AGENDA
REGULAR MEETING OF THE LAKEPORT CITY COUNCIL
(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE FORMER LAKEPORT REDEVELOPMENT AGENCY)
Tuesday, September 18, 2018
City Council Chambers, 225 Park Street, Lakeport, California 95453

Any person may speak for three (3) minutes on any agenda item; however, total public input per item is not to exceed 15 minutes, extended at the discretion of the City Council. This rule does not apply to public hearings. Non-timed items may be taken up at any unspecified time.

CLOSED SESSION: 5:15 p.m.
1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8)
   910 Bevins Street, APN 025-472-03
   Agency Negotiator: City Manager Silveira
   Negotiating Party: Jeff Lear
   Under Negotiation: Price and Terms of Payment

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8)
   902 Bevins Court, APN 025-462-11
   Agency Negotiator: City Manager Silveira
   Negotiating Party: Tribal Health
   Under Negotiation: Price and Terms

I. CALL TO ORDER & ROLL CALL:
   6:00 p.m.

II. PLEDGE OF ALLEGIANCE:

III. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:
Move to accept agenda as posted, or move to add or delete items.

To add item, Council is required to make a majority decision that an urgency exists (as defined in the Brown Act) and a 2/3rds determination that the need to take action arose subsequent to the Agenda being posted.

IV. CONSENT AGENDA:
The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this 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. Minutes:
   Approve minutes of the City Council special meeting of August 29, 2018, and the regular meeting of September 4, 2018.

C. Renew Emergency Resolution:
   Confirm the continuing existence of a local emergency in the City of Lakeport.

D. Ordinance Introduction:
   Approve the first reading of the proposed Ordinance amending Sections 3.05.011 and 3.05.013 of Chapter 3.05 to the Lakeport Municipal Code to comply with the Uniform Public Construction Cost Accounting Act.

E. Side Letter:
   Adopt a resolution approving the addendum to the Compensation and Benefits Program for the City of Lakeport Unrepresented Employees and providing these terms to the City Manager

V. PUBLIC PRESENTATIONS/REQUESTS:
A. Citizen Input:

   Any person may speak for 3 minutes about any subject within the authority of the City Council, provided that the subject is not already on tonight’s agenda. Persons wishing to address the City Council are required to complete a Citizen’s Input form and submit it to the City Clerk prior to the meeting being called to order. While not required, please state your name and address for the record. NOTE: Per Government Code §54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda.

B. Presentation: Sutter Lakeside Hospital
   Dan Peterson, Chief Administrative Officer of Sutter Lakeside will give an update on the hospital and its response to the wildfires.

VI. COUNCIL BUSINESS:
A. Police Chief


B. Public Works Director

1. Bid Award: Award a construction contract to Granite Construction Company for the Lakeshore Blvd Roadway Repair Project

VII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

VIII. ADJOURNMENT:

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk’s Office at 225 Park Street, Lakeport, California, during normal business hours. Such documents are also available on the City of Lakeport’s website, www.cityoflakeport.com, subject to staff’s ability to post the documents before the meeting.

The City of Lakeport, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk’s Office, (707) 263-5615, 72 hours prior to the scheduled meeting to ensure reasonable accommodations are provided.

Hilary Britton, Deputy City Clerk
ROLL CALL AND CALL TO ORDER: Mayor Turner called the meeting to order at 5:15 p.m., with Council Members Barnes, and Mattina present. Council Members Parlet and Spurr were absent.

APPLICATION 2018-027: City Manager Silveira gave a report on the application.

A motion was made by Council Member Mattina, seconded by Council Member Barnes, and unanimously carried by voice vote, with Council Members Parlet and Spurr absent, to approve Application 2018-027, with staff recommendations, for the 2018 Lake County Fair Parade, to be held 08/30/2018.

ADJOURNMENT: Mayor Turner adjourned the meeting at 5:17 p.m.

____________________________________
Mireya G. Turner, Mayor

Attest:

_______________________________
Kelly Buendia, City Clerk
MINUTES
REGULAR MEETING OF THE LAKEPORT CITY COUNCIL
(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESOR AGENCY TO THE FORMER LAKEPORT REDEVELOPMENT AGENCY)
Tuesday, September 4, 2018
City Council Chambers, 225 Park Street, Lakeport, California 95453

Any person may speak for three (3) minutes on any agenda item; however, total public input per item is not to exceed 15 minutes, extended at the discretion of the City Council. This rule does not apply to public hearings. Non-timed items may be taken up at any unspecified time.

CLOSED SESSION:
Mayor Turner called the meeting to order at 5:16 p.m. Mayor Turner adjourned the meeting to closed session at 5:16 p.m. to discuss:

1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6)
   Name of City Negotiator to Attend Closed Session: Margaret Silveira
   Employee Organizations:
   a. Unrepresented Management
   b. City Manager

REPORT OUT OF CLOSED SESSION:
Mayor Turner advised there was no reportable action out of Closed Session.

I. CALL TO ORDER & ROLL CALL:
Mayor Turner called the meeting to order at 6:01 p.m. with Council Member Barnes, Council Member Mattina, Council Member Spurr, Council Member Parlet, and Mayor Turner present.

II. PLEDGE OF ALLEGIANCE:
The Pledge of Allegiance was led by Dan Peterson.

III. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:
There were no Urgency Items.

A motion was made by Council Member Mattina, seconded by Council Member Spurr, and unanimously carried by voice vote to accept agenda as posted.

IV. CONSENT AGENDA:
The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this 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. Minutes:
   Approve minutes of the City Council regular meeting of August 21, 2018.

C. Warrants:
   Approve the warrant register of August 31, 2018.

D. Grand Jury Report:
   Review and file FY 2017-18 Civil Grand Jury Report Response

E. Abandoned Vehicle Abatement:
   Adopt the proposed amendment to the Abandoned Vehicle Abatement Service Authority Joint Exercise of Powers Agreement to add a fifth voting member selected at large by the Service Authority.

Vote on Consent Agenda:
A motion was made by Council Member Spurr, seconded by Council Member Barnes, and unanimously carried by voice vote to approve the Consent Agenda, items A-E.

V. PUBLIC PRESENTATIONS/REQUESTS:
A. Citizen Input:
   Michael Green read a letter regarding public records requests as related to cannabis business permits and asked if the City Council would bring this item back for discussion.

   Kim Beall wanted to discuss tourism and some poor conditions found at a local hotel.

   Suzanne Lyons shared a sign displaying the route for the city walking path which will be placed in Library Park.
David Velasquez from the Soper Reese Theatre advised the Council about an upcoming fund-raising concert and also requested the City consider a second site for street banners in addition to the Soper-Reese Site.

B. New Employees:

Public Works Director Grider introduced new employees Kris Perkins and Utilities Superintendent Harris introduced new employee Jonathan Ohlen.

C. Proclamation:

Mayor Turner presented a proclamation in honor of Gerald “Gerry” Mills, longtime member of the Lakeport Fire Protection District Board of Directors, on his retirement of the Board.

D. Proclamation:

Mayor Turner presented a proclamation of gratitude to the Lakeport Fire Protection District for their service during the recent wildfires.

E. Presentation: Sutter Lakeside Hospital

Due to some technical issues, Dan Peterson, requested opportunity to present at a future meeting.

VI. COUNCIL BUSINESS:

A. Administrative Services Director

1. ADA Grievance Policy:

Administrative Services Director Buendia presented the staff report.

A motion was made by Council Member Mattina, seconded by Council Member Parlet, and unanimously carried by voice vote to adopt the proposed resolution adopting a Grievance Procedure under the American Disabilities Act, Notice under the Act, and designate the Administrative Services Director as the ADA Coordinator.

B. Public Works Director

1. Authorization to Purchase a Skip Loader:

The staff report was presented by Public Works Director Grider.

A motion was made by Council Member Parlet, seconded by Council Member Mattina, and unanimously carried by voice vote to authorize the City Manager to sign the associated purchase order and purchase agreement for a John Deere 210L Skip Loader.

C. City Manager

1. Prop 6:

City Manager Silveira asked Mayor Turner, who is a former member of the League of California Cities Transportation Committee, to speak to this item. Mayor Turner gave a report.

A motion was made by Council Member Mattina, seconded by Council Member Parlet, and unanimously carried by voice vote to adopt a resolution supporting opposition to Proposition 6, “Repeal of the Road Repair and Accountability Act”, which will appear on the November 6, 2018 Ballot

2. League of California Cities Resolution Packet:

The staff report was presented by City Manager Silveira.

A motion was made by Council Member Spurr, seconded by Council Member Parlet, and unanimously carried by voice vote to direct the City of Lakeport’s voting delegate to the League of California Cities Annual Conference to support the two (2) Resolutions provided in the Annual Conference Resolutions Packet.

VII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

City Manager Silveira had no report.

City Attorney Ruderman had no report.

Public Works Director Grider reported that the 11th Street and South Main Street projects will be finished up within the next two weeks.

Finance Director Walker had no report.
Utilities Superintendent Harris had no report.

Police Chief Rasmussen reported that today is the anniversary of the death of J.R. Mendagorin and stated that our thoughts and prayers are with the family.

Community Development Director Ingram had no report.

Administrative Services Director/City Clerk Buendia had no report.

Council Member Barnes had no report.

Council Member Mattina reported that she looks forward to National Night Out on September 17. She said that the school board meeting will take place on Thursday where they will be reviewing the bond projects.

Council Member Spurr reported that the Seaplane Splash In is this week.

Council Member Parlet had no report.

Mayor Turner reported will be joining staff at the Ukiah City council meeting tomorrow to thank them for the mutual aid that they supplied during the fires and Thursday is the Mendocino College Welcome Back BBQ event.

VII.  ADJOURNMENT:

Mayor Turner adjourned the meeting at 6:51 p.m.

________________________________________________________________________

Mireya G. Turner, Mayor

Attest:

________________________________________________________________________

Kelly Buendia, City Clerk
### STAFF REPORT

<table>
<thead>
<tr>
<th>RE: Continuation of Local Emergency Declaration</th>
<th>MEETING DATE: 09/18/2018</th>
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<tr>
<td>SUBMITTED BY: Margaret Silveira, City Manager</td>
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**PURPOSE OF REPORT:**  
☐ Information only  ☑ Discussion  ☑ Action Item

### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review the need to continue the proclamation declaring a Local State of Emergency due to conditions of extreme peril as a result of the River Fire, re-named along with the Ranch Fire, the Mendocino Complex fire and provide direction.

### BACKGROUND/DISCUSSION:

On July 28, 2018, the Director of Emergency Services for the City of Lakeport declared a local State of Emergency in connection with the conditions of extreme peril to the safety of persons and property within the city as a result of the River Fire, re-named the Mendocino Complex fire in combination with the Ranch Fire. In accordance with the Emergency Services Act Section 8630(b) and Lakeport Municipal Code section 2.28.130, the City Council ratified the declared emergency on July 30, 2018 under Resolution 2679 (2018). Under Lakeport Municipal Code section 2.28.150, the City Council shall review, at least every 14 days the need for continuing the emergency declaration until the local emergency is terminated.

The City Council, at a Special Meeting on August 13, 2018, continued the emergency declaration via Resolution 2680 (2018). The City Council subsequently continued the emergency declaration on August 21, 2018. Since a need still exists for the declaration, Council is asked to review and continue the declaration. Should the need continue, staff will return this item at the next regularly scheduled City Council meeting.

### OPTIONS:

Approve the need for the continuation of the proclamation declaring a Local State of Emergency due to Mendocino Complex fire; or proclaim the termination of the Local State of Emergency

### FISCAL IMPACT:

☐ None  ☐ $  ☐ Budgeted Item? ☐ Yes  ☐ No  

Budget Adjustment Needed? ☐ Yes  ☐ No  
If yes, amount of appropriation increase: $  

Affected fund(s): ☐ General Fund  ☐ Water OM Fund  ☐ Sewer OM Fund  ☐ Other:
Comments:

**SUGGESTED MOTIONS:** Move to confirm the continuing existence of a local emergency in the City of Lakeport.

- **Attachments:**
  1. Resolution No. 2679 (2018)
RESOLUTION NO. 2679 (2018)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT RATIFYING THE DIRECTOR OF EMERGENCY SERVICES’ PROCLAMATION OF A LOCAL EMERGENCY IN THE CITY OF LAKEPORT

WHEREAS, Chapter 2.28 of the Lakeport Municipal Code, adopted as Ordinance Number 832 of the City of Lakeport empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City of Lakeport is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this City as a result of a fire commencing on or about 1:01 p.m. on the 27th day of June, 2018, called the River Fire and later re-named the Mendocino Complex along with the Ranch Fire, which commenced on or about 12:05 p.m. on the 27th day of July, 2018, at which time the City Council of the City of Lakeport was not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services of the City of Lakeport, did proclaim the existence of a local emergency within the City on the 28th day of July, 2018; and

WHEREAS, the Governor of the State of California proclaimed a state of emergency in the Lake County as a result of the Mendocino Complex on the 28th day of July, 2018; and

WHEREAS, the City Council does hereby find that aforesaid conditions of extreme peril did warrant and necessitate the proclamation of existence of a local emergency.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the City Council hereby proclaims a local emergency due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Lakeport; and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Services’ Proclamation of Existence of a Local Emergency is hereby ratified and confirmed; and

IT IS FURTHER RESOLVED AND ORDERED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Lakeport; and

IT IS FURTHER RESOLVED AND ORDERED that during the existence of this local emergency the powers, functions and duties of the Disaster Council of the City of Lakeport and its Director of Emergency Services shall be those prescribed by state law, and by the ordinances and resolutions of this City; and
IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER ORDERED that Margaret Silveira, Director of Emergency Services of the City of Lakeport, is hereby designated as the authorized representative of the City of Lakeport for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance.

This resolution shall be effective upon its adoption.

THIS RESOLUTION was passed by the City Council of the City of Lakeport at a special meeting thereof on the 30th day of July, 2018, by the following vote:

AYES:  
NOES:  
ABSTAINING:  
ABSENT:

MIREYA G. TURNER, Mayor

ATTEST:

KELLY BUENDIA, City Clerk
STAFF REPORT

RE: Revision of the State of California Uniform Construction Cost Accounting Ordinance

MEETING DATE: 9/18/18

SUBMITTED BY: Nicholas Walker, Finance Director

PURPOSE OF REPORT: □ Information only □ Discussion □ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The Council and Board of Directors are being asked to approve the first reading of the ordinance including changes to the Uniform Public Construction Cost Accounting Act (UPCCAA).

BACKGROUND/DISCUSSION:

The City has opted into the UPCCAA, which allows public agencies more leeway in the execution of public works projects; speeds up the award process; expedites project delivery; reduces the time, effort and expense associated with bidding small projects; and simplifies administration. Due to changes in regulations and recent events, staff has prepared revisions to the ordinance to ensure compliance with applicable laws and regulations of the Uniform Cost Accounting Policies and Procedures (UCAPP). The UCAPP program, promulgated by the California Uniform Construction Cost Accounting Commission (Commission), is a comprehensive set of policies and procedures based on the accounting requirements of the Uniform Public Construction Cost Accounting Act (Act) of 1983.

The UCAPP and the Act were created in 1983 to allow local agencies to perform, or procure contract services to perform, public works projects without the need to engage in formal bidding requirements, up to certain dollar thresholds, so long as an agency adopts and practices cost accounting procedures outlined in the Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission (Manual). Recent changes to accounting policies and procedures under the act are as follows:

1. Public projects of $60,000 or less using a negotiated contract or standard purchase order,
2. Projects of or below $200,000 by negotiated contract pursuant to the Act (PCC § 22032(b)), or
3. Projects in excess of $200,000 by formal bidding procedures pursuant to the Act (PCC § 22032(c)).

OPTIONS:
1. Conduct the first reading of Ordinance No. XXX amending Sections 3.05.011 and 3.05.013 of Chapter 3.05 to the Lakeport Municipal Code to comply with the Uniform Public Construction Cost Accounting Act.

2. Do not adopt but provide direction to staff.

FISCAL IMPACT:

☒ None  ☐ Undetermined  ☐ Budgeted Item?  ☐ Yes  ☐ No

Budget Adjustment Needed?  ☐ Yes  ☒ No  If yes, amount of appropriation increase: $

Affected fund(s):  ☐ General Fund  ☐ Water OM Fund  ☐ Sewer OM Fund  ☐ Other: Storm Drain Improvement Fund, Water Expansion Fund, Sewer Expansion Fund

Comments:

SUGGESTED MOTIONS:

Approve the first reading of the proposed Ordinance amending Sections 3.05.011 and 3.05.013 of Chapter 3.05 to the Lakeport Municipal Code to comply with the Uniform Public Construction Cost Accounting Act.

☒ Attachments:  

1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AMENDING SELECTED SECTIONS OF CHAPTER 3.05 TO THE LAKEPORT MUNICIPAL CODE TO COMPLY WITH THE UPDATED UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PURCHASING THRESHOLDS
ORDINANCE NO. ____ (2018)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AMENDING SELECTED SECTIONS OF CHAPTER 3.05 TO THE LAKEPORT MUNICIPAL CODE TO COMPLY WITH THE UPDATED UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PURCHASING THRESHOLDS

WHEREAS, the City Council adopted Resolution No. 2625 (2017) causing the city to become subject to the Uniform Public Construction Cost Accounting Act (“UPCCAA”) procedures set forth in Article 2 of Chapter 2 of Part 3 of Division 2 of the Public Contract Code (commencing with section 22010);

WHEREAS, the City Council adopted Ordinance No. 913 (2017) to implement the requirements of the UPCCAA under Public Contract Code section 22034;

WHEREAS, Assembly Bill 2249 amended Public Contract Code sections 22020 et seq. to reflect new monetary thresholds for bidding procedures; and

WHEREAS, the City Council desires to amend its ordinance to meet the updated purchasing thresholds allowed by the Legislature.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEPORT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Municipal Code Amendment Sections 3.05.011 and 3.05.013 of Chapter 3.05 of the Lakeport Municipal Code are hereby amended as follows. Additions are denoted by underlined text and deletions by struck through text.

3.05.011 Public projects

A. Except as provided in subsection E of this section, the city manager may cause public projects of forty-five thousand dollars ($45,000) sixty thousand dollars ($60,000) or less to be performed by employees of the City by force account, by negotiated contract, or by purchase order.

B. Except as provided in subsection E of this section, public projects of one hundred seventy-five thousand dollars ($175,000) two hundred thousand dollars ($200,000) or less, may be let to contract by informal procedures as set forth in Section 3.05.013.

C. Except as provided in subsection E of this section, and subsection E of section 3.05.013, public projects of more than one hundred seventy-five thousand dollars ($175,000) two hundred thousand dollars ($200,000) or less, may be performed by employees of the City by force account, by negotiated contract, or by purchase order.
hundred thousand dollars ($200,000) shall be let to contract by the formal bidding procedure outlined in Sections 3.05.014 and 3.05.015.

D. The term “public project” shall have the definition set forth in Public Contract Code section 22002.

E. The dollar limits set forth in subsections A and B of this section shall adjust without city council action as necessary to comply with any adjustment mandated by the Controller pursuant to the authority granted by Public Contract Code section 22020.

3.05.013 Informal bidding procedure

The following apply to informal bids for public projects:

A. Notice inviting informal bids.
   1. Required noticing. When a public contract is to be bid pursuant to the procedures in this section, a notice inviting informal bids shall be mailed to all construction trade journals specified by the Commission in accordance with Public Contract Code section 22036.
   2. Optional noticing. Notification may be also provided to the contractors on the list created pursuant to Section 3.05.012 for the category of work being bid, and to any additional contractors and/or construction trade journals.
   3. Exception. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

B. Mailing notices. All mailing of notices to contractors and construction trade journals pursuant to subsections A.1 and A.3, above, shall be completed not less than 10 calendar days before bids are due.

C. Description of project. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

D. Authority to award contracts. The city manager is authorized to award a contract if the lowest bid received is forty-five thousand dollars ($45,000) sixty thousand dollars ($60,000) or less. Contracts valued at more than forty-five thousand dollars ($45,000) sixty thousand dollars ($60,000) can only be awarded by the city council.
E. **Bids exceeding $175,000 - $200,000.** If all bids received pursuant to the informal process are in excess of one hundred seventy-five thousand dollars ($175,000) two hundred thousand dollars ($200,000), the city council may adopt a resolution by a four-fifths vote to award the contract at one hundred eighty-seven thousand five hundred dollars ($187,500) two hundred twelve thousand five hundred dollars ($212,500) or less, to the lowest responsible bidder, if it determines the City’s cost estimate was reasonable. Otherwise, the project shall be re-bid pursuant to section 3.05.014 and awarded pursuant to sections 3.05.014 and 3.05.015 of this chapter.

F. **Award of contract.** The contract shall be awarded to the lowest responsible bidder.

**SECTION 2.** **Severability.** If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

**SECTION 3.** **Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law, including the Public Contract Code, and this Ordinance shall be construed in light of that intent.

**SECTION 4.** **CEQA.** This Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 14 Cal. Code Regs. § 15378(b)(4) and (5) as a creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and as an agency organizational or administrative activity that produces no physical changes to the environment.

**SECTION 5.** **Effective Date.** This ordinance shall take effect on January 1, 2019 or thirty days after its passage and adoption under Government Code section 36937, whichever is later.

**SECTION 6.** **Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.
INTRODUCED and first read at a regular meeting of the City Council on the 18th day of September, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

FINAL PASSAGE AND ADOPTION by the City Council occurred at a meeting thereof held on the 2nd day of October 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

___________________________
MIREYA G. TURNER, Mayor
City of Lakeport

ATTEST:

____________________________________
KELLY BUENDIA, City Clerk
City of Lakeport
### STAFF REPORT

<table>
<thead>
<tr>
<th>RE:</th>
<th>Resolution Approving an Addendum to the City of Lakeport Unrepresented Employees Compensation and Benefits Program and City Manager contract</th>
<th>MEETING DATE: 09/11/2018</th>
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<tbody>
<tr>
<td>SUBMITTED BY:</td>
<td>Margaret Silveira, City Manager</td>
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<tr>
<td>PURPOSE OF REPORT:</td>
<td>□ Information only □ Discussion □ Action Item</td>
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**WHAT IS BEING ASKED OF THE CITY COUNCIL:**

The City Council is being asked to adopt a resolution approving a side letter to the Compensation and Benefits Program for the City of Lakeport Unrepresented Employees and providing the City Manager with an identical benefit program.

**BACKGROUND/DISCUSSION:**

The City Council approved a Compensation and Benefits Program for the Lakeport Unrepresented Employees for the period of March 1, 2018 through June 30, 2020. This unit consists of at-will management and mid-management employees. During the recent Mendocino Complex Fires unrepresented employees acted as disaster workers for hours well in excess of normal hours and normal duties. The attached resolution authorizes straight-time pay for hours worked in excess of normal hours during the Mendocino Complex Fires and for future City Council declared disasters where this unit is required to work as emergency service personnel. It also provides the City Manager with straight-time pay for hours worked in excess of normal hours during the Mendocino Complex Fires and for future City Council declared disasters where she is required to work as emergency service personnel.

**OPTIONS:**

The City Council could chose not to approve the resolution.

**FISCAL IMPACT:**

□ None □ $28,000 □ Budgeted Item? □ Yes □ No

Budget Adjustment Needed? □ Yes □ No

If yes, amount of appropriation increase: $

Affected fund(s): □ General Fund □ Water OM Fund □ Sewer OM Fund □ RDA Dis.

**SUGGESTED MOTION:**

Move to adopt a resolution approving the addendum to the Compensation and Benefits Program for the City of Lakeport Unrepresented Employees and providing these terms to the City Manager.

□ Attachments: 1. Resolution
RESOLUTION NO. (2018)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF LAKEPORT
AND CITY OF LAKEPORT UNREPRESENTED MANAGEMENT EMPLOYEES

WHEREAS, on March 6, 2018, the Lakeport City Council adopted a resolution approving
the compensation and benefits program for the Lakeport Unrepresented Management
Employees bargaining unit (the “UM Unit”) for the period March 1, 2018 through June 30,
2020; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose
within this City as a result of a fire commencing on or about 1:01 p.m. on the 27th day of June,
2018, called the River Fire and later re-named the Mendocino Complex Fire along with the
Ranch Fire, which commenced on or about 12:05 p.m. on the 27th day of July, 2018, at which
time the City Council of the City of Lakeport was not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services of the City of
Lakeport, did proclaim the existence of a local emergency within the City on the 28th day of
July, 2018, which the City Council ratified on July 30, 2018 in Resolution No. 2678 (2018); and

WHEREAS, the Governor of the State of California proclaimed a state of emergency in
the Lake County as a result of the Mendocino Complex on the 28th day of July, 2018; and

WHEREAS, the declaration of local emergency necessitated certain UM Unit members to
provide additional services as emergency service personnel; and

WHEREAS, after discussion between the City of Lakeport and the UM Unit, the City has
agreed to provide UM Unit members with additional compensation for declared emergency
situations where UM Unit members are required to work as emergency service personnel and
apply this policy to the period of declaration of emergency which precipitated this discussion;
and

WHEREAS, the City has negotiated a side letter with the UM Unit providing such
additional compensation to UM Unit members as non-pensionable compensation provided as
straight time reimbursement for additional hours worked over UM Unit members’ normal
schedule.

THEREFORE, BE IT RESOLVED that the City Council of the City of Lakeport hereby
approves the attached Side Letter Agreement between the City of Lakeport and City of Lakeport
Unrepresented Management Employees.

BE IT FURTHER RESOLVED, that the City Council of the City of Lakeport hereby provides
the same benefits to the City Manager as it provides in the attached Side Letter Agreement
between the City of Lakeport and City of Lakeport Unrepresented Management Employees for the duration of the City Manager’s contract now in effect.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 18th day of September, 2018 by the following vote:

AYES: 
NOES: 
ABSTAINING: 
ABSENT: 

___________________________________
MIREYA G. TURNER, Mayor

ATTEST:

_______________________________
KELLY BUENDIA, City Clerk
SIDE LETTER AGREEMENT BETWEEN
CITY OF LAKEPORT
AND
CITY OF LAKEPORT UNREPRESENTED MANAGEMENT EMPLOYEES

WHEREAS, in July of 2017, the City of Lakeport entered into negotiations with the Lakeport Unrepresented Management Employees bargaining unit (the “UM Unit”), which consists of at-will management and mid-management employees;

WHEREAS, on March 6, 2018, the Lakeport City Council adopted a resolution approving the compensation and benefits program for the UM Unit for the period March 1, 2018 through June 30, 2020; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this City as a result of a fire commencing on or about 1:01 p.m. on the 27th day of June, 2018, called the River Fire and later re-named the Mendocino Complex Fire along with the Ranch Fire, which commenced on or about 12:05 p.m. on the 27th day of July, 2018, at which time the City Council of the City of Lakeport was not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services of the City of Lakeport, did proclaim the existence of a local emergency within the City on the 28th day of July, 2018; and

WHEREAS, the Governor of the State of California proclaimed a state of emergency in the Lake County as a result of the Mendocino Complex on the 28th day of July, 2018; and

WHEREAS, the City Council adopted Resolution No. 2678 (2018) on July 30, 2018 ratifying and confirming that the above-described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the vicinity of the City of Lakeport as proclaimed by the Director of Emergency Services; and

WHEREAS, the declaration of local emergency necessitated certain UM Unit members to provide additional services as emergency service personnel; and

WHEREAS, after discussion between the City of Lakeport and the UM Unit, the City has agreed to provide UM Unit members with additional compensation for declared emergency situations where UM Unit members are required to work as emergency service personnel and apply this policy to the period of declaration of emergency which precipitated this discussion; and

WHEREAS, the City has agreed to provide such additional compensation to UM Unit members as non-pensionable compensation provided as straight time reimbursement for additional hours worked over UM Unit members’ normal schedule.
NOW THEREFORE, the parties agree as follows:

1. The City shall provide members of the Lakeport Unrepresented Management Employees bargaining unit with straight time reimbursement for additional hours worked over members’ normal schedule during declared emergency situations where members are required to work as emergency service or disaster relief personnel. This compensation shall be applicable to the emergency service work actually performed during July 28, 2018 through August 5, 2018.

2. The provisions of this Side Letter are effective concurrent with the term of Lakeport Unrepresented Management Employee’s current compensation and benefits program for the period ending June 30, 2020.

3. The City’s provision of such reimbursement shall not be considered precedential regarding the treatment of compensation in any future negotiations.

_____________________________  ______________________________
Margaret Silveira                                   Unit Representative
City Manager, City of Lakeport

Date:_________________________  Date:________________________
STAFF REPORT


SUBMITTED BY: Chief of Police Brad Rasmussen

PURPOSE OF REPORT: Information only □ Discussion □ Action Item

MEETING DATE: 09/18/2018

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review and file this police after action report concerning the Independence Day (July 4th period) police fireworks operations.

BACKGROUND/DISCUSSION:

EVENT:

Independence Day celebration at Library Park.

SUMMARY:

On July 4, 2018 the City of Lakeport hosted its annual Fourth of July celebration at Library Park within the incorporated City limits of Lakeport. This event draws well over a thousand people including residents, visitors and event participants who wish to attend. The Lakeport Police Department is responsible for law enforcement services during this event and utilizes assistance from allied agencies such as; the Clearlake Police Department, California Highway Patrol and the Lake County Probation Department.

PARKLANDS:

This year the Lakeport Police Department handled a relatively low volume of calls for service in the parklands. In total, the command center handled one lost juvenile and one arrest for public intoxication. There were no reports of assaults or altercations reported this year.

FIREWORKS:

The most significant calls for service were a result of illegal fireworks being discharged throughout the city and reported altercations. In all, the police department handled in excess of 10 fireworks related calls for service in various areas throughout the incorporated areas of Lakeport. This number was relatively low in comparison to past years however, in speaking with our dispatch center they advised the low numbers most likely were a result of people “self-policing” the incident versus calling it in. Also, dispatch advised the low numbers could also be a result of multiple people calling in the same incident but they only create a CAD log for the initial caller during the Fourth of July. In addition to illegal fireworks calls, the department handled four (4) reports of large fights at various locations throughout the city. By the time law enforcement could reach the locations, most of the
parties had already separated thus resulting is no arrests. There were also two separate reports of trash can fires both at Kmart and the auto parts store in the Kmart parking lot. These fires were likely started by persons discharging fireworks on the private lots.

Although the City is very diligent on advertising safe and sane firework use, several illegal fireworks entered the city. Of particular concern was the large amount of citizens discharging illegal fireworks on private properties such as Willow Tree Plaza. It is estimated as many as 200 citizens and vehicles were spread out in the parking lots of Safeway, Round Table Pizza, Mendo Lake Credit Union and CVS Pharmacy. Several attempts to locate and identify potential violators were unsuccessful resulting in multiple police units responding to the area and ordering citizens to disperse.

CONCLUSION:

The 2018 Fourth of July celebration was relatively calm during the city’s fireworks display at Library Park. The majority of problems occurred outside the parklands and after the event. Overall, the event was a success, in large part, due to the law enforcement presence in the parklands and throughout the city.

OPTIONS:

Review and file report.

FISCAL IMPACT: Already reported with operational plan approval.

☐ None ☐ $ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: $

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments:

SUGGESTED MOTIONS:

Move to approve and file the 2018 police after action report on the Independence Day Fireworks Operations.
STAFF REPORT

RE: Lakeshore Blvd Roadway Repair ER 32L0(074)  MEETING DATE: 09/18/2018

SUBMITTED BY: Douglas Grider, Public Works Director

PURPOSE OF REPORT: [ ] Information only  [ ] Discussion  [x] Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:
The City Council is being asked to award a construction contract to Granite Construction Company, for the amount of $239,556.00.

BACKGROUND/DISCUSSION:
This project is a result of storm damage that occurred during the flooding in January and February of 2017. The project area is from 100 feet south of Sayre Street to 300 feet north of Jones Street. Work consists of replacing damaged pavement sections, replacing drainage inlets and culverts and minor sidewalk repair. This project will repair the shoulder area of Lakeshore Boulevard that has been barricaded off since the storms.

The majority of the funding is from the Federal Highway Administration’s Emergency Relief program. The program reimburses 88.53% of the construction costs. The city is required to contribute 11.47% of the total cost for the project.

There were 3 bids received and opened August 13, 2018. Darren Taylor Construction, Inc. was the low bidder at $206,701.98. The low bidder did not meet the Disadvantage Business Enterprise goal and there has been a determination that the documentation of the Good Faith Effort is insufficient based on 49 CFR Appendix A to Part 26. Darren Taylor exercised his right to appeal but City staff unconnected to the original determination or bid denied the appeal, finding Darren Taylor did not make a sufficient effort to solicit DBE participation for this project. That bid is now considered non-responsive. Granite Construction Company is the next lowest responsive bidder at $239,556.00. Although Granite did not meet the DBE goal either, their Good Faith Effort documentation has been determined to be sufficient.

The engineer’s estimate was $143,732.50

OPTIONS:
The City Council could reject all bids or provide other direction.

FISCAL IMPACT:
[ ] None  [ ] $  [x] Budgeted Item?  [x] Yes  [ ] No

Budget Adjustment Needed? [ ] Yes  [ ] No  If yes, amount of appropriation increase: $
Affected fund(s):  ☒ General Fund  ☐ Water OM Fund  ☐ Sewer OM Fund  ☐ Other:

Comments:

SUGGESTED MOTIONS:

Move to award a construction contract to Granite Construction Company for the Lakeshore Blvd Roadway Repair Project.

Attachments:  
1. Bid Comparison
## Lakeshore Blvd Roadway Repair Project

**BID NO. 18-02 ER 32L0(074)**

### BID TABULATION

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<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Engineer's Estimate</th>
<th>Granite Construction Co</th>
<th>Darren Taylor Construction, Inc.</th>
<th>Team Ghilotti, Inc.</th>
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<tbody>
<tr>
<td>1</td>
<td>Mobilization</td>
<td>LS 1</td>
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<td>$5,000.00</td>
<td>$18,750.00</td>
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<td>1/2&quot; Type A HMA w/PG 64-16</td>
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<td>$44,460.00</td>
<td>$235.00</td>
<td>$53,580.00</td>
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<td>$5,000.00</td>
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<td>8</td>
<td>Remove and Replace 48&quot; (Type 4A) Curb Inlet</td>
<td>EA 3</td>
<td>$7,500.00</td>
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<td>Remove and Replace Curb and Gutter including depression at Curb Inlet</td>
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**TOTAL:**

- $143,732.50
- $239,556.00
- $206,701.98
- $281,391.60

**DBE GOAL 10 %**

- 8.56%
- 1.50%
- 0.21%

**Good Faith Efforts**

- Sufficient
- Insufficient

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**Team Ghilotti, Inc.**