

MINUTES

CITY OF CLEARLAKE CITY COUNCIL & REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING SEPTEMBER 28, 2017

CALL TO ORDER CLOSED SESSION: 5:30 P.M.

Roll Call.	Present:	Bruno Sabatier, Vice Mayor Nick Bennett, Councilmember Joyce Overton, Councilmember Phil Harris, Councilmember
	Absent:	Russell Perdock, Mayor
	Staff:	Greg Folsom, City Manager Ryan Jones, City Attorney

(1) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Government Code Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Smiley J. Harris, Church of the Greater Faith & Redemption, et al. v. City of Clearlake, et.al. Civil Action No.: CV 175126

No reportable action was taken by the Council in Closed Session.

There being no further business of the Council, Closed Session adjourned at 5:44 p.m.

CALL TO ORDER REGULAR CITY COUNCIL MEETING: 6:00 P.M.

Roll Call.	Present:	Bruno Sabatier, Vice Mayor Nick Bennett, Councilmember Joyce Overton, Councilmember Phil Harris, Councilmember
	Absent:	Russell Perdock, Mayor
	Staff:	Greg Folsom, City Manager Ryan Jones, City Attorney Tim Celli, Acting Chief of Police Melissa Swanson, City Clerk Chris Becnel, Director of Finance Doug Herren, Director of Public Works Lee Lambert, Code Enforcement Supervisor Tina Viramontes, Code Enforcement Officer Steve Felder, Code Enforcement Officer

INVOCATION

Pastor Chris Gravesen gave the invocation. Vice Mayor Sabatier also asked for a Moment of Silence in memory of former Police Chief Bob Chalk.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

City Manager Folsom requested Item #14, Consideration of Appointment to the Marketing Committee, be heard after the Consent Calendar.

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

PRESENTATION

1. Presentation of Certificate of Appreciation to Brock Falkenberg for his Work with the Lake County Youth Services and Clearlake Youth Center
2. Presentation by the Children's Museum of Art and Science and the Art House Gallery of the Results of the Wildlife of Clearlake Youth Art Project
3. Presentation of a Proclamation Declaring September 22, 2017 as Native American Day
4. Presentation of the Clearlake Photo Contest Winners

PUBLIC COMMENT

Brad C. spoke regarding the homeless encampment behind Ray's Food Place and the mess left there. He asked for assistance and money for dump fees to clean it up.

Bill Shields spoke regarding a loan he believed the City took out many years ago and asked how that would be paid back.

Linda Pallas asked for time on the agenda to discuss animal control issues.

Rita Lawfer and Jean Yanich spoke regarding the Animal Coalition's fundraiser and animal control issues.

Consent Items

Recommended Action

- | | | |
|----|--|------------------|
| 2. | Warrant Registers | Receive and file |
| 3. | Minutes of the August 16, August 24 and August 30, 2017 Meetings | Receive and file |
| 4. | Minutes of the August 9, 2017 Lake County CCMin 09-28-17 | Receive and file |

Vector Control District Board Meeting

5. Council Authorization for Transfer of \$238,193 of Program Income Funds from CDBG Fund 350 to Capital Projects Fund 240 Department 100681 to Comply with State Housing and Community Development Requirement to Use Program Income Before Accessing CDBG Grant Funds to be Returned when CDBG Reimbursement is Received
- By motion, authorize the transfer of \$238,193 from Fund 350 to Fund 240 Department 100681 to be returned to Fund 350 when CDBG funds the drawdown on the Philips/18th Avenue grant

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to approve the Consent Calendar as presented. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

BUSINESS (ITEM 14 MOVED)

14. Consideration of Appointment to the Marketing Committee

City Manager Folsom gave the staff report.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to appoint Stephanie Codling to the Marketing Committee. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

PUBLIC HEARING

9. Public Hearing to Confirm Assessment(s) in the Total Amount of \$55,000.00 for Administrative Penalties for Failure to Abate Public Nuisance(s) in Accordance with C.M.C. Section(s) 1-5, 1-9, 10-1.6, 10-1.7, 10-1.9, 10-1.12, 10-2.2(b), 10-2.4, 10-2.5, 10-2.6, 10-2.7, 10-2.8, 10-3.1, 10-3.3, 10-5 and 10-5.6; Resolution No. 2017-58

Code Enforcement Officer Viramontes gave the staff report.

Vice Mayor Sabatier opened the Public Hearing at 6:58 p.m.

1. 15416 Brannon Street

Eileen Navarrette, property occupier, spoke against the assessment. It was the consensus of the Council to delay this assessment for 30 days.

2. 15140 Lakeshore Drive

Raymond Choy, owner, spoke against the assessment.

Frank Jafolla, property manager, spoke against the assessment.

3. 3820 Mullen Avenue

There were no public comment.

4. 15208 Cass Avenue

There were no public comment.

5. 14390 Uhl Avenue

Gerald Eisler spoke against the assessment.

6. 16518 2nd Avenue

Code Enforcement Officer Felder gave the staff report.

There was no comment on this item.

7. 16217 21st Avenue

There was no comment on this item.

8. 4293 Snook Avenue

There was no comment on this item.

9. 15986 19th Avenue

There was no comment on this item.

10. 15586 28th Avenue

This item was removed from the list.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to close the Public Hearing. The motion passed with a unanimous voice vote.

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Overton to adopt Resolution No. 2017-58, for Items #2 through #9, as amended. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

10. Public Hearing to hear and act upon an Abatement Order Appeal Hearing referencing real property located at 16664 5th Avenue Clearlake, CA 95422 in accordance with C.M.C. section(s) 18-9.110, 18-9.120, 18-9.130 and 18-10 in its entirety

Code Enforcement Officer Felder gave the staff report.

Staff received written testimony from the appellant, which is attached to these minutes and made a part of the record.

Vice Mayor Sabatier opened the Public Hearing at 8:13 p.m.

There was no further comment on this item.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Bennett to close the Public Hearing. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Bennett to adopt Resolution No. 2017-59, denying the appeal. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

11. Public Hearing to hear and act upon an Abatement Order Appeal Hearing referencing real property located at 16644 5th Avenue Clearlake, CA 95422 in accordance with C.M.C. section(s) 18-9.110, 18-9.120, 18-9.130 and 18-10 in its entirety

Code Enforcement Officer Felder gave the staff report.

Vice Mayor Sabatier open the Public Hearing at 8:18 p.m.

Staff received written testimony from the appellant, which is attached to these minutes and made a part of the record.

There was no comment on this item.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to close the Public Hearing. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

ACTION: It was moved by Councilmember Bennett and seconded by Councilmember Harris to adopt Resolution No. 2017-60, denying the appeal. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

12. Public Hearing to hear and act upon an Abatement Order Appeal Hearing referencing real property located at 15628 37th Avenue Clearlake, CA 95422 in accordance with C.M.C. section(s) 18-9.110, 18-9.120, 18-9.130 and 18-10 in its entirety

Code Enforcement Officer Felder gave the staff report.

Vice Mayor Sabatier opened the Public Hearing at 8:21.

There was no comment on this item.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to close the Public Hearing. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to adopt Resolution No. 2017-61, denying the appeal. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

13. Public Hearing to hear and act upon an Abatement Order Appeal Hearing referencing real property located at 15605 Sharpe Drive Clearlake, CA 95422 in accordance with C.M.C. section(s) 18-9.110, 18-9.120, 18-9.130 and 18-10 in its entirety

Code Enforcement Officer Felder gave the staff report.

Vice Mayor Sabatier opened the Public Hearing at 8:21 p.m.

There was no comment on this item.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Bennett to close the Public Hearing. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Overton to adopt Resolution No. 2017-62, denying the appeal. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

BUSINESS

15. Consideration of First Reading of Ordinance No. 199-2017, An Ordinance of the City Council of the City of Clearlake Setting Forth Procedures for Expediting Permitting Processing for Electric Vehicle Charging Systems

City Attorney Jones gave the staff report.

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Overton to hold first reading of Ordinance No. 199-2017, read by title only, waive further reading and set second reading and adoption for October 12, 2017. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

16. Approval of Resolution No. 2017-57 Approving the Commitment of CDBG Program Income Funds

Finance Director Becnel gave the staff report.

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Bennett to adopt Resolution No. 2017-57, A Resolution of the City Council of the City of Clearlake Approving the Commitment of CDBG Program Income Funds. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

17. Council Direction Regarding Drafting a Vacant Property Ordinance for the City of Clearlake

Finance Director Becnel gave the staff report.

ACTION: It was the consensus of the Council to direct staff to move forward with drafting a vacant property ordinance.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to continue the Council meeting past 10:00 p.m. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

18. Council Direction Regarding Refunding All, or A Portion Of, Assessments Collected by the City from a County Held Tax Defaulted Sale of Property

Finance Director Becnel gave the staff report.

ACTION: It was the consensus of the Council to direct staff to conduct research regarding assessment reduction for new owners of property purchased at a tax-default sale and bring information to a future Council Meeting.

19. Accept Deed from Voerge Family for Property Located at 14180 Division Avenue, Clearlake, California

Finance Director Becnel gave the staff report.

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Overton to accept a Deed from Voerge Family and authorize Mayor to sign a thank you letter. The motion passed with a unanimous voice vote, with Mayor Perdock absent.

20. Consideration of Resolution 2017-63 to Adopt a List of Approved Projects for Submission to California Transportation Committee (CTC) for Funding Pursuant to SB1

Finance Director Becnel and Director of Public Works Herren gave the staff report.

ACTION: It was moved by Councilmember Overton and seconded by Councilmember Harris to adopt Resolution No. 2017-63, A Resolution of the City Council of the City of Clearlake Adopting a Project List for Submission to the California Transportation Committee for Funding under the Provisions of SB1. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

21. Informational Report on Measure V

Finance Director Becnel and Director of Public Works Herren gave the staff report.

No action was taken by Council on this item.

22. Consideration of Resolution No. 2017-64, A Resolution of the City Council of the City of Clearlake Authorizing Submittal of Application to the California Department of Parks and Recreation

Director of Public Works Herren gave the staff report.

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Bennett to adopt Resolution No. 2017-64. The motion passed with a unanimous roll call vote, with Mayor Perdock absent.

CITY MANAGER AND COUNCILMEMBER REPORTS

FUTURE AGENDA ITEMS

ACTION: It was the consensus of the Council to have a report on the Animal Coalition fundraiser on a future agenda.

ADJOURNMENT

There being no further business of the Council, the meeting was adjourned at 11:01 p.m.

Melissa Swanson, City Clerk

16644 5TH AVE
16664 5TH AVE

RECEIVED

CITY OF CLEARLAKE
THIS IS THE APPEAL
AND PROTEST OF
"LITTLE BRUCE"

THE LEGAL ADMINISTRATOR
FOR THE ACCOUNTS AND
PROPERTIES OF:

BRUCE EZRA THURMON II

CONCERNING THE ABATEMENT
ORDER FOR 16644 5TH AVE
AS WELL AS 16664 5TH AVE,
CLEARLAKE, CA.

COVER

THE FIRST AMENDMENT OF
THE UNITED STATES
CONSTITUTION GUARANTEES
MY RIGHTS TO FREEDOM
OF SPEECH AND FREEDOM
OF RELIGION, AS WELL DOES
THE CONSTITUTION OF THE
REPUBLIC OF CALIFORNIA.

THE RELIGIOUS FREEDOM
RESTORATION ACT OF 1993.
U.S. CODE 2000 bb THROUGH
42 U.S. CODE 2000 bb-4.
UNITED STATES FEDERAL LAW
THAT ENSURES THAT INTEREST
OF RELIGIOUS FREEDOM
ARE PROTECTED.

A UNANIMOUS HOUSE AND
SENATE VOTED IT INTO
LAW. ENACTED BY THE 103RD
UNITED STATES CONGRESS NOV. 16
1993

THE ACT STATES: GOVERNMENT
SHALL NOT SUBSTANTIALLY BURDEN
A PERSONS EXERCISE OF RELIGION
EVEN IF THE BURDEN RESULTS ①

FROM A ~~ROLE~~ OF APPLICABILITY.

AND I WOULD MAKE YOU
REFERENCE.

LYNG V. NORTHWEST INDIAN
CEMENTARY PROTECTIVE
ASSOCIATION, ~~NO~~ CASE # 485
U.S. 439 (1988)

AND EMPLOYMENT DIVISION V. SMITH
CASE # 494 U.S. 872 (1990)

APPLICABILITY →

THE REIRA APPLIES TO ALL
FEDERAL LAW, AND IMPLEMENTATION
OF THAT LAW, WHETHER
(STATUTORY OR OTHERWISE), INCLUDING
ANY FEDERAL STATUTORY OR
LAWS ADOPTED AFTER THE REIRAS
DATE OF SIGNING UNLESS SUCH
LAW ~~INCLUDES~~ EXPLICITLY
EXCLUDES SUCH APPLICATION.

THE CALIFORNIA STATE
CONSTITUTION SEC 2, 8310.3
CALIFORNIA RELIGIOUS FREEDOM
ACT.

CALIF. CONSTITUTION

Sec. 2 (c)

CALIFORNIA MUST UPHOLD THE PROTECTION OF RELIGIOUS FREEDOM ENSURED IN THE UNITED STATES CONSTITUTION FOR ALL OF ITS PEOPLE, AND THE STATE HAS A MORAL OBLIGATION TO PROTECT ITS CITIZENS FROM ~~REED~~ RELIGIOUS PERSECUTION.

(d) SECTION 4 OF ARTICLE I OF THE CALIFORNIA CONSTITUTION GUARANTEES THE FREE EXERCISE AND ENJOYMENT OF RELIGION WITHOUT DISCRIMINATION OR PREFERENCE.

Sec. 2. 8310.3.(a)

THIS SECTION SHALL BE KNOWN AND MAY BE CITED, AS THE CALIFORNIA RELIGIOUS FREEDOM ACT.

(b) NOTWITHSTANDING ANY OTHER LAW, A STATE OR LOCAL AGENCY OR PUBLIC EMPLOYEE ACTING UNDER COLOR OF LAW (3)

SHALL NOT

(1) C SECTION (2)

USE AGENCY MONEY, FACILITIES,
PROPERTY, EQUIPMENT, OR
PERSONNEL TO INVESTIGATE,
(ENFORCE), OR ASSIST IN THE
INVESTIGATION OR (ENFORCEMENT)
OF ANY CRIMINAL, CIVIL, OR
ADMINISTRATIVE VIOLATION,
OR WARRANT FOR A VIOLATION,
(OF ANY REQUIREMENT THAT
INDIVIDUALS REGISTER WITH
THE FEDERAL GOVERNMENT,
OR ANY FEDERAL AGENCY)
BASED ON RELIGIOUS BELIEF
OR (PRACTICES), OR AFFILIATION
(NATIONAL ORIGIN), OR ETHNICITY.

↓
(2) Furthermore I AM
ALSO HERE TO EXERCISE MY
14th AMENDMENT RIGHT.
(UNDER THE NATURALIZATION
ACT OF 1906). WHICH GIVE ME
ME RIGHT TO CLAIM MY (4)

PROPER NATIONALITY. MY
FAMILY DIDNT COME HERE
AS SLAVES MY GREATEST
GRANDFATHER WAS A MERCHANT
MARINE FROM THE EMPIRE
OF MOROCCO, SO MY LINEAGE
IS MOROCCAN WHICH MAKES
ME A MOOR. I AM NOT A
BLACK MAN, ^{BECAUSE} THERE IS NO
SUCH COUNTRY AS BLACK.

THE 1780 NATURALIZATION
ACT, LIST, FREE WHITE PERSONS,
NORTH AFRICAN, SICILIAN, SPANISH
PORTUGUESE, ~~MOROCCAN~~ MOORS
ARE ON THIS LIST, SO I AM
NOT A SUBJECT I AM A
CITIZEN. A FREE MAN WITH
MY ~~OWN~~ GUARANTEES OF
FREEDOM UPHOLD AND BACKED
BY THE "1787 TREATY OF PEACE
AND FRIENDSHIP" BETWEEN
THE UNITED STATES AND MY
FAMILIES ORIGINAL HOME LAND
MOROCCO. THE EMPIRE OF
MOROCCO WAS THE FIRST TO
DO TRADE AND COMMERCE (5)

WITH THE UNITED STATES.
THE TREATY WAS SIGNED
BY BARCLAY, THOMAS
JEFFERSON, AND JOHN ADAMS
~~AND JOHN~~ AND MUHAMMAD
III THE SULTAN OF MOROCCO.
~~THE TREATY IS STILL~~
THIS TREATY SUPERSEDES
OUR CONSTITUTION BEING AN
AGREEMENT BETWEEN 2
COUNTRIES AS WHILE THE
CONSTITUTION APPLIES ONLY
TO THE U.S. AND THIS TREATY
IS STILL ACTIVE TODAY. SO
AS A FREE AND SOVEREIGN MAN,
A MOOR ~~WHO~~ I HAVE THE
RIGHT TO CLAIM AND
EXERCISE MY RIGHTS ACCORDING
TO THE ~~TREATY~~ TREATY OF PEACE
AND FRIENDSHIP.
~~AND~~ WITH THAT SAID I WOULD
ASK YOU TO READ.

SEC 2, ARTICLE 4, OF SAID
TREATY.

Sec. 2 Article 4
CONCERNING LEGAL
MATTERS:

FOR ALL LEGAL MATTERS
A MOOR CANNOT BE ~~ACCUSED~~
ACCUSED OR HELD FOR A
VIOLATION OF A POLITICAL CODE
AND MUNICIPAL CIVIL LAW CODE,
SUCH AS THE UNIFORM COMMERCIAL
CODES, OR PENAL LAW CODE
~~BECAUSE~~ A MOOR IS A NATURAL
INDIVIDUAL WHICH MUST ADHERE
TO ~~NATURAL LAW~~ THE ONLY
TRUE LAW, UNIVERSALLY UNDERSTOOD
TO BE NATURAL LAW. HOWEVER,
A MOOR WHO HAS BEEN FOUND
IN VIOLATION OF A NATURAL
LAW, SUCH AS AND INDIVIDUAL
~~WHO~~ HAS BEEN HARMED UNJUSTLY
AND WITHOUT CAUSE WILL BE
HELD ACCOUNTABLE FOR
SUCH INJURY BY THE INJURED
PARTY, AND IF GUILT IS FOUND
FINES AND PUNISHMENT WILL BE
GIVEN BY THE AZIZAN
MOORISH COUNCIL OF 12.

THE DEFINITION OF NATURAL
LAW. ~~IS~~

NATURAL LAW IS A PHILOSOPHY
ASSERTING THAT CERTAIN
RIGHTS ARE INHERENT BY
VIRTUE OF HUMAN NATURE
ENDOWED BY NATURE;
TRADITIONALLY GOD OR A
TRANSCENDENT SOURCE, AND CAN
BE UNDERSTOOD UNIVERSALLY
THROUGH HUMAN REASON. AS
DETERMINED BY NATURE, THE
LAW OF NATURE IS IMPLIED
TO BE UNIVERSAL, ~~AND~~ EXISTING
INDEPENDENTLY OF THE
POSITIVE LAW OF A GIVEN STATE,
POLITICAL ORDER, LEGISLATURE
OR SOCIETY AT LARGE.

DECLARATIONISM, A LEGAL
PHILOSOPHY CONSIDERED TO ~~BE~~
TO VIOLATE THE SUPREMACY
CLAUSE ~~OF~~ AND THE ANTI
ESTABLISHMENT CLAUSE OF
U.S. CONSTITUTION, ARGUES
THAT THE FOUNDING OF THE ⁽³⁾

UNITED STATES IS BASED ON NATURAL LAW. BECAUSE OF THE INTERSECTION BETWEEN NATURAL LAW AND NATURAL RIGHTS, NATURAL LAW HAS BEEN CITED AS A COMPONENT IN THE U.S. DECLARATION OF INDEPENDENCE, AND CLAIMED BY NATURAL LAW PROponents THUS TO BE INCORPORATED INTO ITS OWN CONSTITUTION, AS WELL AS IN THE "FRENCH DECLARATION OF ~~INDEPENDENCE~~ THE RIGHTS OF MAN AND OF CITIZEN (1789)".
"SEE" LAWS OF NATURE" FIRST PARAGRAPH, DECLARATION OF INDEPENDENCE.

THE TREATY OF PEACE AND
FRIENDSHIP WAS WRITTEN
USING ^{COMMON LAW} MARITIME LAW. THE
COUNTY OF LAKE IS A
CORPORATION BOUND BY
MARITIME LAW. SO THE
TREATY APPLYS TO THIS
COUNTY CORPORATION. I WILL
NOT HAVE MY CONSTITUTIONAL
RIGHTS VIOLATED OR MY
FREEDOMS, GUARANTEED BY
THE TREATY OF PEACE AND
FRIENDSHIP OF 1787, TAKEN
AWAY FROM ME. THE
UNITED STATES IS IN A
WIBED PLACE IN HISTORY
RIGHT NOW. SO YOU MIGHT
TRY TO IGNORED MY CONSTITUTIONAL
RIGHTS, BUT I CHALLENGE
YOU TO TRY AND IGNORE
AN INTERNATIONAL TREATY
AND MY CLAIM TO IT. I
HAVE NOT BROKEN THE PEACE
OR INJURED ANOTHER PERSON
UNJUSTLY NOR HAVE I BROKEN
ANY NATURAL LAW. SO AS A ⑨

SO AS A CITIZEN OF THE
UNITED STATES OF AMERICA
AS WELL AS A DESCENDANT OF
THE MOORISHAN EMPIRE, I
DEMAND THIS CASE BE
DISMISSED BECAUSE NO
CRIME HAS OR IS BEING
COMMITTED. I ALSO HAVE NO
SIGNED BINDING CONTRACTS
WITH THE COUNTY OF LAKE.
IF MY RIGHTS ARE IGNORED
I WILL TAKE MY APPEAL
AND PROTEST TO A HIGHER
COURT.

THANK-YOU
FOR YOUR CONSIDERATION.

~~4/11/17~~ ~~THURMON~~

ADMIN OF: BRUCE E. THURMON II