

# MINUTES

## REGULAR MEETING OF THE LAKEPORT CITY COUNCIL (ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE FORMER LAKEPORT REDEVELOPMENT AGENCY)

**Tuesday, May 19, 2020**

**CLOSED SESSION:**

Mayor Spurr called both the regular and special meeting to order at 5:03 p.m. Council Member Barnes was absent.

Mayor Spurr adjourned the meeting to Closed Session at 5:04 p.m. to discuss the following:

1. Conference with Legal Counsel; Initiation of Litigation (Gov. Code §54956.9(d)(4)): 1 Case
2. Public Employee Appointment (Gov. Code § 54957)  
Title: City Manager
3. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6)  
Name of Agency Negotiator: Margaret Silveira  
Employee Group: Unrepresented Management
4. Conference with Labor Negotiator (Gov. Code § 54957.6)  
Name of District Negotiator to Attend Closed Session: Councilmembers Turner and Barnes  
Unrepresented Employee: City Manager

**I. CALL TO ORDER & ROLL CALL:**

Mayor Spurr called the regular and special meeting to order at 6:02 p.m.

Pm, with Council Members Mattina, Parlet, Turner, and Mayor Spurr present/ Council Member Barnes was absent.

Finance Director Walker read the meeting participation instructions.

**REPORT OUT OF CLOSED SESSION:**

1. The Council provided authorization to legal counsel to initiate litigation in federal district court against the following 26 manufacturers and distributors of opioids for public nuisance, violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), violations of 18 USC § 1962, violations of the California False Advertising Act, negligent misrepresentation, fraud and fraudulent misrepresentation, and unjust enrichment:

Amerisourcebergen Drug Corporation, et al, CARDINAL HEALTH, Inc, McKESSON CORPORATION, TEVA PHARMACEUTICAL INDUSTRIES, LTD., TEVA PHARMACEUTICALS USA, INC., CEPHALON, INC., JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. n/k/a JANSSEN PHARMACEUTICALS, INC., JANSSEN PHARMACEUTICA INC. n/k/a JANSSEN PHARMACEUTICALS, INC., NORAMCO, INC., ENDO HEALTH SOLUTIONS INC., ENDO PHARMACEUTICALS, INC., ALLERGAN PLC f/k/a ACTAVIS PLS, WATSON PHARMACEUTICALS, INC. n/k/a ACTAVIS, INC., WATSON LABORATORIES, INC., ACTAVIS LLC, ACTAVIS PHARMA, INC. f/k/a WATSON PHARMA, INC., MALLINCKRODT PLC, MALLINCKRODT LLC, CVS HEALTH CORP., THE KROGER CO., RITE AID OF MARYLAND, INC., THRIFTY PAYLESS, INC., WALGREENS BOOTS ALLIANCE, INC., WAL-MART, INC.

The authorization to initiate litigation was unanimous from the 4 councilmembers present.

2. Continued to end of meeting.
3. No reportable action.
4. Continue to end of meeting.

**II. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:**

City Manager Silveira requested that agenda item V.B.2 be pulled from the agenda as that item had been approved at the Special meeting of May 18, 2020.

City Manager Silveira requested that agenda item V.A.2. CDBG Grant be moved to the last item.

The City Attorney advised that Council pull item V.A.1 1, Eleventh Street Corridor Multimodal and Engineered Feasibility Study, due to the absence of Council Member Barnes. This item will be considered at a future meeting with all Council Members present due to open meeting requirements.

A motion was made by Council Member Turner, seconded by Council Member Mattina, to accept the agenda as amended. The motion was passed 4-0-1 by the following roll call vote:

Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye.

**III. CONSENT AGENDA:**

*The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.*

- A. Ordinances: Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per *Government Code* Section 36934.
- B. Minutes: Approve minutes of the City Council special meeting of May 5, 2020, and the regular meeting of May 5, 2020.
- C. Warrants: Approve the warrant register for May 13, 2020
- D. Renew Emergency Resolution: Mendocino Complex Fire Confirm the continuing existence of a local emergency for the Mendocino Complex Fire.
- E. Renew Emergency Resolution: February 2019 Storms Confirm the continuing existence of a local emergency for the February 2019 Storms.
- F. Renew Emergency Resolution: PG&E Public Safety Power Shutoffs (PSPS) Confirm the continuing existence of a local emergency for the October 2019 PSPS.
- G. Renew Emergency Resolution: COVID-19 Confirm the continuing existence of a local emergency for the COVID-19 Public Health Emergency.
- H. Third Quarter Financial Report: Receive and file the third quarter financial report.
- I. Election Services: Adopt a Resolution calling for and providing for, and giving notice of the General Municipal Election to be held in the City of Lakeport, County of Lake, State of California, on the 3rd Day of November, 2020, for the purpose of electing three (3) City Council Members, each to hold office for a term of four years, or until their successors are elected and qualified, requesting consolidation of that election with the State General Election and requesting approval of the Lake County Board of Supervisors for election services to be provided by the Lake County Registrar of Voters.
- J. Notice of Completion: Adopt the resolution accepting construction of the Library Park Sidewalk Replacement Project by Granite Construction Company and authorize the filing of the Notice of Completion.

Vote on Consent Agenda: A motion was made by Council Member Mattina, seconded by Council Member Turner, to accept the agenda as amended. The motion was passed 4-0-1 by the following roll call vote:

Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye.

**IV. PUBLIC PRESENTATIONS/REQUESTS:**

A. Public Input: There was no public input.

**V. COUNCIL BUSINESS:**

A. Assistant City Manager

1. Eleventh Street Corridor Multimodal and Engineered Feasibility Study: Adopt the proposed resolution adopting the Eleventh Street Corridor Multimodal Engineered Feasibility Study and make a recommendation that the Lake Area Planning Council also adopt the proposed Study.

This item was continued to a future meeting.

2. Community Development Block Grant (CDBG): The staff report was presented by Assistant City Manager Ingram. A motion was made by Council Member Mattina, seconded by Council Member Turner, to adopt the Resolution authorizing the submission, signatory and approval of the 2019-2020 CDBG Application for the recommended purpose. The motion was passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr - aye

B. City Manager

1. Fireworks: Display and Retail Sales: City Manager Silveira presented the staff report. Comments from the following people via email were read by Finance Director Walker:  
Holly Baldwin was in favor of the public fireworks show.  
Heidi Johnson of the Lake County Realtors Scholarship & Community Fund was in favor of permitting fireworks retail sales.  
Stan and Ruby Jones opposed both the public fireworks display and retail sales of fireworks by nonprofit groups.  
Monet Allard-Wilcox and Maria de were opposed to retail fireworks booths.

In addition, the following spoke at the meeting:

Michael Green opposed both the public fireworks display and retail sales of fireworks by nonprofit groups.

Jen Hanson of the Channel Cats spoke in favor of the fireworks sales.

Dennis Revel of TNT advised their social distancing plan has been approved by Dr. Pace.

A motion was made by Council Member Turner, seconded by Council Member Parlet, to approve the sale of safe and sane fireworks contingent upon the Department of Public Health approval and City of Lakeport Staff approvals; The motion was passed 4-0-1 by the following roll call vote:

Barnes –absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr - aye

A motion was made by Council Member Parlet, seconded by Council Member Mattina, to cancel the fireworks display for the 4th of July, 2020 celebration. The motion was passed 4-0-1 by the following roll call vote:

Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye.

2. Letter of Support: Consider a letter of support of Lake County’s Variance to Accelerate the Pace of Advancing Through Stage 2 of the State’s Pandemic Roadmap to be submitted to Governor Newsom.

This item was pulled from the agenda as it had been approved at the May 18, 2020, special meeting.

**VI. CITY COUNCIL COMMUNICATIONS:**

A. Miscellaneous Reports, if any:

Council Member Parlet wondered how people can dine outdoors with masks.

Council Member Mattina reported that the graduating seniors will have a virtual graduation ceremony, and she congratulated all seniors.

Council Member Turner commend the work done on Library Park sidewalk. Council Member Turner agreed to forgo her meeting stipend thru the end of her term.

Mayor Spurr regrets that fireworks show is cancelled.

**CLOSED SESSION:**

Mayor Spurr closed the special meeting at 7:09 pm, and adjourned the regular meeting to closed session to consider closed session items 2 and 4 at 7:09 pm.

- 2. Public Employee Appointment (Gov. Code § 54957)  
Title: City Manager
- 4. Conference with Labor Negotiator (Gov. Code § 54957.6)  
Name of District Negotiator to Attend Closed Session: Councilmembers Turner and Barnes  
Unrepresented Employee: City Manager

**VII. ADJOURNMENT:**

- 2. There was no reportable action out of Closed Session.
- 4. There was no reportable action out of Closed Session

Mayor Spurr adjourned the meeting. (Time of adjournment was not recorded.)

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George Spurr, Mayor

Attest:

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Hilary Britton, Deputy City Clerk