

**MINUTES
LAKEPORT CITY COUNCIL
REGULAR MEETING
November 6, 2007**

- I. **COUNCIL/STAFF WORKSHOP:** The Council/staff workshop commenced at 5:02 p.m.
Discussion and Possible Action: City Manager Gillham presented a 2008-2009 City of Lakeport Business Plan. The following five areas of emphasis were discussed: Economic Prosperity, Effective Governance, Special Projects, Infrastructure, and Livability. Public input was taken on each of these items.
The workshop concluded at 6:23 p.m.
- II. **CALL TO ORDER:** Mayor Parmentier called the regular meeting of the City Council of the City of Lakeport to order at 6:35 p.m. with Council Members Buzz Bruns, Robert Rumpfelt, Jim Irwin and Ron Bertsch present.
ROLL CALL:
- III. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Parmentier.
- IV. **ACCEPTANCE OF AGENDA:** A motion was made by Council Member Rumpfelt, seconded by Council Member Bruns, and unanimously carried by voice vote to add Resolution No. 2309 (2007) to the agenda as an urgency item in that it came up after the posting of the agenda and must be acted upon prior to the next City Council meeting. This will be Item D for the Consent Agenda. A motion was made by Council Member Rumpfelt, seconded by Council Member Bruns, and unanimously carried by voice vote to accept the agenda as amended.
- V. **CONSENT AGENDA:**
- A. **Ordinances:** Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per *Government Code* Section 36934.
- B. **Warrants:** Approve warrants as listed on the Warrant Register dated November 6, 2007.
- C. **Minutes:** Approve minutes of the regular City Council meeting of October 16, 2007, and the special meetings of October 24, 2007, and October 30, 2007.
- D. **Resolution No. 2039:** Adopt Resolution No. 2039 (2007) approving allocation of Supplemental Law Enforcement Services Fund (SLESF) expenditure for Fiscal Year 2007-2008.
- Vote on Consent Agenda:** A motion was made by Council Member Bruns, seconded by Council Member Rumpfelt, and unanimously carried by voice vote to approve the Consent Agenda as presented.
- VI. **PUBLIC PRESENTATIONS/
REQUESTS:**
- A. **Citizen Input** Suzanne Lyons read a letter from Andrea Anderson who is donating a web cam to the City of Lakeport.
Melissa Fulton and Melinda Miranda from the Lake County Rodeo Association made a presentation to the Public Works Department and Police Department for this assistance with this year's rodeo.
- B. **Applications:**
1. Application 2007-24 A motion was made by Council Member Bruns, seconded by Council Member Bertsch, and unanimously carried by voice vote to approve Application No. 2007-24 for the Silver Circle VW Club to hold a VW Car Show on Saturday, June 28, 2008, from 8:00 a.m. to 4:00 p.m.

VII. PUBLIC HEARINGS:

- A. Ordinance No. 868 (2007)** The public hearing to consider Ordinance No. 868 (2007) was opened at 6:47 p.m. Public input was taken from Debbe Blake and John Winslow. The public hearing was closed at 6:52 p.m.
- A motion was made by Council Member Bertsch, seconded by Council Member Rumfelt, and unanimously carried by voice vote to introduce Ordinance No. 868 (2007) amending Section 17.09.030 H, Section 17.09.050 I, and adding Subsection DD to Section 17.22.010 of the Lakeport Municipal Code (Zoning Ordinance), and set the matter for adoption at the November 20, 2007, regular meeting.
- B. Fire Mitigation Fees** A public hearing to consider fire mitigation fees at 6:55 p.m. There was no public input, and the hearing was closed at 6:56 p.m.
- A motion was made by Council Member Bruns, seconded by Council Member Bertsch, and unanimously carried by voice vote to make a finding that the report provided by the Lakeport Fire Department complies with the requirements of Ordinance 842, the Lakeport General Plan, and Government Code Section 66000, et seq., and that Lakeport Fire Protection District Resolution 0708-2 be approved.

VIII. ADOURN AS CITY COUNCIL AND RECONVENE AS CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT:

- A. Call to Order:
Roll Call:** Chair Parmentier called the regular meeting of the City of Lakeport Municipal Sewer District to order at 6:57 p.m. with Board Members Buzz Bruns, Robert Rumfelt, Jim Irwin and Ron Bertsch present.
- B. Public Hearing**
1. Resolution No. 2308 Utilities Superintendent Mark Brannigan reported on the background of what led up to the need for this resolution. The City received only 12 written protests. The public hearing opened at 7:00 p.m. There were a few questions from the audience, and the public hearing was closed at 7:08 p.m. A motion was made by Board Member Bertsch, seconded by Board Member Bruns, and unanimously carried by voice vote to adopt Resolution No. 2308 (2007).
- C. Adjourn from CLMSD:** At 7:09 p.m., the meeting was adjourned from CLMSD.

IX. COUNCIL BUSINESS:

- A. City Engineer:**
1. Contract Change Order #2 A motion was made by Council Member Rumfelt, seconded by Council Member Bruns, and unanimously carried by voice vote to approve Contract Change Order #2 in the amount of \$133,777.95 authorizing Granite Construction to perform the work detailed in Field Order #1 in accordance with the plans and specifications and authorize the Mayor to sign the Contract Change Order.
- B. Police Chief:**
1. Ordinance No. 870 Judy Thein addressed the City Council regarding this proposed ordinance regarding underage drinking. Adam Garcia from the California High Patrol spoke in favor of the ordinance. Mike Blake indicated that he would like to see violations of the ordinance be reported to the DMV, but the state is the only one with the jurisdiction to do this. A motion was made by Council Member Rumfelt, seconded by Council Member Bruns, and unanimously carried by voice vote to introduce Ordinance No. 870 (2007) and set it for a second reading and public hearing on December 4, 2007.
- C. Community Development Director:**
1. Nuisance Property Complaints Community Development Director Knoll gave a report regarding complaints that were received regarding the La Fiesta Market at 430 South Main Street. Clean up has occurred, and the owners have been cooperative.

A letter has been sent to the property owner at 525 Esplanade regarding various nuisances at his address. That property owner, Jim Bacci, was present and reported that he has cleaned up some of the problems. City Manager Gillham indicated that Mr. Bacci needs to sit down with staff to develop a timeline for the work that needs to be completed. If the work is not completed within the timeline, staff will take appropriate action. David Marantette is a neighbor on Esplanade and was there to thank the staff for their work at La Fiesta Market but still wants to see more enforcement done at 525 Esplanade. Marie Edmundson, a neighbor, reported that Jim Bacci has made attempts and would like to support giving him some time to clean up his property.

2. Appeal of Ron Bertsch

Council Member Bertsch stepped down during the discussion of this matter. A motion was made by Council Member Bruns, seconded by Council Member Rumpfelt, and unanimously carried by voice vote to uphold the appeal of Ron and Barbara Bertsch and overturn the decision of the Planning Commission regarding the request for a Variance to allow the construction of a detached secondary accessory dwelling unit within the rear setback area (5') at 25 "C" Street (APN 025-501-40). Approval of the Variance is based on the following findings:

(a) The strict application of this Code deprives the property of privileges enjoyed by other properties in the vicinity. There are no other parcels in the area which share this condition. There are special circumstances applicable to the property, including its size and shape which justify the Variance. The lot has its street frontage on "C" Street, however, the house faces the lake to the east, making what would normally be its side yard, the rear yard, thus requiring a 10' setback;

(b) Granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and denied to the property for which the variance is sought, there is a property to the immediate south side of the subject site which has a reduced setback along the common property line;

(c) Granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located as documented by the fact that the Lakeport County Fire Protection District indicated that there was "no problem for the Fire District." In addition, the Public Works Department also reviewed the request and offered no objections. The City Engineer indicated that he does not have any health, safety, or engineering concerns regarding the proposal. Notice of the proposal was provided to all property owners within 300' of the project site. Existing uses in the vicinity include a small single family dwelling to the west; the Will-O-Point campground, City of Lakeport sewer pump station, and the former produce sales business to the north and northwest; Lake County Vector Control offices to the immediate south; and single family dwellings further south and southwest. No inquiries or objections were received from adjacent property owners;

(d) Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located, because City records indicate there are no other properties zoned R-5 Resort/Residential in the vicinity of the subject property that are developed with a second unit;

(e) Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel because secondary units were subject to the discretionary approval of a zoning permit when the Planning Commission approved the applicant's request in 2001. Current zoning regulations do not address secondary accessory dwelling units in the R-5 District because new single family

dwellings are no longer allowed in the R-5 District. Notwithstanding the proposed variance, the construction of a second unit was authorized by the zoning regulations in effect when the proposal approved by the Planning Commission in 2001;

(f) Granting the variance will not be inconsistent with the Lakeport General Plan because the site is designated Resort Residential according to the City's General Plan Land Use Map which is consistent with its current R-5 Resort Residential zoning designation. The R-5 Zoning District allows high density residential uses including triplexes, fourplexes and apartments and sets forth a maximum residential density of approximately 29 dwelling units per acre. The subject property contains approximately 10,000 square feet of usable area (and more than an acre of total area) which means that two dwelling units would be well below the maximum allowable density. There is no indication that the construction of a second unit within a portion of the required rear yard setback will conflict with any provisions of the City's General Plan.

X. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any

Doug Grider reported that South Main Street paving was completed today. Mark Brannigan introduced his niece, Cassie, who is working on her senior project.

City Attorney Brookes reported that staff is talking with bond counsel regarding funding to pay back inter-agency borrowing.

Council Member Bruns reported that he met with Senator Wiggins at a luncheon today.

Council Member Rumpfelt asked about turkeys for the employees.

Council Member Rumpfelt reported that the Chamber and Main Street Association is proceeding with the Christmas Decorating Contest.

Council Member Bertsch will be attending the Westside Park meeting and the APC meeting. He will be helping with decorating the City Christmas tree more than it has been done in the past.

Mayor Parmentier will be at the APC meeting on Friday.

XI. CLOSED SESSION:

At 8:02 p.m., the meeting was adjourned to a closed session pursuant to *Government Code §54571*, Title: City Manager.

XII. REPORT FROM CLOSED SESSION:

At 9:05 p.m. the meeting was convened in open session.

XIII. ADJOURNMENT:

There being no further business, Mayor Parmentier adjourned the meeting at 9:05 p.m.

ATTEST

APPROVED

JANEL M. CHAPMAN, City Clerk

ROY PARMENTIER, Mayor