, and Councilmember Palla seconded, to adopt Resolution No. 072-2021 as modified entitled, “A Resolution of the City Council of the City of Cloverdale establishing a fee schedule for the Water Upgrades \$ave Program and authorizing the City Manager to sign a master agreement with the Association of Bay Area Governments, a California joint powers authority (“ABAG”). The motion passed with the following roll call vote: Ayes: 3 (Councilmember Bagby, Councilmember Palla, and Mayor Cruz); Noes-2 (Councilmember Wolter and Vice Mayor Lands); Absent-0; Abstain-0.

COMMUNICATIONS: None.

PUBLIC HEARINGS:

7. Public Hearing, Consideration and Possible Adoption of (1) Resolution Establishing and Updating the Schedule of Fees and Charges for City Services and (2) Repealing Previously Adopted and Conflicting Fees and Charges for Such Services

City Manager Kelley introduced the item. Finance Director Holmes reported on the item.

Council and staff discussion ensued.

Mayor Cruz opened the public hearing, no comments were forthcoming. Mayor Cruz closed the public hearing.

Councilmember Wolter motioned, and Councilmember Bagby seconded, to adopt Resolution No. 073-2021 entitled, “A Resolution of the City Council of the City of Cloverdale Establishing and Updating the Schedule of Fees and Charges for City Services and Commercial Cannabis Permit Fees repealing the previously adopted and conflicting fees and charges for such services.” The motion passed with the following roll call vote: Ayes:(Councilmember Bagby, Councilmember Wolter, Councilmember Palla, Vice Mayor Lands and Mayor Cruz); Noes-0, Absent-0, Abstain-0.)

8. Public Hearing and Consideration of an Urgency Ordinance amending Chapter 13.05, “Conservation of Water Supply” of the Cloverdale Municipal Code and a Resolution Declaring a Stage [4 or 5] Water Shortage Emergency, Mandating Water Conservation Measures and Continuing the Suspension of Water Permits Pursuant to Cloverdale Municipal Code section 13.05.030

City Manager Kelley reported on the current drought conditions affecting the City. Mr. Kelley reported the state has adopted new regulations and proposed penalties that challenge Cloverdale’s pre-1914 senior water rights.

City Attorney Sanchez reported on the topic of the curtailment order, issued to the City of Cloverdale. City Attorney Sanchez introduced Viviana Heger and Palmer Hilton, Meyers-Nave. Attorney Heger provided additional details regarding the curtailment order.

Attorney Hilton explained that the process for responding to the curtailment order, including seeking an exemption request to modify the 55 gallon per day requirement and consider health and safety needs for domestic purposes.

Council and staff discussion ensued.

Mayor Cruz opened the public hearing.

Jeanie Cox, Cloverdale resident, made a complaint about the audio and requested more information about the water restrictions.

Neena Hanchett, Cloverdale Chamber of Commerce Director, inquired on the impacts of water reductions to small businesses versus large businesses. Ms. Hanchett expressed she is willing to work with the business owners but added they have been severely impacted already.

Phil Wright, Wright Realty, representing the Dry Creek Rancheria project, expressed concern whether the project would be able to hook up to water services. City Manager Kelley responded to the inquiry and directed Mr. Wright to meet with staff about the matter.

Mayor Cruz closed the public hearing.

City Manager Kelley reviewed the items for Council action. City Attorney Sanchez reviewed the technical clarifications to the ordinance that were discussed in the meeting.

Council and staff discussion continued to ensue.

Councilmember Palla moved to adopt the Urgency Ordinance No. 741-2021, as modified, amending Chapter 13.05, "Conservation of Water Supply" of the Cloverdale Municipal Code, as required by California Water Code Section 10632 and for consistency with the City of Cloverdale's 2020 Urban Water Management Plan. Councilmember Bagby seconded the motion. The motion passed with the following roll call vote: Ayes: 5 (Councilmember Palla, Councilmember Wolter, Councilmember Bagby, Vice Mayor Lands and Mayor Cruz); Noes-0; Absent-0; Abstain-0.)

Vice Mayor Lands motioned, and Councilmember Wolter seconded to adopt Resolution No. 074-2021 entitled, "A Resolution of the City Council of the City of Cloverdale Declaring a Stage 4 Water Shortage Emergency Requiring Mandatory Rationing with a Water Reduction of Thirty Five Percent (35%) from 2020 Water Use Pursuant to Chapter 13.05 "Conservation of Water Supply" of the Cloverdale Municipal Code and the Continued Suspension of New or Enlarged Water System Connections Due to Drought. The motion passed with the following roll call vote: Ayes: 5 (Councilmember Palla, Councilmember Wolter, Councilmember Bagby, Vice Mayor Lands and Mayor Cruz); Noes-0; Absent-0; Abstain-0).

NEW BUSINESS:

9. Sonoma County Civil Grand Jury 2021-21 Final Report

City Manager Kelley summarized the report. Significant improvements to the Emergency Operation and Evacuation plans were undertaken by Chief of Police Ferguson and will be included in the response. Council commended the Chief and the Mayor for putting together the response.

Mayor Cruz opened the public comment period. No comments were forthcoming.

Action: Councilmember Bagby motioned and Councilmember Palla seconded to approve the response to the letter and authorize the Mayor to sign the letter. The motion passed with a unanimous vote.

SUBCOMMITTEE ITEMS: Cooling Center Policy.

City Manager Kelley reported on the item. By consensus, Council supported the item to return to the Finance, Administration and Police Subcommittee to seek facility locations and future discussions with the Cloverdale Citrus Fair.

SUBCOMMITTEE REPORTS: The subcommittee representative reported on activities of the subcommittee.

Finance, Administration & Police - Next Meeting: October 4, 2021, 1:30 p.m.

- Update on COVID-19 Opening and Recovery Plans
- American Rescue Plan Funding
- Planning & Sustainability - Next Meeting: August 17, 2021, 4:00 p.m.
 - Update on Community Development Planning Log
- Public Works - Next Meetings: September 28, 2021, 2:00 p.m.
 - Update Annual SB-1 Project - Status Update on Planned Improvements
- Joint City/Fire District - Next Meeting: October 11, 2021, 5:30 p.m.
 - Fire Season
- Joint City/School District– Next Meetings: September 20, 2021, 5:00 p.m.
 - Update on Facility Improvements and Upcoming School Year
- Homelessness Community Advisory Group – Next Meetings: August 10, 2021, 5:00 p.m.; September 14, 2021, 1:30 p.m.
 - Update on Homelessness Efforts

COUNCIL REPORTS: (Verbal Reports: 15 minutes). Written reports were submitted by Councilmembers Bagby and Palla, and Mayor Cruz.

INFORMATIONAL REPORTS: None.

LEGISLATIVE REPORTS, LETTERS OF SUPPORT/OPPOSITION:

10. Letter of Support for AB 14 (Aguiar-Curry) Broadband Services: California Advanced Services Fund.

11. Letter of Support for SB 4 (Gonzalez) Communications: California Advanced Services Fund: Deaf and Disabled Telecommunications Program: Surcharges.

City Manager Kelley reported on both the letters of support.

Mayor Cruz opened the public comment period. No comments were forthcoming.

By consensus, Council approved the letters of support as submitted.

CITY MANAGER/CITY ATTORNEY REPORT(S): (Verbal Reports). None.

STATUS UPDATE ON CURRENT IMPACTS TO WATER SUPPLY: (Verbal Reports). None.

STATUS UPDATE ON CURRENT EMERGENCY: None.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS: None.

ADJOURNMENT: Mayor Cruz adjourned the meeting at 9:56 p.m. to a regular meeting of the City Council and Cloverdale Community Development Successor Agency scheduled for September 8, 2021, 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, and by teleconference). The regularly scheduled meeting of the City Council of August 25, 2021 has been cancelled.

The foregoing minutes were duly introduced and adopted by the City Council of the City of Cloverdale at its regular meeting held on the 8th day of September 2021, by the following roll call vote:

AYES: (5) Councilmembers: Palla, Wolter, Bagby, Lands, Cruz
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

APPROVED:

ATTEST:

Marta Cruz, Mayor

Lori Frontella Acting City Clerk