

MINUTES

CITY OF CLEARLAKE CITY COUNCIL & REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING APRIL 13, 2017

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

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

(1) CONFERENCE WITH LABOR NEGOTIATORS: Agency designated representatives: City Manager Greg Folsom; Employee organization: Clearlake Municipal Employees Association, Clearlake Police Officers Association, Clearlake Middle Management Association and Clearlake Management Employees

(2) LIABILITY CLAIMS: Government Code Section 54956.9 and 54961 Claimant: Rosa Aleman

(3) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: (Government Code Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Case No. EAMS ADJ9170309 Mosqueda v. City of Clearlake

ACTION: It was moved by Councilmember Harris and seconded by Councilmember Bennett to reject the Claim of Rosa Aleman. The motion passed with a unanimous roll call vote. There was no other reportable action of the Council in Closed Session.

There being no further business of the Council, Closed Session adjourned at 5:55 p.m.

CALL TO ORDER REGULAR CITY COUNCIL MEETING: 6:02 P.M.

Roll Call.	Present:	Russell Perdock, Mayor Bruno Sabatier, Vice Mayor Nick Bennett, Councilmember Phil Harris, Councilmember Joyce Overton, Councilmember
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Staff: Greg Folsom, City Manager
Ryan Jones, City Attorney
Tim Celli, Police Lieutenant
Melissa Swanson, City Clerk
Chris Becnel, Director of Finance
Tina Viramontes, Code Enforcement Officer
Chelsea Banks, Code Enforcement Technician

INVOCATION

Pastor Jim Lujan gave the invocation.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

There were no changes to the agenda.

PRESENTATION

1. Presentation of a Proclamation Declaring April 2017 as Child Abuse Prevention Month
2. Presentation of a Proclamation Declaring April 9 – 15, 2017 as Public Safety Telecommunications Week

PUBLIC COMMENT

There was no public comment

Consent Items

Recommended Action

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| 3. Warrant Registers | Receive and file |
| 4. Minutes of the March 8, 2017 LCVCD Board Meeting | Receive and file |
| 5. Request for approval regarding disposal of used police vehicle surplus; Resolution No. 2017-16 | Adopt resolution |
| 6. Request for approval regarding sale of firearms to sworn Clearlake Police Officers; Resolution No. 2017-18 | Adopt resolution |
| 7. Approving the Issuance of Refunding Bonds to Refund the Outstanding Bonds of the Dissolved Clearlake Redevelopment Agency | Approve Resolution No. SA-2017-03 Approving the Issuance of Refunding Bonds to Refund the Outstanding Bonds of the Dissolved Clearlake Redevelopment Agency, Approving the Execution of a Form of Indenture of Trust Relating thereto and Requesting Oversight Board |

Approval of the Issuance of the Refunding Bonds, Requesting Certain Determinations by the Oversight Board, and Providing for other Matters Properly Relating Thereto

Adopt resolution

8. Consideration of Resolution Clarifying the Numbering of Ordinances Dealing with Telecommunications Towers, Shopping Carts, and Marijuana Cultivation; Resolution No. 2017-20

9. Award of Professional Engineering Services Contract for the Dam Road Extension Project

Award contract and authorize City Manager to sign contract with Coastland Civil Engineering for Design Services for Dam Road Extension Project in the amount of \$107,739

ACTION: Vice Mayor Sabatier pulled Item #5 and Item #9 for separate discussion and action.

ACTION: It was moved by Councilmember Overton and seconded by Vice Mayor Sabatier to approve Items 3, 4, 6, 7, and 8 on the Consent Calendar as presented. The motion passed with a unanimous voice vote.

5. Request for approval regarding disposal of used police vehicle surplus; Resolution No. 2017-16

City Manager Folsom gave the staff report.

ACTION: It was moved by Vice Mayor Sabatier and seconded by Councilmember Overton to approve Resolution No. 2017-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE AUTHORIZING THE POLICE DEPARTMENT TO SURPLUS AND SCRAP EIGHT(8) VEHICLES, and read it by title only. The motion passed with a unanimous voice vote.

9. Award of Professional Engineering Services Contract for the Dam Road Extension Project

City Manager Folsom and Public Works Director Herren gave the staff report.

ACTION: It was moved by Vice Mayor Sabatier and seconded by Councilmember Harris to award the contract and authorize the City Manager to sign the contract with Coastland Civil Engineering for Design Services for Dam Road Extension Project in the amount of \$107,739. The motion passed with a unanimous voice vote.

PUBLIC HEARING

10. Public Hearing to Introduce and Hold the First Reading of Ordinance No. 196-2017, An Ordinance of the City Council of the City of Clearlake Adding Article 5-24 to the Clearlake Municipal

Code Entitled “Marijuana Dispensary Regulations” and Repealing Article 5.20 of the Clearlake Municipal Code Entitled “Medical Marijuana Dispensary Regulations”

City Manager Folsom gave the staff report.

Mayor Perdock opened the Public Hearing at 6:33 p.m.

Adelia Leonard spoke in favor of the ordinance.

Pastor Jim Lujan spoke in favor of not allowing consumption in dispensaries.

Chris Jennings spoke in favor of the ordinance.

Paula Bower Falco spoke in favor of the ordinance.

Michael Green spoke in favor of the ordinance.

Mayor Perdock closed the Public Hearing at 6:40 p.m.

Minor changes to the Ordinance were approved by consensus of the Council.

ACTION: It was moved by Vice Mayor Sabatier and seconded by Councilmember Harris to introduce and hold the first reading of Ordinance No. 196-2017, An Ordinance of the City Council of the City of Clearlake Adding Article 5-24 to the Clearlake Municipal Code Entitled “Marijuana Dispensary Regulations” and Repealing Article 5.20 of the Clearlake Municipal Code Entitled “Medical Marijuana Dispensary Regulations,” with amendments, read it by title only, waive further reading and hold second reading and adoption of the ordinance at the regular meeting of April 27th. The motion passed with a 4-1 roll call vote, with Councilmember Bennett voting against.

11. Public Hearing to Introduce and Hold the First Reading of Ordinance No. 197-2017, An Ordinance of the City Council of the City of Clearlake Amending Article 18-9 of the Clearlake Municipal Code Entitled “Medical Marijuana Cultivation” and Retitling It “Personal Marijuana Cultivation,” Amending Article 18-10 Entitled “Public Nuisances Created By the Cultivation of Medical Marijuana” and Retitling It “Public Nuisances Created By Cultivation of Marijuana,” and Amending Article 18-11 Entitled “Administrative Penalties for Public Nuisances Created By Cultivation of Medical Marijuana” and Retitling It “Administrative Penalties for Public Nuisances Created By Cultivation of Marijuana”

City Manager Folsom gave the staff report.

Mayor Perdock opened the Public Hearing at 7:18 p.m.

Jeff Smith spoke against the language used to define the riparian zone of Borax Lake to prohibit growing within that area.

Vince Metzger spoke in favor of the ordinance.

Adelia Leonard spoke against the ordinance.

Michael Green spoke against the ordinance.

Mayor Perdock closed the Public Hearing at 7:37 p.m.

Minor changes to the ordinance were approved by consensus of the Council.

ACTION: It was moved by Vice Mayor Sabatier and seconded by Councilmember Harris to introduce and hold the first reading of Ordinance No. 197-2017, An Ordinance of the City Council of the City of Clearlake Amending Article 18-9 of the Clearlake Municipal Code Entitled "Medical Marijuana Cultivation" and Retitling It "Personal Marijuana Cultivation," Amending Article 18-10 Entitled "Public Nuisances Created By the Cultivation of Medical Marijuana" and Retitling It "Public Nuisances Created By Cultivation of Marijuana," and Amending Article 18-11 Entitled "Administrative Penalties for Public Nuisances Created By Cultivation of Medical Marijuana" and Retitling It "Administrative Penalties for Public Nuisances Created By Cultivation of Marijuana," with amendments as approved, read it by title only, waive further reading and hold second reading and adoption of the ordinance at the regular meeting of April 27th. The motion passed with a unanimous roll call vote.

ACTION: It was moved by Vice Mayor Sabatier to reconsider Item #10 for the purposes of discussion. The motion was approved with a unanimous voice vote.

Vice Mayor Sabatier discussed Item 10 to include language for minors who enter the dispensaries. He asked to add a minor could be allowed with a legal guardian into the dispensaries.

Mayor Perdock re-opened the Public Hearing at 8:33 p.m.

There was no public comment and Mayor Perdock then closed the Public Hearing.

ACTION: It was moved by Vice Mayor Sabatier and seconded by Councilmember Harris to include language in the ordinance to allow individuals over 18 with a medicinal marijuana recommendation in dispensaries, and allow minors under 18 in the dispensary if a legal guardian is present. The motion passed with a 4-1 roll call vote, with Councilmember Bennett voting against.

12. Public Hearing to Adopt Certain Findings and Approving Financing Terms and Related Loan Documents to Fund Energy Related Improvements at City Facilities

Director of Finance Becnel gave the staff report.

Mayor Perdock opened the Public Hearing at 8:35 p.m.

There was no comment on this item.

The Public Hearing was continued to the next regular meeting of April 27th.

13. Public Hearing to Adopt Certain Findings and Approving Energy Service Contract for Energy Related Improvements to City Facilities with Aircon Energy, Inc.

Director of Finance Becnel gave the staff report.

Mayor Perdock opened the Public Hearing at 8:36 p.m.

There was no comment on this item.

The Public Hearing was continued to the next regular meeting of April 27th.

CITY MANAGER AND COUNCILMEMBER REPORTS

FUTURE AGENDA ITEMS

ACTION: Vice Mayor Sabatier asked for and received consensus of the Council to invite Citizens Caring 4 Clearlake to present their Garden Tour at a future meeting.

ADJOURNMENT

There being no further business of the Council, the meeting was adjourned at 8:58 p.m.

Melissa Swanson, City Clerk