



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, February 17, 2022

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: <https://clearlakeca.zoom.us/j/89795222705>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is*

voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invitational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at mswanson@clearlake.ca.us.

D. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

E. PRESENTATIONS

1. Presentation of February's Adoptable Dogs
- [2.](#) Presentation of a Proclamation Declaring February 2022 as Black History Month
- [3.](#) Presentation of a Proclamation Declaring February 2022 as Teen Dating Violence Awareness Month

F. PUBLIC COMMENT: *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

G. CONSENT AGENDA: *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

- [4.](#) Continuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
- [5.](#) Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days

6. Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action on March 19, 2020
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
7. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution
8. Warrants
Recommended Action: Receive and file
9. Minutes of the January 2022 Meetings
Recommended Action: Receive and file

H. BUSINESS

10. Discussion and Possible Amendment to Consulting Agreement Between the City of Clearlake and Margetich/Sutter Equities for Services Related to the "Airport Development"
Recommended Action: Authorize the City Manager to Amend the Consulting Agreement with Margetich Development/Sutter Equities for an Additional 60-days, through April 30, 2022.
11. Consideration of Sale of Vacant Land Located at 3578 Redwood Street, Clearlake
Recommended Action: Authorize the City Manager to Execute a Sale Agreement for Vacant Land Located at 3578 Redwood Street
12. Discussion and Possible Action Regarding Voter Initiative No. 21-0042A1 (Taxpayer Protection and Government Accountability Act)
Recommended Action: Adopt Resolution 2022-09 Opposing Voter Initiative No. 21-0042A1

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. CLOSED SESSION

- (13)** Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. CV-421149; Name of Case: City of Clearlake v. County of Lake, a political subdivision of the State of California; Board of Supervisors of the County of Lake, a public body of the County of Lake; Barbara C. Ringen, in her official capacity as the Treasurer-Tax Collector of the County of Lake; and Does 1 through 30, inclusive
- (14)** Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. SC21-00016; Name of Case: Alondra Rodriguez v. City of Clearlake

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

M. ADJOURNMENT

POSTED: February 11, 2022

BY:

A handwritten signature in blue ink that reads "Melissa Swanson". The signature is fluid and cursive, with the first name "Melissa" and last name "Swanson" clearly distinguishable.

Melissa Swanson, Administrative Services Director/City Clerk



Black History Month

WHEREAS, in February 2022, in the City of Clearlake, California, the Lake County Branch of the National Association for the Advancement of Colored People (NAACP) is officially celebrating Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievements of Black Americans; and

WHEREAS, while the history of Black Americans is also the story of countless nameless heroes brought to our shores who endured lives of bondage and oppression, the deprivation of their civil rights, and ravages of bigotry and racism, it is a history for which most of the chapters have yet to be written as Black Americans contribute to the American promise; and

WHEREAS, for generations, African Americans have strengthened our Nation by urging reforms, overcoming obstacles, and breaking down barriers; and

WHEREAS, visionary leaders like Martin Luther King, Jr., John Lewis, Medgar Evers, Viola Liuzzo, Elijah Cummings, African American Military Veterans, and the NAACP have been at the forefront of protecting Voting Rights of People of Color in this country, and continue addressing voter suppression, gerrymandering, and urging the passing of the John Lewis Voters Rights Advancement Act and The Freedom to Vote Act will insure all citizens right to Vote are protected under the United States Constitution; and

WHEREAS, The Lake County Branch of the NAACP, is dedicated to the principle of fostering civic, economic, and educational programs and social justice throughout the City of Clearlake and is dedicated to encouraging reflections on the rich history and teaching of African Americans, and bearing witness to the progress, beauty, and achievements they have made throughout our community; and

WHEREAS, it is fitting that we set aside this month as a special time as to acknowledge this important segment of our community; and

NOW, THEREFORE, BE IT PROCLAIMED the City of Clearlake encourages all citizens to join in celebrating the diversity and character of our community and highlighting the importance of sharing our culture, customs and traditions with those around us.

Dated this 17th day of February, 2022

Dirk Slooten, Mayor



Teen Dating Violence Awareness Month

WHEREAS, Teen Dating Violence Awareness & Prevention Month reflects our communities growing understanding that violence within relationships often begin during adolescence, and about 1 in 3 teens report being the victim of verbal, physical, emotional or sexual violence; and

WHEREAS, modern efforts to address Teen Dating Violence must include the realities of today's youth. Digital tools such as cell phones, social networking sites and access to online games or entertainment play major roles in a teens life, but they also allow predators to access teens and often it is under the radar of caregivers and safe adults.; and

WHEREAS, Prevention of Teen Dating Violence includes reducing the stigma and silence around the issue and providing safe spaces for discussion and education around healthy relationships, communication and life skills.

WHEREAS, teen dating violence is a community problem, prevention includes support from the entire community and increasing awareness provides opportunity for more community members to come together and discuss teen dating violence in our community and work towards solutions.

NOW, THEREFORE, BE IT PROCLAIMED that the month of February 2022 is designated as Teen Dating Violence Awareness Month in Clearlake, and our community is urged to support the efforts of the agencies assisting victims of teen dating violence and to increase their involvement in efforts to prevent teen dating violence, thereby strengthening our community, and creating an environment which honors, nurtures and protects all members of every family.

Dated this 17th day of February, 2022

Dirk Slooten, Mayor



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Continuation of Director of Emergency Services/City Manager Order (Directive #CACHE-01) Restricting Access to Specified Areas as a Result of Cache Fire

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

On August 18, 2021 The Director of Emergency Services/City Manager issue a Proclamation of Local Emergency due to the Cache Fire, which was ratified by the City Council on August 19, 2021.

On August 23, 2021 the roadblocks into the fire area were lifted and unauthorized access to the Cache Fire impacted properties became a concern. Based on this concern and the need for law enforcement to have the appropriate tools to prohibit and take action against illegal activity in the area, the City Manager issued a directive restricting access to specified areas as a result of the Cache Fire.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council.

Staff believes there is still a need to restrict unauthorized access to the areas under the Cache Fire Directive #1 and it is in the best interests of the City to have the Council ratify and continue this order until the state of emergency can be lifted.

OPTIONS:

1. Continue to ratify order.

FISCAL IMPACT:

☒ None ☐ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

☐ **Attachments:**



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action August 19, 2021

MEETING DATE:
August 5, 2021

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to keep declaration of emergency active and set next review in sixty days.

BACKGROUND/DISCUSSION:

On August 18, 2021 City Manager Flora, as the Director of Emergency Services for the City of Clearlake, declared a Local Emergency due to the Cache Fire:

“A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property”

According to California Government Code Section 8630:

(a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

(b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.

(c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On August 19, 2021, the Council ratified the Proclamation of the Local Emergency by adoption of Resolution No. 2021-44. The Council must continue the Proclamation every 60 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency Resolution No. 2021-44 and review the status of the Proclamation again within 60 days.

OPTIONS:

1. Move to continue the Proclamation of Emergency ratified in Resolution No. 2021-44 and review the status of the Proclamation again within 60 days
2. Other direction

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: There is potential for recovery of costs by the City due to the declared state of emergency.

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action March 19, 2020

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to keep declaration of emergency active and set next review in sixty days.

BACKGROUND/DISCUSSION:

On March 13, 2020 City Manager Flora, as the Director of Emergency Services for the City of Clearlake, declared in the attached Proclamation by the Director of Emergency Services Declaring a Local Emergency due to the state and federal declaration of the COVID-19/Coronavirus pandemic:

“That conditions of disaster or extreme peril to the safety of the persons and property have within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City”

According to California Government Code Section 8630:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On March 19th, 2020, the Council ratified the Proclamation of the Local Emergency by a Resolution No. 2020-10. The Council must continue the Proclamation every 60 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.

OPTIONS:

1. Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days
2. Other direction

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: There is potential for recovery of costs by the City due to the declared state of emergency.

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.

☐ **Attachments:**



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Clerk to implement and utilize teleconference accessibility to conduct public meetings pursuant to Assembly Bill 361 (Stats. 2021, ch. 165).

BACKGROUND/DISCUSSION:

On Friday, September 17, 2021, the Governor signed AB 361. Because the bill contained urgency findings, the law is now in effect. AB 361 allows local agencies to continue to conduct remote ("Zoom") meetings during a declared state of emergency, provided local agencies comply with specified requirements. Absent this legislation, local agencies would have had to return to traditional meetings beginning on October 1, 2021.

Starting October 1, and running through the end of 2023, to participate in remote meetings, public agencies must comply with the requirements of new subsection (e) of Government Code section 54953.

The Council passed Resolution No. 2021-48 on October 7, 2021, which made the necessary findings for all subordinate legislative bodies of the City, such as the Planning Commission, so these bodies can also continue to meet remotely.

Subsequent Remote Meetings

Any time after the first remote meeting of the legislative body, it can meet remotely if both of the following apply:

1. State/local emergency/social distancing. Either:
 - a. "a state of emergency remains active" or
 - b. "state or local officials have imposed or recommended measures to promote social distancing" and
2. 30 days. Within the last 30 days (which vote may occur at that meeting) the legislative body has made the following findings by majority vote "(A) The legislative body has reconsidered the circumstances of the state of emergency. (B) Any of the following circumstances exist (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing."

OPTIONS:

1. Move to adopt the attached resolution to allow ongoing teleconferencing of public meetings

2. Other direction

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☒ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED ACTIONS:

1. Adopt Resolution making the necessary findings to continue to hold remote meetings as required by AB 361.

☒ **Attachments:** 1) Resolution No. 2022-10

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC” MEETINGS
DURING THE STATE OF EMERGENCY

WHEREAS, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency stemming from the COVID-19 pandemic (“Emergency”); and

WHEREAS, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

WHEREAS, AB 361 added subsection (e) to Government Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

WHEREAS, as of September 19, 2021, the COVID-19 pandemic has killed more than 67,612 Californians; and

WHEREAS, social distancing measures decrease the chance of spread of COVID-19; and

WHEREAS, this legislative body previously adopted a resolution to authorize this legislative body and all other subordinate legislative bodies of the City to conduct remote “telephonic” meetings; and

WHEREAS, Government Code 54953(e)(3) authorizes legislative bodies of the City to continue to conduct remote “telephonic” meetings provided that the City has timely made the findings specified therein.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Clearlake as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency, continues to directly impact the ability of the members of this legislative body and all subordinate legislative bodies of the City to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

PASSED, APPROVED AND ADOPTED this 17th day of February, 2022 by the following roll call vote:

AYES:

NOES:

ABSENT:

Dirk Slooten, Mayor

ATTEST:

Melissa Swanson, City Clerk



Clearlake, CA

Section G, Item 8.

Check Register

Packet: APPKT01102 - 2/3/22 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
000591	ACTION SANITARY	02/03/2022	Regular	0.00	182.70	11962
VEN01168	ADAM J GIORDANO	02/03/2022	Regular	0.00	400.00	11963
000085	ARAMARK UNIFORM SERVICES	02/03/2022	Regular	0.00	49.31	11964
001397	AT&T CALNET 3	02/03/2022	Regular	0.00	355.22	11965
002114	AXON ENTERPRISE INC	02/03/2022	Regular	0.00	17,704.41	11966
001811	CALIFORNIA EXTERMINATORS ALLIA	02/03/2022	Regular	0.00	100.00	11967
2404	CALTRONICS	02/03/2022	Regular	0.00	25.75	11968
002217	CSAC EXCESS INS AUTHORITY	02/03/2022	Regular	0.00	372.00	11969
000160	DEPT OF JUSTICE	02/03/2022	Regular	0.00	280.00	11970
VEN01126	ECORP CONSULTING, INC	02/03/2022	Regular	0.00	21,475.83	11971
000120	FED EX	02/03/2022	Regular	0.00	151.95	11972
002337	GLADWELL GOVERNMENTAL SERVICE	02/03/2022	Regular	0.00	250.00	11973
000096	GOLDEN STATE WATER COMPANY	02/03/2022	Regular	0.00	35.03	11974
002070	GOVERNMENTJOBS.COM INC	02/03/2022	Regular	0.00	1,097.29	11975
000123	IACP MEMBERSHIP POLICY CENTER	02/03/2022	Regular	0.00	190.00	11976
000062	JAMES DAY CONSTRUCTION	02/03/2022	Regular	0.00	4,214.00	11977
2403	LIEBERT CASSIDY WHITMORE	02/03/2022	Regular	0.00	900.00	11978
VEN01123	LOOMIS	02/03/2022	Regular	0.00	512.20	11979
000793	MEDIACOM	02/03/2022	Regular	0.00	519.36	11980
002020	MORTGAGE+CARE	02/03/2022	Regular	0.00	450.00	11981
001489	NAPA AUTO PARTS	02/03/2022	Regular	0.00	195.29	11982
VEN01191	NORTH BAY ANIMAL SERVICES	02/03/2022	Regular	0.00	5,753.00	11983
001392	OFFICE DEPOT	02/03/2022	Regular	0.00	103.64	11984
001483	PETERSON CAT	02/03/2022	Regular	0.00	645.34	11985
001843	PG&E CFM	02/03/2022	Regular	0.00	495.75	11986
002031	REDWOOD COAST FUELS	02/03/2022	Regular	0.00	2,277.63	11987
002376	ROBERT DEWALT	02/03/2022	Regular	0.00	200.00	11988
000506	SIGNS OF RANDY HARE	02/03/2022	Regular	0.00	110.00	11989
VEN01226	SPEAKWRITE LLC	02/03/2022	Regular	0.00	569.54	11990
002375	THOMAS DEWALT	02/03/2022	Regular	0.00	800.00	11991
000099	U.S. CELLULAR	02/03/2022	Regular	0.00	754.21	11992
001540	US BANK CORPORATE PMT. SYSTEM	02/03/2022	Regular	0.00	16,211.16	11993
	Void	02/03/2022	Regular	0.00	0.00	11994
	Void	02/03/2022	Regular	0.00	0.00	11995
	Void	02/03/2022	Regular	0.00	0.00	11996
	Void	02/03/2022	Regular	0.00	0.00	11997

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	100	32	0.00	77,380.61
Manual Checks	0	0	0.00	0.00
Voided Checks	0	4	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	100	36	0.00	77,380.61

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	2/2022	77,380.61
			77,380.61



CITY COUNCIL REGULAR MEETING

**Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA**

Thursday, January 06, 2022

Regular Meeting 6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/81158081265>

A. ROLL CALL

PRESENT

Mayor Dirk Slooten

Vice Mayor Russ Perdock

Council Member David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

Motion made by Vice Mayor Perdock, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

E. PRESENTATIONS

1. Presentation of Recognition to Employees and Volunteers
2. Presentation of a Proclamation Declaring January 2022 as Human Trafficking Awareness Month

F. PUBLIC COMMENT

Neil Coach spoke regarding his rentals on 4th Street and the homeless encampment and illegal wrecking yard in that area.

G. CONSENT AGENDA

Motion made by Council Member Cremer, Seconded by Council Member Claffey.
Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

3. Cancellation of Declaration of Local Emergency Issued on October 9, 2017 and Ratified by Council Action October 12, 2017
Recommended Action: By motion end declaration of emergency
4. Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
5. Continuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
6. Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action on March 19, 2020
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
7. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution
8. Warrants
Recommended Action: Receive and file
9. Minutes of the November and December 2021 Meetings
Recommended Action: Receive and file
10. Minutes of the November 10, 2021 Lake County Vector Control District Board
Recommended Action: Receive and file
11. Amendment to Regional Government Services Authority Consultant Contract
Recommended Action: Authorize City Manager to execute amendment

H. PUBLIC HEARING

12. Consideration of Appeal (AP 2021-04) of the Planning Commission's approval of Conditional Use Perm Applications (CUP 2021-05 through 08) and approval of the corresponding Mitigated Negative Declaration (IS 2021-02) for commercial cannabis operations located at 2185 Ogulin Canyon Road (Ogulin Hills, LLC).
Recommended Action: Adopt Resolution CC 2022-03 Denying Appeal Application AP 2021-04.

Appellant Dave Hughes asked for a continuance to allow him to gather additional information for his appeal.

Applicant spoke against allowing a continuance.

Mayor Slooten opened the Public Hearing at approximately 6:45 p.m.

Vicki Crystal spoke in favor of granting the appeal.

David Goolsbee spoke in favor of granting the appeal.

Terry Stewart spoke against granting the appeal.

Bobby Dutcher spoke against granting the appeal.

Karen Mantle spoke against granting the appeal.

Kathy Qualls spoke in favor of granting the appeal.

Ed Robey spoke in favor of granting a continuance of the Public Hearing.

An unnamed individual spoke in favor of granting the appeal.

Applicant presented information on the project.

Appellant again asked for a continuance of the appeal.

Public Hearing continued to the next meeting: January 20, 2022

Motion made by Council Member Overton, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

13. Consideration of Ordinance No. 258-2022, Approving a Development Agreement, DA 2021-04 for Ogulin Canyon Holdings, LLC to allow a cannabis operation located at 2185 Ogulin Canyon Road, Clearlake, CA 95422

Recommended Action: Approve a development agreement with Ogulin Canyon Holdings, LLC and hold the first reading of Ordinance No. 258-2022

There was no action or public comment on this item and the Public Hearing was continued to January 20, 2022.

Motion made by Council Member Overton, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

14. Consideration of Resolution 2022-05 Authorizing the Extension of the Temporary Closure of Certain Roads, to Reduce Illegal Dumping and to Protect the Environment, and the Public Health and Welfare

Recommended Action: Adopt Resolution 2022-05

Public Works Director Goodman gave the staff report.

Mayor Slooten opened the Public Hearing at approximately 8:30 p.m.

There was no public comment on this item.

Motion made by Council Member Overton, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

15. Consideration of Authorization of the City Manager to Prepare and Submit Two Program Income Only Applications through the California Housing and Community Development CDBG Program; Resolution Nos. 2022-06 and 2022-07

Recommended Action: Adopt Resolutions

Finance Director Young gave the staff report.

Mayor Slooten opened the Public Hearing at 8:33 p.m.

There was no public comment.

Motion made by Council Member Claffey, Seconded by Vice Mayor Perdock.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

I. BUSINESS

16. Consideration of Resolution 2022-04 Amending the City of Clearlake's 2017-CDBG-DR-MHP Contract with California Housing and Community Development to include 2018-CDBG-DR-MHP funding.

Recommended Action: Adopt Resolution 2022-04.

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

17. Discussion and Possible Action Regarding Construction of a Warehouse Facility at the Clearlake Senior/Community Center.
Recommended Action: Provide Direction to Staff.

It was the consensus of the Council to authorize the construction of a warehouse facility at the Clearlake Senior/Community Center and direct staff to facilitate.

18. Mayor's Appointments for 2022
Recommended Action: By motion, ratify Mayor Slooten's 2022 Appointments

Motion made by Council Member Cremer, Seconded by Council Member Claffey.
Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

19. Consideration of Appointing Councilmembers as Representatives to the CalCities Redwood Empire Division, Resolution No. 2022-02: A Resolution of the City Council of the City of Clearlake Appointing Representatives to Represent and Vote on Behalf of the City at the CalCities, Redwood Empire Division Business Meetings and Represent the City and Vote at the Division Legislative Committee Meetings
Recommended Action: Adopt Resolution 2022-02 ratifying Mayor Slooten's appointments

Mayor Slooten appointed Councilmember Overton as primary member and Councilmember Claffey as alternate.

Motion made by Council Member Cremer, Seconded by Council Member Overton.
Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

J. CITY MANAGER AND COUNCILMEMBER REPORTS

K. FUTURE AGENDA ITEMS

L. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

BY:



Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL REGULAR MEETING

**Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA**

Thursday, January 20, 2022

Closed Session 5:00 PM

Regular Meeting 6:00 PM

MINUTES

Zoom Link: <https://clearlakeca.zoom.us/j/81719695533>

A. ROLL CALL

PRESENT

Mayor Dirk Slooten

Vice Mayor Russ Perdock

Council Member David Claffey

Council Member Russ Cremer

Council Member Joyce Overton

B. CLOSED SESSION

- (1) Conference with Real Property Negotiators: Pursuant to Government Code Section 54956.8. Property Address: 6820, 6828 & 6885 Old Highway 53, Clearlake; Agency Negotiation: City Manager Alan Flora; Negotiating Parties: Sutter Equities & Margetich Development, Inc.; Under Negotiation: Price and terms of payment.

C. PLEDGE OF ALLEGIANCE

D. INVOCATION/MOMENT OF SILENCE

E. ADOPTION OF THE AGENDA

Motion made by Vice Mayor Perdock, Seconded by Council Member Cremer.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

F. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action in closed session.

G. PRESENTATIONS

2. Presentation of January's Adoptable Dogs

H. PUBLIC COMMENT

Tony Sarkes spoke regarding stray animals in his neighborhood and stated the animal control service has not responded to issues.

I. CONSENT AGENDA

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

3. Authorization of an Amendment of Agreement with ECORP Consulting Inc. for extended Environmental/Archaeological services for the Dam Road Roundabout Project
Recommended Action: Approve amendment of contract with ECORP Consulting in the amount of \$17,000.
4. Continuation of Authorization to Implement and Utilize Teleconference Accessibility to Conduct Public Meetings Pursuant to Assembly Bill 361
Recommended Action: Adopt Resolution
5. Continuation of Declaration of Local Emergency Issued on August 23, 2021 and Ratified by Council Action on September 16, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
6. Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
7. Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action on March 19, 2020
Recommended Action: By motion keep declaration of emergency active and set next review in sixty days
8. Warrants
Recommended Action: Receive and file
9. Award of Contract for Design Services for the ATP Dam Road/South Center Improvement Project
Recommended Action: Authorize City Manager to enter into a contract with California Engineering Company for Design Services for the ATP Dam Road/South Center Improvement Project.
10. Amendment of Construction Contract for additional work for the 2021 Measure V Improvement Project
Recommended action: Move to approve the amendment of contract with Granite

Construction for \$175,873.50 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

11. Amendment to Price Consulting Services Consulting Contract

Recommended Action: Approve the continuation of planning services agreement with Price Consulting Services (Gary Price) to extend the contract through December 31, 2023 and increase the contract by an amount not to exceed \$70,000.00

J. BUSINESS

12. Consideration of Appeal (AP 2021-04) of the Planning Commission's approval of Conditional Use Perm Applications (CUP 2021-05 through 08) and approval of the corresponding Mitigated Negative Declaration (IS 2021-02) for commercial cannabis operations located at 2185 Ogulin Canyon Road (Ogulin Hills, LLC).

Recommended Action: Adopt Resolution CC 2022-03 Denying Appeal Application AP 2021-04.

Dave Hughes, appellant, gave a presentation to the Council.

The applicant gave a presentation to the Council.

The appellant gave a rebuttal presentation to the Council.

Mayor Slooten opened the Public Hearing at 7:00 p.m.

David Goolsbee spoke in favor of the appellant.

Holly Ingalls spoke in favor of the appellant.

Vicki Crystal spoke in favor of the appellant.

Barbara Christwitz spoke in favor of the appellant.

Ken Ling spoke in favor of the appellant.

Denise Loustalot spoke in favor of the appellant.

Sean Heap spoke in favor of the appellant.

Frank Barcheck spoke in favor of the appellant.

Kathy Qualls spoke in favor of the appellant.

Erin McCarrick spoke in favor of monitoring water usage for all businesses.

Administrative Services Director/City Clerk Swanson read a submitted comment by Cheryl Sullivan in favor of the appellant.

Mayor Slooten closed the Public Hearing at 7:35 p.m.

Motion to deny Appeal Application AP 2021-04 made by Council Member Overton, Seconded by Council Member Claffey.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

13. Consideration of Ordinance No. 258-2022, Approving a Development Agreement, DA 2021-04 for Ogulin Canyon Holdings, LLC to allow a cannabis operation located at 2185 Ogulin Canyon Road, Clearlake, CA 95422

Recommended Action: Approve a development agreement with Ogulin Canyon Holdings, LLC and hold the first reading of Ordinance No. 258-2022

City Manager Flora gave the staff report.

Mayor Slooten opened the Public Hearing at 8:04 pm.

There was no public comment and the Public Hearing was closed.

Motion made by Council Member Cremer, Seconded by Council Member Overton.

Voting Yea: Mayor Slooten, Vice Mayor Perdock, Council Member Claffey, Council Member Cremer, Council Member Overton

K. BUSINESS

14. Review and Approve the Submittal of the FY 22-23 ROPS for the period of July 1, 2022, through June 30, 2023; Resolution No. OB 2022-01

Recommended Action: Approve ROPS 22-23 for the period of July 1, 2022, through June 30, 2023 and authorize the Chair to sign Resolution stating the same

The Council sat as the Successor Agency on this item.

Executive Director Flora gave the staff report.

Motion made by Member Overton, Seconded by Vice Chair Perdock.

Voting Yea: Chair Slooten, Vice Chair Perdock, Member Claffey, Member Cremer, Member Overton

L. CITY MANAGER AND COUNCILMEMBER REPORTS

M. FUTURE AGENDA ITEMS

N. ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

BY:

A handwritten signature in blue ink that reads "Melissa Swanson". The signature is written in a cursive style with a large, stylized "M" and "S".

Melissa Swanson, Administrative Services Director/City Clerk



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Discussion and Possible Amendment to Consulting Agreement between the City of Clearlake and Margetich/Sutter Equities for Services Related to the "Airport Development"

MEETING DATE: Feb. 17, 2022

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to amend the Consulting Agreement with Margetich/Sutter Equities for an additional 60 days (through April 30, 2022).

BACKGROUND/ DISCUSSION:

As you know the City has taken the lead role in development of the former Airport property as a commercial center. After several months of discussions, the City Manager executed a consulting contract with a development group including Greg Margetich of Margetich Development and Amar Cheema with Sutter Equities. The agreement creates a partnership that will hopefully lead toward a master development agreement of the entire property, but at this time focuses on determining retail interests and coordinating project planning efforts. The intent would be executing a Purchase and Sale Agreement or Option Agreement by April 30th.

Based on the history of lack of action from developers on this site/project the City is taking a bit of a phased approach to determine ability, interest, and determination from a development partner. This type of agreement allows us to develop a relationship and trust prior to tying up the land. We are pleased with how things are progressing and recommend the Council authorize extending the agreement another 60-days, through April 30th. The cost of the agreement is \$10,000 per month.

OPTIONS:

1. Authorize the City Manager to Amend the Consulting Agreement with Margetich Development/Sutter Equities for an Additional 60 days, through April 30, 2022.
2. Provide Direction to Staff.

FISCAL IMPACT:

☐ None ☒ \$20,000 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other: Capital Projects (Fund 240)

Comments: Consulting agreement to be paid from Capital Projects appropriation for the Airport Project.

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☒ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- ☒ **Attachments:** 1. Consulting Agreement – January 5, 2022

January 5, 2022

*Agreement to provide consulting services with a future Option to Purchase the property commonly known as
The Airport Property, owned by the City of Clearlake*

Dear Alan:

This Proposal constitutes the terms and conditions under which Margetich Development & Sutter Equities, and their team (“MDSE”) proposes to consult the city of Clearlake, “City”, pertaining to that certain party referenced above, consisting of approximately +/-40 acres (collectively “Properties”), as depicted on the attached map entitled Exhibit “A”. By executing this letter, the parties are agreeing to, among other things, act in good faith and use commercially reasonable efforts to negotiate and enter into a definitive consulting agreement, exclusive development agreement and an Option to Purchase the subject property as set forth herein on terms mutually acceptable to both parties.

MDSE to have an option to purchase the entire property based on terms & conditions as set forth herein or a reduced number of acres as agreed by and between Buyer and Seller. Purchase and Sale Agreement and Escrow Instructions (the “Agreement”) embodying the terms and conditions of this Letter.

Phase 1: 60 days

- City/MDSE to work with existing potential tenants, including but not limited to: grocery, home improvement, healthcare, QSRs, and fuel to identify development costs, site location and layout. Said parties will have priority during the Phase 1 period. MDSE focus will be to implement the vision of the Clearlake Conceptual Plan, developed by the City and Ankrom Moisan. MDSE shall attempt to bring the existing prospective tenant list to commitment of LOI or Lease within the Phase 1 period.
- MDSE will support the City’s current undertaking of design work for roadway and utility improvements and the spring construction of the 18th Avenue project. This part of the project is necessary in order to facilitate the hotel development.
- MDSE may identify the need for other third-party practitioners, assist with the selection of various consultants, make selection recommendations to owner, and negotiate contracts, with owner’s input. Other third-party practitioners are likely to include but are not limited to appraisers, soil and boundary surveyors, architects, engineers, attorneys, construction/manager administrator, and others whose services are deemed to be necessary by both parties.
- Recommendations pertaining to what retailers, office related uses, fuel operators, restaurants, hotels, entertainment venues & facilities, multi-family residential, and other businesses, would require in terms of site layout, ingress, egress, circulation, location, parking, visibility, architectural design.
- City and MDSE will determine an appropriate mechanism to share information regarding retail interest which in the best interest of the city.
- Solicitation of all categories of users as mentioned above with the intent to elicit interest and commitments. MDSE has defined a substantial list of prospects, that which MDSE has a long-term relationship with and our highly confident will be successful in nurturing interest and eventual commitments. Some categories will be:

Clearlake Airport Development CAS

- Grocery
- Restaurants – quick serve
- Restaurants – sit down
- Financial Services
- Coffee
- Dollar stores
- Resale outlets
- Pet stores
- Drug stores
- Sporting goods and athletic activities
- Entertainment venues
- Fitness centers
- Medical, dental practitioners
- Soft good stores
- Nail, Hair Salons, Barber Shops
- Daycare operators
- Auto service & parts
- Warehouse off-prices companies
- Movie theaters
- Cellular stores
- Others to be determined

MDSE to be paid a project development & project management fee of Ten Thousand (\$10,000) per month during the Phase 1 period (60 days from execution of this agreement). This agreement to commence January 1, 2022 and end on March 2, 2022. Said fees to be paid monthly in arrears. Therefore, the first monthly fee is due February 1, 2022. The Phase 1 period may be extended by an additional 60 days, prior to March 2, 2022, with approval of the City Council.

Phase 2: Option to Purchase

- MDSE shall notify the City 30 days before the expiration of this agreement of an interest in negotiation an Option to Purchase. The City shall have exclusive rights to include or exclude any portion of the subject property from the Option Agreement.

Clearlake Airport Development CAS

All parties agree to the foregoing and acknowledge acceptance by signing below.

MARGETICH DEVELOPMENT, INC.

DocuSigned by:

Greg Margetich

8B454838E07148F...

Gregory F. Margetich
President

SUTTER EQUITIES

DocuSigned by:

Amar Cheema

5AD36A3A283E4E7...

Amar Cheema
Owner

CITY OF CLEARLAKE

DocuSigned by:

Alan Flora

D49FC3C52343486...

Alan D. Flora
City Manager

1/6/2022

Date



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Consideration of Sale of Vacant Land Located at 3578 Redwood Street, Clearlake

MEETING DATE: Feb. 17, 2022

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to authorize the sale of vacant land located at 3578 Redwood Street, Clearlake.

BACKGROUND/ DISCUSSION:

The City has increased efforts to dispose of surplus property, particularly that which is suitable for development of housing. The City has listed its vacant lots for sale. We received an offer on a lot at 3578 Redwood Street and recommend sale of the property for \$8,000. While there is some negotiation on going, I would like the Council's authority to sell for \$8,000 and the flexibility to negotiate on closing costs. The Planning Commission has already determined the sale for residential use is consistent with the general plan.

OPTIONS:

1. Authorize the City Manager to Execute a Sale Agreement for Vacant Land Located at 3578 Redwood Street.
2. Provide Direction to Staff.

FISCAL IMPACT:

☐ None ☒ Approx. \$6-8,000 Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☒ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: Sale proceeds would be deposited in the General Fund

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards

☐ Goal #7: Support Economic Development

Section H, Item 11.

SUGGESTED MOTIONS:

☒ **Attachments:** 1. Location Map

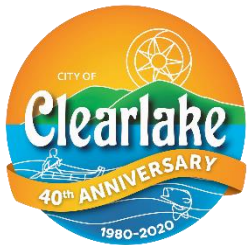


Legend

 3578 Redwood

3578 Redwood

Date: 2/11/2022



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Discussion and Possible Action Regarding Voter Initiative No. 21-0042A1 (Taxpayer Protection and Government Accountability Act)

MEETING DATE: Feb. 17, 2022

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to adopt resolution opposing voter initiative which is deceptively called the Taxpayer Protection and Government Accountability Act.

BACKGROUND/ DISCUSSION:

As you are aware our ability for local control in governance of the City is eroded each year. While many of these assaults on local control come from State government, this one is created and backed by major corporations.

The measure would have far-reaching and yet undefined impacts to how local government, including the City of Clearlake functions. Future infrastructure funding measures such as Measure V could be imperiled and even fees such as nuisance abatement charges, franchise fees, document processing fees, and facility use fees would be subject to new standards and threat of legal action. Some fees and tax changes would now require voter approval. For example, if the City was to annex additional land, Measure P and Measure V would be added to the ballot again in order to approve collection in the new territory. Additionally, even though the state now requires we analyze new development for vehicle miles traveled (VMT), we would not be allowed to charge development fees as a condition that regulates VMT.

There are several attachments with additional facts and information about the anticipated impacts to local governments if this initiative passes.

OPTIONS:

1. Adopt Resolution 2022-09 Opposing Voter Initiative No 21-004A1
2. Provide Direction to Staff.

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: While the requested action will have no direct fiscal impact, if the voter initiative passes, there could be dramatic impacts to local control and revenue in the future.

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- ☒ **Attachments:**
- 1. Resolution 2022-09
 - 2. Fact Sheet
 - 3. Fiscal Analysis
 - 4. Legal Analysis

RESOLUTION NO. 2022-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE OPPOSING THE VOTER INITIATIVE 21-0042A1

WHEREAS, an association representing California’s wealthiest corporations is behind a deceptive proposition aimed for the November 2022 statewide ballot; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

THEREFORE, BE IT RESOLVED that the City of Clearlake, opposes Initiative 21-0042A1.

THEREFORE, BE IT FURTHER RESOLVED, that the City of Clearlake will join the NO on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

We direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

PASSED, APPROVED, AND ADOPTED this day 17th day of February, 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake

Stop the Corporate Loopholes Scheme

Deceptive Proposition Allows Major Corporations to Avoid Paying their Fair Share and Evade Enforcement when they Violate Environmental, Health & Safety Laws

An association representing California's wealthiest corporations — including oil, insurance, banks and drug companies — is behind a deceptive proposition aimed for the November 2022 statewide ballot. Their measure would create major new loopholes that allow corporations to avoid paying their fair share for the impacts they have on our communities; while also allowing corporations to evade enforcement when they violate environmental, health, safety and other state and local laws. Here's why a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses **oppose** the Corporate Loophole Scheme:

Gives Wealthy Corporations a Major Loophole to Avoid Paying their Fair Share - Forcing Local Residents and Taxpayers to Pay More

- The measure creates new constitutional loopholes that **allow corporations to pay far less than their fair share for the impacts they have on our communities**, including local infrastructure, our environment, water quality, air quality, and natural resources – shifting the burden and making individual taxpayers pay more.

Allows Corporations to Dodge Enforcement When They Violate Environmental, Health, Public Safety and Other Laws

- The deceptive scheme creates new loopholes that makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Jeopardizes Vital Local and State Services

- This far-reaching measure **puts at risk billions of dollars currently dedicated to critical state and local services**.
- It could **force cuts** to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services and more.
- It would also **reduce funding for critical infrastructure** like streets and roads, public transportation, drinking water, new schools, sanitation, utilities and more.

Opens the Door for Frivolous Lawsuits, Bureaucracy and Red Tape that Will Cost Taxpayers and Hurt Our Communities

- The measure will encourage **frivolous lawsuits, bureaucracy and red tape that will cost local taxpayers millions** — while significantly **delaying and stopping investments in infrastructure and vital services**.

Undermines Voter Rights, Transparency, and Accountability

- This misleading measure changes our constitution to make it more difficult for local voters to pass measures needed to fund local services and local infrastructure.
- It also includes a hidden provision that **would retroactively cancel measures that were passed by local voters** — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would **limit voter input** by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

The Taxpayer Protection and Government Accountability Act
Initiative No. 21-0042A1
January 21, 2022

Summary: The measure limits the voters' input, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold state and local law violators accountable.

Limiting Voter Authority and Accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates Upland decision that allows majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

Restricting Local Fee Authority to Provide Local Services

- Franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be "reasonable" which must be proved by "clear and convincing evidence."
- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.

Restricting Authority of State and Local Governments to Issue Fines and Penalties for Violations of Law.

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

Restricting Local Tax Authority to Provide Local Services

- Expanding existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service) requires voter approval.
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after January 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

Other Changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

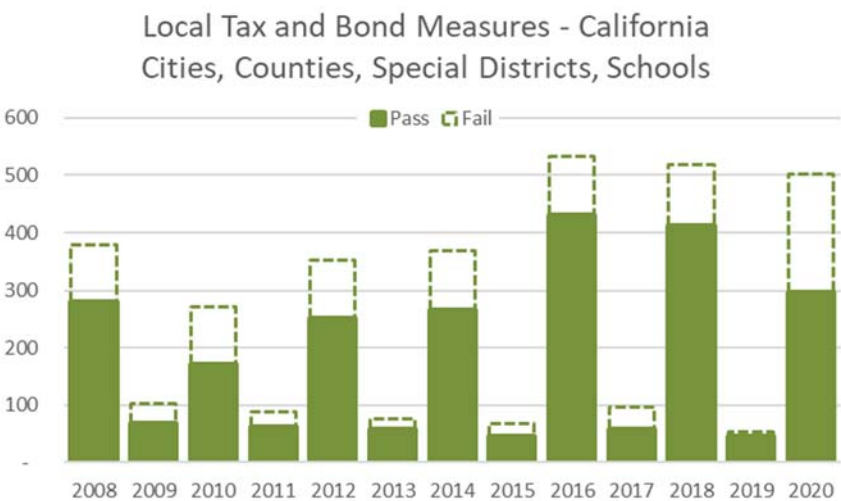
- Billions of local government fee and charge revenues placed at heightened legal peril. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for transportation, and public facility use.
- Hundreds of millions of dollars of annual revenues from dozens of tax and bond measures approved by voters between January 1, 2022 and November 9, 2022 subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations and associated impacts on housing and commercial development.
- Service and infrastructure impacts including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - o Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).
 - o Because the case law regarding citizen initiative special taxes approved by majority vote (*Upland*) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through November 8, 2022 would be void after November 9, 2023.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - o This would require additional tax measures to extend previously approved taxes at additional cost to taxpayers.
- Requires that a tax or bond measure adopted after January 1, 2022 and before the effective date of the initiative (November 9, 2022) that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative (November 9, 2023).
 - o If past election patterns are an indication, dozens of tax and bond measures approving hundreds of millions of annual revenues may not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, measures not in compliance would need to be placed on a special election ballot for approval before November 9, 2023 or the tax will be void after that date. General tax measures would require declaration of emergency and unanimous vote of the governing board.

- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - o If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions for general taxes would, under current law, each require unanimous vote of the agency board to be placed on a special election ballot or would be void after November 9, 2023.



1.a. Number of Measures and Value of Local Taxes at Risk¹

In 2020, voters in California approved 293 local tax and bond measures for cities, counties, special districts and schools (95 in March and 198 in November). The approved measures enacted \$3.85 billion in new annual taxes including \$1.3 billion for cities, \$302 million for counties, \$208 million for special districts (fire, wastewater, open space and transit districts), and \$2.037 billion for schools (including for school bonds).

Most tax measures go to the ballot during a presidential or gubernatorial primary or general election in an even year. However, some tax measures are decided at other times. During 2019, there were 45 approved tax and bond measures (24 city, 14 special district, 7 school) adopting \$154.0 million in new annual taxes (\$124.0 million city, \$10.5 million special district and \$19.2 million school).

Most tax and bond measures comply with the new rules in Initiative 21-0042Amdt#1 except:

- Dozens of taxes would require end dates. This would require additional measures in future years to extend the taxes further. Very few extensions of existing local taxes fail.
- Majority vote general tax measures could not be accompanied on the same ballot with an advisory, non-binding measure as to use of tax proceeds.
- Special taxes placed on the ballot via citizen initiative would require two-thirds voter approval.

Bond measures have fixed terms. Historically, about 20 percent of other tax measures have included specific durations (i.e. sunsets). Advisory measures as to use of revenues are uncommon. I do not expect the provisions of 21-0042A1 to have any substantial effect on passage rates. However, some 2022 approved measures would likely have to put back on the ballot.

Based on history, a reasonable estimate of the annualized tax revenues estimated to be approved by

¹ Source: Compilation and summary of data from County elections offices.

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voters in 2022 and placed at risk by this initiative is at least **\$1.5 billion, including \$1.0 billion from cities and \$500 million from counties and special districts.**²

1.b. Additional Costs and Public Service Effects of the Tax Provisions

In addition to service delays and disruption due to new tax revenues placed at greater legal risk, there will be substantial additional costs for legal defense. The deterrence of taxes for annexations will delay and deter municipal annexations.

2. “Exempt Charges” (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new “actual cost” test defined as “(i) the minimum amount necessary to reimburse the government for the cost of providing the service to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In addition, subjects these same charges to a new, undefined, “reasonable” standard.
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, “reasonable” test.
- Subjects a challenged fee or charge to new, higher burdens of proof if legally challenged.
- Prohibits a levy, charge or exaction regulating or related to vehicle miles traveled, imposed as a condition of property development or occupancy.

2.a. Value on New Local Government Fees and Charges at Risk³

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$1 billion per year including those adopted since January 1, 2022. Of this \$1 billion, about \$570 million is for special districts, \$450 million is cities, and \$260 million is counties.**⁴

Major examples of affected fees and charges are:

1. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
2. Commercial franchise fees.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Document processing and duplication fees.
6. Transit fees, tolls, parking fees, public airport and harbor use fees.
7. Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

In addition to fees and charges, the measure puts fines and penalties assessed for the violation of state and

² This does not include citizen initiative special tax approved by majority but not two-thirds. Because this approach is new, the number of these measures and amount of revenue involved cannot be estimated.

³ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁴ School fees are also affected but the amount is negligible by comparison.

local law at risk, making them taxes subject to voter approval under certain circumstances.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.

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