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 SUCCESSION AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY)
Tuesday, May 2, 2017
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.

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.

IV. 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. Minutes: Approve minutes of the regular City Council meeting of April 18, 2017.

   C. Warrants: Approve the warrant register of April 24, 2017.

   D. Application 2017-019: Approve Application 2017-019, with staff recommendations, for the Westside Community Park Committee’s 5K Fun Walk/Run on May 28, 2017.

   E. Application 2017-020: Approve Application 2017-020, with staff recommendations, for the 10th Annual Lake County AIDS Walk on September 9, 2017.

   F. Notice of Completion: Accept the construction of the Lakeport Police Department Acquisition and Improvement Project, and authorize the City Manager to file a Notice of Completion.

   G. Notice of Completion: Adopt a resolution accepting the Lakeport Downtown Improvement Project, Phase II, Bid 16-01, as complete, and authorize the City Manager to file a Notice of Completion.

V. PUBLIC PRESENTATIONS/REQUESTS:

   A. Citizen Input: Presentation and acknowledgement of all the City staff who participated in the yearlong Downtown Improvement Project, Phase II.

   B. Presentation: Presentation of a Proclamation designating May 14-20, 2017 as Police Week, and publicly saluting the service of law enforcement officers in our community and in communities across the nation.

VI. COUNCIL BUSINESS:

   A. Community Development Director
      1. Napa Auto Appeal: Consider an appeal of the Planning Commission’s decision to require the removal of the cargo container at 1015 South Main Street.

   B. Public Works Director
      1. Giselman Bid Award: Award a construction contract to Green Right O’Way Constructors, Inc. for the Giselman Street Waterline Replacement Project.
2. Westside Community Park
   Concessions: Authorize Non-Profit Vending and Concessions including a concession stand on Phase II of Westside Park.

3. Equestrian Venue
   Approve the request to relocate the Equestrian Park to the CLMSD property on Highway 175 with the recommended conditions.

VII. COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

VIII. ADJOURNMENT:

Adjourn

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
I. CALL TO ORDER & ROLL CALL:  Mayor Mattina called the meeting to order at 6:00 p.m. Council Members Barnes, Parlet, Spurr and Turner were present.

II. PLEDGE OF ALLEGIANCE:  The Pledge of Allegiance was led by Supervisor Tina Scott.

III. ACCEPTANCE OF AGENDA:  A motion was made by Council Member Parlet, seconded by Council Member Turner, 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 Special City Council meeting of April 3, 2017 and the regular City Council meeting of April 4, 2017.

C. Warrants:  Approve the warrant register of April 6, 2017.

D. AB 1600 User Fees Report:  Adopt the proposed Resolution 2617 (2017) to reaffirm the necessity of AB 1600 development impact fees.

E. Local Emergency Proclamation:  Approve the continuation of the proclamation declaring a Local State of Emergency due to flooding and extreme weather.

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

V. PUBLIC PRESENTATIONS/REQUESTS:  No input was offered from the public.

VI. COUNCIL BUSINESS:  Mayor Mattina presented a Proclamation honoring Alexander Beare for achieving the rank of Eagle Scout.

A. Finance Director

1. Utilities Policies and Procedures:  The staff report was presented by Finance Director Walker.

   A motion was made by Council Member Parlet, seconded by Council Member Barnes, and unanimously carried by voice vote, to adopt the proposed Resolution 2618 (2017) approving the revised Administrative Policy – Utilities Billing effective April 18, 2017.

B. Community Development Director

1. HOME Grant Funds:  The staff report was presented by Community Development Director Ingram. Lea Passantino spoke in favor of the project.

   A motion was made by Council Member Parlet, seconded by Council Member Turner, and unanimously carried by voice vote, to

   1. Recommend that the City of Lakeport revise its current HOME Investment Partnership award to pursue the development of a 24-unit affordable multi-family housing project located at 1255 Martin Street; and
2. Direct the Community Development Department and Planning Commission to expeditiously process the land use entitlement application provided by Pacific West Architecture for the project consistent with the goals and policies outlined in the Lakeport Housing Element.

C. City Clerk

1. Measure Z Citizen Advisory Committee

   The staff report was presented by City Clerk Buendia and Mayor Mattina.

   A motion was made by Council Member Barnes, seconded by Council Member Parlet, and unanimously carried by voice vote, to appoint Annette Hopkins, Susan King, Dennis Rollins, Nathan Speed and Tim Wynacht to the Measure Z Advisory Committee (MZAC), with Committee Members Wynacht’s and King’s terms to expire December 31, 2018, and Committee Members Rollins’, Hopkins’ and Speed’s terms to expire December 31, 2020.

VII. COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

   Chief Rasmussen reported that the Police Department is in the process of selecting an officer for the Business and Neighborhood Outreach officer.

   Council Member Barnes reported that his children attended a field trip at the Police Department and had great things to say about the officers and staff.

   Council Member Parlet reported that he met with Phil Dow regarding Twentieth Street. The traffic study will be conducted after the Police Department has opportunity to conduct enforcement efforts.

   Council Member Spurr reported that he will be attending Legislative Days in Sacramento.

   Mayor Mattina reported that the National Night Out planning is underway.

VIII. ADJOURNMENT:

   Mayor Mattina adjourned the meeting at 6:49 p.m.

_______________________________________
Stacey Mattina, Mayor

Attest:

________________________________
Kelly Buendia, City Clerk
4/26/2017

I hereby certify that the attached list of warrants has been audited, extensions are proper, purchase orders have been issued, and department heads have been given the opportunity to review and sign claim forms.

Nicholas Walker
Finance Director
## Bank Transaction Report

### Transaction Detail

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**Cleared Date Range:** -

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<tr>
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<td>WILLDAN FINANCIAL SERVICES</td>
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### Summary

#### Bank Account

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<thead>
<tr>
<th>Account ID</th>
<th>Count</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>35-0352000798 POOLED CASH BANK</td>
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<td>-234,084.75</td>
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<tr>
<td><strong>Report Total:</strong></td>
<td>79</td>
<td><strong>-234,084.75</strong></td>
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#### Cash Account

<table>
<thead>
<tr>
<th>Account ID</th>
<th>Count</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>998 998-0000-101000 POOLED CASH - WEST AMERICA</td>
<td>79</td>
<td>-234,084.75</td>
</tr>
<tr>
<td><strong>Report Total:</strong></td>
<td>79</td>
<td><strong>-234,084.75</strong></td>
</tr>
</tbody>
</table>

#### Transaction Type

<table>
<thead>
<tr>
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<th>Count</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Bank Draft</td>
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<td>-16,923.33</td>
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<tr>
<td>Check</td>
<td>74</td>
<td>-217,161.42</td>
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<tr>
<td><strong>Report Total:</strong></td>
<td>79</td>
<td><strong>-234,084.75</strong></td>
</tr>
</tbody>
</table>
APPLICATION FOR USE OF PUBLIC AREAS

Please note: City Council meetings are held the FIRST and THIRD TUESDAY of the month. Application forms require City Council approval and must be completed and submitted to the City Clerk at least ten working days before the Council meeting at which they will be considered.

This section to be completed by City:

<table>
<thead>
<tr>
<th>Application Received (Date): 4/16/2017</th>
<th>Application No.: 2017-019</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 $15.00 Application Fee Paid</td>
<td>For Council Meeting of (Date): 5/2/2017</td>
</tr>
</tbody>
</table>

This section to be completed by Applicant (please answer all questions):

<table>
<thead>
<tr>
<th>Applicant Name: Dennis A. Rollins</th>
<th>Organization Name: Westside Community Park Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address: 1350 Berry St., Lakeport, CA 95453</td>
<td>Address: 1350 Berry St., Lakeport, CA 95453</td>
</tr>
<tr>
<td>Home Phone: 263-7091</td>
<td>Work Phone:</td>
</tr>
<tr>
<td>Email Address: <a href="mailto:speciald5@sbcglobal.net">speciald5@sbcglobal.net</a></td>
<td>Other Contact:</td>
</tr>
<tr>
<td>Phone for Other Contact:</td>
<td>Organization is: ☑ Nonprofit Organization ☐ For Profit Organization</td>
</tr>
</tbody>
</table>

Name of Event: Fun Walk & Run

Description of Event: A 2 mile and 5K walk & run

Specific Location of Event (Map Must be Attached): Start at the Jane Barnes Field and end at Natural High via Martin and Main Streets

Does this use involve public right of way, streets, or sidewalk? ☑ Yes ☐ No If yes, please indicate specific location:

If requesting closure of streets, sidewalk, etc., please describe notification procedure for affected businesses and/or residences:

No closure is requested.

Date(s) of Event: Sunday, May 28, 2017

<table>
<thead>
<tr>
<th>Total Number of Days: 1</th>
<th>Set Up Time: 6:30 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time of Event: 7:00 AM</td>
<td>Tear Down Time: 10:00 AM</td>
</tr>
</tbody>
</table>

Specify anticipated number of people (both participants and the public): less than 50

Will any vendors be present? Yes ☐ No ☑ Will any food booths be present? Yes ☐ No ☑

Specifications:

- ☑ Electricity (cannot be guaranteed by City)
- ☑ Barricades
- ☑ Street/Sidewalk Closures
- ☑ No irrigation in park prior to event
- ☑ Other (please specify):

Coordination of these requirements must be made through the Public Works Department: (707) 263-0751

Specific City Staff Needs:

- ☑ Police
- ☑ Public Works
- ☑ Parks
- ☑ Other (please specify):

The City reserves the right to bill applicant for related City costs.

Insurance Information:

Specify Insurance Company: Nonprofits Insurance Alliance Group

Policy Number: 201523753NPO Expiration Date: 10/21/17 Limits of Coverage: $2 million

INSURANCE CERTIFICATE REQUIRED

Note: The insurance certificate provided to the City by your organization's insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is $2,000,000. The certificate and endorsements must also be in a form acceptable to risk management and available for review 15 working days prior to the scheduled event.
USE OF ALCOHOL: Is a permit for alcoholic beverages requested?  ☐ Yes  ☑ No

If you have checked yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will NOT allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

HOLD HARMLESS AGREEMENT

In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, I/we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signature of Applicant

Responsible Official of Applicant Organization

Dated: April 6, 2017

STAFF RESPONSE

This section to be completed by City and Other Affected Agencies:

<table>
<thead>
<tr>
<th>Staff Name:</th>
<th>Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ No Fiscal Impact</td>
<td>☐ Police</td>
</tr>
<tr>
<td>☐ Fiscal Impact (Describe/Include Estimated Costs)</td>
<td>☐ Public Works</td>
</tr>
<tr>
<td>☐ Other (please specify):</td>
<td>☐ Parks</td>
</tr>
</tbody>
</table>

The following will be Required:

☐ Business License  ☐ Health Department Permit
☐ ABC License  ☐ Other (Specify):

Staff Comments:

This section to be completed by City Clerk following Council meeting:

Considered at Council Meeting (Date):  ☐ Application Approved
☐ Application Denied
☐ Application Approved With Conditions (See Below)

Conditions of Approval:

☐ Attachments (specify):
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 4/18/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INURED, the policy(ies) must be endorsed. If GUDROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Lincoln-Leavitt Insurance Agency, Inc.
650 N Main St
CA Lic. #6C73811
Lakeport CA 95453

COVERAGE
Westside Community Park
1350 Berry St.
Lakeport CA 95453

INSURED

INSDER(S) AFFORDING COVERAGE

INSDER A Nonprofits' Insurance Alliance Of NIAC

INSDER B:

INSDER C:

INSDER D:

INSDER E:

INSDER F:

CERTIFICATE NUMBER: 16/17 GL

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADDL/SHORT INSDER W/ADDRESS</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECT (MM/DD/YYYY)</th>
<th>POLICY EXPIRY (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>A</td>
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<td>10/21/2017</td>
<td>EACH OCCURRENCE $1,000,000</td>
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<td>DAMAGE TO RENTED PREMISES (Ex occurrence) $500,000</td>
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<td>MED EXP (Any one person) $20,000</td>
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<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
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<td>PRODUCTS - COMPOP AGG $2,000,000</td>
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<td>10/21/2016</td>
<td>10/21/2017</td>
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</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

certificate holder is added as additional insured on the general liability per contract for the Westside Community Park Fun Walk & Run on May 28, 2017.

certificate holder is added as additional insured on the general liability per contract for the Westside Community Park Fun Walk & Run on May 28, 2017.

CERTIFICATE HOLDER
City of Lakeport
225 Park St
Lakeport, CA 95453

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
K Compton/KACOMP

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ACORD 25 (2014/01) The ACORD name and logo are registered marks of ACORD

INS025v04011
USE OF ALCOHOL: Is a permit for alcoholic beverages requested?  □ Yes  □ No
If you have checked Yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will not allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

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In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, I/we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signature of Applicant

Responsible Official of Applicant Organization

Dated: April 6, 2017

---

### STAFF RESPONSE

<table>
<thead>
<tr>
<th>Staff Name:</th>
<th>Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|  □ No Fiscal Impact |  □ Fiscal Impact (Describe/Include Estimated Costs) |  □ Police |  □ Public Works |  □ Parks |  □ Other (please specify): |

The following will be Required:

-  □ Business License
-  □ ABC License

-  □ Health Department Permit
-  □ Other (Specify):  

**Staff Comments:**

Environmental Health has no concerns regarding this event. No food vendors present.  

4/13/17

---

This section to be completed by City Clerk following Council meeting:

<table>
<thead>
<tr>
<th>Considered at Council Meeting (Date):</th>
<th>□ Application Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□ Application Denied</td>
</tr>
<tr>
<td></td>
<td>□ Application Approved With Conditions (See Below)</td>
</tr>
</tbody>
</table>

Conditions of Approval:

-  □ Attachments (specify):  

---
# APPLICATION FOR USE OF PUBLIC AREAS

Please note: City Council meetings are held the FIRST and THIRD Tuesday of the month. Application forms require City Council approval and must be completed and submitted to the City Clerk at least ten working days before the Council meeting at which they will be considered.

This section to be completed by City:

<table>
<thead>
<tr>
<th>Application Received (Date):</th>
<th>Application No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/19/2017</td>
<td>2017</td>
</tr>
</tbody>
</table>

☐ $15.00 Application Fee Paid

For Council Meeting of (Date):

| 5/16/2017                     |

This section to be completed by Applicant (please answer all questions):

<table>
<thead>
<tr>
<th>Applicant Name: Amy E. Differley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organization Name: Community Care HIV/AIDS Program</td>
</tr>
</tbody>
</table>

| Address: 8050-A Lake Street, Lower Lake, CA 95457 |
| Address: 8050-A Lake Street, Lower Lake, CA 95457 |

<table>
<thead>
<tr>
<th>Home Phone:</th>
<th>Work Phone: (707) 995-1606</th>
<th>Mobile Phone: (707) 533-3550</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Address: <a href="mailto:adiffley@ccmc1.org">adiffley@ccmc1.org</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Other Contact: Ponta Ghofrani |
| Phone for Other Contact: (415) 531-0072 |

| Organization Is: ☑ Nonprofit Organization ☐ For Profit Organization |

### Name of Event: 10th Annual Lake County AIDS Walk

### Description of Event:

Non-profit fund raising and community education event. Activities include fundraising, live music, education, pledge walking, silent auction, food vendors and guest speakers.

### Specific Location of Event (Map Must be Attached):

Library Park

Does this use involve public right of way, streets, or sidewalk? ☑ Yes ☐ No

If yes, please indicate specific location:

If requesting closure of streets, sidewalk, etc., please describe notification procedure for affected businesses and/or residences:

### No closures are requested. Participants will be using sidewalks. Walking route is included with map.

### Date(s) of Event: 09/09/2017

<table>
<thead>
<tr>
<th>Total Number of Days: 1</th>
</tr>
</thead>
</table>

Set Up Time: 8:00 am

Time of Event: 11:00 am - 3:00 pm

Tear Down Time: 5:00 pm

Specify anticipated number of people (both participants and the public): 100

Will any vendors be present? Yes ☑ No ☐

Will any food booths be present? Yes ☑ No ☐

### Requirements:

☑ Electricity (cannot be guaranteed by City)

☐ Barricades

☐ Street/Sidewalk Closures

☐ No irrigation in park prior to event

☐ Other (please specify): Trash cans

Coordination of these requirements must be made through the Public Works Department: (707) 263-0751

### Specific City Staff Needs:

☐ Police

☐ Public Works

☐ Parks

☐ Other (please specify):

The City reserves the right to bill applicant for related City costs.

### Insurance Information:

Specify Insurance Company:

Policy Number:

Expiration Date:

Limits of Coverage:

INSURANCE CERTIFICATE REQUIRED

Note: The insurance certificate provided to the City by your organization’s insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is $2,000,000. The certificate and endorsements must also be in a form acceptable to risk management and available for review 15 working days prior to the scheduled event.
USE OF ALCOHOL: Is a permit for alcoholic beverages requested? □ Yes  □ No
If you have checked yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will NOT allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

HOLD HARMLESS AGREEMENT
In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, if we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signature of Applicant: __________________________
Responsible Official of Applicant Organization: __________________________
Dated: __________________________

STAFF RESPONSE
This section to be completed by City and Other Affected Agencies:

<table>
<thead>
<tr>
<th>Staff Name:</th>
<th>Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No Fiscal Impact</td>
<td>□ Police</td>
</tr>
<tr>
<td>□ Fiscal Impact (Describe/Include Estimated Costs)</td>
<td>□ Public Works</td>
</tr>
<tr>
<td>□ Other (please specify):</td>
<td>□ Parks</td>
</tr>
</tbody>
</table>

The following will be Required:

□ Business License
□ ABC License
□ Health Department Permit
□ Other (Specify):

Staff Comments:

This section to be completed by City Clerk following Council meeting:

Considered at Council Meeting (Date): □ Application Approved
□ Application Denied
□ Application Approved With Conditions (See Below)

Conditions of Approval:

□ Attachments (specify):
Library Park

2 reviews
Park

225 Park St, Lakeport, CA 95453

cityoflakeport.com

(707) 263-5615

**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**
NorthWest Insurance Agency, Inc.
P.O. Box 3539
Santa Rosa, CA 95402

**INSURED**
Community Care Management Corp
301 South State Street
Ukiah, CA 95482

**CONTACT**
Tina A. Eaton, CIC
PHONE: (707) 462-8615
FAX: (707) 468-9541
E-MAIL: Info@nwinsure.com

**INSURER(S) AFFORDING COVERAGE**
Markel Insurance Company
NAIC # 38970

**COVERAGES**

<table>
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<tr>
<th>INSURER</th>
<th>LTR</th>
<th>TYPE OF INSURANCE</th>
<th>Added SUB.</th>
<th>POLICY NUMBER</th>
<th>INSD</th>
<th>WDV</th>
<th>POLICY EFF</th>
<th>POLICY EXP</th>
<th>LIMITS</th>
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<td>X</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>X</td>
<td>8502SS299349-8</td>
<td></td>
<td></td>
<td>07/01/2015</td>
<td>07/01/2016</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**AMT. AGG. LIMIT APPLIES PER:

<table>
<thead>
<tr>
<th>POLICY</th>
<th>PROJ</th>
<th>LOC</th>
</tr>
</thead>
</table>

**OTHER**

**COVERAGE LIMITS**

- EACH OCCURRENCE
  - DAMAGE TO VEHICLES, PREMISES (EXC. OCCURRENCE) $1,000,000
  - MED EXP (Any one person) $10,000
  - PERSONAL & ADV INJURY $1,000,000
  - GENERAL AGGREGATE $3,000,000
  - PRODUCTS - COMPO/OP AGG $3,000,000

**AUTO LIABILITY**

- ANY AUTO
- ALL OWNED AUTOS
- SCHEDULED AUTOS
- NON-OWNED AUTOS
- UMBRELLA LIAB
- EXCESS LIAB

**WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY**

- Y/N: N/A
- If yes, describe under:
  - DESCRIPTION OF OPERATIONS below

**ACCOUNTING OF OPERATIONS**

City of Lakeport is named as additional insured with respect to AIDS walk to be held on 9/12/2015.

**CERTIFICATE HOLDER**

City of Lakeport
225 Park St
Lakeport, CA 95453

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**

© 1988-2014 ACORD CORPORATION. All rights reserved.
From: Jason D. Ferguson  
To: Hilary Britton  
Subject: Re: Application 2017-020 - 10th Annual Aids Walk  
Date: Thursday, April 20, 2017 1:19:57 PM  
Attachments: image002.png  

No police concerns

Jason Ferguson  
Lieutenant  
Lakeport Police Department  
2025 S. Main St.  
Lakeport, Ca. 95453  
Office (707) 263-9654

A true hero is not defined simply by the uniform he or she is wearing but rather the person who's wearing it!

-----Original Message-----
From: Hilary Britton [mailto:hbritton@cityoflakeport.com]  
Sent: Thursday, April 20, 2017 12:43 PM  
To: Amanda Frazell (Dean.Eichelmann@lakecountyca.gov), Cheryl Bennett (cheryl.bennett@lakecountyca.gov), Cynthia Ader, 'Daniel Chance', Doug Grider, 'Executive Management', Gary Basor, 'Jason Ferguson', 'Jim Kennedy', Linda Sobieraj, Lori Price (lorip@co.lake.ca.us), Mark Wall (mwacconsulting@comcast.net), 'Matt Hartzog', 'Mike Sobieraj', Pheakdey Preciado (pheakdey.preciado@lakecountyca.gov), 'Rebekah Dolby', 'Ron Ladd', Tina Rubin (Tina.Rubin@lakecountyca.gov)  
Subject: Application 2017-020 - 10th Annual Aids Walk

Hi all,

Please find attached Application 2017-020 for the 10th Annual Lake County AIDS Walk for your review.

We would like to submit this for City Council approval at the May 16, 2017 meeting, so please have your comments back to me by May 9, 2017.

Thank you for your input.

Hilary Britton  
Deputy City Clerk  
City of Lakeport  
225 Park Street  
Lakeport, CA  95453  
(707) 263-5615 x12  
hbritton@cityoflakeport.com
**USE OF ALCOHOL:** Is a permit for alcoholic beverages requested? □ Yes □ No

If you have checked yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will NOT allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

**HOLD HARMLESS AGREEMENT**

In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, I/we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signatures of Applicant
Responsible Official of Applicant Organization

**STAFF RESPONSE**

This section to be completed by City and Other Affected Agencies:

<table>
<thead>
<tr>
<th>Staff Name:</th>
<th>Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

□ No Fiscal Impact  □ Fiscal Impact (Describe/Include Estimated Costs)  □ Police  □ Public Works  □ Parks  □ Other (please specify):  

The following will be Required:

□ Business License  □ ABC License  □ Health Department Permit  □ Other (Specify):  

Staff Comments:

All food vendors must have a temporary health permit to sell or give away food at this event and must submit their application 7 days prior to the event. The event sponsor must submit their sponsor temporary health permit application 14 days prior to the event.

4/20/17

This section to be completed by City Clerk following Council meeting:

<table>
<thead>
<tr>
<th>Considered at Council Meeting (Date):</th>
<th>□ Application Approved  □ Application Denied  □ Application Approved With Conditions (See Below)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Conditions of Approval:</td>
</tr>
</tbody>
</table>

□ Attachments (specify):
Good morning Hilary,

I have reviewed the attached application and it does not appear it will impact county roads in any way. We therefore have no comments or conditions to add to this application. Thank you for the opportunity to comment.

Sincerely,

Lori Price
Secretary III
Lake County Department of Public Works
255 N. Forbes Street, Rm 309
Lakeport, CA 95453
(707) 263-2341
lorip@co.lake.ca.us

Hi all,

Please find attached Application 2017-020 for the 10th Annual Lake County AIDS Walk for your review.

We would like to submit this for City Council approval at the May 16, 2017 meeting, so please have your comments back to me by May 9, 2017.

Thank you for your input.

Hilary Britton
Deputy City Clerk
City of Lakeport
225 Park Street
Lakeport, CA 95453
(707) 263-5615 x12
hbritton@cityoflakeport.com
STAFF REPORT

RE: Notice of Completion for Lakeport Police Department Acquisition and Improvement Project - USDA

MEETING DATE: May 2, 2017

SUBMITTED BY: Margaret Silviera, City Manager

PURPOSE OF REPORT: ☑ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to make a motion formally accepting the Lakeport Police Department Improvement Project, and authorize the City Manager to file a Notice of Completion.

BACKGROUND/DISCUSSION:

On November 10, 2016, the City was awarded a loan from the United States Department of Agriculture (USDA) to complete the acquisition and provide improvements to a new police station in the amount of $1,095,000. Construction Contracts totaling $140,302.48 were awarded to individual sub-contractors to complete the defined project at the facility as outlined in the report provided to USDA. The awards were made to the following contractors:

- Merritt Construction $16,455.11 w/ Change Orders $18,579.68
- Nates Electric $8,500.00
- Nor-Cal Telecom (Telephone) $16,469.28
- Nor-Cal Telecom (Security) $9,792.52 w/ Change Orders $12,581.08
- Lake County Drywall $11,500.00 w/ Change Orders $12,140.00
- Nates Electric (Generator) $8,000.00
- Gary’s Cabinets/Doors $3,622.82
- Advanced Communications $45,329.78 w/ Change Orders $43,948.39
- High Country Security $13,352.96
- Totorica Plumbing $7,280.00 w/ Change Orders $9,291.00
The City of Lakeport Building Department has reviewed the project and determined that it has been completed in substantial compliance with the project plans and specifications. The total cost of the construction with approved change orders totaled $146,485.21.

OPTIONS:
No other options recommended

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 accept the construction of the Lakeport Police Department Acquisition and Improvement Project, and authorize the City Manager to file a Notice of Completion.

Attachments: 1. Notice of Completion
NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

That the construction work hereinafter described was completed on the 2nd day of May, 2017.

That the work done consisted of remodeling the Lakeport Police Department

That the City of Lakeport, 255 Park Street, Lakeport, CA 95453 is said Owner of said work.

That the work of improvement was completed at 2025 South Main Street, Lakeport, Lake County, State of California.

The name of the Contractor for said work is:

City of Lakeport
225 Park Street
Lakeport, CA 95453

That the nature of the title of the stated Owner is in fee.

City of Lakeport, Owner

By: ____________________________
Margaret Silveira, Owner’s Agent
VERIFICATION OF CONTENT

The undersigned, being duly sworn says that she is City Manager of the aforesaid interest in the property described in the foregoing notice, that she has read the same, and knows the contents thereof, and that the facts stated therein are true.

_____________________________
Date Signed                         Margaret Silveira, City Manager
City of Lakeport

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )
County of Lake )

On____________________, 20___, before me, ________________________________
personally appeared ________________________________ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacities, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____________________________
Date

_____________________________
Notary Public                        (Seal)
## Staff Report

**RE:** Notice of Completion for Lakeport Downtown Improvement Project Phase II  
**MEETING DATE:** 05/02/2017

**SUBMITTED BY:** Doug 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 adopt a resolution accepting the Lakeport Downtown Improvement Project, Phase II, Bid 16-01, as complete and authorize the City Manager to file a Notice of Completion.

### Background/Discussion:

On April 19, 2016, the City Council awarded a Construction Contract to Granite Construction Company, for the Lakeport Downtown Improvement Project, Phase II, Bid 16-01, in the amount of $2,999,964.30.

The City of Lakeport Public Works Department has reviewed the project and determined that it has been completed in substantial compliance with the project plans and specifications. The total cost of the construction contract came out to $2,587,869.76.

### Options:

No other options recommended

### 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 adopt the resolution accepting construction of the Lakeport Downtown Improvement Project, Phase II by Granite Construction Company and authorize the filing of the Notice of Completion.

**Attachments:**

1. Resolution
2. Notice of Completion
RESOLUTION NO. XXX___ (2017)


WHEREAS, the final inspection of the Lakeport Downtown Improvement Project, Phase II, Bid No 16-01, was made by the City of Lakeport’s Public Works Department; and

WHEREAS, it was determined that the work for this project has been completed in substantial compliance with the project plans and specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKEPORT AS FOLLOWS:

1. The City Council hereby accepts the work as completed on the Lakeport Downtown Improvement Project, Phase II, Bid No 16-01.

2. The City Manager is authorized and directed to execute the Notice of Completion to be filed with the County of Lake.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Lakeport held on the 2nd day of May, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_________________________________
Stacy Mattina, Mayor
City of Lakeport

ATTEST:

_________________________________
Kelly Buendia, City Clerk
CITY OF LAKEPORT

AND WHEN RECORDED RETURN TO:

City of Lakeport
225 Park St
Lakeport, CA 95453
Attn: Olivia Grupp

Complimentary recording requested pursuant to Government Code §27383

RECORDING REQUESTED BY

NOTICE of Completion

NOTICE is hereby given that:

1. The Undersigned is owner of the interest stated below in the property hereinafter described:

   City of Lakeport
   225 Park Street, Lakeport, CA 95453
   Fee Simple

   (NAME OF UNDERSIGNED)

2. The NAME (including that of the undersigned), ADDRESS and NATURE OF TITLE of every person owning any interest in such property is as follows:

3. The names and addresses of the transferors of the undersigned owner: (to be shown if the undersigned is a successor in interest of the owner who caused the improvement to be constructed, etc.)

4. A work of improvement on the property hereinafter described was COMPLETED ON 4/17/2017

5. The name of the CONTRACTOR for such work of improvement was Granite Construction Company

   (If no Contractor, insert “NONE”)

6. The property on which said work of improvement was completed is in the City of Lakeport, county of Lake, State of California, and is described as follows: Construction of new underground utilities including water main, water laterals, sewer main, sewer laterals, irrigation lines, new ADA compliant sidewalks, relocation of street lights, installation of tree well grates, pavement rehabilitation and new thermoplastic striping.

7. The street address of said property is: Main St from 1st St to 4th St, Lakeport, CA

Dated: May 3, 2017

Signature of Owner or Owners

Margaret Silveira, City Manager

Verification for NON-INDIVIDUAL owner: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the City Manager (“PRESIDENT, PARTNER, MANAGER, AGENT, ETC.”) of the aforesaid interest or estate in the property described in the above notice; that I have read the said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

March 21, 2017

(Signature of person signing on behalf of owner)
Proclamation

OF THE CITY COUNCIL OF THE CITY OF LAKEPORT

To recognize National Police Week 2017 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the City of Lakeport; and

WHEREAS, there have been 15,548 assaults against law enforcement officers in 2015, resulting in approximately 14,453 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 143 officers killed in 2016 and 251 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund’s 29th Annual Candlelight Vigil, on the evening of May 13, 2017; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 14-20; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lakeport does hereby designates May 14-20, 2017

Police Week

in the City of Lakeport, and publicly salutes the service of law enforcement officers in our community and in communities across the nation;

I have hereunto set my hand and caused the Seal of the City of Lakeport to be affixed this 2nd day of May, 2017.

_________________________________
STACEY MATTINA, Mayor
STAFF REPORT

RE: Appeal of AR 16-05 / Lakeport NAPA Auto Parts at 1015 S. Main Street

MEETING DATE: 05/02/2017

SUBMITTED BY: Kevin M. Ingram, Community Development Director

PURPOSE OF REPORT: ☒ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider an appeal of the Planning Commission’s decision based on failure of the applicant to implement a Condition of Approval associated with Architectural and Design Review Permit (AR 16-05) Lakeport Napa Auto Parts, requiring removal of a cargo container from the property in an allotted time, located at 1015 South Main Street. The City Council is asked to sustain or overturn the Planning Commission’s decision. The Council may also request modifications to the proposal.

BACKGROUND/DISCUSSION:

On August 10, 2016, the Planning Commission reviewed and approved (with a 4-1 vote) an Architectural and Design Review (AR 16-05) for Lakeport Napa Auto Parts to legalize a metal structural addition in the rear of an existing commercial building (NAPA Auto Parts) constructed without permits. During the course of review of the project, staff discovered that the existing storage container located adjacent to the north side of the main building was permitted as a temporary structure as part of a 2004 remodel permit completed by the previous owner. Approval AR 16-05 included eight conditions. Conditions included removing the cargo container from the property or submitting an Architectural and Design Review for some type of screening material around the cargo container to bring it into compliance with City community design standards. Staff contends that all of the conditions had been addressed, with the exception of condition 6 which reads as follows: “The temporary storage container shall be removed on or before February 10, 2017.”

During the course of obtaining the building permit for the legalization of the metal structural addition located in the rear of the property, Ms. Padel (Appellant) informed staff that bids received for the construction of fencing to screen the cargo container from the view of South Main Street proved too costly and furthermore she contended that the City did not have the authority to require her to remove it. On January 10, 2017, Ms. Padel submitted a formal letter outlining her reasons for not screening or removing the cargo contain. A Staff Report (Attachment 4) was prepared and the matter was scheduled for review before the Planning Commission and a public hearing was held on March 15, 2017. Following the conclusion of the public hearing the Planning Commission, by a vote of 4 to 1, made the determination that the applicant had not removed the storage container by the stated date outlined in the approved project conditions nor did the applicant submit an Architectural and Design Review application to attempt to bring the storage container into compliance with City community design standards and therefore directed staff to begin proceedings to have the storage container removed.
Municipal Code Section 17.31.040 outlines the procedures related to an appeal of a Planning Commission decision to the City Council and indicates that “the applicant or affected persons not satisfied with the decision of the Planning Commission may file an appeal.” In this case, the appeal application was filed by the “applicant” who owns the Napa Auto Parts store on the project site and who attended and did not support the decision on the project at the Planning Commission meeting. The appeal was filed within the time frame set forth in Municipal Code Section 17.31.040 A.

In addition to the formal appeal application, the appellant resubmitted her January 10, 2017 letter provided to the Planning Commission containing her arguments as to why she does not believe the City has the authority to require the removal of the subject storage container. The appeal application and supplemental letter are included as Attachment 3 of this memorandum. Below is a restatement of staff’s rebuttal to the main points of the January 10, 2017 letter, unchanged from what was presented to the Planning Commission on their public hearing of March 15, 2017:

➢ “Acknowledging that there are no City development standards for commercial accessory storage containers in place that requires the expensive chain-link fence, and do not require fencing.”
  o Staff agrees with the applicant that per the Zoning Ordinance, cargo containers are not prohibited from the C-2 (Major Retail) zoning district; however they are subject to the approval of an Architectural and Design Review Permit, which the existing cargo container does not currently possess. The cargo container was originally permitted as a temporary use.

➢ “Instead of requiring removal, re-authorize its placement, require proper maintenance/painting of the storage container, require that there be no storage of materials or equipment around, on, or outside the container at any time.”
  o Staff made the determination that in order to be compliant with the City’s Architectural and Design Review standards some type of screening, shielding the view of the cargo container would need to be provided. Staff is open to the consideration of other options beyond the fence.

Additionally, the project proponent contends the storage container should be grandfathered in; and that the fence around the cargo would not adequately screen the cargo container. The project proponent also contends the cost of the fencing would be $5,000.00 and would represent a significant impact on a small business.

On March 15, 2017, the Planning Commission determined that this argument did not justify allowing the cargo container to remain on the property. During public discussion there were comments by staff and one commissioner about providing alternative methods for screening the cargo container in order to bring it into compliance with the City’s community design standards.

OPTIONS:
Sustain or overturn (with cause) the Planning Commission’s decision to require the removal of the cargo container at 1015 South Main Street. The Council may also request the cargo container remain on the property with or without modifications.

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: None
SUGGESTED MOTIONS:

Sample motion to sustain the Planning Commission’s decision:
I move that the Planning Commission’s decision of enforcing a condition to remove the cargo container from the site located at 1015 South Main Street be sustained based on the following: a) the information and documentation submitted by the project proponent; b) the information and documentation contained in the City’s Staff Report on the project; c) the information and facts received at the public hearing on May 2, 2017; and d) the fact that there is general conformance with the applicable criteria and standards specified in the Lakeport Municipal Code and General Plan.

The approval of the Use Permit shall be subject to the conditions of approval set forth in the Project Conditions Agreement and/or as amended by the City Council at the public hearing.

Sample motion to overturn the Planning Commission’s decision:
I move that the Planning Commission’s decision of enforcing a condition to remove the cargo container from the site located at 1015 South Main Street be overturned based on the following: a) the information and documentation submitted by the project proponent; b) the information and documentation contained in the City’s Staff Report on the project; c) the information and facts received at the public hearing on May 2, 2017; and d) the fact that the Council determined adequate screening of the cargo container to meet the criteria and standards specified in the Lakeport Municipal Code and General Plan.

Attachments:
1. Project Conditions Agreement
2. Minute Order from the March 15, 2017 Planning Commission hearing
3. Appeal application
4. March 15, 2017 staff report provided to the Planning Commission
5. Site Plan & Photos
This Agreement is entered into by Deanne Rose Padel/Lakeport Napa Auto Supply (hereinafter Applicant/Owner).

RECITALS

WHEREAS, Applicant/Owner applied to the City of Lakeport for a Minor Architectural and Design Review approval for the placement of an addition to an existing commercial building; and

WHEREAS, the City of Lakeport has reviewed and approved the project for conformance with the Architectural and Design Review criteria and standards set forth in Section 17.27.110 of the Lakeport Municipal Code; and

WHEREAS, the proposed project is hereby approved subject to the following conditions:

1. The applicant/owner shall sign a standard City of Lakeport Project Conditions Agreement which lists the conditions of approval and shall agree to said conditions. A copy of the signed agreement shall be returned to the Community Development Department.

2. The project shall be developed in accordance with the plans and specifications received by the City on June 15, 2016 and as approved on August 10, 2016. Minor alterations may be approved in writing by the City of Lakeport Community Development Director or his designee.

3. The applicant/owner shall maintain the exterior building features in good condition for the life of the project. Damaged or dilapidated portions of the structure or related improvements shall be repaired or replaced as necessary.

4. The applicant/owner shall maintain a similar color pattern for the building addition that matches the existing building.

5. The applicant/owner shall prepare a landscape plan for the southwest corner of the property (corner of South Forbes Street and Lakeport Boulevard) to provide screening of the addition. The landscape plan shall be reviewed and approved.
by the Community Development Director and Public Works Director. The landscaping shall be in place no later than 6-months from this date or February 10, 2017.

6. The temporary storage container shall be removed on or before February 10, 2017.

7. The applicant/owner shall submit a Building Permit for the addition by February 10, 2017. The cost of the Building permit shall require double-fees for construction without permits.

8. If the temporary storage container, Building Permit or landscaping are not addressed by February 10, 2017, the project will be scheduled for additional Planning Commission Public Hearing review and possible abatement action of the addition and the storage container.

NOW, THEREFORE, IT IS AGREED:

1. That the applicant/owner has read and agrees to each and every item and condition herein.

2. That the development and use of the real property described herein shall conform to the conditions listed above and all City of Lakeport Ordinances and Resolutions where applicable.

3. That said conditions shall be binding on all owners or persons having or acquiring any right, title, or interest in said real property, or any part thereof, subject to this agreement.

Dated: ______________________  APPLICANT/OWNER

__________________________________
SIGNATURE- Deanne Rose Padel

__________________________________
PLEASE PRINT NAME

cc: Project File

Associate Planner Daniel Chance read portions of the memorandum dated March 15, 2017, describing the Architectural and Design project and associated Conditions of Approval.

Chance advised that on August 10, 2016, the Planning Commission reviewed and approved an Architectural and Design Review (AR 16-05) for Lakeport Napa Auto Parts for a metal structural addition in the rear of an existing commercial building (NAPA Auto Parts). Approval of the project included eight conditions. Conditions included removing the cargo container from the property or submitting an Architectural and Design Review for some type of screening material around the cargo container.

Chance stated that all of the conditions have been addressed, with the exception of condition #6 which reads as follows:

“The temporary storage container shall be removed on or before February 10, 2017.”

Chance advised that on January 10, 2017, the project applicant submitted a letter addressing condition compliance related to AR 16-05. The letter outlined several reasons the applicant does not believe the city has the authority to require the removal and/or screening of the existing cargo container. Chance stated the applicant’s main arguments were:

“Acknowledging that there are no City development standards for commercial accessory storage containers in place that requires the expensive chain-link fence, and do not require fencing.”

“Instead of requiring removal, re-authorize its placement, require proper maintenance/painting of the storage container, require that there be no storage of materials or equipment around, on, or outside the container at any time.”

Chance advised that storage containers are permitted in the C-2 (Major Retail), however they require the approval of an Architectural and Design permit. In order to be compliant with the Architectural and Design review standards, staff believes that some type of screening or shielding of the storage container would need
to be provided. Chance advised that staff was open to the considering alternative screening options other than the construction of a fence.

Chance advised the applicant contended the storage container should be grandfathered in; and that the fence around the storage container would not adequately screen the container. He stated the applicant advised the cost of fencing would be $5,000 and would represent a significant impact on a small business; as of March 7, 2017 the cargo container has yet to be moved.

Commissioner Russell asked if the business still had the required number of parking spaces after the 400 square foot addition area was added. Chance advised staff did make a site visit in May 2016 and determined an adequate number of parking spaces exist consistent with the requirements set forth in the Lakeport Zoning Ordinance.

Commissioner Green stated he was not on the Commission in August 2016 and asked for some background on how the Commission came to the language of Project Condition #8, which reads:

*If the temporary storage container, Building Permit or landscaping are not addressed by February 10, 2017, the project will be scheduled for additional Planning Commission Public Hearing review and possible abatement action of the addition and the storage container.*

Chance stated the project that was before the Planning Commission at the hearing of August 10, 2016, was for a 400 square foot addition of the rear of the building. During the application process it came to staff’s attention that the cargo container was approved in 2005 as a temporary structure with the condition that it be removed a year later. At the time of the August 2016 hearing it was determined by the Planning Commission that the container would have to be removed and or returned back to the Planning Commission with some means of screening to evaluate compatibility with the City’s Community Design Standards.

Commissioner Wicks advised the addition to the business was constructed illegally and in place for several years. Wicks stated the storage container was secondary and Commissioner Gayner made a recommendation to compromise with the applicant. Gayner’s suggestion was if the applicant could come up with a reasonable design to enclose the container, so that it wasn’t in public view from Main Street by February 10, 2017, then no further action would be needed.

Commissioner Russell added that the applicant agreed the Project Conditions Agreement from August.

Commissioner Wicks asked for clarification on the Building Permit penalty fees; what is the difference between a “double fee” and an “investigation fee” which was applied to the Building Permit. Community Development Director Ingram stated that the California Building Code does not have a provision that automatically provokes a punitive “double fee”, however it does have an “investigation fee” which is based on the Building Official’s time to perform an evaluation of the building after it’s been built.

Wicks asked if the addition was still subject to abatement as stated in Project Condition Agreement #8. Ingram advised the addition has been permitted, inspected and now a legitimate structure so therefore it cannot be abated. Ingram advised if the applicant did not get the Building Permit, abatement would be an option. Ingram stated further that the addition had been properly permitted and a landscape plan submitted, therefore the only remaining item before the Planning Commission concerned the storage container.

Wicks asked staff what they did to work with the applicant to gain compliance on this project. Chance stated staff made several site visits and made recommendations regarding the landscape and fencing around the storage container.

Public hearing opened at 6:31 p.m. Applicant, Deanne Patel spoke in favor of the project.
Ms. Padel noted that several other locations in town had storage containers including the City of Lakeport. Ms. Padel advised she recently contacted the previous Acting Community Development Director, Scott Harter who agreed to the original terms that the painting of the storage container to match the main building was adequate; he remembers the meeting but advised her he did not want to get involved. Commissioner Russell stated hearsay was not admissible. Ms. Patel stated she was “not a liar”.

Commissioner Wicks made a recommendation to Chair Taylor to focus specifically on the issue of the cargo container only. He stated it was getting a little personal and he would like the Commission to be more of a body politic on the issue.

Commissioner Green requested Ms. Padel provide a history of the container to bring the new Commissioners better background history. Ms. Padel stated when she moved into the building in 2010 the storage container was already in place. Ms. Padel advised at that time she applied for an Encroachment Permit which was approved by Mr. Harter with the condition that the storage container be painted the same color. She stated no further contact regarding the storage container until she applied for the Architectural and Design Review permit to legalize the addition constructed without a permit.

Commissioner Froio stated the Commissioners want to work with her and understands her business is an important part of our community. Ingram stated staff suggested the fencing and the screening which wasn’t meant to be the only means necessary; staff would be supportive of other alternatives that achieve the overall objective of screening which doesn’t have to be completely invisible from Main Street.

Froio suggested digging holes in the asphalt and planting shrubs or trees around the container as a more cost effective solution. Ingram advised staff would be supportive of a living screen as an option to bring the container into compliance.

Chair Taylor advised Kmart on South Main St. has 10 storage containers, two of which are covering parking spaces. Ingram advised staff has contacted the business regarding the containers and are working with them to become compliant as they don’t have a permit.

Commissioner Green asked Ms. Padel if she had an alternative storage area where the contents of the container can be stored to eliminate the container. Ms. Patel advised there was not.

Commissioner Wicks asked Ms. Patel why the fence was no longer an option. Ms. Patel advised the quote she received was too costly for her.

Ingram asked the Commissioners where they stand on Commissioner Froio’s suggestion of a living screen as a means of screening the container from Main Street and whether or not they believe this type of screening meets the intent of the Architectural and Design review criteria.

Wicks advised the container is a temporary structure and does not believe it a viable option. Froio asked if these types of containers we prohibited in the City. Ingram advised they are not, however they are subject to Architectural and Design standards.

Chair Taylor asked Ms. Padel if the Planning Commission were to extend the application again, would she come back with a more agreeable type of screening. Ms. Patel advised she would.

Wicks stated the best option would to have it removed and then the applicant could put together a really good plan and come back to the City for review.

Public hearing closed at 7:14 p.m.
Commissioner Russell advised the City has tried to accommodate the applicant and she objects to allow the container.

Commissioner Green stated that the majority of the conditions have been complied with; however, the condition involving the storage container had not. Green stated the applicant is not compliant and there are other options the applicant can explore.

Commissioner Wicks advised the applicant has been given sufficient time to comply with the conditions.

Ingram advised the Planning Commission they have several options such as:

1. They could postpone to the next Planning Commission meeting.
2. The Commission could direct staff to take nuisance abatement action consistent with the Lakeport Municipal Code.
3. The Commission could extend the application to give the applicant time to bring a better plan back before the Planning Commission that meets the City’s community design standards and is more cost effective.
4. The Commission could amend the current conditions.

Commissioner Green moved that the Planning Commission find that the Architectural and Design review applied for by Lakeport Napa Auto Parts for the property located at 1015 South Main Street does not meet the requirements for section 17.27.080 of the Lakeport Zoning Ordinance consistent with the objectives and policies of the Lakeport General Plan and subject to the Project Conditions of approval (Attachment B) and with the findings listed in the August 10, 2016, staff report based on the non-compliance on Project Conditions of Approval and direct staff to begin nuisance abatement proceedings consistent with those set forth in the Lakeport Municipal Code. Motion was seconded by Commissioner Russell.

The vote was called and was as follows:

AYES: Commissioner Wicks, Russell, Green, and Chair Taylor (4-1)

NOES: Commissioner Froio

ABSENT: None

Respectfully submitted,

Kevin M. Ingram
Community Development Director
APPLICATION FOR APPEAL
TO THE CITY COUNCIL

APPLICANT'S INFORMATION
APPLICANT'S NAME
Lake Parts / NAPA Auto Parts
MAILING ADDRESS
1015 S. Main St Lakeport CA 95453
PHONE 263-5671  FAX 263-7819
PROPERTY LOCATION
1015 S. Main St. Lakeport
APN 05-541-38

REASONS FOR APPEAL:
See Attached Regarding Cargo Containers

Signature of Applicant

DATE 3/30/17

OFFICE USE
FILE NO. __________  FEE PAID $0  ACCEPTED BY 18  DATE 3/30/17
CITY COUNCIL REVIEW

Form P-8
Lake Parts located at 1015 South Main St. in the City of Lakeport – APN 025 – 541 – 38 is Zoned C-2 – Major Retail Zoning District.

Chapter 17.10 of the Lakeport Municipal Code contains the C-2 Zoning regulations.

Chapter 17.10.040 of the C-2 Zoning District lists uses subject to the issuance of a zoning permit including H. Accessory uses and structures.

In the Zoning Ordinance/Definition Section, Accessory Uses and Structures, Commercial is defined as “those uses and structures customarily incidental and subordinate to the commercial use of the land including but not limited to:...... storage facilities and garages”.

The Lakeport Zoning Ordinance does not contain any specific development requirements for placement, screening, operation, landscaping, or maintenance of commercial accessory storage facilities and garages.

There are no requirements to provide fencing around storage containers in the Lakeport Zoning Ordinance.

In 2004 Roy Hoskins, the prior owner of the auto parts store applied for and received approval for a zoning permit for the temporary use of an outdoor storage container. The storage container was to be removed by April 15, 2005. It was not removed, and instead through default actions by the City and business owner has become a permanent commercial accessory storage fixture.

The business was sold to new owners. Due to a lack of understanding/knowledge of the Zoning Permit temporary nature of the storage facility, and lack of contact by the City of Lakeport explaining the temporary nature of the storage container, the storage container has remained in place.

In the summer of 2016 in a completely separate and distinct Zoning matter, and in response to a request from the City, Lake Parts Owners applied for minor architectural review for an existing metal structural addition to the Lake Parts store. The staff report presented to the Lakeport Planning Commission on August 10, 2016 addresses the Application Findings and says that the addition located behind the existing building “will not have a significant visual impact or have a significant impact to the aesthetics of the immediate area”. The staff report says that the proposed project is consistent with the purposes of the Lakeport zoning ordinance, in substantial compliance with the design criteria, and is consistent with the Lakeport General Plan. The staff report also made a finding that the project is categorically exempt under the California Environmental Quality Act.

The August 2016 City staff report for the small addition at the back of the building inappropriately addressed the removal of the storage container, located on a completely different side of the building, in a condition of approval. The storage container was not a part of the Architectural and Design Review application. The storage container is a separate and distinct Zoning matter and should not have been addressed or included in the conditions of approval for the building addition.

A cost estimate has been obtained for the construction of a fence around the storage container as suggested by Lakeport planning officials. The materials estimate is approximately $3000 and labor to build the fence is estimated at approximately $2000 for a total estimated cost of $5000. This expense is excessive and out of proportion to visual "impact" of the storage container. This expense is not justified
by any development requirements for commercial accessory storage containers in the City Zoning Ordinance.

The City is requiring a small City of Lakeport business owner to pay a hefty price for a fence around a storage container that will not completely screen the container or provide any true aesthetic improvement. A $5000 expense to build a fence is a significant capital outlay for small business. The storage container has been painted to match the retail building and blends in to the site. The fence expense simply isn’t needed.

There are many other storage containers being used by other businesses in and around the City of Lakeport, that like the one at Lake Parts, were not required to put up fencing. Fencing around these commercial accessory storage facilities is not required by the Zoning Ordinance.

We propose that the City work with us, the Lake Parts business owners in a business-friendly approach by:

- Acknowledging that there are no City development standards for commercial accessory storage containers in place that requires the expensive chain-link fence, and do not require fencing.
- Instead of requiring removal, re-authorize its placement, require proper maintenance/painting of the storage container, require that there be no storage of materials or equipment around, on, or outside the container at any time.
WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

Review of the conditions of Approval for the Architectural and Design Review (AR 16-05) for Lakeport Napa Auto Parts. At the August 10, 2016 Planning Commission hearing, the commission requested the item be reviewed on February 10, 2017 if the conditions have not been addressed. All conditions have been satisfied except for the removal of the cargo container.

BACKGROUND/ DISCUSSION:

On August 10, 2016, the Planning Commission reviewed and approved an Architectural and Design Review (AR 16-05) for Lakeport Napa Auto Parts for a metal structural addition in the rear of an existing commercial building (NAPA Auto Parts). Approval of the project included eight conditions. Conditions included removing the cargo container from the property or submitting an Architectural and Design Review for some type of screening material around the cargo container. Staff contends that all of the conditions have been addressed, with the exception of the removal of the cargo container. The remaining condition reads:

6. The temporary storage container shall be removed on or before February 10, 2017.

On January 10, 2017, the project proponent submitted a letter addressing condition compliance related to AR 16-05 said letter is provided as Attachment A to this report. The letter outlines several reasons the applicant does not believe the city has the authority to require the removal and/or screening of the existing cargo container.

Listed below are the main arguments provided by the project proponent followed by responses by CDD staff:

- “Acknowledging that there are no City development standards for commercial accessory storage containers in place that requires the expensive chain-link fence, and do not require fencing.”
  - Staff agrees with the applicant that per the Zoning Ordinance, cargo containers are not prohibited from the C-2 (Major Retail) zoning district; however they are subject to the approval of an Architectural and Design Review Permit, which the existing cargo container does not currently possess. The cargo container was originally permitted as a temporary use.

- “Instead of requiring removal, re-authorize its placement, require proper maintenance/painting of the storage container, require that there be no storage of materials or equipment around, on, or outside the container at any time.”
  - Staff made the determination that in order to be compliant with the City’s Architectural and Design Review standards some type of screening, shielding the view of the cargo container would need to be provided. Staff is open to the consideration of other options beyond the fence.
Additionally, the project proponent contends the storage container should be grandfathered in; and that the fence around the cargo would not adequately screen the cargo container. The project proponent also contends the cost of the fencing would be $5,000.00 and would represent a significant impact on a small business.

As of January 31, 2017, the Building Inspector has worked with the applicant to address all of the issues associated with the building permit for the 400 square foot addition to the existing building. At this time, the only outstanding issue on this property is the cargo container. Staff is forwarding the issue associated with the cargo container to the Planning Commission for their review.

As of March 7, 2017 the cargo container has yet to be removed.

SUGGESTED MOTION:

Move the Planning Commission review the issues associated with the cargo container.

Attachments: A. Letter from Deanne Rose Padel (January 10, 2017)  
B. Approved Conditions (AR 16-05)  
C. Staff Report and Vicinity Map (AR 16-05)
STAFF REPORT

RE: Giselman Street Waterline Replacement  MEETING DATE: 5/2/2017

SUBMITTED BY: Douglas Grider, Public Works Director

PURPOSE OF REPORT: ☑ Information only ☐ Discussion ☑ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to award a construction contract to the low bidder on the project, Green Right O’Way Constructors, Inc. for the amount of $393,068.00.

BACKGROUND/DISCUSSION:

This project will replace approximately 1,356 feet of main 8 inch water line and provide new service lines to the homes in the project limits. The bids were opened April 24, 2017. Two bids were received for the project.

Green Right O’Way Constructors, Inc. was the low bidder at $393,068.00. The engineer’s estimate for this project was $408,412.00.

All phases of construction are scheduled to take place during the school’s summer break period to minimize traffic impacts.

The Project will be funded by a 2016/2017 approved budget amount of $180,000 in the Water OM Fund and recommended budgeted amounts in 2017/2018 from the Water Expansion Fund in the amount of $90,000 and from the Water OM Fund in the amount of $123,068.

OPTIONS:

The City Council could provide other direction.

FISCAL IMPACT:

☑ None ☑ $393,068 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 award a construction contract to Green Right O’Way Constructors, Inc. for the Giselman Street Waterline Replacement Project.

Attachments: 1. Bid Comparison
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<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Engineer's Estimate</th>
<th>Team Ghilotti</th>
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**Total:**

$408,412.00 $427,546.00 $393,068.00
RE: Request for a Non-Profit Vending & Concessions at Westside Community Park Phase II

SUBMITTED BY: Douglas Grider, Public Works Director

PURPOSE OF REPORT: Information only  Discussion  Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize Non-Profit Vending and Concessions including a concession stand on Phase II of Westside Park. The request is from the Westside Park Committee who is the lease holder of Westside Park Phase II known as “The Jane Barnes Field” and is for Non-Profit organizations renting the field.

BACKGROUND/DISCUSSION:

The Westside Park Committee has received a request from the youth sports leagues renting the Jane Barnes Field to construct a concession stand. The profits from concession sales are one of the ways in which the leagues are funded.

Our current Ordinance NO. 712 (91) 9.08.030 addresses Commercial Activities in Park Lands, but does not address Non-Profit Activities. As our current Ordinance does not specifically allow Non-Profit Vending and Concessions on City Park Lands nor does it prohibit it. In order to get clarification staff directed the Westside Park Committee to direct their request through the Park and Recreation Commission and then to the City Council for authorization for Non-Profit Vending and Concessions including a concession stand on Phase II of Westside Park.

The Westside Park Committee made a presentation to the Parks and Recreation Committee at their 4/6/17 meeting requesting their support in allowing Non-Profit Vending and Concessions on Phase II of Westside Park. The Park and Recreation Commission vote unanimously in favor of the request.

Staff has no issues with the request as it is standard practice on most public sports fields.

OPTIONS:

Authorize or deny the request for Non-Profit Vending and Concessions including a concession stand on Phase II of Westside Park or give staff direction.

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 authorize Non-Profit Vending and Concessions including a concession stand on Phase II of Westside Park.

Attachments:
1. Letter From Westside Park Committee
2. Ordinance NO. 712 (91)
March 9, 2017

Members of the Lakeport City Council
225 Park Street
Lakeport, CA 95453

Dear Mayor and Council Members,

A request has been received from the youth sports leagues renting the Jane Barnes Field to construct a concession stand. The profits from concession sales are one of the ways in which the leagues are funded. Currently, the City prohibits sales at the Westside Community Park.

The Westside Community Park Committee in support of these leagues is requesting the Parks & Recreation Commission recommend to the Council a change in the ordinance. The Committee requests that sales be allowed by non-profit groups renting the facility. This would include recreational sports leagues for youth and adults as well as other periodic events such as walk/run events. It could be stipulated that all proceeds from the sales must be directed to the renting grouping. No for profit sales would be allowed.

This is a common practice at all of the facilities I have visited.

Thank you for your timely consideration of this matter. The Westshore Little League will begin play later in March. The Konocti Youth Soccer League’s season begins in September. That league’s president is working toward the construction of a concession stand if a change in the ordinance is approved by the Council.

Sincerely,

Dennis A. Rollins
Chairperson
ORDINANCE NO. 712 (91)

LAKEPORT WATERFRONT AND PARK LANDS ORDINANCE

THE CITY COUNCIL OF THE CITY OF LAKEPORT DOES ORDAIN AS FOLLOWS:

CHAPTER 9.08 REPEAL OF FORMER ORDINANCE - ADOPTION OF NEW ORDINANCE.

9.08.010 Findings and Purpose. In adopting this Ordinance, the City Council makes the following findings:

(a) There has been a significant increase in the nature and intensity of commercial activities and public demand for the use of parklands in the City of Lakeport; and

(b) This situation has created the need to adopt regulations to protect the health, safety and general welfare of the citizens using City waterfront and parklands; and

(c) In adopting this Ordinance, the City Council intends that the health, safety and welfare of those who use, enjoy, and own property near the waterfront and parklands as well as those using City parklands are not adversely affected by certain activities conducted on said parklands.

9.08.020 Definitions.

(a) For the purpose of this Ordinance, the term "waterfront" shall mean all waters within the corporate limits of the City of Lakeport whether or not the lands lying under the water are privately or publicly owned.

(b) For the purpose of this Ordinance, the term "commercial activity" shall mean any service, trade, business or occupation carried on, for which any monetary or other valuable consideration is received, or for the purpose of profit.

(c) "Lakefront Park Lands" and "parklands" as used herein shall mean all real property and improvements, owned or leased by the City of Lakeport and devoted to recreational use by the general public.

Amended by 722 and 740 (92)
9.08.030 Commercial Activities Prohibited. All commercial sales, display, advertising, and/or solicitation or other similar activities are prohibited in all City parklands unless such activity has received prior City Council approval.

9.08.040 Animals. All domestic animals except seeing eye dogs or animals specially trained to assist sight impaired or persons with physical disabilities are prohibited in all City parklands.

9.08.050 Bicycles in Parklands. It is unlawful for any person to ride a motor driven vehicle, bicycle, motorcycle, skateboard, roller skates/roller blades, or other conveyance in any public park within the city limits of the City excluding parking lots, boat ramps, roadways and designated bikeways.

9.08.060 Camping Prohibited. It is unlawful for any person or persons to camp at or to occupy overnight between the hours of midnight and six a.m. any public parklands with the exception for special events approved in advance by the City Council.

9.08.070 Diving Prohibited. It is unlawful for any person to dive, jump or propel oneself from the pier, tower, ramp or other structure appurtenant to any City parklands.

9.08.080 Obstruction of Street and Sidewalks. It is unlawful for any person to intentionally stand, sit or lie in or upon any street, boat ramp, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk, including all pathways and sidewalks located in City parklands.

9.08.090 Fireworks. The sale, use, possession, and/or discharge of any type of fireworks or similar device is prohibited in all City parklands.
9.08.100 Damage to Vegetation Prohibited. It is unlawful for any person to engage in any activity or conduct injurious to, or to injure in any manner any trees, shrubs, plants, flowers or other property in any parklands within the Lakeport city limits.

9.08.110 Public Consumption of Alcoholic Beverages.

(a) It is unlawful for any person or organization to sell, serve or cause to be served, consume, or possess open containers of alcoholic beverages of any kind whatsoever upon any public street, park or public property within the city limits, at any time for any purpose, except as specifically provided for in this section.

(b) The consumption and possession of alcoholic beverages is permitted on City property located at Fifth and leased by the Lakeport Yacht Club and in Library Park; except that consumption or possession of alcoholic beverages is prohibited in the children's play area, which play area is that portion of Library Park located to the south of the concrete walkway at the rear of the old Carnegie Library building.

(c) The possession of glass containers is prohibited in all City parks.

9.08.120 Disorderly Conduct. It is unlawful for any person to engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace and enjoyment of City parklands.

9.08.130 Vandalism and Littering Prohibited. It is unlawful for any person to write upon, cut or otherwise damage or deface any building structure or other improvement located on the City parklands or to deposit any type of debris or litter in the City parklands except into an approved trash container.
9.08.140 Enforcement Authority. It is made the duty of the Chief of Police to enforce the provisions of this article and to arrest any person violating them.

9.08.150 Violation - Penalty. A violation of Sections 9.08.030 through 9.08.080 shall be an infraction punishable by:

1. A fine not exceeding one hundred dollars for a first violation;

2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;

3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

A violation of Sections 9.08.090 through Sections 9.08.130 shall be a misdemeanor punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

9.08.160. All Ordinances or parts of Ordinances or Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

9.08.170. Within fifteen (15) days of its passage, this Ordinance shall be published at least once in the Lake County Record-Bee, a newspaper of general circulation printed and published in the City of Lakeport.

This Ordinance was introduced before the City Council of the City of Lakeport at a regular meeting thereof on the 6th day of May, 1991, and passed its first reading by the following vote:

AYES: Council Members Dye, Cole, Johnson and Mayor Parmentier

NOES: None

ABSTAINING: None

ABSENT: Council Member Van Lente
This Ordinance was duly enacted by the City Council of the City of Lakeport at a regular meeting thereof on the 20th day of May 1991, by the following vote:

AYES: Council Members Dye, Johnson, Van Lente and Mayor Parmentier

NOES: None.

ABSTAINING: None.

ABSENT: Council Member Cole

ROY PARMENTIER, Mayor
City of Lakeport

ATTEST:

BERNICE M. HUDSON, City Clerk
City of Lakeport
STAFF REPORT

RE: Request to move the Equestrian Park from Westside Park to CLMSD property off of Highway 175  MEETING DATE: 5/2/2017

SUBMITTED BY: Douglas Grider, Public Works Director

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

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve the request of the Westside Community Park Committee and several local equestrian groups for the relocation of the proposed equestrian park, tentatively located at Westside Park, be moved to the CLMSD property located next to Highway 175 with conditions.

BACKGROUND/DISCUSSION:

The Westside Park Committee and local equestrian groups started a preliminary site plan last fall in the “Phase III” area of Westside Park, upon review by City staff it became apparent that the site was not large enough to accommodate the facility they hoped to construct. After several meetings, staff began looking at alternate locations that would accommodate the desired facility. A location at the very South end of the City’s CLMSD property became staff’s selection for a possible relocation site. Staff met with the Westside Park Committee and local equestrian groups at the new proposed location. All parties agreed that it has the potential to be a much better location.

The Westside Community Park Committee and local equestrian groups approached the Parks and Recreation Committee at the 4/6/17 Parks and Recreation Committee meeting with a request for support to move the Equestrian Park from Westside Community Park to CLMSD property off of Highway 175 to better serve the public and park users. The Park & Recreation Committee voted unanimously in support of the relocation.

Staff recommends approving the relocation, subject to conditions. The conditions include, but are not limited to, the following:

1. The Westside Community Park Committee shall remain the responsible party for the facility. The equestrian group (Westside Community Park Committee) shall provide all of the engineered plans for the equestrian park,
2. The equestrian group shall be responsible for all of the earthwork, erosion control and site improvements for the equestrian park and
3. The group shall continue to work with City staff through all phases of development to insure that it meets all of the current design and code requirements and to resolve any issues concerning the design or construction of the equestrian park.
The City will obtain the required Cal-Trans encroachment permit and construct the driveway. City staff will also need to apply to the County for a “General Plan Conformity” finding, as well as perform some elevation surveying to help determine constructability.

OPTIONS:
Council can approve the request to relocate the Equestrian Park to the CLMSD property or provide alternate direction to staff.

FISCAL IMPACT:

☐ None   ☒ Unknown at this time   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 the request to relocate the Equestrian Park to the CLMSD property on Highway 175 with the recommended conditions.

☒ Attachments:  

1. Map of relocation area
2. Letter from Westside Park Committee
February 28, 2017

Members of the Lakeport City Council
225 Park Street
Lakeport, CA 95453

Dear Mayor and Council Members,

The Council granted permission, in early 2014, for the Westside Community Park Committee to investigate the feasibility and initiate planning for an Equestrian Center to be located in the Southwest corner of the park property. As a first step in that process the Committee hosted a community meeting at the site. Over twenty people attended representing the variety of horse groups organized in Lake County. A “wish list” of the needs of these groups was created.

With that list, members of the Westside Community Park Committee met with Cliff Ruzicka and one of his associates to prepare a site plan. Early on in that meeting it became clear that the site was not of sufficient size to accommodate even a moderately sized arena and still provide adequate pull through parking. Other items on the “wish list” were not even addressed. Ruzicka & Associates created a site plan following that meeting.

A meeting of Committee representatives with City staff members; Public Works/Park Director Doug Grider, Community Development Director Kevin Ingram and City Engineer Paul Curran was held in November, 2016 to review that site plan. Staff had concerns about the adequacy of that site as well as the appropriateness of the location given the other proposed uses for future development. The City Engineer also discussed the challenges to development which he stated are significant and costly. During that meeting staff suggested the southern portion of the CLMSD property fronting Highway 175 as a better location for a number of reasons. They each indicated that they were totally supportive of that location.

Public Works/Parks Director Grider discussed this use with Utilities Superintendent Paul Harris who was also supportive and felt this could work. Following that Doug arranged for representatives of the WCP Committee to visit that site. They all immediately saw the advantages of it in size, location, access and ease of development.

At the Committee’s regular meeting on January 4, 2017 the full committee discussed the proposed change of location and voted unanimously to request the City Council authorize this use. This letter presents a formal request for authorization to designate that southern portion of the CLMSD property as the new site of the Equestrian Center. City staff will present a report providing the specific details.

The Committee eagerly looks forward to your decision.

Respectfully,

Dennis A. Rollins
Chairperson