

MINUTES - FINAL

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

WEDNESDAY, JANUARY 26, 2022

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

CLOSED SESSION

OPENING: CLOSED SESSION -

- Call to Order – Mayor Lands called the meeting to order at 5:01 p.m.
- Roll Call – Present: Mayor Lands, Vice Mayor Wolter, Councilmembers: Cruz, Palla.
- Councilmember Bagby was not present at roll call but joined upon recess to closed session.
- Agenda Review - Closed Session (Changes and/or Deletions). No changes/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.

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

RECESS TO CLOSED SESSION – Recess to Closed Session at 5:04 p.m. Councilmember Bagby was present at this time.

CLOSED SESSION ITEM -

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

Property: APN: 116-260-032

Property Owner: Ronald D. Siegemund Trust

Negotiating Parties:

For City: City Attorney Sanchez, City Manager Kelley and Assistant City Manager Thompson

For Owner: Ron Siegemund

Under negotiation: Price and Terms

Closed session adjourned at 5:46 p.m.

A. OPENING PUBLIC SESSION

- Call to Order – Mayor Lands called the meeting to order at 6:04 p.m.
- Pledge of Allegiance was led by Mayor Lands.
- Roll Call – Council Members Present:
 - Mayor Lands
 - Vice Mayor Wolter
 - Councilmember Bagby
 - Councilmember Cruz
 - Councilmember Palla

City Attorney Sanchez stated that there was no reportable action taken at closed session.

- Conflict of Interest Declaration - None
- Agenda Review – Regular Session (Changes and/or Deletions) – No changes/deletions.

B. PUBLIC COMMENTS:

Mayor Lands opened the public comment period.

Kevin Kostoff, 605 Lake Street, invited city officials to meet neighbors at the street in front of 401 Asti Road at 5:30 P.M. Monday, January 31, 2022, to walk and talk about the project. In response, Mayor Lands briefly explained that the Brown Act prevents more than two members of the Council from attending, and limits communication outside of a lawful meeting (daisy chain).

C. PROCLAMATIONS/PRESENTATIONS: (10 Minutes)

C.1 Student Liaison Report.

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

D. CONSENT CALENDAR:

D.1 Minutes of the January 12, 2022, City Council Meeting.

Action(s):

Approval of the January 12, 2022, City Council Meeting.

D.2 Discussion and Adoption of the City Council 2022 Subcommittee, Joint Committee and Regional Board/Committee Appointments.

Action(s):

Adopted Resolution 006-2022 Titled, "A Resolution of the City Council of the City of Cloverdale Adopting the 2022 Roster of Subcommittee, Joint Committee and Regional Board/Committee Appointments and the 2022 Subcommittee Meeting Schedule."

D.3 Resolution Approving the City of Cloverdale's Salary Schedule effective December 13, 2021.

Action(s):

Adopted Resolution 007-2022 Titled, "A Resolution of the City Council of the City of Cloverdale adopting the City of Cloverdale's current salary schedule effective December 13, 2021."

D.4 Adoption of an Ordinance amending sections of the Cloverdale Municipal Code (CMC) in order to streamline the approval of housing development affordable to owner and renter households at all income levels and promote development consistent with the State Planning Priorities.

Action(s):

Second reading by Title only to adopt Ordinance 744-2022 titled: "An Ordinance of the City of Cloverdale Amending Cloverdale Municipal Code (CMC) Chapters 18.05 (Commercial Zoning Districts), Chapter 18.09 (Special Provisions and Development Standards), Chapter 18.10 (Design Standards) and Chapter 18.11 (Parking and Loading Requirements)."

D.5 Appointing the Engineer of Work for the Cloverdale Landscaping and Lighting Assessment District for Fiscal Year 2022-23.

Action(s):

Adopted Resolution 008-2022 titled, "A Resolution of the City Council of the City of Cloverdale appointing Coastland Civil Engineering as the Engineer of Work for the City of Cloverdale Landscaping and Lighting Assessment District and Directing the preparation and filing of the Engineer's Report for Fiscal Year 2022-23 (Pursuant to The Landscaping and Lighting Act Of 1972)."

D.6 Approve an agreement with Westgate Petroleum to provide and deliver gas and diesel for City vehicles, equipment, and generators.

Action(s):

Adopted Resolution 009-2022 titled, "A resolution of the City Council of the City of Cloverdale approving a professional services agreement with Westgate Petroleum Company to provide fuel for all City of Cloverdale vehicles and equipment in an amount not to exceed fifty-two thousand dollars (\$52,000) and authorize the City Manager to execute said agreement".

Motion made by Councilmember Palla, second by Vice Mayor Wolter, approving the Consent Calendar. Motion passed 5-Ayes, 0-Noes.

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

E. **COMMUNICATIONS:** No report.

F. **PUBLIC HEARING:** There were no public hearing items.

G. **NEW BUSINESS:**

G.1 American Rescue Plan Act (ARPA) Spending Plan.

Action(s):

Adopted Resolution 010-2022 entitled, "A Resolution of the City Council of the City of Cloverdale Amending the Fiscal Year 2021-22 Budget Establishing Fund 260-Coronavirus State and Local Fiscal Recovery Fund (CSLRF), Incorporating One Million Thirty-Five Thousand and 00/100 dollars to the CSLRF fund (Fund #260-00-000-36620-000) and appropriating the CSLRF funds based on the American Rescue Plan Act Funding Matrix".

City Manager Kelley presented the staff report and brought attention to Redwood Empire Food Bank's request for funding (Minute Exhibits A-C).

Councilmember Palla directed staff to prepare a letter to accompany the funds granted to others. The letter should explain that the funding comes from one-time money and is not an annual award. It should be clear that it cannot be relied upon as an on-going funding mechanism.

Vice Mayor Wolter acknowledged a dedicated special ledger number in the General Fund and noted that he wants to see how the money is spent. He hopes to be able to use of the one-time money on infrastructure improvements.

Councilmember Bagby proposed using \$40,000 of the funding proposed for Thyme Square (\$250,000) to go to Redwood Empire Food Bank to support their funding request.

Councilmember Cruz recused herself at 6:30 p.m. for the discussion of Thyme Square ARPA funding due to proximity of her home to the project.

Council held a discussion of the Thyme Square portion.

Councilmember Palla fully supported the proposed amount (\$250,000) to fix the ongoing drainage problems in the area that affect the community. Council has a degree of discretion in use of these funds, and it is an appropriate use of funds (well/water). He is not opposed to Redwood Empire Food Bank receiving money, but not from the Thyme Square project.

Councilmember Bagby felt that the project does not meet the criteria of urgency for the community, and she would like the \$250,000 to go to the Redwood Empire Food Bank and other priorities vetted by professionals and already part of the city's capital improvement project list. ARPA should be spent wisely and invested in the community.

Vice Mayor Wolter agreed that Redwood Empire Food Bank should be supported, but not from the \$250,000.

Mayor Lands noted that the funding for Thyme Square had been supported in two previous meetings. He supported the \$250,000 for Thyme Square.

Mayor Lands allowed for public comment at 6:50. None was received.

Motion made by Councilmember Palla, seconded by Vice Mayor Wolter, in support of \$250,000 ARPA funding allocation to the Thyme Square drainage project. Passed by roll call vote: 3-ayes (Councilmember Palla, Vice Mayor Wolter, Mayor Lands), 1-noes (Councilmember Bagby), 1-recused (Councilmember Cruz).

Councilmember Cruz returned to the meeting at 6:44 p.m., and Councilmember Bagby recused and left the meeting, for discussion of the Senior Center funding item. Councilmember Bagby's recusal was due to her work with the Senior Center

All councilmembers stated support for the funding request.

Motion made by Councilmember Palla, seconded by Vice Mayor Wolter, in support of granting \$25,000 ARPA funding allocation to the Senior Center. Passed by roll call vote: 4-ayes (Councilmembers Palla, Cruz, Vice Mayor Wolter, Mayor Lands), 1-recused (Councilmember Bagby).

Councilmember Bagby returned to the meeting at 6:46 p.m.

In response to the discussion, City Manager Kelley noted he had heard Council's support for the Redwood Empire Food Bank. There will be two payments and suggested funding \$20,000 each payment/year. He presented an option to consider using funds slated to reimburse the City for past COVID expenditures (supplies) and utility bill relief for years 19/20/21 to fund Redwood Empire Food Bank's request.

Vice Mayor Wolter recommended using the past expenditures and picking up the balance from Broadband. In response, Councilmember Bagby supported leaving Broadband alone and taking the difference from the General Fund. Mayor Lands felt that staff could decide the allocations.

Mayor Lands allowed for public comment at 6:55 p.m.

David Goodman, CEO of Redwood Empire Food Bank, explained that Council's support is an investment in the community. For every one dollar, twenty-five dollars goes toward feeding people in the community of Cloverdale. The funds will be used in Cloverdale. He thanked Council for their support.

Angela Cordova stated that she is very active in helping Cloverdale families with meals. She is in support of any decision to help feed people in Cloverdale. It is important to keep resources and funds allocated in Cloverdale.

Public comment closed.

Motion made by Councilmember Palla, Seconded by Vice Mayor Wolter, to approve Resolution 010-2022 titled "A Resolution of the City Council of the City of Cloverdale Amending the Fiscal Year 2021-22 Budget Establishing Fund 260-Coronavirus State and Local Fiscal Recovery Fund (CSLRF), Incorporating One Million Thirty-Five Thousand and 00/100 dollars to the CSLRF fund (Fund #260-00-000-36620-000) and appropriating the CSLRF funds based on the American Rescue Plan Act Funding Matrix", by title only. Motion passed by roll call vote: 5-ayes, 0-noes.

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

G.2 Consider amending previous decision to purchase a prefabricated Portland Loo restroom to traditional restroom for the Cloverdale City Plaza.

Action(s): Discussion was had on potential restroom types for City Plaza, and direction was given to staff to return with budget amendment to begin the process of purchase and installation of Option 4C.

Assistant City Manager/Community Development Director Thompson presented the staff report.

Councilmember Bagby explained that the Portland Loo had previously been agreed upon, and she questioned why there was a change in course. In response, Councilmember Palla reported that it was discussed at the Public Works Subcommittee, and he felt that the Portland Loo's design was not appropriate for the location, so it is being revisited. Councilmember Bagby explained that it had been chosen due to its price and because it was considered a temporary structure. The area/space has

potential to be redesigned in the future and she is hesitant to invest in a building that might not fit a future redesign.

Vice Mayor Wolter is in favor of changing the design and wants to get the project started. He would support the design provided in the staff report as Attachment 4C. With this design the city will get two stalls for the price of one.

Mayor Lands was not on Council at time of the original discussions, but he is anti-Portland Loo. The cost is too much for a temporary structure.

Mayor Lands allowed for public comment.

Angela Cordova felt the restroom concept a waste of money. Money should be spent on other city facilities that can provide bathrooms.

Jane Elias, a lot of time and effort went into considering the Portland Loo. The design is safe, clean, and graffiti proof.

Mayor Lands closed public comment.

Chief Ferguson reported that the police department does occasionally respond to calls to park restrooms.

Hector Galvan explained that the Portland Loo and the other options are graffiti proof. The price difference between the two units is marginal. He confirmed the options being considered in the report are mobile.

Councilmember Bagby agreed that of the three designs presented, 4C is the best design. Bathrooms are needed.

Mayor Lands and Councilmember Palla stated support for the design on Attachment 4C of the staff report.

The Council directed staff to moving away from the Portland Loo and go toward the traditional-restroom-type modular unit design 4C. Requires a cost estimate and total project budget. A budget adjustment will be brought back to Council as a Consent Item. Councilmember Bagby asked that a water bottle refill station be exchanged for one of the fountains if possible. The suggestion was supported by Council.

Mayor Lands called a break at 7:32 p.m. and returned session at 7:37 p.m.

G.3 Review and Consider Options Regarding the Sale, Possession, and Use of Fireworks and Public Display of Fireworks in the City of Cloverdale, Including the Placement of a Ballot Measure on an Upcoming Election.

Action(s):

Direction was provided to staff.

For letters received in support and against see Minutes Exhibits D-R.

City Manager Kelley presented options provided in the staff report, requesting direction. City Attorney Sanchez explained that should a city sponsored ballot measure be enacted, it will take a vote of the people to amend it.

Vice Mayor Wolter originally supported Option 4 of the staff report, to keep things the same; however, after listening to further discussion he came to realize the subject is split, and he decided it should be a ballot measure.

Councilmember Palla noted that many people in the community have concerns and he believes it should go to a vote of the people to enact an ordinance. Respect people's position, let the people vote, and the result should fall the way it falls.

Councilmember Cruz noted that the community is split. There are people for and against. It is time to take a stand on the issue and decide. If the Council's support is for a ballot measure, she wants the vote on a general election.

Councilmember Bagby feels it is the Council's responsibility to make the decision on behalf of the people that elected them. People are passionate about the subject. Cloverdale is the last in the County to allow these sales. There is an expense to sponsor a ballot measure. Council got elected to make the decisions and she prefers Option 1, to prohibit the sales and use of fireworks in the city. She was not in favor of putting it on the ballot.

Mayor Lands reviewed Option 2 of the staff report, explaining that Council has the authority to make the decision to cancel sales in the case of hazardous conditions when it is necessary (under the current Municipal Code). Mayor Lands and Councilmember Palla shared fire statistics.

In response to Councilmember questions, Chief Ferguson reported that most calls to the police department are due to aerial displays and loud booms associated with them. He had experienced a similar ballot measure proposed and passed in Lakeport, 2019, noting that the only way to get it changed now was to put it back on the ballot.

Mayor Lands allowed for public comment.

Jason Turner – The Council needs to afford the people of Cloverdale the opportunity to vote. He requested that, if the Council decides to act, the public be able to request to bring the subject back to the Council annually.

Sean Bovee - Agreed with Councilmember Palla. This is not something for the Council to decide. Put it on the ballot, do not make it an advisory measure.

Matthew Hart - It should be a ballot initiative. He supports fireworks. People that are not in support say it's because of fire, but it's usually because of pets.

John Turner, Lyons Club – This has been a long-time issue. Council needs to put it on the ballot or leave it alone.

Jay S. – The problem with regulatory issues is how to enforce it. It should be on the ballot.

Matt Gloechner – He is a proponent of keeping fireworks as they are. Increase enforcement by police and fire of aerial fireworks. Alternately, go to a vote.

Jane Elias – She would like to see Option 1, or option 3A, for a permanent decision. Citing the drought, it is logical to not have the sale of fireworks. She supported public displays.

Anne – It is vital that the drought is considered. She has seen two fires started by fireworks. Encouraged the Council to vote against the sale of fireworks. The fireworks should no longer be sold in our climate conditions.

Helen B. - Her family enjoys fireworks. She schedules her vacations around Cloverdale's 4th of July celebration. When she votes for Councilmembers, she considers if they want fireworks in Cloverdale. She strongly supported Option 4.

Angela Cordova – The fireworks show is amazing. Her family enjoys it. The decision should be decided by the people (listen to all constituents). People need to be responsible to their pets and keep their pets safe. She has not seen information from the Fire Department that fireworks have caused fire in Cloverdale. Banning may encourage more black-market fireworks. She questioned if Council's action could be appealed.

Heath Blackwell – He is opposed to Council making the decision on behalf of the constituents. Take it to the voters, Council should not decide.

Dennis Revell, Representing TNT Fireworks - TNT would support the election should the Council decide it be placed on the ballot; specifically, Option 3A (mandatory and not advisory), and placed on the November 2022 general election (due to higher turnout, more time for staff, more city sponsored measures).

Garrett B. - People love their fireworks and independence.

Liane Fabian - Safe and sane fireworks are not unsafe. Let adults be responsible for their pets and children. If pets are averse to loud noises, bring them inside. Banning will not stop the illegal ones.

Fred Oster - The community of Cloverdale should vote, and it should not be left up to the Councilmembers.

Natasha Hart - There are quiet fireworks that can be a solution to consider.

Justin Gallaway – Sought a discussion based on proven, factual, information. There is no data provided that safe and sane fireworks cause fires. At what point do we get the facts that they pose a fire threat. If there is no tangible data, then why is that (fear of fire) the point of discussion.

Mayor Lands closed the public comment period at 8:50 p.m.

Councilmember Palla feels it important that everyone gets an opportunity to weigh in. There are good arguments on both sides. He stated support for 3A, to be placed on the November ballot.

Councilmember Cruz feels that Council was voted in to make critical decisions. It is not that the Council is taking advantage of power, but that Council has been elected to make decisions and do a job. She is on council because she is committed to the community.

Councilmember Bagby proposed moving forward with a vote in support of Option 1.

Motion by Councilmember Bagby, second by Councilmember Cruz, in support of Option 1, Adopt an Ordinance to amend the Municipal Code to prohibit the sales and use of fireworks in the city. Failed 2-ayes, 3-noes by roll call vote: Ayes: Councilmembers Bagby, Cruz; Noes: Councilmember Palla, Vice Mayor Wolter and Mayor Lands.

Mayor Lands would choose Option 4, to leave things the same, but as noted under Option 2 the City can, under the current Municipal Code, prohibit the sales and use of fireworks in the City for one year in the event there is a threatening condition.

In response to public inquiry, Mayor Lands confirmed that if put on the ballot it passes when over the 50% threshold.

Motion by Vice Mayor Wolter, second by Councilmember Palla, in support of Option 3A, to place a Council-sponsored ballot measure on the November 2022 General Election for an Ordinance prohibiting the sale, possession, and use of fireworks within the City of Cloverdale. Ordinance to include a mechanism to allow for public display by professionals. Passed 3-ayes, 2-noes by roll call vote: Ayes: Councilmembers Palla, Bagby, Vice Chair Wolter; Noes: Councilmember Cruz, Mayor Lands.

Mayor Lands called a break at 9:09 p.m. and returned session at 9:14 p.m.

H. SUBCOMMITTEE ITEMS:

- **Finance, Administration & Police** – No report.
Next Meeting - February 7, 2022
- **Planning & Sustainability** – No report.
 - Next Meeting - February 15, 2022
- **Public Works & Facilities** – Vice Mayor Wolter reported on items discussed at the meeting of 1/25/2022.
 - Next Meeting - February 22, 2022
- **Joint City/Cloverdale Fire District** –
 - Next Meeting - February 14, 2022
- **Joint City/Cloverdale Unified School District** -
 - Next Meeting - February 7, 2022
- **Homelessness Community Advisory Group** -
 - Next Meeting - February 8, 2022, at 5:00 p.m.

I. SUBCOMMITTEE REPORTS: (Verbal reports only)

Councilmember Cruz reported on her work with Recology addressing composting bins for complexes.

J. COUNCIL REPORTS:

Councilmember Bagby provided her report in email sent to Council, attached as Exhibit S to the minutes.

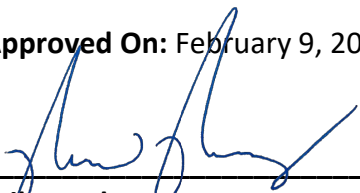
Councilmember Cruz provided her report in email sent to Council, attached as Exhibit T to the minutes.

K. INFORMATIONAL REPORTS: None.

L. LEGISLATIVE REPORTS, LETTERS OF SUPPORT/OPPOSITION: None.

- M. **CITY MANAGER/CITY ATTORNEY REPORT(S)**: City Manager Kelley reported that the city has been selected to participate in UC Berkeley’s Complete Streets Program. More to come.
- N. **STATUS UPDATE ON CURRENT IMPACTS TO WATER SUPPLY**: City Manager Kelley reported that it is looking like we may again have dry conditions. Hoping for additional precipitation to raise our reservoir levels.
- O. **STATUS UPDATE ON CURRENT EMERGENCY**: There are currently no plans to extend restrictions. The current health order remains in effect until mid-February.
- P. **COUNCIL DIRECTION ON FUTURE AGENDA ITEMS**: Councilmember Bagby noted that there may be good opportunity to improve Asti Rd., Cloverdale Blvd., First Street bridge gateway areas with Coastal Conservancy’s Great Redwood Trail.
- Q. **ADJOURNMENT**: There being no further business, Mayor Lands adjourned the meeting at 9:31p.m. to the next regular meeting on February 9, 2022.

Approved On: February 9, 2022



Mike Maloney
City Clerk