



AGENDA

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL

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

Tuesday, August 4, 2020 6:00 p.m.

Location: See Teleconferencing Instructions Below

PUBLIC ADVISORY: THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN TO THE PUBLIC

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for **August 4, 2020** will be conducted telephonically through Go to Webinar. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting. Council Members will be participating telephonically and will not be physically present in the Council Chambers.

If you would like to speak on an agenda item, you can access the meeting remotely:

Join from a PC, Mac, iPad, iPhone, or Android device:

Please use this web link: <https://attendee.gotowebinar.com/rt/8183639065071149323>

Or join by phone*:

If you prefer to use your phone, you must select "Use Telephone" after joining the webinar and call in using the numbers below.

United States (Toll-free): + 1 877 309 2074

United States: +1 (213) 929-4221

Access Code: 887-783-896

Audio PIN: Shown after joining the webinar

*Please note that if you phone in without using the web link, you will be in "listen mode" only, and will not be able to participate or comment.

The City wants you to know that you can also submit your comments by email to virtualhost@cityoflakeport.com. To give the City Clerk adequate time to print out your comments for consideration at the meeting, please submit your written comments prior to **3:30 p.m. on Tuesday, August 4, 2020.**

Please indicate in the email Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on. Comments that you want read to the Council will be subject to the three minute time limitation (approximately 350 words). Written comments that are only to be provided to Council and not read at the meeting will be distributed to the Council prior to the meeting.

The City of Lakeport thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.



AGENDA

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL

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

Tuesday, August 4, 2020

6:00 p.m.

I. CALL TO ORDER & ROLL CALL:

II. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:

Move to accept agenda as posted, or move to add or delete items.

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

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 <i>Government Code</i> Section 36934. |
| B. Minutes: | Approve minutes of the City Council regular meeting of July 21, 2020. |
| C. Renew Emergency Resolution: Mendocino Complex Fire | Confirm the continuing existence of a local emergency for the Mendocino Complex Fire. |
| D. Renew Emergency Resolution: February 2019 Storms | Confirm the continuing existence of a local emergency for the February 2019 Storms. |
| E. Renew Emergency Resolution: PG&E Public Safety Power Shutoffs (PSPS) | Confirm the continuing existence of a local emergency for the October 2019 PSPS. |
| F. Renew Emergency Resolution: COVID-19 | Confirm the continuing existence of a local emergency for the COVID-19 Public Health Emergency. |
| G. Measure Z Advisory Committee (MZAC): | Receive and file the draft minutes of the July 15, 2020 MZAC meeting. |
| H. City Attorney Contract Addendum: | Approve the proposed Addendum to Professional Services Agreement between the City of Lakeport and Colantuono, Highsmith & Whatley, PC, for the services of City Attorney. |

IV. PUBLIC PRESENTATIONS/REQUESTS:

- | | |
|------------------|---|
| A. Public Input: | <i>Any person may speak for 3 minutes about any subject within the authority of the City Council, provided that the subject is not already on tonight's agenda. Persons wishing to address the City Council are required to complete a Citizen's Input form and submit it to the City Clerk prior to the meeting being called to order. While not required, please state your name and address for the record. NOTE: Per Government Code §54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda.</i> |
| B. Presentation: | Presentation by Dr. Gary Pace MD, MPH, Lake County Public Health Officer, on the current progress in containing the Covid-19 outbreak in Lake County. |

V. PUBLIC HEARINGS:

- | | |
|---|--|
| A. Safety Assessment Placard Ordinance: | Hold a public hearing and adopt the Ordinance adding Chapter 15.06 "Safety Assessment Placard Ordinance" to the Lakeport Municipal Code. |
|---|--|

- B. Delinquent Utility User Accounts: Hold a public hearing and confirm and approve the utility billing delinquency list and the associated resolution and direct staff to submit the list to the County Auditor-Controller for inclusion on the property tax roll.

VI. COUNCIL BUSINESS:

A. Police Chief

1. Fireworks After-Action Report: Receive and file the 2020 police after action report on the Independence Day Fireworks Operations.

B. City Manager

1. Contract Award: Authorize the City Manager to enter into a construction contract with Pacific West Builders in the amount of \$650,000.00 for the completion of the Martin Street Apartments Off-site Improvement Project.

VII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

VIII. ADJOURNMENT:

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

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

Hilary Britton, Deputy City Clerk



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, July 21, 2020

I. CALL TO ORDER & ROLL CALL:

Mayor Spurr called the meeting to order at 6:01 p.m., with Council Members Mattina, Parlet, Turner, and Mayor Spurr present.

Council Member Barnes was absent.

II. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:

A motion was made by Council Member Mattina, seconded by Council Member Turner, and passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye, to accept agenda as posted.

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.

III. 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 City Council regular meeting of July 7, 2020.

C. Renew Emergency Resolution:
Mendocino Complex Fire

Confirm the continuing existence of a local emergency for the Mendocino Complex Fire.

D. Renew Emergency Resolution:
February 2019 Storms

Confirm the continuing existence of a local emergency for the February 2019 Storms.

E. Renew Emergency Resolution:
PG&E Public Safety Power Shutoffs
(PSPS)

Confirm the continuing existence of a local emergency for the October 2019 PSPS.

F. Renew Emergency Resolution:
COVID-19

Confirm the continuing existence of a local emergency for the COVID-19 Public Health Emergency.

G. Statewide Broadband Action Policy

Endorse the California Economic Summit's efforts urging the Governor to develop a Statewide Broadband Action Policy

Vote on the Consent Agenda:

A motion was made by Council Member Parlet, seconded by Council Member Turner, and passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye, to approve the Consent Agenda, Items A-G.

IV. PUBLIC PRESENTATIONS/REQUESTS:

A. Public Input:

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

V. COUNCIL BUSINESS:

A. Police Chief

1. Alcohol Policing
Partnership Grant:

The staff report was presented by Officer Welter.

A motion was made by Council Member Turner, seconded by Council Member Mattina, and passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye, to adopt a resolution accepting grant funding and joining into a partnership with the Department of Alcoholic Beverage Control.

B. Assistant City Manager

1. Building Services:

The staff report was presented by Assistant City Manager Ingram. A motion was made by Council Member Parlet, seconded by Council Member Turner, and passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye, to authorize the Community Development Director to enter into a Professional Service Agreement with 4LEAF, Inc. for the provision of supplemental building services in the amount not to exceed \$25,000.00.

C. Public Works Director:

1. Public Safety Power Shutoff (PSPS) Resiliency Grant:

The staff report was presented by Public Works Director Grider. A motion was made by Council Member Mattina, seconded by Council Member Parlet, and passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye, to approve the purchase of four (4) Diesel stand-by generators.

D. City Manager:

1. League of California Cities Annual Meeting Delegates:

The staff report was presented by City Manager Silveira. A motion was made by Council Member Parlet, seconded by Council Member Mattina, and passed 4-0-1 by the following roll call vote: Barnes – absent; Mattina – aye; Parlet – aye; Turner – aye; Spurr – aye, to appoint Council Member Turner as the voting delegate and Council Member Parlet as the first alternate and Mayor Spurr as the second alternate voting delegate for the League of California Cities Annual Conference to be held via video conference on October 7-9, 2020.

VI. **CITY COUNCIL COMMUNICATIONS:**

A. Miscellaneous Reports, if any:

Council Member Parlet expressed his congratulation on CM Silveira's retirement. Council Member Mattina congratulate CM Silveira on her retirement. Council Member Turner attended a webinar with Cal Matters re mental health crisis. Mayor Spurr expressed his appreciation for all City Manager Silveira has accomplished. Public Works Director Grider had no report. Police Chief Rasmussen the County has sent out an RFP to take over homeless shelter. City Manager Silveira advised that 21 people in the shelter have found permanent housing. She complimented the staff for their efforts. She also thanked the community for all of the support they have given to her during her tenure as City Manager. Assistant City Manager Ingram had no report. Finance Director Walker attended a CalPERS update webinar and estimated a 4.3% return for FY 19-20. This will be reflected in the City's unfunded pension liability. Mayor Spurr adjourned the meeting at 6:48 p.m.

VII. **ADJOURNMENT:**

George Spurr, Mayor

Attest:

Hilary Britton, Deputy City Clerk



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Authority ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Continuation of Local Emergency Declaration – Mendocino Complex Fires

MEETING DATE: 08/04/2020

SUBMITTED BY: Margaret Silveira, 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 review the need to continue the proclamation declaring a Local State of Emergency due to conditions of extreme peril as a result of the River Fire, re-named along with the Ranch Fire, the Mendocino Complex fire and provide direction.

BACKGROUND/DISCUSSION:

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

The City Council, at a Special Meeting on August 13, 2018, continued the emergency declaration via Resolution 2680 (2018). The City Council subsequently continued the emergency declaration on August 21, 2018, September 18, 2018, October 2, 2018, October 16, 2018, November 6, 2018, November 20, 2018, December 4, 2018, December 18, 2018, January 15, 2019, February 5, 2019, February 19, 2019, March 5, 2019, March 19, 2019, April 2, 2019, April 16, 2019, May 7, 2019, May 21, 2019, June 4, 2019, June 18, 2019, July 16, 2019, August 6, 2019, September 3, 2019, September 17, 2019, October 1, 2019, October 22, 2019, November 5, 2019, November 19, 2019, December 3, 2019, December 17, 2019, January 7, 2020, January 21, 2020, February 4, 2020, February 18, 2020, March 3, 2020, March 17, 2020, April 7, 2020, April 21, 2020, May 5, 2020, May 19, 2020, June 2, 2020, June 16, 2020, July 7, 2020, and July 21, 2020. Since a need still exists for the declaration, Council is asked to review and continue the declaration. Should the need continue, staff will return this item at the next regularly scheduled City Council meeting.

OPTIONS:

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

FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

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

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

Comments:

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

☒ **Attachments:** 1. Resolution No. 2679 (2018)

RESOLUTION NO. 2679 (2018)

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

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

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

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

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

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

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

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

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

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

IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services; and

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

This resolution shall be effective upon its adoption.

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

AYES:

NOES:

ABSTAINING:

ABSENT:



MIREYA G. TURNER, Mayor

ATTEST:



KELLY BUENDIA, City Clerk



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Authority ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Continuation of Local Emergency Declaration – February Storms

MEETING DATE: 08/04/2020

SUBMITTED BY: Margaret Silveira, 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 review the need to continue the proclamation declaring a Local State of Emergency due to conditions of extreme peril as a result of the February 2019 Storms and provide direction.

BACKGROUND/DISCUSSION:

On February 28, 2019, the Director of Emergency Services for the City of Lakeport declared a local State of Emergency in connection with the conditions of extreme peril to the safety of persons and property within the city as a result of the February 2019 storms. In accordance with the Emergency Services Act Section 8630(b) and Lakeport Municipal Code section 2.28.130, the City Council ratified the declared emergency on March 5, 2019, March 19, 2019, April 2, 2019, April 16, 2019, May 7, 2019, May 21, 2019, June 4, 2019, June 18, 2019, July 16, 2019, August 6, 2019, September 3, 2019, September 17, 2019, October 1, 2019, October 22, 2019, November 5, 2019, November 19, 2019, December 3, 2019, December 17, 2019, January 7, 2020, January 21, 2020, February 4, 2020, February 18, 2020, March 3, 2020, March 17, 2020, April 7, 2020, and April 21, 2020, May 5, 2020, May 19, 2020, June 2, 2020, June 16, 2020, July 7, 2020, and July 21, 2020, under Resolution 2704 (2019). Under Lakeport Municipal Code section 2.28.150, the City Council shall review, at least every 14 days, the need for continuing the emergency declaration until the local emergency is terminated.

Since a need still exists for the declaration, Council is asked to review and continue the declaration. Should the need continue, staff will return this item at the next regularly scheduled City Council meeting.

OPTIONS:

Approve the need for the continuation of the proclamation declaring a Local State of Emergency due to the February 2019 storms; or proclaim the termination of the Local State of Emergency

FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

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

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

Comments:

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

☒ **Attachments:** 1. Resolution No. 2704 (2019)

RESOLUTION NO. 2704 (2019)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAKEPORT CONFIRMING EXISTENCE OF A LOCAL EMERGENCY**

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

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this City as a result of rain storms, wind, and flooding commencing on or about February 26, 2019, at which time the City Council of the City of Lakeport was not in session; and

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

WHEREAS, the Director of Emergency Services of the City of Lakeport did proclaim the existence of a local emergency within the City on the 28th day of February, 2019; and

WHEREAS, the Governor of the State of California proclaimed a state of emergency in Lake County due to atmospheric river storm systems, which caused widespread damage and flooding; and

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

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

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

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

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

IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services; and

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

This resolution shall be effective upon its adoption.

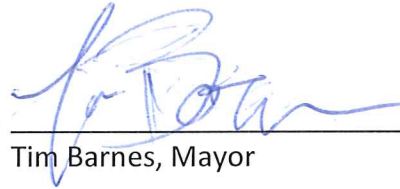
THIS RESOLUTION was passed by the City Council of the City of Lakeport at a regular meeting thereof on the 5th day of March, 2019, by the following vote:

AYES: Mayor Barnes, Council Members Mattina, Parlet, Spurr and Turner

NOES: None

ABSTAINING: None

ABSENT: None



Tim Barnes, Mayor

ATTEST:



Kelly Buendia, City Clerk



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Authority ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Continuation of Local Emergency Declaration – Public Safety
Power Shutoff (PSPS)

MEETING DATE: 08/04/2020

SUBMITTED BY: Margaret Silveira, 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 review the need to continue the proclamation declaring a Local State of Emergency due to electrical outages as a result of extreme fire weather conditions commencing on or about 6:00 p.m. on the 26th day of October 2019, called the Public Safety Power Shutoff (PSPS) of October 2019

BACKGROUND/DISCUSSION:

On October 26, 2019, the Director of Emergency Services for the City of Lakeport declared a local State of Emergency in connection with the conditions of extreme peril to the safety of persons and property within the city as a result of the October 2019 Public Safety Power Shutoffs (PSPS). In accordance with the Emergency Services Act Section 8630(b) and Lakeport Municipal Code section 2.28.130, the City Council ratified the declared emergency on October 31, 2019, under Resolution 2734 (2019). Under Lakeport Municipal Code section 2.28.150, the City Council shall review, at least every 14 days, the need for continuing the emergency declaration until the local emergency is terminated.

The City Council, at an emergency meeting on October 31, 2019, ratified the emergency declaration via Resolution 2734 (2019). The City Council subsequently continued the emergency declaration on November 5, 2019, November 19, 2019, December 3, 2019, December 17, 2019, January 7, 2020, January 21, 2020, February 4, 2020, February 18, 2020, March 3, 2020, March 17, 2020, April 7, 2020, April 21, 2020, May 5, 2020, May 19, 2020, June 2, 2020, June 16, 2020, July 7, 2020, and July 21, 2020.

Since a need still exists for the declaration, Council is asked to review and continue the declaration. Should the need continue, staff will return this item at the next regularly scheduled City Council meeting.

OPTIONS:

Approve the need for the continuation of the proclamation declaring a Local State of Emergency due to the October Public Safety Power Shutoff; or proclaim the termination of the Local State of Emergency.

FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

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

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

Comments:

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

- ☒ **Attachments:**
1. Resolution No. 2734 (2019)
 2. Emergency Proclamation

RESOLUTION NO. 2734 (2019)

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

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

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this City as caused by electrical outages as a result of extreme fire weather conditions commencing on or about 6:00 p.m. on the 26th day of October 2019, called the Public Safety Power Shutoff (PSPS) of October 2019, at which time the City Council of the City of Lakeport was not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services of the City of Lakeport, did proclaim the existence of a local emergency within the City on the 26th day of October, 2019; and

WHEREAS, the Governor of the State of California proclaimed a state of emergency due to the extreme fire weather conditions on the 27th day of October, 2019; and

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

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

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

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

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

IT IS FURTHER ORDERED that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services; and

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

This resolution shall be effective upon its adoption.

THIS RESOLUTION was passed by the City Council of the City of Lakeport at a special meeting thereof on the 31st day of October, 2019, by the following vote:

AYES: Mayor Barnes, Council Members Mattina, Spurr and Turner

NOES: None

ABSTAINING: None

ABSENT: Council Member Parlet


TIMOTHY BARNES, Mayor

ATTEST:


KELLY BUENDIA, City Clerk

PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, section 2.28.130 of the Lakeport Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager, as Director of Emergency Services of the City of Lakeport, does hereby find that:

1. Conditions of extreme peril to the safety of persons and property have arisen within the City of Lakeport, caused by electrical outages as a result of extreme fire weather conditions commencing on or about 6:00 p.m. on the 26th day of October, 2019, called the Public Safety Power Shutoff (PSPS) of October 2019; and

2. That the City Council of the City of Lakeport is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that a local emergency now exists throughout the City; and

IT FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City, and by the City of Lakeport Emergency Plan.

10/26/19
Date and Time

Margaret Silveira
Director of Emergency Services



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Authority ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Continuation of Local Emergency Declaration – COVID-19	MEETING DATE: 08/04/2020
SUBMITTED BY: Margaret Silveira, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review the need to continue the proclamation declaring a Local State of Emergency due to the State of Emergency declared by Governor Newsome on March 4, 2020, and the Public Health Emergency declared by the Lake County Health Officer on March 9, 2020 as a result of the COVID-19 virus pandemic.

BACKGROUND/DISCUSSION:

On March 11, 2020, the Director of Emergency Services for the City of Lakeport declared a local State of Emergency in connection with the conditions of extreme peril to the safety of persons and property within the city as a result of the State of Emergency due to the threat of COVID-19 as declared by the Governor of the State of California on March 4, 2020; and the Local Public Health Emergency due to the threat of COVID-19 as declared by the Lake County Public Health Officer on March 9, 2020, in accordance with the Emergency Services Act Section 8630(b) and Lakeport Municipal Code section 4734 (2020). Under Lakeport Municipal Code section 2.28.150, the City Council shall review, at least every 14 days, the need for continuing the emergency declaration until the local emergency is terminated.

The City Council, at a special meeting on March 17, 2020, ratified the emergency declaration via Resolution 2747 (2020). The City Council subsequently continued the emergency declaration on April 7, 2020, April 21, 2020, May 5, 2020, May 19, 2020, June 2, 2020, June 16, 2020, July 7, 2020, and July 21, 2020.

Since a need still exists for the declaration, Council is asked to review and continue the declaration. Should the need continue, staff will return this item at the next regularly scheduled City Council meeting.

OPTIONS:

Approve the need for the continuation of the proclamation declaring a Local State of Emergency due to the COVID-19 virus pandemic; or proclaim the termination of the Local State of Emergency.

FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

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

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

Comments:

SUGGESTED MOTIONS: Move to confirm the continuing existence of a local emergency in the City of Lakeport due to COVID-19

- ☒ **Attachments:**
1. Resolution No. 2747 (2020)
 2. Emergency Proclamation

RESOLUTION NO. 2747 (2020)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT, CALIFORNIA, PROCLAIMING A LOCAL EMERGENCY DUE TO THE OUTBREAK OF COVID-19

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally;

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19;

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19;

WHEREAS, on March 9, 2020, the Lake County Health Officer declared a local health emergency, respectively, as a result of COVID-19;

WHEREAS, the Director of Emergency Services of the City of Lakeport did proclaim the existence of a local emergency within the City on the 11th day of March, 2020; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom's signed Executive Order N-25-20 giving state and local public health officials the authority to issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences or other mass events;

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency as a result of COVID-19;

WHEREAS, on March 15, 2020, Governor Gavin Newsom called for the closure of all bars, pubs, and wineries in the State and restrictions on restaurants;

WHEREAS, despite sustained efforts, COVID-19 remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed;

WHEREAS, the spread of COVID-19 and its consequences are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Lakeport;

WHEREAS, the mobilization of local resources, the ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully respond to COVID-19;

WHEREAS, these conditions warrant and necessitate that the City proclaim the existence of a local emergency.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEPORT, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Proclamation. Pursuant to Government Code section 8630, subdivision (a), the City Council proclaims a local emergency due to the outbreak of COVID-19.

SECTION 3. Regulation of Public Gatherings. Commencing immediately, all City departments are directed to postpone or cancel all non-essential public community events or group activities in City-owned properties that require close contact and involve ten or more participants.

SECTION 4. Regulation of Public Facilities. Commencing immediately, all City departments are directed to close all non-essential City-owned facilities that require close contact of vulnerable individuals, including those over 60 years old or with compromised immune systems.

SECTION 5. Emergency Authority. Pursuant to Government Code section 8634, the City Council authorizes the City Manager to take any measures necessary to protect and preserve public health and safety, including activation of the Emergency Operations Center.

SECTION 6. Public Health Officials. The City Council authorizes the City Manager to implement any guidance, recommendations, or requirements imposed by state and local public health officials.

SECTION 7. Termination. Pursuant to Government Code section 8630, subdivision (d), the City Council will proclaim the termination of the emergency at the earliest possible date that conditions warrant.

SECTION 8. Review. Pursuant to Government Code section 8630, subdivision (c), the City Council will review the need for continuing the local emergency at each City Council meeting following this Resolution, but in no event later than 14 days from the previous declaration or review, until the City Council terminates the local emergency.

SECTION 9. Cost Accounting. City staff will begin accounting for their time and expenses related to addressing the local emergency caused by COVID-19.

SECTION 10. Cost Recovery. The City will seek recovery for the cost of responding to COVID-19, as this proclamation is made within 10 days of the Governor's Executive Order N-25-20 and the President's declaration of a national emergency, qualifying the City for

assistance under the California Disaster Assistance Act and for reimbursement from the Federal Emergency Management Agency.

SECTION 11. Submissions. The City Clerk will transmit a copy of this Resolution at the earliest opportunity to the the California Governor's Office of Emergency Services.

SECTION 12. Certification. The City Clerk will certify to the passage and adoption of this Resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED, APPROVED AND ADOPTED on this 17th day of March, 2020.



George Spurr, Mayor

ATTEST:



Hilary Britton, Deputy City Clerk

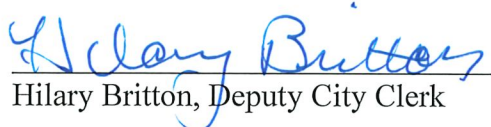
I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Lakeport, California, at a regular meeting held on the 17th day of March, 2020, by the following vote:

AYES: Mayor Spurr, Council Members Barnes, Mattina, and Turner

NOES: Council Member Parlet

ABSENT: None

ABSTAINED: None



Hilary Britton, Deputy City Clerk

**PROCLAMATION BY THE
DIRECTOR OF EMERGENCY SERVICES
DECLARING A LOCAL EMERGENCY**

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

WHEREAS, the Director of Emergency Services of the City of Lakeport does hereby find:

THAT conditions of extreme peril to the safety of persons and property have arisen within this City as a result of the local State of Emergency due to the threat of COVID-19 declared by the Governor of the State of California on March 4, 2020; and the Local Public Health Emergency due to the threat of COVID-19 declared by the Lake County Public Health Officer on March 9, 2020.

THAT the City Council of the City of Lakeport is not in session; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City of Lakeport, California; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency that powers, functions and duties of the emergency organization of this City shall be prescribed by state law, by ordinances, and resolutions of this City, and by Chapter 2.28 of the Lakeport Municipal Code.

Dated: March 11, 2020



MARGARET SILVEIRA
Director of Emergency Services
City Manager, City of Lakeport



MINUTES
MEASURE Z ADVISORY COMMITTEE
REGULAR MEETING
Via Teleconference
July 15, 2020

1. CALL TO ORDER

Chair Hopkins opened the meeting at 5:40 p.m. with Committee Members King, Speed, Rollins and Schaffer present.

2. APPROVAL OF MINUTES

Committee member King made a motion; seconded by Committee member Speed to approve Minutes of April 22, 2020 meeting. The motion was carried by the following roll call vote: Committee member Hopkins – aye; Rollins – aye; Speed – aye; King – aye; Schaffer – aye.

3. CITIZEN INPUT

There was no input offered from the public.

4. DISCUSSION/ACTION ITEMS

A. 2019-20 Project Update

Receive and review a 2019-20 project update report.

Finance Director Walker stated that when the 2019-20 books are closed, we will know how much surplus is available, since measures to stall projects were taken due to the Covid-19 pandemic. He believes we will be on target with estimates of about a \$1 million dollar lost revenue.

B. 2020-21 Budget

Receive and review the 2020-21 Budget adopted by the City Council on June 2, 2020.

Finance Director Walker stated that the budget was balanced by not filling vacancies and some reorganization due to retirements that were incentivized.

City Manager Silveira stated that the Second Street project will get accomplished through road grant funding. It will look like the Main Street project and the utility infrastructure will be repaired. Additionally the Prop 68 funded Lake Front Park project will be started, with the properties now purchased.

General Fund projects will continue to be stalled until more understanding of the revenues is gained. The hope is that reserves will not have to be touched to operate the City.

5. ADJOURN

Chair Hopkins closed the meeting at 6: with the next meeting set for October 7, 2020 at 3:30 p.m.

Kelly Buendia, City Clerk



CITY OF LAKEPORT

City Council ☒

City of Lakeport Municipal Sewer District ☐

Lakeport Redevelopment Successor Agency ☐

STAFF REPORT

RE: Addendum to Professional Services Agreement allowing for FEMA reimbursement of COVID-19 related legal services.

MEETING DATE: 8/4/2020

SUBMITTED BY: David Ruderman, City Attorney

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 an Addendum to the Professional Services Agreement with Colantuono, Highsmith & Whatley, PC, allowing the City to seek FEMA reimbursement for any legal services related to the COVID-19 pandemic as well as other legal services related to federally-declared disasters in the future.

BACKGROUND/DISCUSSION:

Colantuono, Highsmith & Whatley, PC provides the City's contract city attorney services. Legal service costs related to COVID-19 are potentially recoverable under FEMA. The proposed Addendum brings Colantuono, Highsmith & Whatley, PC, in compliance with federal requirements including:

1. 2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which the proposed addendum expressly incorporates by reference.
2. Federal Contract Provisions attached hereto as Exhibit "C" and incorporated herein by reference.
3. Subcontracts, if any, shall contain a provision making them subject to all of the provisions stipulated in the contract, including but not limited to, 2 C.F.R. Part 200 and the Federal Contract Provisions.

Approval of this Addendum will allow the City to seek reimbursement for the City's legal fees related to the State of Emergency declared due to COVID-19 and any future emergencies for which the City is eligible for FEMA reimbursement.

The proposed Addendum does not otherwise change the City's contract with Colantuono, Highsmith & Whatley and will not result in any change in fees or city attorney designations.

OPTIONS:

1. Approve the proposed Addendum to Professional Services Agreement between the City of Lakeport and Colantuono, Highsmith & Whatley, PC, for the services of City Attorney ;
2. Request revisions to the Addendum to the Professional Services Agreement between the City of Lakeport and Colantuono, Highsmith & Whatley, PC, for the services of City Attorney; or
3. Reject the proposed Addendum.

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: Approval of the proposed addendum may result in cost savings if FEMA provides reimbursement for legal fees related to federally-declared emergencies and disasters.

SUGGESTED MOTIONS:

Move to approve the attached Addendum to Professional Services Agreement between the City of Lakeport and Colantuono, Highsmith & Whatley, PC, for the services of City Attorney.

☒ **Attachments:**

1. Addendum to Professional Services Agreement between the City of Lakeport and Colantuono, Highsmith & Whatley, PC, for the services of City Attorney.

**ADDENDUM TO
AGREEMENT FOR SERVICES**

THIS ADDENDUM ("Addendum") is made and entered into on the ____ day of August 2020 by and between the City of Lakeport ("City") and COLANTUONO, HIGHSMITH & WHATLEY, PC ("Firm"). City and Firm are referred to as "Parties" in this Addendum and, each, as a "Party."

RECITALS

WHEREAS, the City approved a Professional Services Agreement with COLANTUONO & LEVIN, PC dated July 16, 2013 to discharge the duties of the office of City Attorney; and

WHEREAS, COLANTUONO & LEVIN, PC, later changed its name to COLANTUONO, HIGHSMITH & WHATLEY, PC; and

WHEREAS, Parties desire to ensure City can seek reimbursement from the Federal Emergency Management Agency for qualifying legal service costs related to the City's response to the COVID-19 State of Emergency and future emergencies.

NOW, THEREFORE, THE CITY AND FIRM AGREE AS FOLLOWS:

1. SECTION 17 "Entire Agreement" is hereby amended to read as follows:

"This Agreement, together with Exhibits "A," "B" and "C" hereto, shall constitute the full and complete agreement and understanding of the parties and shall be deemed to supersede all other written or oral statements of any party hereto relating to the subject matter hereof."

2. SECTION 18 "Federal Provisions" is hereby added to read as follows:

"FEMA financial assistance will be used to fund all or a portion of this Agreement. The Firm shall comply with all federal requirements including, but not limited to, the following:

- A. 2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which is expressly incorporated herein by reference.
- B. Federal Contract Provisions attached hereto as Exhibit "C" and incorporated herein by reference.

Subcontracts, if any, shall contain a provision making them subject to all of the provisions stipulated in the contract, including but not limited to, 2 C.F.R. Part 200 and the Federal Contract Provisions.

With respect to any conflict between such federal requirements and the terms of this Agreement and/or the provisions of state law and except as otherwise required under federal law or regulation, the more stringent requirement shall control."

3. PROVISIONS OF AGREEMENT. All other terms, conditions, and provisions of the Agreement to the extent not modified by this Amendment, shall remain in full force and effect.

TO EFFECTUATE THIS AMENDMENT, the Parties have caused their duly authorized representatives to execute this Amendment on the dates set forth below.

"CITY"
City of Lakeport, California

"FIRM"
Colantuono, Highsmith & Whatley, PC

By: _____
George Spurr, Mayor

By: _____
Michael G. Colantuono, President

Date: _____

Date: _____

ATTEST:

Kelly Buendia, City Clerk

EXHIBIT C

FEDERAL CONTRACT PROVISIONS

During the performance of this contract, Colantuono, Highsmith & Whatley, PC, (the "Firm") shall comply with all applicable federal laws and regulations including but not limited to the federal contract provisions in this Exhibit. In this Exhibit, the term "Agency" shall mean the local agency entering into this contract with the Firm.

1. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS (2 C.F.R. § 200.321)

- (A) Firm shall be subject to 2 C.F.R. § 200.321 and will take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible and will not be discriminated against on the grounds of race, color, religious creed, sex, or national origin in consideration for an award.
- (B) Affirmative steps shall include:
 - (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
 - (v) Using the services/assistance of the Small Business Administration (SBA), and the Minority Business Development Agency (MBDA) of the Department of Commerce.

Firm shall submit evidence of compliance with the foregoing affirmative steps when requested by the Agency.

Notwithstanding the foregoing, the affirmative steps requirements detailed above do not apply in the case of a noncompetitive procurement made under the emergency exception/exigency exception to competitive procurements.

2. COST PRINCIPLES (2 C.F.R. PART 200, SUBPART E)

- (A) If any indirect costs will be charged to the Agency under this contract, such costs must conform to the cost principles set forth under the Uniform Rules at 2 C.F.R. Part 200, subpart E ("Cost Principles"). In general, costs must (i) be necessary and reasonable; (ii) allocable to the grant award; (iii) conform to any limitations or exclusions set forth in the Cost Principles; (iv) be adequately documented; and (v) be determined in accordance with generally accepted accounting principles ("GAAP"), except, for state and local governments and Indian tribes only, as otherwise provided for in 2 C.F.R. Part 200, subpart E. 2 C.F.R. § 200.403. Costs that are determined unallowable pursuant to a federal audit are subject to repayment by Firm.

3. ACCESS TO RECORDS & RECORD RETENTION (2 C.F.R. 200.336)

- (A) Firm shall comply with 2 C.F.R. § 200.336 and provide the Federal Agency, Inspectors General, the Comptroller General of the United States, Agency, and the State of California or any of their authorized representatives access, during normal business hours, to documents, papers, books and records which are directly pertinent to this contract for the purposes of making and responding to audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to the Firm's personnel for the purpose of interview and discussion related to the books and records.
- (B) The Firm agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- (C) The Firm agrees to provide the Federal Agency or its authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.

4. REQUIRED CONTRACT PROVISIONS IN ACCORDANCE WITH APPENDIX II TO PART 200 – CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS (2 C.F.R. § 200.326)

- (A) Appendix II to Part 200 (A); Appendix II to Part 200 (B): Remedies for Breach; Termination for Cause/Convenience. If the contract is in excess of \$10,000 and the contract does not include provisions for both termination for cause and termination for convenience by the Agency, including the manner by which it will be effected and the basis for settlement, then the following termination clauses shall apply. If the contract is for more than the simplified acquisition threshold (see 2 C.F.R. § 200.88) at the time the contract is executed and does not provide for administrative, contractual, or legal remedies in instances where Firm violates or breaches the terms of the contract, then the following termination clauses shall

apply and have precedence over the contract. Otherwise, the following termination clauses shall not be applicable to the contract.

- (i) Termination for Convenience. The Agency may, by written notice to Firm, terminate this contract for convenience, in whole or in part, at any time by giving written notice to Firm of such termination, and specifying the effective date thereof ("Notice of Termination for Convenience"). If the termination is for the convenience of the Agency, the Agency shall compensate Firm for work or materials fully and adequately provided through the effective date of termination. No amount shall be paid for unperformed work or materials not provided, including anticipated profit. Firm shall provide documentation deemed adequate by the Agency to show the work actually completed or materials provided by Firm prior to the effective date of termination. This contract shall terminate on the effective date of the Notice of Termination.
- (ii) Termination for Cause. If Firm fails to perform pursuant to the terms of this contract, the Agency shall provide written notice to Firm specifying the default ("Notice of Default"). If Firm does not cure such default within ten (10) calendar days of receipt of Notice of Default, the Agency may terminate this contract for cause. If Firm fails to cure a default as set forth above, the Agency may, by written notice to Firm, terminate this contract for cause, in whole or in part, and specifying the effective date thereof ("Notice of Termination for Cause"). If the termination is for cause, Firm shall be compensated for that portion of the work or materials provided which has been fully and adequately completed and accepted by the Agency as of the date the Agency provides the Notice of Termination. In such case, the Agency shall have the right to take whatever steps it deems necessary to complete the project and correct Firm's deficiencies and charge the cost thereof to Firm, who shall be liable for the full cost of the Agency's corrective action, including reasonable overhead, profit and attorneys' fees.
- (iii) Reimbursement; Damages. The Agency shall be entitled to reimbursement for any compensation paid in excess of work rendered or materials provided and shall be entitled to withhold compensation for defective work or other damages caused by Firm's performance of the work.
- (iv) Additional Termination Provisions. Upon receipt of a Notice of Termination, either for cause or for convenience, Firm shall promptly discontinue the work unless the Notice directs to the contrary. Firm shall deliver to the Agency and transfer title (if necessary) to all provided materials and completed work, and work in progress including drafts, documents, plans, forms, maps, products, graphics, computer programs and reports. The rights and remedies of the parties provided in this Section are in addition to any other rights and remedies provided by law or under this contract. Firm acknowledges the Agency's right

to terminate this contract with or without cause as provided in this Section, and hereby waives any and all claims for damages that might arise from the Agency's termination of this contract. The Agency shall not be liable for any costs other than the charges or portions thereof which are specified herein. Firm shall not be entitled to payment for unperformed work or materials not provided and shall not be entitled to damages or compensation for termination of work or supply of materials. If Agency terminates this contract for cause, and it is later determined that the termination for cause was wrongful, the termination shall automatically be converted to and treated as a termination for convenience. In such event, Firm shall be entitled to receive only the amounts payable under this Section, and Firm specifically waives any claim for any other amounts or damages, including, but not limited to, any claim for consequential damages or lost profits. The rights and remedies of the Agency provided in this Section shall not be exclusive and are in addition to any other rights and remedies provided by law, equity or under this contract including, but not limited to, the right to specific performance.

- (B) Appendix II to Part 200 (C) – Equal Employment Opportunity: Except as otherwise provided under 41 C.F.R. Part 60, Firm shall comply with the following equal opportunity clause, in accordance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and implementation regulations at 41 C.F.R. Chapter 60:
- (i) Firm will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Firm will take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment upgrading, demotion, transfer, recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Agency setting forth the provisions of this nondiscrimination clause.
 - (ii) Firm will, in all solicitations or advertisements for employees placed by or on behalf of Firm, state that all qualified applicants will receive consideration for employment without regard to their race, color, religion, sex, or national origin.
 - (iii) Firm will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of

the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with Firm's legal duty to furnish information.

- (iv) Firm will send to each labor union or representative of workers with which they have a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (v) Firm will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (vi) Firm will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to their books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (vii) In the event of Firm's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No.11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No.11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (viii) Firm will include the provisions of paragraphs (i) through (viii) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24,1965, so that such provisions will *be* binding upon each subcontractor or Firm. Firm will take such action with respect to any subcontract or purchase order as may be directed by

the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event Firm becomes involved in, or is threatened with, litigation with a subcontractor or Firm as a result of such direction, Firm may request the United States to enter into such litigation to protect the interests of the United States.

(C) Appendix II to Part 200 (D) – Davis-Bacon Act; Copeland Act: Not applicable to this contract.

(D) Appendix II to Part 200 (E) – Contract Work Hours and Safety Standards Act:

- (i) If this contract is in excess of \$100,000 and involves the employment of mechanics or laborers, Firm shall comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). Under 40 U.S.C. 3702, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- (ii) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- (iii) In the event of any violation of the clause set forth in paragraph (ii) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (ii) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without

payment of the overtime wages required by the clause set forth in paragraph (ii) of this section.

- (iv) The Agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Firm or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (iii) of this section.
- (v) The Firm or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (ii) through (v) of this Section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (ii) through (v) of this Section.

(E) Appendix II to Part 200 (F) – Rights to Inventions Made Under a Contract or Agreement:

- (i) If the Federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the non-Federal entity wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the non-Federal entity must comply with the requirements of 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements), and any implementing regulations issued by the Agency.
- (ii) The regulation at 37 C.F.R. § 401.2(a) currently defines “funding agreement” as any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal government. This term also includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as defined in the first sentence of this paragraph.
- (iii) This requirement does not apply to the Public Assistance, Hazard Mitigation Grant Program, Fire Management Assistance Grant Program, Crisis Counseling

Assistance and Training Grant Program, Disaster Case Management Grant Program, and Federal Assistance to Individuals and Households – Other Needs Assistance Grant Program, as FEMA awards under these programs do not meet the definition of “funding agreement.”

- (F) Appendix II to Part 200 (G) – Clean Air Act and Federal Water Pollution Control Act: If this contract is in excess of \$150,000, Firm shall comply with all applicable standards, orders, or requirements issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).
- (i) Pursuant to the Clean Air Act, (1) Firm agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq., (2) Firm agrees to report each violation to the Agency and understands and agrees that the Agency will, in turn, report each violation as required to assure notification to the Federal awarding agency and the appropriate Environmental Protection Agency Regional Office, and (3) Firm agrees to include these requirements in each subcontract exceeding \$150,000.
 - (ii) Pursuant to the Federal Water Pollution Control Act, (1) Firm agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., (2) Firm agrees to report each violation to the Agency and understands and agrees that the Agency will, in turn, report each violation as required to assure notification to the Federal awarding agency and the appropriate Environmental Protection Agency Regional Office, and (3) Firm agrees to include these requirements in each subcontract exceeding \$150,000.
- (G) Appendix II to Part 200 (H) – Debarment and Suspension: A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 C.F.R. part 1986 Comp., p. 189) and 12689 (3 C.F.R. part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (i) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such Firm is required to verify that none of the Firm, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

- (ii) Firm must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
 - (iii) This certification is a material representation of fact relied upon by Agency. If it is later determined that Firm did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Agency, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
 - (iv) Firm warrants that it is not debarred, suspended, or otherwise excluded from or ineligible for participation in any federal programs. Firm also agrees to verify that all subcontractors performing work under this contract are not debarred, disqualified, or otherwise prohibited from participation in accordance with the requirements above. Firm further agrees to notify the Agency in writing immediately if Firm or its subcontractors are not in compliance during the term of this contract.
- (H) Appendix II to Part 200 (I) – Byrd Anti-Lobbying Act: If this contract is in excess of \$100,000, Firm shall have submitted and filed the required certification pursuant to the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1353). If at any time during the contract term funding exceeds \$100,000.00, Firm shall file with the Agency the Federal Standard Form LLL titled “Disclosure Form to Report Lobbying.” Firms that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.
- (I) Appendix II to Part 200 (J) – Procurement of Recovered Materials:
- (i) Firm shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement.

- (ii) In the performance of this contract, the Firm shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired: Competitively within a timeframe providing for compliance with the contract performance schedule; Meeting contract performance requirements; or at a reasonable price.
- (iii) Information about this requirement, along with the list of EPA-designate items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

5. MISCELLANEOUS PROVISIONS

- (A) The Firm shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA preapproval.
- (B) This is an acknowledgement that FEMA financial assistance will be used to fund the contract only. The Firm will comply with all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.
- (C) Firm acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to the Firm's actions pertaining to this contract.
- (D) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the Agency, Firm, any subcontractors or any other party pertaining to any matter resulting from the contract.
- (E) General and Administrative Expenses And Profit For Time And Materials Contracts/Amendments.
 - (i) General and administrative expenses shall be negotiated and must conform to the Cost Principles.
 - (ii) Profit shall be negotiated as a separate element of the cost. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the Firm, the Firm's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Any agreement, amendment or change order for work performed on a time and materials basis shall include a ceiling price that Firm exceeds at its own risk.



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐

STAFF REPORT

RE: Safety Assessment Placards

MEETING DATE: August 4, 2020

SUBMITTED BY: Kevin M. Ingram, 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 conduct a public hearing for the consideration of an ordinance adding Chapter 15.06 "Safety Assessment Placard Ordinance" to the Lakeport Municipal Code, establishing a standardized system to inform the public of the condition of an inspected building and the conditions under which inspected buildings and structures may be entered and occupied after a natural or manmade disaster has occurred.

BACKGROUND/DISCUSSION:

Over the past few years, the county and our city has endured many natural disasters.

Following up as quickly as possible after a disaster, with structural inspections, is key in preserving the safety and well-being of our community. The State of California Office of Emergency Services working in tandem with local government has established a standardized system to effectively and specifically inform the public of the results of structural inspections from authorized personnel. Using placards to relay the safety of a building or structure is key to limiting additional loss of life or injury to members of our city.

The proposed ordinance was introduced at the July 7, 2020 meeting of the City Council and a public hearing notice was published in the Record-Bee on July 14, 2020.

OPTIONS:

1. After conducting the public hearing adopt the proposed Ordinance.
2. After conducting the public hearing direct staff to make modifications to the proposed Ordinance.
3. After conducting the public hearing take no action or deny the request.
4. Continue the public hearing and provide staff with direction

Alternatively, Council may provide additional direction to staff.

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: N/A

SUGGESTED MOTIONS:

Move to approve the Ordinance adding Chapter 15.06 "Safety Assessment Placard Ordinance" to the Lakeport Municipal Code.

**Attachments:**

1. Draft Ordinance adding Chapter 15.06 "Safety Assessment Placard Ordinance" to the Lakeport Municipal Code

ORDINANCE NO. (2020)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT ADDING
SECTION 15.06 TO THE LAKEPORT MUNICIPAL CODE RELATING TO PLACARDS
USED TO DENOTE CONDITIONS RELATING TO CONTINUED OCCUPANCY OF
BUILDINGS**

WHEREAS, the Building and Safety Division is responsible for determining the safety of buildings and structures within the City of Lakeport and informing the public of the condition of inspected buildings and structures; and

WHEREAS, a standardized system of safety assessment placards has been established and is in use throughout the State of California; and

WHEREAS, the establishment of a standardized system of building safety assessment placards is necessary to clearly, consistently, and effectively inform the public of the condition of inspected building and the conditions under which inspected buildings and structures may be entered and occupied after a natural or manmade disaster.

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

SECTION 1. Chapter 15.06 Added: Chapter 15.06 is added to the City of Lakeport Municipal Code to read in full as follows:

Section 15.06 Safety Assessment Placards
Section 15.06.010 Purpose and Intent
Section 15.06.020 Application of Provisions
Section 15.06.030 Definitions
Section 15.06.040 Placards

15.06.010 Purpose and Intent

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy and conforms to the statewide program administered by the California Governor's Office of Emergency Services (hereafter Cal OES) for ease in the rapid assessment of damaged structures after any natural or manmade disaster. This chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

15.06.020 Application of Provisions

The provisions of the chapter are applicable, following each natural or manmade disaster, to all buildings and structures of all occupancies regulated by the City of Lakeport. The city council may extend the provisions as necessary.

15.06.30 Definitions

“Safety assessment” is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

15.06.040 Placards

- A. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of building or structures. Copies of actual placards are attached.
1. **INSPECTED – Lawful Occupancy Permitted** (Green in color) is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 2. **RESTRICTED USE** (Yellow in color) is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 3. **UNSAFE – Do Not Enter or Occupy** (Red in color) is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.
- B. The ordinance number codified in this chapter, the name of the jurisdiction, its address, and phone number permanently affixed to each placard.
- C. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

SECTION 2. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. CEQA. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 7th day of July, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

FINAL PASSAGE AND ADOPTION by the City Council of Lakeport occurred at a meeting thereof held on the 4th day of August, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

GEORGE SPURR, MAYOR

ATTEST:

KELLY BUENDIA, City Clerk
City of Lakeport

DRAFT

INSPECTED

LAWFUL OCCUPANCY PERMITTED

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

☐ Inspected Exterior Only

☐ Inspected Exterior and Interior

Report any unsafe condition to local authorities; reinspection may be required.

Inspector Comments:

Facility Name and Address:

Date

Time

(Caution: Aftershocks since inspection may increase damage and risk.)

This facility was inspected under emergency conditions for:

(Jurisdiction)

Inspector ID / Agency

**Do Not Remove, Alter, or Cover this Placard
until Authorized by Governing Authority**

RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

Entry, occupancy, and lawful use are restricted as indicated below:

☐ Do not enter the following areas: _____

☐ Brief entry allowed for access to contents: _____

☐ Other restrictions: _____

Facility name and address:

Date _____

Time _____

(Caution: Aftershocks since inspection may increase damage and risk.)

This facility was inspected under emergency conditions for:

(Jurisdiction)

Inspector ID / Agency

**Do Not Remove, Alter, or Cover this Placard
until Authorized by Governing Authority**

UNSAFE

**DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)**

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

Date

Time

This facility was inspected under emergency conditions for:

(Jurisdiction)

Inspector ID / Agency

**Do Not Remove, Alter, or Cover this Placard
until Authorized by Governing Authority**



CITY OF LAKEPORT

City Council ☒

City of Lakeport Municipal Sewer District ☒

Lakeport Redevelopment Successor Agency ☐

STAFF REPORT

RE: Delinquent Utility User Accounts

MEETING DATE: 8/4/2020

SUBMITTED BY: Nicholas Walker, Finance 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 hold a public hearing on delinquent utility accounts and review and approve a Resolution identifying delinquent utility accounts for submission of the list to the Lake County Auditor-Controller for inclusion on the property tax roll.

BACKGROUND/DISCUSSION:

California Health and Safety Code, sections 5473 et seq; and Chapters 13.20 and 13.04 of the Lakeport Municipal Code authorize the City to have the delinquent charges collected by means of inclusion on the property tax roll by Lake County. A requirement of doing so is a public hearing and Council's approval of a resolution identifying the accounts in question and confirming their delinquency.

The accounts included herein have been identified by the Finance Department as delinquent as of May 31, 2020. The Delinquent Utilities Account List attached to the resolution details these accounts. In order to collect on these accounts, the City is required to notify the delinquent account holders and give them an opportunity to bring their account current. The City provided this notice, which provides account holders until 4:30 pm on August 4th to bring their account current. Therefore, a current Delinquent Utilities Account List will be provided at the time of the meeting with any accounts for which payment has been made removed.

Utility bills and delinquency notices are mailed monthly. Final notice to delinquent accounts, as of May 31, 2020, were sent to property owners on July 17, 2020.

Approval of the resolution requires a 2/3 vote of the members of the legislative body.

OPTIONS:

1. Confirm the list of delinquent utility accounts and approve the proposed Resolution.
2. Do not approve but provide direction to staff.

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 to confirm and approve the utility billing delinquency list and the associated resolution and direct staff to submit the list to the County Auditor-Controller for inclusion on the property tax roll.

- ☒ **Attachments:**
1. Proposed Resolution, including Exhibit A: Delinquent Utility Account List

RESOLUTION NO. _____ (2020)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AND THE
BOARD OF DIRECTORS OF THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT
APPROVING AND CONFIRMING THE REPORT OF DELINQUENT UTILITIES
CHARGES AND REQUESTING LAKE COUNTY TO COLLECT SUCH CHARGES ON THE
TAX ROLL**

WHEREAS, the City of Lakeport (the “City”) and the City of Lakeport Municipal Sewer District (“CLMSD”) provide certain water, and sewer services to its residents and occupants; and

WHEREAS, *California Health and Safety Code* sections 5473 *et seq.* and Chapters 13.04 and 13.20 of the *Lakeport Municipal Code* authorize the City and CLMSD to have the delinquent charges for the above services (the “Charges”) collected on the tax roll by Lake County on the relevant parcels; and

WHEREAS, City staff has prepared a Delinquent Utilities Charge Report (the “Report”), attached hereto as Exhibit A, identifying the delinquent charges by Assessor’s Parcel Number; and

WHEREAS, City staff provided notice of the delinquent utility charges to relevant property owners as required by law by publishing notice in the Lake County Record-Bee, a newspaper of general circulation printed and published once a week for two consecutive weeks in the City and CLMSD, pursuant to section 6066 of the Government Code prior to the date of said hearing, and by mailing said notice to each person present on the report; and

WHEREAS, a public hearing was held on August 4, 2020, at which the City Council and CLMSD Board reviewed and considered the Report and any protests related thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakeport and Board of Director of the City of Lakeport Municipal Sewer District:

1. Findings. In reviewing and considering the delinquent Charges and the Report, the City Council hereby makes the following findings:

a. Notice of the public hearing before the City Council was mailed to each affected property owners at addresses as shown on the latest equalized assessment roll or as known to the City;

b. Notice of the public hearing before the City Council included the date, time, and place of the public hearing, the identity of the hearing body, and a general explanation of the matter to be considered; and

c. Upon considering all objections and protests received at the time of the hearing on this matter, the City Council/Board of Directors finds that protest by owners of a majority of the parcels of property described in the Report does not exist.

2. Confirming the Report. The City Council/Board of Directors hereby approves, confirms, and adopts the Report, as directed and attached hereto as Exhibit A and incorporated herein by reference, and determines that the Charges are proper and correct. The City Council/Board of Directors directs the Finance Director to make any amendments to the Report as were directed by the City Council/Board of Directors and as necessary to remove parcels from the Report for which payment has been made before transfer of the amounts to Lake County for collection on the tax roll, subject to the same penalties, procedure, and sale in case of delinquency as provided for those taxes.

3. Authorization. The City Council/Board of Directors hereby authorizes and directs the City Clerk to deliver a certified copy of the finalized Report to the Lake County Auditor-Controller Division and to submit a certified copy of this Resolution and Report to the County Recorder for recordation.

4. Services of Lake County. The office of the Lake County Auditor-Controller Division is requested for the placement of the Charges on the Annual Secured property tax roll with the Ad Valorem taxes.

5. General Authorization. The City Manager, City Finance Director, City Clerk, City Attorney, and the other officers and agents of the City are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposed of this Resolution. All actions heretofore taken by the officers and agents of the City that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

6. Effective Date. This resolution shall take effect immediately upon its passage.

The foregoing Resolution was passed and adopted at a regular joint meeting of the City Council and CLMSD Board of Directors on the 4th day of August, 2020, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

GEORGE SPURR, MAYOR & CHAIRMAN

ATTEST:

KELLY BUENDIA, Clerk
City of Lakeport & CLMSD



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: After Action Report – July 4th 2020 Police Fireworks Operations

MEETING DATE: 08/04/2020

SUBMITTED BY: Police Lieutenant Dale Stoebe

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

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

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

BACKGROUND/DISCUSSION:

EVENT:

Independence Day celebration in the City of Lakeport.

SUMMARY:

On July 4, 2020 the City of Lakeport did not host its annual Fourth of July celebration at Library Park. This event, which typically draws well over a thousand people including; residents, visitors and event participants, was cancelled in adherence to the State of California Department of Public Health and Office of the Governor related to the global pandemic, CoVID-19. In contrast, the individual use of “Safe and Sane” fireworks purchased from local non-profit organizations occurred at various locations throughout the city. The Lakeport Police Department was responsible for law enforcement services during these occurrences.

PARKLANDS:

This year the Lakeport Police Department handled a relatively low volume of calls for service in the parklands. In total, less than an estimated 250 people were present during the day and into the evening. There was one arrest for felony domestic violence, which did not occur within the parklands. There were no reports of intoxicated subjects, assaults or altercations reported this year.

FIREWORKS:

The most significant calls for service were a result of illegal fireworks being discharged throughout the city. In all, the police department handled in excess of 10 fireworks related calls for service in various areas throughout the incorporated areas of Lakeport, including 5 separate responses to a large group igniting illegal fireworks within the Will-O-Point Campground. This number was relatively low in comparison to past years most likely the result of modified Shelter-In-Place orders and a fresh re-emergence of CoVID-19 cases. One adult male was arrested and released on a citation for ignition and possession of illegal fireworks. In addition to illegal fireworks

calls, the department handled 1 intoxicated subject, 1 traffic collision and responded to assist with 2 brush fires that occurred just outside of the City limits. These fires were likely started by persons discharging fireworks on the private lots.

Although the City is very diligent on advertising safe and sane firework use, several illegal fireworks entered the city. Of particular concern was the large amount of citizen's discharging illegal fireworks on private properties such as; Safeway Center, Will-O-Point Campground and city streets. It is estimated as many as 100 citizens and vehicles were spread out in the parking lots of Safeway, Round Table Pizza, Community First Credit Union and CVS. Several attempts to locate and identify potential violators were unsuccessful resulting in multiple police units responding to the area and the confiscation of illegal fireworks discharge tubes. This scenario existed on a much smaller scale in the 600 block of Armstrong Street.

CONCLUSION:

The 2020 Fourth of July was significantly calmer as a result of the city's fireworks display at Library Park not occurring. The majority of problems occurred outside the parklands and there was sufficient law enforcement presence throughout the city.

OPTIONS:

Review and file report.

FISCAL IMPACT: Already reported with operational plan approval.

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

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

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

Comments:

SUGGESTED MOTIONS:

Move to approve and file the 2020 police after action report on the Independence Day Fireworks Operations.

☐ **Attachments:**



CITY OF LAKEPORT

City Council ☒
City of Lakeport Municipal Sewer District ☐
Lakeport Redevelopment Successor Agency ☐
Lakeport Industrial Development Agency ☐
Municipal Financing Agency of Lakeport ☐

STAFF REPORT

RE: Martin Street Apartments Off-Site Improvement Project	MEETING DATE: 08/04/2020
SUBMITTED BY: Kevin M. Ingram, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Manager to enter into a construction contract with Pacific West Builders in the amount of \$539,867.00 for the completion of the Martin Street Apartments Off-site Improvement Project.

BACKGROUND/DISCUSSION:

In May of 2018, the Lakeport Planning Commission approved development plans for the construction of a 24-unit multi-family affordable housing project at 1255 Martin Street. The City of Lakeport, in partnership with the developer, Pacific West Builders, received a \$4.5 million dollar HOME grant for the construction of the 24-unit apartment complex. Additionally, the City of Lakeport, in partnership with Pacific West Builders applied for and received, in June of 2020, \$650,000 in Community Development Block Grant (CDBG) funds for the construction of associated off-site improvements required as part of the project conditions of approval (Attachment A). \$539,867 is allocated to construction whereas the remaining allocated funds are for the grant administration and labor compliance support to the project.

Required off-site improvements consist of roadway improvements for the entire property frontage along Martin and Smith Streets along with sidewalk along the north side of Martin Street connecting the project to the intersection with Bevins Street providing greater pedestrian connectivity to the neighboring Bella Vista Senior housing project and greater access to services throughout Lakeport. These off-site improvements are detailed in Conditions 51, 54 and 55 of the Project Conditions Agreement as adopted by the Lakeport Planning Commission (Attachment B).

As these improvements are required as part of the Project Conditions Agreement and are the responsibility of the developer, the project was not subject to the formal bid requirements of Chapter 3.05 of the Lakeport Municipal Code. It is also important to note that the \$539,867 awarded through CDBG is not likely adequate to cover the entire costs of the required off-site improvements. Any difference in cost for the completion of these required improvements is the responsibility of Pacific West Builders and not the City of Lakeport.

Proposed construction activities will be subject to all CDBG requirements including Federal and State prevailing wage and labor compliance standards.

OPTIONS:

1. Authorize the City Manager to enter into a construction contract with Pacific West Builders for the completion of the Martin Street Apartments Off-site Improvements Project.
2. Take no action or deny the request.

The City Council could provide other direction.

FISCAL IMPACT:

☐ None ☒ \$650,000.00 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: CDBG Grant Award

Comments:

Funding is provided specifically through the Martin Street Apartments Off-site Improvement Project (18-CDBG-12912) grant awarded to the City of Lakeport by CDBG in June of 2020. Costs for the completion of required off-site improvements associated with the Project Conditions of Approval for Martin Street Apartments Phase I project are likely to exceed the \$539,867 grant award amount. All costs in excess of the awarded grant amount are the responsibility of Pacific West Builders, not the City of Lakeport.

SUGGESTED MOTIONS:

Move to authorize the City Manager to enter into a construction contract with Pacific West Builders in the amount of \$539,867.00 for the completion of the Martin Street Apartments Off-site Improvement Project.

- ☒ **Attachments:**
- A. 18-CDBG-12912 Grant Award Letter
 - B. Martin Street Apartments, Phase I Project Conditions of Approval

Award Notification Letter

Dear Nicholas Walker,

An award package has been created by California Department of Housing and Community Development for the following program solicitation:

Project: PIHNC - The Martin Street Apartments

Program: CDBG - OTC - 2018

Approved Amount: \$650,000.00

Federal Awards:

- ORG0000 CDBG - 2018: \$650,000.00
 - Agency: U.S. Department of Housing and Urban Development
 - Fiscal Year: 2018
 - CFDA: 14.228

Total Federal: \$650,000.00

Other Awards: No non-federal funds were included in this award.

Total Match: \$0.00

Period of Performance: 05/15/2020 - 05/15/2023

Award/Contract Number: 18-CDBG-12912

Ein: 94-6001434



CITY OF LAKEPORT
Community Development Department
225 Park Street
Lakeport, Ca 95453

PROJECT CONDITIONS AGREEMENT

Land Use Application File No. OA 18-01 Modifying AR 17-03 &
ER 15-03

This Agreement is entered into by
Cameron Johnson, AMG and Associates
(hereinafter applicant/owner).

RECITALS

WHEREAS, applicant/owner applied to the City of Lakeport (file number **OA 18-01**) seeking minor modifications to the previously approved Architectural and Design Review approval association with (file number **AR 17-03 / ER 15-03**) for the development of a 24-unit multi-family affordable housing – apartments and related improvements; on property located at 1255 Martin Street, also known as APNs 025-431-16; and

WHEREAS, on June 14, 2017, the Lakeport Planning Commission reviewed and approved the 24-unit multi-family affordable apartment development project AR 17-03 and adopted specific project mitigations and conditions and adopted a mitigated negative declaration based upon the prepared Addendum to the Environmental Review/Initial Study ER 15-03; and

WHEREAS, on May 9, 2018, the Lakeport Planning Commission reviewed and approved the proposed minor modifications (OA 18-01) to the previously approved (AR 17-03) subject to provided condition modifications; and

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

1. The applicant/owner/developer shall submit a lighting and photometric plan detailing the type and location of all exterior lights and the light

dispersion patterns and intensity. Said plan shall be submitted to the City prior to the issuance of a development permit. **(Aesthetics)**

2. All new exterior lighting serving the new buildings and related parking, driveway and pedestrian areas shall be shielded, provided with property line cut-offs, and/or down lit so as to eliminate glare-related impacts to adjacent properties and/or the public right-of-way. **(Aesthetics)**
3. The parking lot light standards should not exceed a height of 16 feet if determined to be possible without detrimentally affecting the site's security and illumination requirements. **(Aesthetics)**
4. All exposed metal, roof vents, and penetrations shall be painted to match the roofing material color. Roof-mounted mechanical equipment shall be provided with architectural barriers which effectively screen the equipment and complement the building's architecture. Ground-mounted mechanical equipment, if provided, shall also be screened with landscaping and/or architectural walls. Architectural barriers, walls and screens shall be detailed on the building construction plans. **(Aesthetics)**
5. All construction activities shall include adequate dust suppression including frequent watering, the use of palliatives or other methods during grading, earth work, and building periods. Site grading and building activities shall be avoided during windy periods and all surfaces subject to grading and/or heavy traffic and equipment usage, including public and private streets, should be periodically sprinkled with water. Graded areas and other bare soil areas shall be stabilized to prevent the generation of wind-blown dust. Materials transported to and from the site shall be covered or thoroughly watered in order to minimize fugitive dust and any materials deposited on adjacent roadways shall be removed in a timely manner. **(Air Quality)**
6. A Serpentine Dust Mitigation Plan shall be prepared, submitted to, and approved by Lake County Air Quality Management District (LCAQMD) and the City of Lakeport prior to the issuance of permits for any site grading or excavation activities and commencement of grading/excavation activities. The construction activities shall incorporate all recommendations set forth in the Serpentine Dust Mitigation Plan as well as any other requirements recommended by the LCAQMD. **(Air Quality)**
7. All parking areas, driveways, shoulders, walkways and other areas subject to vehicular and pedestrian traffic shall be paved with asphaltic concrete or standard concrete and maintained to limit dust. Paving shall occur prior to occupancy to minimize dust emissions. Prior to, during, and after construction periods, access to exposed serpentine surfaces shall be restricted by fencing or other barriers. Access to other areas should be limited to authorized vehicles prior to paving unless the traveled surfaces are well maintained with adequate cover and watered regularly to prevent visible dust. A gate or fence may be required to limit public access onto the site should active project work be suspended and the unfinished project has the potential to generate fugitive dust or create nuisance conditions. **(Air Quality)**

8. Engine warm-up and idling activities associated with the construction activities shall be performed in accordance with the applicable State law governing said activities. Consideration shall be given to nearby residences with respect to heavy equipment use and storage. **(Air Quality)**
9. Any vegetation removed as a result of grading activities and construction shall be recycled as firewood, or chipped and spread for groundcover and erosion control, or removed from the site. There shall be no burning of site vegetation, construction debris, or household materials. **(Air Quality)**
10. The applicant/owner/developer shall comply with the performance standards set forth in Section 17.28.010 of the City of Lakeport Municipal Code regarding the generation of noise; odors, smoke, fumes, dust or particulate matter; and the accumulation of solid waste. The applicant/owner shall take the appropriate steps to effectively reduce or eliminate these types of problems if the City receives legitimate complaints. **(Air Quality)**
11. The applicant/owner/developer shall submit an updated biological assessment of the subject property prepared by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW) protocol. The updated assessment shall incorporate the current botanical survey protocols established by the California Department of Fish and Wildlife. The updated assessment shall be provided to the CDFW and the City of Lakeport for review and approval before the issuance of any site development permits. If required by CDFW, the applicant shall prepare a mitigation plan to eliminate/minimize the project-related impacts to any threatened, rare or endangered plant or animal species existing on the site. The applicant/owner/developer shall provide an affidavit of compliance with CDFW's requirements to the City prior to the issuance of any development permits. **(Biological Resources)**
12. Prior to the issuance of building permits and commencement of construction activities, the developer shall prepare a CDFW approved mitigation plan to offset impacts to the on-site serpentine herb community and the following special status plant species: 1. colusa layia 2. serpentine cryptantha 3. bent-flowered fiddle neck 4. beaked tracyina 5. Glandular western flax. **(Biological Resources)**
13. Prior to the issuance of any development permit(s) and commencement of construction activities, the developer shall prepare a mitigation plan to offset impacts to the on-site nesting of raptors and roosting habitat for bats. All vegetation removal and ground disturbing activities including clearing, grubbing, and grading in undisturbed areas shall occur between September 1 and February 1, outside of the typical nesting season, to avoid disturbing nesting birds. If vegetation removal or ground disturbing activities must occur during the nesting season, between February 2 and August 31, a nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to any grading or vegetation clearing. If an active nest is identified on the property, the city of Lakeport and the California Department of Fish and Wildlife shall be notified, the nest and a 100 foot

- buffer area or 200 foot buffer area for raptors around the nest shall be provided and protected and maintained until the bile a biologist determines that the young have fledged and or the nests are no longer active. The buffer area shall be delineated with orange construction fencing. Prior to demolition, a qualified biologist shall survey the small utility shed and house for the presence of bats. If bats are detected, measures shall be implemented to humanely evict the bats during one of their two primary active periods, using methods approved by the project biologist, while also avoiding the breeding season when non— full and pups may be present – from March 1 to April 15 or between September 1 and October 15. The northerly swale/ditch and seasonal wetlands under the jurisdiction of the Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and wildlife shall be retained and protected pursuant to the approval from those Agencies. To avoid permit requirements, all project activities shall avoid the swale/ditch and potential seasonal wetland to the maximum extent feasible. **(Biological Resources)**.
14. The project construction and development shall avoid and protect the existing on-site populations of special status plants to the maximum extent feasible. If suitable habitat will be temporarily disturbed but will remain viable in the long term, an effort shall be made to re-establish special status plant populations in these areas upon completion of construction. If the California Department of Fish and Wildlife determines that the available on-site options for plant protection and reestablishment do not fully compensate for the project impacts, off-site mitigation shall be provided. Off-site mitigation shall be accomplished through preservation of enhancement of off-site serpentine habitats special plant populations, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, creation of new habitats capable of supporting the sensitive resources, and or purchase of appropriate credits at a qualifying mitigation bank.**(Biological Resources)**
 15. The applicant/owner/developer shall ~~obtain~~ **demonstrate that they have applied for** all necessary local, state and federal permits prior to initiating any grading or construction activities within the wetland habitat areas of the subject property. The required permits include a nationwide or standard permit from the U.S. Army Corps of Engineers, 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board, and a 1603 Stream Alteration Agreement (SAA) from the California Department of Fish and Wildlife. The applicant/owner/developer shall provide proof of ~~compliance~~ **application submittals** with the various local, state and federal agencies' requirements to the City of Lakeport prior to the issuance of any site development permits. **(Biological Resources)**
 16. The applicant/owner/developer shall prepare and submit a detailed final landscaping plan, including irrigation plan, prior to the issuance of a building permit. Said landscaping plan shall specify the type, size, number, and location of all landscape planting materials. The planting of all landscaping materials shall be completed prior to the issuance of an occupancy permit and shall be continuously maintained and watered over

the life of the project. Landscaping irrigation shall comply with the State's Model Water Efficient Landscape Ordinance and shall be designed to minimize water usage. All plant materials that are not healthy or that die shall be replaced with similar landscape materials in a timely manner.

(Biological Resources)

17. The applicant/owner/developer shall immediately cease all development activities in the event that archaeological, paleontological or cultural resources are uncovered during the development of the site. If such resources are discovered, a detailed study and mitigation plan in accordance with the California Environmental Quality Act shall be prepared by a registered archaeologist and implemented by the developer prior to the recommencement of construction. **(Cultural Resources)**
18. If cultural resources, as defined in Government Code Section 15064.5, are encountered during construction, all earth disturbing work shall stop within 50 feet of the find until a qualified archaeologist and a local Native American tribe representative can make an assessment of the discovery and recommend/implement mitigation measures as necessary. If the archaeologist and local Native American tribe representative determine that the cultural resources may be significant they shall notify the city of Lakeport. An appropriate mitigation and treatment plan for the cultural resources shall be developed. The archaeologist shall consult with local Native American tribe representatives in determining appropriate treatment for prehistoric or Native American cultural resources. In considering any suggested mitigation proposed by the archaeologist and the local Native American tribe representative, the city shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible other appropriate measures including data recovery shall be instituted. Work may proceed in other parts of the project site while mitigation for cultural resources is being carried out. **(Cultural Resources)**
19. In the event that paleontological resources are discovered during ground disturbing activities, grading and construction work within 100 feet of the find shall be suspended until the significance of the features can be determined by a qualified professional paleontologist as appropriate. A qualified professional paleontologist shall then make recommendations for measures to protect the find, or to undertake data recovery, excavation analysis, and curation of the paleontological materials as appropriate. **(Cultural Resources)**
20. If human remains are encountered during earth moving or construction periods, construction shall be immediately ceased, and the applicant/owner/developer shall contact the Lake County Coroner. If the remains are determined to be Native American, the Coroner will contact the Native American Heritage Commission who will then identify the person or persons believed to be the most likely descendants from the deceased Native American. The most likely descendant then makes a

recommendation regarding the treatment of the remains with appropriate dignity. **(Cultural Resources)**

21. The applicant/owner/developer shall submit a final grading plan prepared and stamped by an engineer prior to issuance of a development permit. The final grading plan shall be prepared in accordance with the recommendations set forth in the soils and geotechnical investigation. **(Geology and Soils)**
22. The applicant/owner/developer shall retain a geotechnical engineer to review the final grading and foundation plans and to be present during the construction phase to monitor the subgrade preparation, observe and test structural fill placements, and to review foundation excavations. **(Geology and Soils)**
23. The final grading plan shall include erosion control measures and provide specific details regarding methods that will be utilized to control erosion. Said plan shall comply with Chapter 17.20 of the City Zoning Ordinance and employ erosion control Best Management Practices as set forth in the California Storm Water Best Management Practices Handbook. The surface drainage plan shall ensure that storm water runoff is directed in such a manner to minimize gulying and other erosion and water quality impacts. All exposed slopes shall be vegetated in a timely manner. The erosion control details shall be submitted and approved prior to the issuance of development permits. **(Geology and Soils)**
24. All building components shall utilize energy-efficient materials and products including exterior siding, insulation, heating and cooling systems, windows, interior and exterior light fixtures, appliances, etc. Details regarding the energy-efficient components of the project shall be submitted to the City for review prior to the issuance of a development permit. The applicant/owner/developer is strongly encouraged to provide some form of solar power in conjunction with this project. **(Greenhouse Gas Emissions)**
25. If provided, all LPG tanks shall be located in accordance with the California Fire Code in terms of setbacks and the provision of protective measures. Above-ground propane tanks shall be located in an architectural enclosure/barrier and effectively screened to reduce their visibility. If provided, the tank location(s) shall be detailed on the construction plans. Underground propane tanks are encouraged if determined to be feasible. **(Hazards and Hazardous Materials)**
26. The applicant/owner/developer shall regularly inspect, trim and maintain vegetation at the site in order to minimize and reduce potential impacts associated with the occurrence of a wild land fire at this locations. **(Hazards and Hazardous Materials)**
27. The applicant/owner/developer shall submit a final storm water hydrology analysis prepared by a civil engineer to the City prior to the issuance of a development permit. The hydrology analysis shall quantify the net increase in storm water runoff related to the new impervious surfaces (buildings,

parking area, driveways, walkways, etc.) resulting from the project. **(Hydrology and Water Quality).**

28. The applicant/owner/developer shall submit an engineered storm water drainage plan prior to the issuance of a development permit. The drainage plan shall address the findings of the storm water hydrology analysis and propose a system capable of collecting and detaining the storm water generated from the proposed project so that there is no net increase in the flow rate and amount/volume of off-site storm water runoff. The drainage plan shall address all existing storm drainage channels located on the site. The plan shall provide elevations for the ditches where swales indicated as "grade to drain". The plan shall provide details on outlet structures of detention basins including design of outlet and cleaning access. Details regarding the proposed collection, conveyance and detention facilities shall be included in the drainage plan. The storm drains and inlets on the northwest and southeast corner of the property shall be appropriately designed. Outlet protection shall be designed to inhibit erosion on the east side of Smith Street. The drainage plan shall include a maintenance plan for cleaning and maintaining all drainage features with a minimum cleaning once per year and a due diligence clause allowing the city to hire a separate contractor and bill the property owner. **(Hydrology and Water Quality)**
29. The applicant/owner/developer shall comply with Lakeport Municipal Code Chapter 8.40 (Storm Water Management), the Lake County Clean Water Program Storm Water Management Plan and the requirements of the California Water Resources Control Board (NPDES Phase II/Construction Activities Storm Water General Permit requirements) prior to the issuance of development permits. Copies of the Central Valley Regional Water Quality Control Board Notice of Intent (NOI), Storm Water Management Plan (SWMP), and Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the City prior to any construction activities. All erosion control measures and construction activities shall be completed in accordance with the project's Storm Water Pollution Prevention Plan. **(Hydrology and Water Quality)**
30. The applicant/owner/developer shall provide oil/sediment interceptors/filters as part of the on-site storm water conveyance system. All on-site storm water catch basins should be provided with a 1 foot sump for sediment removal and related maintenance. Said interceptors/filters shall be installed at each storm water inlet and shall be capable of separating petroleum products, debris, and other sediments from storm water runoff. The applicant/owner/developer shall maintain all interceptors/filters on a regular basis to ensure their functional use. Plans and details for the interceptors/filters shall be included with the on-site storm water drainage plans. **(Hydrology and Water Quality)**
31. The storm water drainage collection, conveyance and detention facilities shall be developed in accordance with the approved plans and shall be

- completed prior to the issuance of a final occupancy permit for the apartment project. **(Hydrology and Water Quality)**
32. The existing 24 inch culvert in front of the sheriff's station to the existing 20 inch culvert under the existing unimproved driveway shall be undergrounded in a culvert paralleling Martin Street and extend down the improved Smith Street. The pipe shall be sized according to hydraulic calculations and shall be a minimum of 24 inches in diameter. The storm design event for Martin Street storm drain system shall be 25 years. All off-site curb and gutter shall be designed to keep the 10 year design event within the shoulder and the 100 year event to be contained on the roadway prism. Minimum gutter flow grades shall be 0.0030%. All drainage structures shall have a 3 foot sedimentation sump. **(Hydrology and Water Quality)**
 33. The storm water drainage system design shall conform to the requirements outlined in the January 22, 2015 LSA report - "Preliminary Delineation of Potential Waters of the US – 1255 Martin St., Lakeport, CA.", and the January 29, 2014 letter from the Department of the Army – US Corps of Engineers which identified areas as potential wetlands. The developer shall provide a status report regarding any appeal and revised design to reflect preservation of the wetlands, prior to the issuance of construction permits. **(Hydrology and Water Quality)**
 34. The developer shall provide plans for the building(s) roof drain system and how it ties into the storm drain and detention basin. Size piping accordingly. **(Hydrology and Water Quality)**
 35. The applicant/owner/developer shall be subject to all requirements of Lakeport Municipal Code Chapter 8.40 (Storm water Management) and any subsequent revisions or modifications thereof. All erosion control measures and construction and post-construction storm water Best Management Practices shall be completed in accordance with the approved plans. **(Hydrology and Water Quality)**
 36. The applicant/owner/developer shall pay the standard City storm water mitigation fee based on the amount of new impervious surface area prior to the issuance of a development permit. **(Hydrology and Water Quality)**
 37. The applicant/owner/developer shall maintain land use noise compatibility standards in accordance with the Lakeport General Plan for residential development with the normally acceptable standard for outdoor noise not to exceed 60 dB. A standard of 45 dB shall be applied to indoor noise for all new residential development. **(Noise)**
 38. The applicant/owner/developer shall submit construction plans to the City which address compliance with applicable noise standards and provide appropriate noise mitigating features including perimeter fencing and landscaping prior to the issuance of a development permit. **(Noise)**
 39. There shall be no Sunday construction activity. All construction work shall comply with the noise standards set forth in Section 17.28.010 A. of the Lakeport Zoning Ordinance. Consideration should be given to the nearby residents with respect to construction-related noise. **(Noise)**

40. The applicant/owner/developer shall provide a Knox brand key box for access to the apartment units and a Knox brand locking cap at the Fire District Connection (FDC). Additionally, fire department emergency access shall be provided with on-site no parking zones delineated. Keys, emergency access areas and Knox Box details shall be coordinated with the Lakeport Fire Protection District **(Public Services)**
41. The applicant/owner/developer shall install at least one on-site fire hydrant to serve the proposed apartment project. The hydrant shall be located near the Fire District Connection and shall be approved by the Fire District. All proposed structures shall be within a 250' hose lay length from a fire hydrant. The hydrant location shall be detailed on the construction plans prior to the issuance of a development permit. The fire hydrant and water service shall be a minimum of 6 inches in size. **(Public Services)**
42. The applicant/owner/developer shall pay the fire mitigation fee to the Lakeport Fire Protection District prior to the issuance of a development permit. **(Public Services)**
43. The applicant/owner/developer shall pay the required school impact fees to the Lakeport Unified School District prior to the issuance of a development permit. **(Public Services)**
44. The applicant/owner/developer shall modify the site plan to extend the concrete pad across the entire driveway to allow refuse collection vehicles to keep both front tires on the concrete pad. Pad should be 7 ½ inches thick with number four rebar at 12 inches on center each way. Due to refuse trucks, the on-site driveway shall be designed with a TI = 6.0 with the same R – value consideration. Parking areas may be designed to a TI = 4.5. **(Transportation/traffic)**
45. ADA ramps shall be designed with 7.5% maximum ramp slopes. Gutter slopes at ramps shall be design to 1.5% maximum. Construction plans shall show detail with grades at all critical points to assure that the above criteria can be met by the contractor building the project. **(Transportation/traffic)**
46. Show all encroachments into sidewalk (street signs, fire hydrants, etc.) Meet the minimum clearance of 3'6" at the encroachment. **(Transportation/traffic)**
47. Provide sufficient interior improvement grades such that all pavement slopes and gutter slopes can be computed. Cross slopes can be indicated. **(Transportation/traffic)**
48. The minimum gutter flow line grades shall be 0.0030%. **(Transportation/traffic)**
49. The applicant/owner/developer shall provide details for all on-site ADA parking stalls including boundary grades and details of the ADA ramp associated with each ADA stall. Construction plans shall provide detailed drawing and design for the travel path from the City sidewalk to each accessible unit **(Transportation/traffic)**.
50. The sidewalk adjacent to Martin Street shall contain provisions for a future bus stop to be provided by extending the sidewalk all the way to the curb

- for a 24 foot long section to be located approximately 24 feet to 48 feet west of the East curb return of Smith Street. **(Transportation/traffic)**
51. The applicant/owner/developer shall provide sidewalk on Martin Street to extend from the northeast corner of Smith and Martin Streets to east of the intersection of Martin and Bevins Streets and connect with existing sidewalk installed in conjunction with the sister housing project, Bella Vista. New crosswalks shall be designed at Bevins and Martin Streets as a component of the street right-of-way improvement plans to be reviewed and approved by the City Engineer and shall be constructed prior to final occupancy of the project. **(Transportation/traffic)**
 52. The developer shall dedicate land for street right-of-way purposes along the entire Martin Street frontage. Said land dedication shall be 30 feet wide measured from the centerline of Martin Street and shall be described as part of a grant deed offered to the City of Lakeport prior to final occupancy. **(Transportation/traffic)**
 53. The developer shall dedicate land for street right-of-way purposes along the entire Smith Street frontage. Said land dedication shall be 20 feet wide measured from the centerline of Smith Street and shall be described as part of a grant deed offered to the City of Lakeport prior to final occupancy. **(Transportation/traffic)**
 54. The developer shall construct arterial street right-of-way improvements at a 1/2 standard street measured from centerline/adjacent transition section to the southern edge of the Martin street right-of-way, **for that portion of Martin Street fronting the project**. Complete street right-of-way improvement plans for Martin Street shall be prepared by a registered civil engineer in accordance with City standards and submitted to the city engineer's office for review and approval prior to the issuance of construction permits. Martin Street shall be reconstructed to the centerline – 20 feet from curb to centerline. The design criteria shall be TI equals 7.0. At least 2 R values under the existing roadway shall be obtained and tested. The Hot Mix Asphalt (HMA) surface shall be a minimum of 3 inches of HMA. In lieu of R – value testing, the pavement can be designed with a stabilization fabric and R equals 25. **(Transportation/traffic)**
 55. The developer shall construct local street right-of-way improvements at a 1/2 standard measured from the centerline/adjacent transition section to the western half of the Smith Street right-of-way, **excluding the requirement to provide sidewalk**. Complete street right-of-way improvement plans for Smith Street shall be prepared by a registered civil engineer in accordance with City standards and submitted to the City Engineer's office for review and approval prior to the issuance of construction permits. Smith Street shall be reconstructed to a 20 foot width curb to curb. Design criteria shall be TI = 6.0. The same R – value criteria shall apply to this section. **(Transportation/traffic)**
 56. Bicycle parking facilities for the parking of at least 5 bicycles shall be provided in a location suitable for the needs of the residents. Details regarding the bicycle parking area shall be noted on a revised site plan

submitted prior to the issuance of a development permit.
(Transportation/traffic)

57. The applicant/owner/developer shall submit engineered right-of-way improvement plans, **for that portion of right-of-way along Martin and Smith streets fronting the project** for review and approval by the City Engineer prior to the issuance of a development permit. Centerline, quarter-point, and roadway edges shall be shown for a distance of 300 feet upstream and downstream of the proposed improvement limits. Cross-section on 25 foot intervals shall be provided for both Martin Street and Smith Street. City sidewalks on Martin Street shall be 5 feet in width and ~~sidewalks along Smith Street shall be 4 feet in width.~~ Indicate how curb and gutter drainage will be handled at downstream and curb and gutter, past the inlets. Show the location and size of water and sewer connections, water meters, sewer cleanouts, locations and specifications of street lighting, storm drain improvements – existing open ditch drainage to be placed in appropriate sized culvert, location of existing / proposed fire hydrants along the Martin Street frontage as well as on the project site. The plans shall show a bus pull-out which meets LTA standards and provides a safe haven for busses to stop outside of the travelled way and address bus stop amenities consistent with LTA's needs for the stop at this location. Plans shall also incorporate an AC overlay on the eastbound lane of Martin Street for the project frontage.
(Transportation/traffic)
58. The right-of-way improvements shall be completed prior to the issuance of a certificate of occupancy for the new buildings. (Transportation/traffic)
59. The project shall provide at least 38 **uncovered** parking stalls, including 2 handicapped-accessible spaces, and 1 designated space for drop-off and loading. At least two of the handicapped-accessible spaces shall be van accessible. All on-site parking spaces shall comply with the City's standards in terms of width, depth, and unobstructed back-up area. The handicapped parking spaces shall be developed in accordance with the Americans with Disabilities Act in terms of size, demarcation, and signage. Accessible paths of travel from parking areas to buildings shall also be provided. (Transportation/traffic)
60. The parking areas shall be designed and developed in accordance with Lakeport Municipal Code Chapter 17.23, including the provision of perimeter curbing in all appropriate locations; traffic directional arrows and signage; and landscaping prior to the issuance of a certificate of occupancy. All on-site parking lot striping, directional arrows, traffic control markings and signage shall be maintained in perpetuity.
(Transportation/traffic)
61. The applicant/owner/developer shall submit an engineered analysis and design plan for the proposed sewer collection system that will serve the subject development and shall provide sewer service to the subject property in accordance with City standards and the Lakeport Sewer Master Plan. The sewer system analysis shall be coordinated with and approved by the City Community Director and Public Works Director and shall address

design, location, sizing and collection system capacity issues. The analysis/plan shall be provided to and approved by the City prior to the issuance of development permits. The applicant/owner/developer shall agree to implement recommended measures as set forth in the sewer analysis to adequately serve the project's sewer discharge. Final construction plans detailing the sewer collection system shall be submitted to the City for approval by the Public Works Director. **(Utilities and Service Systems)**

62. The applicant/owner/developer shall provide engineered plans to the City showing location and size of all utilities that will serve the project prior to the issuance of a development permit, including electricity and communication services; sewer and water utilities, cleanouts and meters; FDC, hydrants, and all other applicable utilities. Water meters and sewer cleanouts shall be located in the sidewalk. All utilities serving the new buildings shall be installed underground. **(Utilities and Service Systems)**
63. The applicant/owner/developer shall comply with all requirements related to the project's sewer system, including the payment of the standard CLMSD sewer expansion fees. Said fees shall be paid prior to the issuance of construction permits for the apartment buildings and associated accessory structures. **(Utilities and Service Systems)**
64. The applicant/owner/developer shall pay the required water expansion fee (based on water meter size) prior to the issuance of construction permits for the apartment buildings and community center. **(Utilities and Service Systems)**
65. The applicant/owner/developer shall coordinate the provision of electric service to the project site with Pacific Gas & Electric including the submittal of electrical load calculations and the payment of all required fees prior to the issuance of a development permit. **(Utilities and Service Systems)**
66. The applicant/owner/developer shall provide two six foot tall trash enclosures in conjunction with the project. The main enclosure openings shall be provided with durable steel/metal gates painted to complement the new improvements. The small openings shall be provided with durable lightweight gates or a complementary screen wall. The applicant/owner/developer shall contact Lakeport Disposal Company to verify the types of waste disposal facilities that will be provided to serve the apartment project. The enclosures shall be large enough to accommodate the needs of the entire project including trash and recycling facilities. Details regarding the trash enclosures shall be submitted to the City of Lakeport for review and approval in conjunction with the construction plans. The enclosures shall be maintained in good condition for the life of the project and shall be repaired promptly if necessary. All trash and recycling containers shall be provided with working covers/lids. All trash collection/storage activities shall be in compliance with Chapter 8.16 of the City of Lakeport Municipal Code, including the regulations pertaining to the outdoor display/storage of the trash/recycling totters. **(Utilities and Service Systems)**

67. The applicant/owner/developer shall agree to the conditions imposed by the Planning Commission and shall execute a City of Lakeport Project Conditions Agreement prior to the issuance of a building permit.
68. The project shall be developed in accordance with the approval of the Planning Commission **on June 14, 2017 and as modified on May 9, 2018 in addition to all applicable** and City Ordinances. Construction drawings and improvement plans for the apartment project shall conform to the architectural and design review plans approved by the Commission **on June 14, 2017 and as modified on May 9, 2018 including all associated** and ~~to the conditions of approval and mitigation measures.~~ Development permits shall be obtained from the City before any construction activities are commenced.
69. Minor alterations to the approved plans and specifications which do not result in increased environmental impacts may be approved in writing by the City of Lakeport Community Development Director.
70. All new buildings and site improvements, including the parking lot, landscaping, storm drainage improvements, right-of-way improvements, utilities and other project components shall be completed prior to the issuance of an occupancy permit by the City.
71. The final landscaping plan shall include details regarding the proposed vegetation in the storm water detention basin. The proposed vegetation shall be appropriate for this type of use and shall be maintained to ensure that the detention basin remains functional and effective for the life of the project.
72. No boat trailers, recreational vehicles, personal watercraft or similar vehicles shall be parked or stored on the subject property or within the adjacent street right of way.
73. All site signage, including entry signage; parking lot, ancillary, and all other signs shall conform to the City of Lakeport Sign Ordinance, Resolutions, and Interpretations. Footing and illumination details for the monument sign at the site entrance shall be included with the construction plans. The monument sign shall not inhibit sight distance for vehicles exiting the site.
74. The applicant/owner/developer shall maintain the exterior of the buildings and all related site improvements in good condition for the life of the project. Damaged or dilapidated portions of the buildings or related improvements shall be promptly repaired or replaced as necessary.
75. In accordance with the provisions of Section 17.39 of the Lakeport Municipal Code (Density Bonus Ordinance), the developer/owner shall enter into a housing rent affordability agreement with the City for at least 30% of the units for a period of 30 years or longer.
76. ~~The right-of-way improvements as defined in the approved conditions shall be extended along Martin Street to the western boundary of parcel APN 26-431-16 and along Smith Street to the southern boundary of parcel APN 26-431-16, as originally defined on the approved plans dated June 24, 2015.~~

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: 6-6-18

APPLICANTS/OWNER



SIGNATURE- Cameron Johnson, AMG
and Associates



PLEASE PRINT NAME