

MINUTES

CITY OF CLEARLAKE CITY COUNCIL & REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING

April 12, 2018

CALL TO ORDER CLOSED SESSION: 5:17 P.M.

Roll Call. Present: Bruno Sabatier, Mayor
Phil Harris, Vice Mayor
Nick Bennett, Councilmember
Joyce Overton, Councilmember
Russ Cremer, Councilmember

Staff: Greg Folsom, City Manager
Ryan Jones, City Attorney
Melissa Swanson, City Clerk

(1) CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Property: Owned by the City of Clearlake; Location: 14360 Olympic Drive, Clearlake; City negotiator: City Manager Greg Folsom; Negotiating party: Jim Lujan; under negotiation: Price and Terms of Payment.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Property: Owned by Victor Hunt; Location: 14130 Tuli Lane, Clearlake; City negotiator: City Manager Greg Folsom; Negotiating party: Victor Hunt; under negotiation: Price and Terms of Payment.

(3) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION pursuant to Government Code §54956.9 – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 potential case.

There being no further business of the Council, Closed Session adjourned at 6:00 p.m.

CALL TO ORDER REGULAR CITY COUNCIL MEETING: 6:09 P.M.

Roll Call. Present: Bruno Sabatier, Mayor
Phil Harris, Vice Mayor
Nick Bennett, Councilmember
Joyce Overton, Councilmember

Staff: Greg Folsom, City Manager
Ryan Jones, City Attorney
Tim Celli, Interim Chief of Police
Melissa Swanson – City Clerk

Tina Viramontes – Deputy City Clerk
Alan Flora – Finance Director
Lee Lambert – Code Enforcement

Supervisor

Steve Felder – Code Enforcement Officer

INVOCATION

Bob Meyer gave the invocation.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

City Manager Greg Folsom requested to delete item #7 and move item #10 to Business.

ACTION: It was moved by Councilmember Overton and seconded by Vice Mayor Harris to approve the agenda as amended. The motion passed with a unanimous voice vote.

PRESENTATION

1. Presentation of a Retirement Plaque to Javier Macias
2. Presentation of a Proclamation Declaring Public Safety Telecommunications Week
3. Presentation of a Proclamation Declaring Sexual Assault Awareness Month
4. Presentation of a Proclamation Declaring Child Abuse Prevention Month
5. Presentation of a Proclamation Declaring Human Trafficking Awareness Month

PUBLIC COMMENT

Debbie Hann spoke regarding safety in Clearlake.

Michael Hann spoke regarding dogs and the noise they create.

Pattie Duke spoke regarding the lack of notice in the free publications for the Council meeting and regarding native oak trees.

Consent Items

Recommended Action

6.Warrant Registers

Receive and file

7.Minutes of the February 8, February 22, and February 26 Meetings

Receive and file

8.Consideration of Continuation of Declaration of Local Emergency Issued on October 9, 2017 and Ratified by Council Action October 12, 2017

By motion keep declaration of emergency active and set next review for May 10, 2018

9.Consideration to Pay Out Half of Eligible CCMin 03-8-18

Authorize City Manager to approve a

Employee's Accrued Compensation/Vacation Due to Special Circumstances one-time cash-out of an employee's accrual bank outside of the memorandum of understanding due to special circumstances

10. Consideration of Second Reading and Adoption of Ordinance No. 205-2018, An Uncodified Ordinance of the City Council of the City of Clearlake Approving a Development Agreement with Clearlake Growth Fund I, II, and III, LLC for the Property Located at 2395 Ogulin Canyon Road Hold second reading of Ordinance No. 205-2018 by title only, waive further reading, and adopt ordinance

BUSINESS:

11. Consideration of Support for the Rotary Club of Clear Lake to Mount a New Welcome Sign on SR 53 and Lakeshore Drive

City Manager Greg Folsom gave the Staff Report.

ACTION: There was a consensus to proceed and bring back a final design.

PUBLIC HEARING:

Public Hearing to Confirm Assessments in the Amount of \$33,500 for Administrative Penalties for Failure to Obtain an Outdoor Marijuana Cultivation Permit; Resolution No. 2018-12, A Resolution of the City Council of the City of Clearlake Confirming Special Assessments Consisting of Administrative Penalties for Failure to Obtain an Outdoor Marijuana Cultivation Permit prior to the Outdoor Cultivation of Marijuana and Approve Lien Against Real Properties in Accordance with Sections 1-5, 1-9, 10-1.9, 18-9.070(a), 18-9.090(a), 18-9.130 and 18-11.080 of the Clearlake Municipal Code

Code Enforcement Supervisor Lambert gave the staff report and recommended to remove the following items due to compliance:

- 1. Location: 13765 Arrowhead Road. Clearlake, CA 95422 A.P.N. 039-101-170
Owner: Beltran Vega, Trinidad & Quiroz Acosta, Monserrath
Action(s): Failure to abate Public Nuisance
Administrative Penalty Assessment: \$500.00

- 4. Location: 14179 Pearl Street. Clearlake, CA 95422 A.P.N.# 039-251-180
Owner: Evans, James Michael Trustee
Action(s): Failure to obtain an outdoor cultivation permit
Penalty Assessment: \$500.00

- 6. Location: 14112 Woodland Drive. Clearlake, CA 95422 A.P.N.# 039-063-090

Owner: Zeidan, Frank A
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$350.00

7. Location: 3051 6th Street. Clearlake, CA 95422 A.P.N.# 038-181-500
Owner: Dingess, Joseph John
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
13. Location: 3337 13th Street. Clearlake, CA 95422 A.P.N.# 038-221-110
Owner: Lopez-Ceja, Miguel
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
14. Location: 3377 13th Street. Clearlake, CA 95422 A.P.N.# 038-221-150
Owner: Moeller, Fred J
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
15. Location: 5933 Cottage Avenue. Clearlake, CA 95422 A.P.N.# 041-312-230
Owner: Rangel-Alvarado, Javier & Ayala, Maribel
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
16. Location: 15386 Hudson Street. Clearlake, CA 95422 A.P.N.# 041-352-380
Owner: Mills, Edward Richard & Bussear, Deborah S
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
18. Location: 15265 Konocti View Road. Clearlake, CA 95422 A.P.N.# 040-392-190
Owner: Sandy, Cheryl
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
19. Location: 3316 Lilac Avenue. Clearlake, CA 95422 A.P.N.# 039-466-060
Owner: Revheim, Julia C Trustee
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$300.00
20. Location: 6416 Old Highway 53. Clearlake, CA 95422 A.P.N.# 042-053-320
Owner: Efestione, Toni Lynn
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00
22. Location: 14185 Uhl Avenue. Clearlake, CA 95422 A.P.N.# 040-035-090

Owner: Pimentel, Antonio & Teresa
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

32. Location: 16034 18th Avenue. Clearlake, CA 95422 A.P.N.# 042-203-430

Owner: Creel, Estella M
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

35. Location: 15961 21st Avenue. Clearlake, CA 95422 A.P.N.# 042-176-300

Owner: Mayer, Hatti & Marie Lucile
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

36. Location: 16258 21st Avenue. Clearlake, CA 95422 A.P.N.# 042-274-280

Owner: Perez, Ceila
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$300.00

37. Location: 16288 21st Avenue. Clearlake, CA 95422 A.P.N.# 042-274-350

Owner: Penarubio, Maria Elena
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$300.00

38. Location: 16298 21st Avenue. Clearlake, CA 95422 A.P.N.# 042-274-280

Owner: Pedraza, Paula Lopez
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$300.00

39. Location: 16338 21st Avenue. Clearlake, CA 95422 A.P.N.# 042-274-340

Owner: Mendez, Carlos
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

43. Location: 16326 22nd Avenue. Clearlake, CA 95422 A.P.N.# 042-273-310

Owner: Orozco, Cesar Gomez
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

48. Location: 16225 29th Avenue. Clearlake, CA 95422 A.P.N.# 041-198-100

Owner: Galvez, Fernando Ceja & Meza, Gustavo
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

52. Location: 16383 31st Avenue. Clearlake, CA 95422 A.P.N.# 042-255-360

Owner: Andrade, Miguel Angel

Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

53. Location: 15839 32nd Avenue. Clearlake, CA 95422 A.P.N.# 041-161-290
Owner: Alvarez, Rosalva
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

56. Location: 15616 33rd Avenue. Clearlake, CA 95422 A.P.N.# 041-401-200
Owner: Green, Charles
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

57. Location: 16153 33rd Avenue. Clearlake, CA 95422 A.P.N.# 041-214-030
Owner: Trussler, Donald
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

60. Location: 16234 33rd Avenue. Clearlake, CA 95422 A.P.N.# 041-213-410
Owner: Barbosa, Arnold & Marie Trustee
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

61. Location: 16305 34th Avenue. Clearlake, CA 95422 A.P.N.# 042-241-060
Owner: Richards, Christine Marie
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

66. Location: 15628 37th Avenue. Clearlake, CA 95422 A.P.N.# 041-383-360
Owner: Pedraza Lopez, Paula
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

67. Location: 15474 38th Avenue. Clearlake, CA 95422 A.P.N.# 041-334-340
Owner: Hernandez, Filepe & Barderas, Aide
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

72. Location: 15654 Sharpe Drive. Clearlake, CA 95422 A.P.N.# 042-102-210
Owner: Cano, Maria H & Glenton Jose
Action(s): Failure to obtain an outdoor cultivation permit
Administrative Penalty Assessment: \$500.00

Mayor Sabatier opened the Public Hearing at 7:12 PM.

Christopher White spoke against the assessment regarding property #2 at 3713 Koloko St.

Marcella Dorado spoke against the assessment regarding property #41 at 15597 22nd Ave.

James Marmon spoke against the assessment regarding property # 58 located at 16163 33rd Ave.

ACTION: It was moved by Vice Mayor Harris with seconded by Councilmember Overton to close Public Hearing at 7:40 PM. The motion was approved with a unanimous roll call vote.

ACTION: It was moved by Vice Mayor Harris and seconded by Councilmember Overton to adopt A Resolution of the City Council of the City of Clearlake Confirming Special Assessments Consisting of Administrative Penalties for Failure to Obtain an Outdoor Marijuana Cultivation Permit prior to the Outdoor Cultivation of Marijuana and Approve Lien Against Real Properties in Accordance with Sections 1-5, 1-9, 10-1.9, 18-9.070(a), 18-9.090(a), 18-9.130 and 18-11.080 of the Clearlake Municipal Code. The motion passed with a unanimous roll call vote.

BUSINESS (CONTINUED):

12. Consideration of a Letter of Support for SB 897, the Residential Property Insurance: Wildfires

City Manager gave the Staff Report.

Action: It was moved by Vice Mayor Harris and seconded by Councilmember Overton to close Public Hearing at 7:20 PM. The motion passed with a unanimous roll call vote.

Action: It was moved to adopt letter of support to authorize Mayor to sign the letter in support of SB 897. The motion passed with a unanimous voice vote.

13. Consideration of Opposition to State Ballot Measure Restricting Local Taxing Authority; Resolution No. 2018-13, A Resolution of the City Council of the City of Clearlake Opposing the Tax Fairness, Transparency and Accountability Act of 2018

City Manager Greg Folsom gave the Staff Report.

Action: It was motioned by Councilmember Overton and seconded by Councilmember Cremer to adopt Resolution No. 2018-13 and authorize the Mayor send a letter of opposition to the businesses listed by the League of California Cities. The motion passed with a unanimous roll call vote.

14. Review of Norms and Procedures and Consideration of a Rescinding a Policy for Appointment of Planning Commission Members.

City Clerk Melissa Swanson gave the Staff Report.

ACTION: It was the consensus of the Council to rescind the policy for appointment of Planning Commission members and allow the City Council to interview all applicants, unless the City Clerk receives more than ten applications, in which case, the Mayor may appoint an ad hoc committee to review the applications and recommend applicants for further review to the Council.

CITY MANAGER AND COUNCILMEMBER REPORTS

15.Changes to the Mayor’s Appointments for 2018.

ACTION: Mayor Sabatier appointed Councilmember Cremer to all vacancies. It was moved by Vice Mayor Harris and seconded by Councilmember Bennett to accept the Mayor’s appointments. The motion passed with a unanimous voice vote.

16.Consideration of Appointing Councilmembers as Representatives to the League of California Cities Redwood Empire Division, Resolution No. 2018-14

ACTION: It was motioned by Vice Mayor Harris and seconded by Councilmember Bennett to appoint Councilmember Overton as the Primary Member and Councilmember Cremer as the Alternate and adopt Resolution No. 2018-14. The Resolution was adopted with a unanimous voice vote.

ADJOURNMENT

There being no further business of the Council, the meeting was adjourned at 8:23 p.m.
Melissa Swanson, City Clerk