



CITY OF CLEARLAKE

www.clearlake.ca.us

**REGULAR MEETING OF
CLEARLAKE CITY COUNCIL &
REDEVELOPMENT SUCCESSOR AGENCY
CLEARLAKE CITY HALL COUNCIL CHAMBERS
14050 OLYMPIC DRIVE
CLEARLAKE, CA 95422**

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. Please be advised that some, or all, of the Clearlake City Council Members may attend this meeting telephonically.

Furthermore, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which waives the mandate of public, in-person accessibility to Council meetings provided there are other means for the public to participate. **Effective immediately** and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Clearlake City Council meetings will be viewable only via livestreaming.

Balancing the health risks associated with COVID-19, while appreciating the public’s right to conduct the people’s business in a transparent and open manner, the City wants you to know that you can submit your comments and questions in writing for City Council consideration by sending them to the Deputy City Clerk at tviramontes@clearlake.ca.us. You can also visit our new Town Hall site and submit written comments through our portal at https://www.opentownhall.com/portals/327/forum_home. 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 Thursday, August 6th.

This meeting, and any future meetings while under a declared emergency, **will not** be viewable in person. You may view the meeting live on YouTube at the “[Lake County PEG TV Live Stream](#)” YouTube Channel.

THURSDAY	AUGUST 6, 2020	5:30 P.M.
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CLOSED SESSION:

- (1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** (Government Code 54956.9) – City of Clearlake v. PG&E Corporation, et al., Case No. CV 1:17-CV-419398, Lake County Superior Court
- (2) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION:** Initiation of Litigation pursuant to Government Code Section 54956.9: Two potential cases

THURSDAY	AUGUST 6, 2020	6:00 P.M.
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ROLL CALL:

- _____ Mayor Russ Cremer
- _____ Vice Mayor Dirk Slooten
- _____ Councilmember Phil Harris

_____ Councilmember Joyce Overton
_____ Councilmember Russell Perdock

PLEDGE OF ALLEGIANCE

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 faiths represented and practiced among the citizens of Clearlake. If a scheduled invocational 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 Deputy City Clerk at (707) 994-8201x131 or via email at tviramontes@clearlake.ca.us.

MEETING PROCEDURES:

All items on the agenda will be open for public comment 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 Deputy 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-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

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

ANNOUNCEMENT OF ACTION(S) FROM CLOSED SESSION

PUBLIC COMMENT:

During the August 6, 2020 City Council meeting, public comment will be accepted via email and through the City's Town Hall portal. If you would like to comment remotely, please follow the protocols below:

- Send comments via email to the Deputy City Clerk at tviramontes@clearlake.ca.us or via the City's new Town Hall portal at https://www.opentownhall.com/portals/327/forum_home prior to the commencement of the Council meeting.
- Identify the subject you wish to comment on in your email's subject line or in your Town Hall submission.
- Each Public Comment emailed to the Deputy City Clerk will be read aloud by the Mayor or a member of staff for up to three minutes or will be displayed on a screen.
- Public Comment emails and Town Hall Public Comment submissions which are received after the beginning of the meeting will not be included in the record.

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 minutes per person.

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 or audience 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.

Consent Items

Recommended Action

- | | |
|--|---|
| 1. Warrant Registers | Receive and file |
| 2. 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 the next Council meeting |
| 3. Consideration of Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action March 19, 2020 | By motion keep declaration of emergency active and set next review in sixty days |
| 4. Ratification of a Letter of Support for the National Endowment of the Arts "Our Town" Grant | Ratify Mayor Cremer's signing of the Letter of Support |

PUBLIC HEARING:

Notice to the Public

The City Council, when considering the matter scheduled for hearing, will take the following actions:

1. Open the Public Hearing
2. Presentations by Staff
3. Presentation by Applicant or Appellant (if applicable)
4. Accept Public Testimony
5. Applicant or Appellant Rebuttal Period (if applicable)
6. Close the Public Hearing
7. Council Comments and Questions
8. Council Action

Once the hearing is closed, no further public comment will be taken. If you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you, or someone else, raised orally at the public hearing or in written correspondence received by the city at or before the public hearing.

Public hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuance. Any matter not noted for continuance will be posted separately.

During the August 6, 2020 City Council meeting, comment on agenda items will be accepted via email and through the City's Town Hall portal. If you would like to comment remotely, please follow the protocols below:

- Send comments via email to the Deputy City Clerk at tviramontes@clearlake.ca.us or via the City's Town Hall portal at https://www.opentownhall.com/portals/327/forum_home.
- Identify the subject you wish to comment on in your email's subject line or in your online Town Hall submission.
- Each comment emailed to the Deputy City Clerk will be read aloud by the Mayor or a member of staff for up to three minutes or will be displayed on a screen.
- Emailed comments and Town Hall submissions on each item will be accepted after the start of the meeting, but before the Mayor announces that public comment for that item is closed.
- Emails and Town Hall submissions received after the closing of public comment for each item will not be included in the record.

BUSINESS:

5. Discussion of Adopting an Ordinance Increasing the Salary of City Council Members
6. Discussion and Direction Regarding Implementation of a Tobacco Retail License Program
Recommended Action: Provide Direction to Staff on Implementation of a Tobacco Retail License Program

CITY MANAGER AND COUNCILMEMBER REPORTS

FUTURE AGENDA ITEMS

ADJOURNMENT

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact Tina Viramontes, Deputy City Clerk, at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext. 131, or via email at tviramontes@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.

POSTED: July 31, 2020

BY: 

Melissa Swanson, Administrative Services Director/City Clerk



Clearlake, CA

Item 1

Check Register

Packet: APPKT00112 - 7/24/20 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						
000103	ACS	07/24/2020	Regular	0.00	1,890.68	77031
000085	ARAMARK UNIFORM SERVICES	07/24/2020	Regular	0.00	34.23	77032
002114	AXON ENTERPRISE INC	07/24/2020	Regular	0.00	20,836.78	77033
000068	BOB'S JANITORIAL	07/24/2020	Regular	0.00	295.48	77034
VEN01069	BRIAN FEHRN	07/24/2020	Regular	0.00	31.50	77035
001665	BRUNO SABATIER	07/24/2020	Regular	0.00	60.00	77036
002328	CALAFCO	07/24/2020	Regular	0.00	1,901.00	77037
2404	CALTRONICS	07/24/2020	Regular	0.00	317.42	77038
000218	CLEARLAKE VETERINARY CLINIC	07/24/2020	Regular	0.00	552.30	77039
001835	DIRK SLOOTEN	07/24/2020	Regular	0.00	60.00	77040
000073	EASTLAKE SANITARY LANDFILL	07/24/2020	Regular	0.00	123.46	77041
000004	EDWARD A ROBEY JR	07/24/2020	Regular	0.00	60.00	77042
000851	ENTERPRISE TOWING	07/24/2020	Regular	0.00	2,625.00	77043
000118	FOUR CORNERS	07/24/2020	Regular	0.00	11.60	77044
001336	GO FOR IT JANITORIAL	07/24/2020	Regular	0.00	1,195.00	77045
000096	GOLDEN STATE WATER COMPANY	07/24/2020	Regular	0.00	28.21	77046
002065	HERC RENTALS INC	07/24/2020	Regular	0.00	1,475.08	77047
001939	JIM SCHOLZ	07/24/2020	Regular	0.00	60.00	77048
002274	JOHN R BENOIT	07/24/2020	Regular	0.00	8,947.67	77049
002276	JOSE L SIMON III	07/24/2020	Regular	0.00	60.00	77050
001311	JT AUTO GLASS	07/24/2020	Regular	0.00	427.31	77051
001419	KELSEYVILLE AUTO SALVAGE	07/24/2020	Regular	0.00	19,980.00	77052
000304	KONOCI COUNTY WATER DISTRICT	07/24/2020	Regular	0.00	95.88	77053
002280	LAW OFFICES OF P SCOTT BROWNE	07/24/2020	Regular	0.00	1,837.00	77054
002169	LOS CARNEROS INVESTIGATIVE SVC	07/24/2020	Regular	0.00	300.00	77055
000144	MENDO MILL	07/24/2020	Regular	0.00	233.99	77056
001715	MIDDLETOWN ANIMAL HOSPITAL	07/24/2020	Regular	0.00	254.13	77057
000061	MISSION LINEN SUPPLY	07/24/2020	Regular	0.00	89.18	77058
001392	OFFICE DEPOT	07/24/2020	Regular	0.00	252.00	77059
001836	PAK N MAIL	07/24/2020	Regular	0.00	120.71	77060
001511	PARCELQUEST	07/24/2020	Regular	0.00	5,000.00	77061
001298	QUACKENBUSH MRRCF	07/24/2020	Regular	0.00	65.25	77062
002391	R & R PACIFIC CONSTRUCTION	07/24/2020	Regular	0.00	59,215.88	77063
002355	RAINBOW AG	07/24/2020	Regular	0.00	319.74	77064
002031	REDWOOD COAST FUELS	07/24/2020	Regular	0.00	1,004.05	77065
002397	RGH CONSULTANTS, INC	07/24/2020	Regular	0.00	968.25	77066
000506	SIGNS OF RANDY HARE	07/24/2020	Regular	0.00	450.00	77067
002273	STACEY MATTINA	07/24/2020	Regular	0.00	60.00	77068
002277	STANLEY A ARCHACKI	07/24/2020	Regular	0.00	60.00	77069
002000	SUB TERRA CONSULTING	07/24/2020	Regular	0.00	2,038.40	77070
002275	SUZANNE LYONS	07/24/2020	Regular	0.00	60.00	77071
002375	THOMAS DEWALT	07/24/2020	Regular	0.00	1,200.00	77072
002377	TINA SCOTT	07/24/2020	Regular	0.00	60.00	77073

Check Register

Packet: APPKT00112-7/24/20 AP CHECK RUN AA

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
002264	WEX BANK	07/24/2020	Regular	0.00	7,906.71	77074

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	78	44	0.00	142,563.89
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	78	44	0.00	142,563.89

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	7/2020	142,563.89
			<u>142,563.89</u>



Clearlake, CA

Check Register

Packet: APPKT00126 - 7/29/20 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						
	Void	07/29/2020	Regular	0.00	0.00	77076
	Void	07/29/2020	Regular	0.00	0.00	77077
	Void	07/29/2020	Regular	0.00	0.00	77078
	Void	07/29/2020	Regular	0.00	0.00	77079
	Void	07/29/2020	Regular	0.00	0.00	77080
	Void	07/29/2020	Regular	0.00	0.00	77081
	Void	07/29/2020	Regular	0.00	0.00	77082
	Void	07/29/2020	Regular	0.00	0.00	77083
	Void	07/29/2020	Regular	0.00	0.00	77084
	Void	07/29/2020	Regular	0.00	0.00	77085
002026	ABI DOCUMENT SUPPORT SERVICES	07/29/2020	Regular	0.00	166.39	77086
002114	AXON ENTERPRISE INC	07/29/2020	Regular	0.00	18,516.30	77087
2444	BOB MURRAY & ASSOCIATES	07/29/2020	Regular	0.00	845.00	77088
002162	CALIFORNIA ENGINEERING	07/29/2020	Regular	0.00	47,691.45	77089
002370	CODE PUBLISHING CO	07/29/2020	Regular	0.00	238.80	77090
001296	DIRECT IMAGE PRINTING	07/29/2020	Regular	0.00	219.03	77091
000073	EASTLAKE SANITARY LANDFILL	07/29/2020	Regular	0.00	62.09	77092
000120	FED EX	07/29/2020	Regular	0.00	114.86	77093
002269	LAKE COUNTY CHAMBER	07/29/2020	Regular	0.00	740.00	77094
000793	MEDIACOM	07/29/2020	Regular	0.00	5.25	77095
002281	MENDO LAKE INTERIORS	07/29/2020	Regular	0.00	9,086.00	77096
000144	MENDO MILL	07/29/2020	Regular	0.00	293.40	77097
001489	NAPA AUTO PARTS	07/29/2020	Regular	0.00	435.26	77098
001392	OFFICE DEPOT	07/29/2020	Regular	0.00	502.60	77099
001298	QUACKENBUSH MRRCF	07/29/2020	Regular	0.00	37.80	77100
001540	US BANK CORPORATE PMT. SYSTEM	07/29/2020	Regular	0.00	10,650.41	77101
	Void	07/29/2020	Regular	0.00	0.00	77102
	Void	07/29/2020	Regular	0.00	0.00	77103
	Void	07/29/2020	Regular	0.00	0.00	77104
001325	VERIZON WIRELESS	07/29/2020	Regular	0.00	2,486.87	77105

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	35	17	0.00	92,091.51
Manual Checks	0	0	0.00	0.00
Voided Checks	0	13	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	35	30	0.00	92,091.51

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	7/2020	92,091.51
			<hr/>
			92,091.51

CITY OF CLEARLAKE

CITY COUNCIL STAFF REPORT

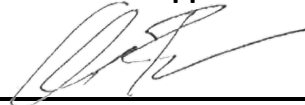
MEETING OF: August 6, 2020

Agenda Item No. 2

Subject: Consideration of Continuation of Declaration of Local Emergency Issued on October 9, 2017 and Ratified by Council Action October 12, 2017 **Date:** July 31, 2020

From: Melissa Swanson, City Clerk

Reviewed & Approved:



Recommended Action: By motion keep declaration of emergency active and set next review for the next Council meeting

ISSUE STATEMENT AND DISCUSSION:

On October 9th, 2017, former City Manager Folsom, as the Director of Emergency Services for the City of Clearlake, declared in a Proclamation by the Director of Emergency Services Declaring a Local Emergency:

“That conditions of extreme peril to the safety of the persons and property have arisen within the City of Clearlake caused by the wildfire on October 9th, 2017.”

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 October 12th the Council ratified the Proclamation of the Local Emergency by adoption of Resolution No. 2017-78. The Council must continue the Proclamation every 30 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency ratified in Resolution No. 2017-78 and review the status of the Proclamation again within 30 days.

FINANCIAL AND/OR POLICY IMPLICATIONS:

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

CITY OF CLEARLAKE

CITY COUNCIL STAFF REPORT

MEETING OF: August 6, 2020

Agenda Item No. 3

Subject: Consideration of Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action March 19, 2020 **Date:** July 31, 2020

From: Melissa Swanson, Administrative Services
Director/City Clerk

Reviewed & Approved:



Recommended Action: By motion keep declaration of emergency active and set next review in sixty days

ISSUE STATEMENT AND 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 adoption of 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.

FINANCIAL AND/OR POLICY IMPLICATIONS:

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

CITY OF CLEARLAKE

CITY COUNCIL STAFF REPORT

MEETING OF: August 6, 2020

Agenda Item No. 4

Subject: Ratification of a Letter of Support for the National Endowment of the Arts “Our Town” Grant **Date:** July 31, 2020

From: Melissa Swanson, Administrative Services
Director/City Clerk

Reviewed & Approved:



Recommended Action: Ratify Mayor Cremer’s signing of the Letter of Support

ISSUE STATEMENT AND DISCUSSION:

On June 17th, the Clearlake Marketing Committee accepted a proposal by the Lake County Rural Arts Initiative (LCRAI) and the Lake County Arts Council (LCAC) to partner on a grant application for the National Endowment of the Arts “Our Town” grant for up to \$100,000 in funding to make Clearlake an “arts destination.” The LCRAI and LCAC are calling this project “Clearly Creative.”

From the partnership proposal: “Our Town is the National Endowment for the Arts’ creative placemaking grants program. Through project-based funding, we support projects that integrate arts, culture and design activities into efforts that strengthen communities by advancing local economic, physical, and/or social outcomes.”

The joint grant application deadline is August 1st. The grant application required a letter of support from partnering agencies, including the City of Clearlake. Unfortunately, the timeline was very short and there was an urgency that could not be avoided. Mayor Cremer signed the attached letter of support and staff is recommending your Council ratify his signature according to the Council Norms and Procedures.

FINANCIAL AND/OR POLICY IMPLICATIONS:

None.



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422

(707) 994-8201 Fax (707) 995-2653

www.clearlake.ca.us

July 29, 2020

RE: *Clearly Creative* NEA Our Town Grant

I am the mayor of Clearlake CA and am the highest-ranking official for the local government. I am writing this letter, on behalf of the City of Clearlake, to express our desire to be a partner with LCAC in the "Clearly Creative" NEA Our Town Grant.

Transforming Clearlake into an *art destination* is an endeavor which we enthusiastically support. It fits with our strategy to energize our economy through tourism and relocation as well as attracting new businesses to the city.

The project outline of art installations, festivals and events is relevant and exciting for us and our community. Given the importance of this project, we are willing to provide the grant match necessary to make this happen.

We look forward to actively participating in the planning and implementation phases of the project. We also look forward to watching our businesses and community grow and thrive as the project reaches fruition.

Sincerely,

Russell Cremer

Mayor

City of Clearlake

rcremer@clearlake.ca.us

CITY OF CLEARLAKE

CITY COUNCIL STAFF REPORT

MEETING OF: August 6, 2020

Agenda Item No. 5

Subject: Discussion of Adopting an Ordinance Increasing the Salary of City Council Members **Date:** July 31, 2020

From: Ryan Jones, City Attorney
Alan Flora, City Manager

<p>Reviewed & Approved:</p> 
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ISSUE STATEMENT AND DISCUSSION:

At a recent meeting the Council requested staff bring back an agenda item for discussion related to the compensation of the City Council. Government Code section 36516 allows a city council to establish by ordinance a salary for council members. Under subsection (a)(1), the maximum salary amount is determined by the city’s population. However, under subsection (a)(4), the council may increase the salary above the amount allowed in subsection (a)(1) by 5% per calendar year since the last adjustment of salary. Amounts paid for retirement, health and welfare, and federal social security benefits are not included in the computation of the maximum salary.

The current population of Clearlake is approximately 15,000. Under Government Code section 36516(a)(1), the maximum salary for cities with less than 35,000 in population is \$300 per month. Thus, the maximum compensation for Clearlake City Council members under section (a)(1) is \$300 per month.

Clearlake Municipal Code section 2-1.2 currently establishes the salary for City Council members at \$300 per month. The salary for City Council members was amended last in 1989 (Ord. No. 20-89). Since it has been 31 years since the last adjustment of salary, the Council may amend the Municipal Code and increase the current salary by \$465, to a total of \$765 per month under Government Code section 36516(a)(4).

The Government Code also restricts council’s ability to change the salary during the council member’s term of office. Under Government Code section 36516.5, a change to the compensation of all city council members is permissible when one or more of the members of

council begins a new term of office. Any increase to the City Council's salary could be effective following the November 2020 election.

FINANCIAL AND/OR POLICY IMPLICATIONS:

If the Council stipend increases, it will be paid from the City's general fund. The current cost is \$18,000 for the stipend plus healthcare benefits. The healthcare costs vary depending on the plan of the individual council member, but average between \$30,000 and \$40,000 per year. If the maximum increase mentioned above was implemented of \$765 per month the stipend costs would increase from \$18,000 to \$45,900 or from \$3,600 to \$9,180 per year for each council member.

In 2018 the League of California Cities conducted a survey of council compensation. The results of the cities that participated in the survey is attached. Additionally, at the bottom of the table are the results from Lakeport, Cloverdale, and Ukiah which were provided at the direct request of staff several weeks ago.

ATTACHMENT:

Survey of council compensation for various cities

City	Population	Charter or General Law	Size of Council Including Mayor	Mayor Appointed by the Council or Elected	Monthly Salary Council	Term of Councilmember	Monthly Salary Mayor	Term of Mayor	State if Lump Sum, Stipend, or Hourly	Built in salary adjustment (increase)	District Elections or At Large	Full Time or Part Time: Part time for Council
Vernon	209	Charter	5	Appointed	\$2,233.00	Five (5) year terms, Term Limit: two (2) full terms	\$2,233.00	Mayor gets appointed annually	Salary	No	At Large	Full time
Yountville	2,933	General Law	5	Elected	\$648.00	4	\$638.00	4 years	Stipend		At-Large	Part Time
Lakeport	4772	General Law	5	Appointed	\$300.00	4 years	\$300.00	1 year	Lump sum	No	At Large	Part-time
Holtville	6300	General Law	5	Appointed	\$350.00	4 years	same as council	1 year	monthly stipend	no	at-large	n/a – not defined
Sausalito	7,000	General Law	5	Appointed	\$300.00	4 years	\$300.00	1 year	Lump sum	No	At Large	Part time
Fort Bragg	7,250	General Law	5	Appointed	\$300 with an additional \$100 if Municipal District is discussed	4 years	\$300 with an additional \$100 if Municipal District is discussed	2 years	Stipend	No	At Large	Full-time
Sebastopol	7,800	General Law	5	Appointed	\$300.00	4 years	\$300.00	1 year	Lump Sum	No	At Large	Part-time
Pismo Beach	8,000	General Law	5	Elected	514.80 now, increasing to \$772.20 in December	4 years	300 in addition to Council salary	2 years	Monthly	No	At Large	Part-time
Rolling Hills Estates	8,100	General Law	5	Appointed	\$0.00	4 years	N/A	N/A	N/A	N/A	At Large	Part time
Westlake Village	8,370	General Law	5	Appointed	\$300.00	4 years	\$300.00	1 year	Stipend	No	At-Large	Part-time
Anderson	10,000	General Law	5	Appointed	\$50.00	4 years	\$75.00	Appointed Annually	Stipend	No	At Large	Part-time
Signal Hill	11,673	Charter City	5	Appointed	\$667.44	4 years	N/A	1 year	Stipend	No	At Large	Part-time
Kingsburg	12,000	Charter	5	Appointed	\$250.00	4 years	\$300.00	2 years	Lump sum	No	<u>Moving to district</u>	Part time
Malibu	13,000.00	General Law	5	Appointed	\$565.68	four years (two term limit)	Same	Same	Stipend	No	At Large	Part time
Grant Terrace	13,500	General Law	5	Elected	\$500.00 + \$200.00 Car Allowance	4 years	\$500.00 + \$200.00 Car Allowance	4 years	Lump Sum	No	At Large	Part-time
Tehachapi	14,000	General Law	5	Appointed	\$150.00 per meeting	4 years	\$150.00 per meeting	2 years	Twice a Month, same as employees	No	Transitioning to districts this November	Part-time
Auburn	14,100	General Law	5	Appointed	\$300.00	4 years	\$300.00	1 year	\$150 twice monthly	No	At Large	Part-time

City	Population	Charter or General Law	Size of Council Including Mayor	Mayor Appointed by the Council or Elected	Monthly Salary Council	Term of Councilmember	Monthly Salary Mayor	Term of Mayor	State if Lump Sum, Stipend, or Hourly	Built in salary adjustment (increase)	District Elections or At Large	Full Time or Part Time: Part time for Council
Pacific Grove	15,045	Charter	7	Elected	\$400.00	4 years, not to exceed 8 total	\$700.00	2 years, not to exceed 8	Lump Sum	No	At Large	Part time
Truckee	16,000	Charter	5	Appointed	\$645.00	4 years	\$645.00	1 year	Stipend Biweekly	No	At Large	Part time
Hawaiian Gardens	16,400	General Law	5	Appointed	795.83 + Car Allowance, Cell phone	4 years	795.83 + Car Allowance, Cell phone + \$20	4 years	Stipend	No	At Large	Part-time
Greenfield	17,500	General Law	5	Elected	\$361.00	4 years	\$481.00	4 years	Biweekly	No	At Large	Part time
Imperial	18,658	General Law	5	Appointed	\$360.00	4 years	\$360.00	1 year	Stipend	No	At Large	Part-time
Agoura Hills	23,000	General Law	5	Appointed	\$300.00	4 years	N/A	Appointed Annually	Stipend	No	At Large	N/A
Loma Linda	23000	General Law	5	Appointed	\$1,066.73	4 years	\$1,066.73	4 years	Lump sum	No	At Large	Full Time
Barstow	23,639	General Law	5	Elected	\$504.32 + Insurance allotment of \$1000 for health, vision and eye	No term limits	Same as Council	No term limits	Paid bi-weekly as the employees	No	1st District Election this November 6th.	Part time
Calabasas	24,075	General Law	5	Appointed	\$840.00	4 years	\$840.00	4 years			At Large	Part Time
Galt	25,000	General Law	5	Appointed by Council	300 per member	4 years	same	1 year	26 pay periods	No	At-Large	same as council
Lemoore	25,000	Charter	5	Appointed	\$300.00	4 years	\$400.00	2	Stipend	No	Currently at large – will move to district in November 2018	Part-time
Belmont	26,000	General Law	5	Appointed	\$390.00	4 years	\$390.00	1 year	Stipend	No	At-Large	N/A (not full time)
Monterey	28,454	Charter	5	Elected	430 + health benefits paid for by the City	4 years	676 + health benefits paid for by the City	2 years	Lump Sum	No	At Large	Full time

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Los Gatos	31,000	General Law	5	Elected by Council every November	\$200 but we just passed an ordinance amendment raising the salary to \$570 effective January 1, 2019 per GC Sec 36516	4 years	Same as Council	4 years (not directly elected)	Lump sum	No	At Large	Considered a volunteer position. Each Council Member's time spent is unique to them
San Dimas	33,119	General Law	5	Elected	\$620.00	4 years	\$820.00	2 years	Lump sum	No	At Large	Part-time
Monrovia	38,000	General Law	5	Directly Elected	\$400.00	4 years	\$400.00	2 years	Monthly (Stipend)	No	At-Large	Part-time
Montclair	39,000	General Law	5	Elected	\$1,150.00	4 years	\$1,650.00	4 years	Lump Sum	No	At Large	Part-time
Danville	42,865	General Law	5	Appointed	\$675.00	4 years	n/a	1 year		No	At Large	n/a
Cupertino	60,000	General Law	5	Appointed	\$730.24 per month. Members also receive medical, dental, vision, and life insurance benefits, and may qualify for PERS benefits	Two, Four-year terms	Same as Council	1 year /Rotated Annually	Monthly Stipend	No – done by ordinance		Part time
La Mesa	60,000	General Law	5	Elected	\$1,000/month	4 years with a limit of 3 consecutive terms	\$2,000/ month	4 years with a limit of 3 consecutive terms	Stipend	No	At Large	Part time
Lake Elsinore	62,092	General Law			\$400.00				Stipend			
Tulare	62,779	Charter	5	Appointed	\$5 per regular meeting attended per charter	4 years, no limit	N/A	Typically, they will serve the ceremonial role for two years, but can serve longer if peers choose to re-	See No. 6	No	By District	Part-time
Eastvale	64,000	General Law	5	Appointed	\$400.00	4	\$400.00	Appointed Annually	Stipend	No	District Elections	Part time

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Redlands	70,398	General Law	5	Appointed	\$500.00	4 years	\$500.00	2 years	Lump sum	Yes	Starting At-Large this November	Part-time
Apple Valley	75,000	General Law	5	Appointed	811.00 + 570.00 Car Allowance	4 years	Same as Council	Rotated Annually	Stipend	No	At Large	N/A
Manteca	77,000	General Law	5	Elected	\$500.00	4 years	\$500.00	4 years	Monthly Salary	No	At-Large	
Milpitas	77,000	General Law	5	Elected	\$904.37	4 years	\$1,130.74	2 years	Lump sum	No	At Large	Part time
Chino Hills	80,000	General Law	5	Appointed	\$661.50	4 years staggered, no term limits	No additional pay for Mayor	1 year /Rotated Annually	Lump sum	No, however benefits coincide with Executive benefits	Both – Just went to Districts; 3 districts up in November; 2 at-large until 2020	Part Time hours – Full Time benefits
Lake Forest	82,000	General Law	5	Appointed (will be placing on the November	\$704.00	4 years	same as Council Member	1 year	Stipend	No	Transitioning to districts this November	Part-time
Redding	90,000	General Law	5	Appointed	\$600.00	4 years	\$600.00	1 year	Stipend	No	At Large	Part-time
Chico	91,567	Charter	7	Appointed	\$600.00	4 years	\$120 in addition to the \$600	2 years	Lump sum	No	At Large	Part-time
San Mateo	104,000	Charter	5	Appointed	\$600.00	4-yr terms, up to three terms	\$600.00	Mayor serves 1 yr. term; position rotates	Stipend	No	At Large	Part time
Santa Maria	106,280	Charter	5	Elected	\$1,313 monthly	4 years	Council salary, plus \$250 per month	4 years	Stipend	No	Mayor elected at-large. First District Election 11/2018	Part time
Berkeley	112,000	Charter	9	Elected	\$3,000.00	4 years	\$4,500.00	4 years	Monthly/number of meetings in a month	Yes	Districts; Mayor is at large	Part-time
Antioch	114,452	General Law	5	Elected	\$949.20	4 years	\$949.20	4 years	Stipend	No	Mayor at-large; council currently at-large and may switch to by-district.	Part-time
Thousand Oaks	129,339	General Law	5	Appointed	\$1,750.00	4 years	N/A	1 year	Lump sum	Yes	At Large	Part time

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Torrance	147,000	Charter	7	Elected	100 + \$446.00 Car allowance	4 years	100 + \$446.00 Car allowance	4 years	Biweekly	No	At Large	Part time
Stockton	315,592	Charter	7	Elected	\$16,529.04 Annually	4 years	72,384 Annually	4 years	688.70 semi-monthly salary paid via employee payroll	No	At-Large for Mayor	Full time Mayor
Fresno	520,000	Charter	8	Elected	\$65,000.00	4 years	\$130,000.00	4 years	Lump sum	No	Districts	Full time
Capitola	10,000+	General Law	5	Appointed by Council annually	\$500.00	4 years	same	same	Not certain how it is handled by payroll	No	At Large	Part time
Patterson	21,000 +	General Law	5	Elected	\$300.00	4 years	\$500.00	2 years	Stipend, taxable, paid through payroll	No	: Councilmembers District Elections, Mayor at Large	Part-time
Watsonville	50,000 +	Charter	7	Appointed	\$525.00	4 years (2 terms)	Additional \$100	4 years	None	No (Council consider 5% during budget adoption)	District	Part time
Lakeport	5,000	General Law	5	Appointed	\$300.00	4 years	Same as Council	Annual	Stipend	No	At Large	Part-time
Cloverdale	8,900	General Law	5	Appointed	\$550.00	4 years	Same as Council	Annual	Stipend	No	At Large	Part-time
Ukiah	16,000	General Law	5	Appointed	\$490.00	4 years	Same as Council	Annual	Stipend	No	At Large	Part-time

CITY OF CLEARLAKE

CITY COUNCIL STAFF REPORT

MEETING OF: August 6, 2020

Agenda Item No. 6

Subject: Discussion and Direction Regarding **Date:** July 31, 2020
Implementation of a Tobacco Retail License
Program

From: Melissa Swanson, Administrative Services
Director/City Clerk

Reviewed & Approved:



Recommended Action: Provide Direction to Staff on Implementation of a Tobacco Retail License Program

ISSUE STATEMENT AND DISCUSSION:

On August 16, 2018, your Council adopted an urgency ordinance placing a moratorium on the establishment of tobacco retailing businesses, smoke shops, or hookah or vapor lounges. That moratorium was extended an additional two times and is set to expire on August 13, 2020. Because it has been extended the maximum amount of time legally allowed, this moratorium is not eligible for additional extension.

On June 13th, 2019, Council heard a presentation by Lake County Tobacco Education Program Coordinator Gina Lyle-Griffin regarding implementation of a Tobacco Retail License (TRL) and directed staff to bring forward information regarding the adoption of an ordinance. Your Council discussed the options of a TRL at the July 25th, 2019 Council meeting. The consensus of your Council at that time was to wait until grant funding was made available through Prop 56 funding in order to pay for staff time and related costs of the implementation and enforcement. The expectation was the grant application would be made available in early 2020 and staff would apply at that time and propose an ordinance adopting a TRL and plan its implementation and enforcement through the Prop 56 funds.

Unfortunately, as everyone is aware, COVID-19 delayed many processes throughout the State, including the Prop 56 grant application process. Staff was informed on July 14th that the grant application process has finally opened with a due date of August 7th. Staff is currently working

diligently on the grant application and will submit for funding by the deadline. Grant funding, if awarded, will be made available on a reimbursement basis beginning January 1, 2021.

Prop 56 funds are awarded on a competitive basis to enforce a local ordinance or state law related to the illegal sale and marketing of tobacco products to minors and youth including:

- Retailer compliance checks;
- Retailer training programs;
- Public education outreach;
- Parent engagement and education;
- Tobacco retail license inspections;
- Preventing and deterring use of tobacco products on school premises.

During the discussions on the TRL implementation, your Council's consensus was to the following:

- Limiting the number of tobacco retail licenses to 1 per 2000 residents (restricting the number down from the current ratio of 1 per 794 residents);
- Limiting tobacco product packaging and pricing displays;
- No TRL provided to mobile vendors, licensed cannabis businesses or pharmacies;
- No TRL within 1,000 feet of youth-populated areas;
- No TRL for restaurants or bars;
- No sales of flavored tobacco products, including menthol cigarettes;
- No sales of drug paraphernalia within the TRL business;

There are four basic components to a TRL policy:

- License that all retailers must obtain in order to sell tobacco products and that must be renewed annually
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

Staff is seeking direction from Council on whether to continue to pursue TRL implementation in light of the funding limitations. If the Council wants a TRL policy, staff would like to hear whether the same components and deal points discussed above are still relevant.

FINANCIAL AND/OR POLICY IMPLICATIONS:

Adoption of a Tobacco Retail License ordinance changes City policy. There will be costs associated with implementation and enforcement of a TRL. Staff's intention is to offset those costs with the Prop 56 grant funding and licensing fees. However, there may be general fund

costs that are unknown at this time if the grant funding is not received in a timely manner or is insufficient to cover the entire costs of implementation and enforcement.