



124 N. Cloverdale Boulevard  
Cloverdale, CA 95425  
Phone: 707-894-2521  
[www.cloverdale.net](http://www.cloverdale.net)

## **AGENDA**

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

**WEDNESDAY, OCTOBER 26, 2022**

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

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#### **CLOSED SESSION: 4 PM**

**THIS PORTION OF THE MEETING WILL BE CLOSED TO THE PUBLIC IN PERSON.  
THE ZOOM LINK IS AVAILABLE BELOW FOR PUBLIC COMMENTS PRIOR TO CLOSED SESSION.**

#### **OPEN SESSION: 6 PM**

**THIS PORTION OF THE MEETING WILL BE OPEN TO THE PUBLIC  
BOTH IN PERSON AND VIA THE ZOOM LINK BELOW**

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#### **PUBLIC PARTICIPATION:**

City Council welcomes your interest, attendance, and participation at Public Session Meetings.

Attendees may join in-person at the **Cloverdale Performing Arts Center - 209 N. Cloverdale Blvd**, virtually at [www.zoom.us/join](http://www.zoom.us/join), or by telephone: **1-(669) 900-6833**, both using **Meeting ID: 886 4841 6804**, or directly at <https://us02web.zoom.us/j/88648416804?pwd=QjFHTkt1TGlwMVN4V1lQR0FLRmw1UT09>. Regular City Council meetings are also streamed on YouTube via live webcast at [cloverdale.net/youtube](http://cloverdale.net/youtube).

Members of the public can provide comment on an agenda Item In-Person or online via Zoom during the public comment periods. Zoom attendees will be muted until they are called upon by the Mayor or City Clerk. To make a public comment on Zoom, use the raise hand icon, or dial \*9 if you are calling in. Please state your name for the record. Once you start, you will have three (3) minutes to speak. Please note the Council is unable to respond directly to questions or enter into dialogue with commenters. Written comments may alternatively be submitted prior to the meeting via email to the City Clerk at [mmaloney@ci.cloverdale.ca.us](mailto:mmaloney@ci.cloverdale.ca.us). Please note all emails received are considered public records and subject to disclosure under the California Public Records Act.

Matters on the agenda may be taken out of order and Council may recess for breaks.

Members of the City Council may participate in the meeting in person or via Zoom consistent with the provisions of Assembly Bill 361 amending the Brown Act.

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## CLOSED SESSION

### A. OPENING CLOSED SESSION:

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

### PUBLIC COMMENTS ON CLOSED SESSION AGENDA:

Prior to recessing into Closed Session, the public may speak on items to be addressed in Closed Session. Per City Council Policy, three minutes are allotted to each speaker.

### RECESS TO CLOSED SESSION TO HEAR THE FOLLOWING ITEM(S):

#### A.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code Section 54957)

**Title:** City Manager

#### A.2 CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Government Code Section 54957.6)

**Labor Negotiator:** City Attorney Sanchez

**Employee:** City Manager

#### A.3 CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Government Code Section 54957.6)

**Labor Negotiator:** City Manager Kelley and City Attorney Sanchez

**Employee Groups:** Unrepresented Employees - Executive Management Staff

#### A.4 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

## OPEN SESSION

### B. OPENING PUBLIC SESSION

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

### C. 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 item on the Council Agenda at the time the item comes up for consideration. 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. Three minutes are typically allotted to each speaker.

**D. COMMUNICATIONS**

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

**E. PROCLAMATIONS/PRESENTATIONS**

E.1 Student Liaison Report

**F. CONSENT CALENDAR**

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

F.1 Approval of Minutes - October 12, 2022

 [October 12, 2022 - Draft Minutes](#)

F.2 Reappointment of Eric Sanders to the Planning Commission as a regular member with a term expiration of July 30, 2024 and appointment of Craig Carni as an alternate commissioner with a term expiration of October 26, 2024.

**Recommended Action(s):**

By motion, approve Mayor Lands proposed reappointment Eric Sanders as a regular member of the Planning Commission for a term to expire on July 30 2023 and appointment of Craig Carni as an alternate commissioner with a term expiration of October 26, 2024.

 [Agenda Report](#)

 [Attachment 1 - Eric Sanders Application](#)

 [Attachment 2 - Craig Carni Application](#)

F.3 Award of the Cloverdale Plaza Park Restroom Project to Rege Construction, Inc. in the amount of \$352,845.

**Recommended Action(s):**

Adopt resolution entitled, "A Resolution of the City Council of the City of Cloverdale Awarding Cloverdale 2nd Street Park Basketball Project to Rege Construction, Inc. in the amount of \$352,845, authorize and approve an overall project budget of \$388,129 (includes 10% Contingency) and authorize the City Manager to execute a contract with Rege Construction, Inc."

 [Agenda Report](#)

 [Attachment 1 - Resolution](#)

 [Attachment 2 - Bid Results](#)

F.4 Accepting Public Improvements for the Cherry Creek Village Project and authorizing City Manager to release the Performance Bond and the Payment Bond.

**Recommended Action(s):**

Adopt a resolution titled, "A Resolution of the City Council of the City of Cloverdale Accepting Public Improvements constructed at 520 South Cloverdale Boulevard and authorizing the City Manager to release undisputed Performance Bond and Payment Bond."

 [Agenda Report](#)

 [Attachment 1 - Resolution](#)

- F.5 Minor Construction Agreement with PumpMan Norcal for maintenance/repair services at the City of Cloverdale Wastewater Treatment Plant

**Recommended Action(s):**

Adopt a Resolution entitled, "A Resolution of the City Council of the City of Cloverdale approving an agreement with PumpMan Norcal in the amount of \$36,830.29 for the repair of the Effluent Pump at the City's Wastewater Treatment Plant and authorizing the City Manager to execute said agreement."

 [Agenda Report](#)

 [Attachment 1 - Resolution](#)

 [Attachment 2 - Exhibit A - Pumpman Proposal](#)

- F.6 Adoption of Ordinance amending Title 9 of the Cloverdale Municipal Code to repeal Chapter 9.34, "Human Habitation of Vehicles and Campers", and add Chapter 9.35, "Protection of Critical Infrastructure and Wildfire Risk Areas".

**Recommended Action(s):**

1. Hold second reading and adopt by title only entitled: "An Ordinance of the City of Cloverdale amending Title 9 of the Cloverdale Municipal Code to repeal Chapter 9.34, "Human Habitation of Vehicles and Campers", and add Chapter 9.35, "Protection of Critical Infrastructure and Wildfire Risk Areas".

2. Adopt a Resolution entitled, "A Resolution of the City Council of the City of Cloverdale identifying critical infrastructure for the purpose of implementing Chapter 9.35, "protection of critical infrastructure and wildfire risk areas" of the Cloverdale Municipal Code.

 [Agenda Report](#)

 [Attachment 1 - Ordinance](#)

 [Attachment 2 - Exhibit A - Protection of Critical Infrastructure and Wildfire Risk Areas](#)

 [Attachment 3 - Resolution](#)

 [Attachment 4 - Exhibit A - List of Critical Infrastructure](#)

**G. PUBLIC HEARINGS**

- G.1 Financing Plan for City's participation in PG&E Turnkey Program.

**Recommended Action(s):**

Hold a Public Hearing, consider all findings, hear public comment, and adopt Resolutions entitled:

1. A Resolution of the City Council of the City of Cloverdale approving the PG&E Investment Grade Audit ("IGA") and Sustainable Solutions Turnkey Implementation Work Order for Various Energy and Retrofit Projects ("Project") following the Terms of the PG&E Master Service Agreement and Authorizing the City Manager to Submit Documentation and Execute and associated Agreements and Applications to implement the project.

2. A Resolution of the City Council of the City of Cloverdale approving an equipment lease purchase agreement with Banc of America Public Capital Corp (or one of its affiliates) and related documents and actions including Professional Services Agreements with W.J. Fawell Co. (Municipal Advisor) and Jones Hall (Bond Counsel), and a Placement Agent Agreement with Oppenheimer & Co., Inc.

 [Agenda Report](#)

 [Attachment 1 - Presentation](#)

 [Attachment 2 - Resolution - Approving IGA Findings and Implementation WO](#)

- 📎 [Attachment 3 - Exhibit A - IGA Results](#)
- 📎 [Attachment 4 - Exhibit B - SST Cloverdale Implementation WO](#)
- 📎 [Attachment 5 - Resolution - Approving a Lease Purchase Agreement and Financing](#)
- 📎 [Attachment 6 - Exhibit A - Cloverdale Equipment Lease Purchase Agreement \(CA Annual Appropriation\)](#)
- 📎 [Attachment 7 - Exhibit B - Cloverdale Escrow Account and Control Agreement](#)
- 📎 [Attachment 8 - Exhibit C - Jones Hall Agreement](#)
- 📎 [Attachment 9 - Exhibit D Municipal Advisor Agreement Cloverdale Equip. Lease Purchase Financing](#)
- 📎 [Attachment 10 - Exhibit E - Placement Agent Agreement with Oppenheimer & Co. Inc.](#)
- 📎 [Attachment 11 - Cloverdale Memo - OpCo Discussions with Lenders](#)
- 📎 [Attachment 12 - Cloverdale BofA Equip Financing Proposal and Terms](#)

## H. NEW BUSINESS

H.1 Seed to Soul Payment Plan for local cannabis permitting fees.

### **Recommended Action(s):**

Adopt a resolution authorizing the City Manager to enter into an agreement with Patrick King, part owner of Seed to Soul cannabis business establishing a payment plan for past due permit fees.

- 📎 [Agenda Report](#)
- 📎 [Attachment 1 - Resolution](#)

H.2 Discussion on RHNA transfer agreement MOU between the County of Sonoma and City of Cloverdale

### **Recommended Action(s):**

Review Memorandum of Agreement between the County of Sonoma and City of Cloverdale regarding Transfer of Regional Housing Needs Allocation and provide direction to staff including whether to authorize the City Manager to execute the MOU.

- 📎 [Agenda Report](#)
- 📎 [Attachment 1 - Draft MOU Transfer Agreement](#)
- 📎 [Attachment 2 - ABAG Transfer Request Letter](#)
- 📎 [Attachment 3 - Letter from Tennis Wick, PRMD](#)

H.3 Approve a Resolution of the City Council of the City of Cloverdale Approving a Fourth Amendment to At-Will Employment Agreement Between the City of Cloverdale and David Kelley for the Position of City Manager

### **Recommended Action(s):**

Approve the Resolution of the City Council of the City of Cloverdale Approving a Fourth Amendment to At-Will Employment Agreement Between the City of Cloverdale and David Kelley for the Position of City Manager.

- 📎 [Agenda Report](#)
- 📎 [Attachment 1 - Resolution](#)
- 📎 [Attachment 2 - Exhibit A - 4th Amendment to At-Will Employment Agreement](#)

## I. SUBCOMMITTEE REPORTS

**Finance, Administration & Police:** Next Meeting - Nov. 7, 2022

**Planning & Sustainability:** Next Meeting - Dec.20, 2022

**Public Works & Facilities:** Next Meeting - Nov. 16, 2020

**Joint City/Cloverdale Unified School District:** Next Meeting - Nov. 14, 2022  
**Homelessness Community Advisory Group:** Next Meeting - November 8, 2022

- J. COUNCIL REPORTS**
- K. LEGISLATIVE REPORTS, LETTERS OF SUPPORT/OPPOSITION**
- L. CITY MANAGER/CITY ATTORNEY REPORT(S)**
- M. STATUS UPDATES**  
CURRENT IMPACTS TO WATER SUPPLY  
COVID-19 EMERGENCY
- N. COUNCIL DIRECTION ON FUTURE AGENDA ITEMS**
- O. ADJOURNMENT**

The next regular meeting of the City Council is scheduled for November 9, 2022.

<b>CERTIFICATE OF POSTING</b>
I, Mike Maloney, City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on 1) the outdoor bulletin board at City Hall, 124 N. Cloverdale Blvd., Cloverdale, CA 95425, and 2) Cloverdale Performing Arts Center, 209 N. Cloverdale Blvd., Cloverdale, CA 95425; online at <a href="http://cloverdale.net/agendacenter">cloverdale.net/agendacenter</a> and made available for public review at least 72 hours prior to the meeting as required by the Brown Act.
<b>Date posted:</b> 10.20.2022 <b>Time posted:</b> 4:30 p.m. <b>City Clerk Signature:</b> s/Mike Maloney

**IMPORTANT NOTICES REGARDING CITY COUNCIL MEETINGS**

**DISABLED OR SPECIAL NEEDS ACCOMMODATION:** In compliance with the Americans with Disabilities Act, if you need assistance to attend or participation in a City Council meeting, please contact the City Clerk's office at 894-2521. Notification at least 72 hours prior to the meeting will assist the City Clerk in assuring those reasonable accommodations are made to provide accessibility to the meeting.

**AB343 REQUIREMENTS:** Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Hall offices located at 124 N. Cloverdale Blvd., Cloverdale, CA 95425 during normal business hours.

**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 described in this agenda, or in written correspondence delivered to the City of Cloverdale, or prior to, the public hearing.

**TRANSCRIPTIONS:** The City does not transcribe its proceedings. Anyone who desires a verbal record of this meeting should arrange for an attendant by a court reporter or for other acceptable means of recording. Such arrangement will be at the sole expense of the individual requesting the recordation. Question about this agenda should be directed to City Hall at 707-894-2521. Video recordings are available at [cloverdale.net/agendacenter](http://cloverdale.net/agendacenter)

*The City of Cloverdale thanks you in advance for taking all precautions to prevent spreading COVID-19.*