



**AGENDA  
NOTICE AND CALL OF SPECIAL MEETING  
OF THE LAKEPORT CITY COUNCIL**

**Tuesday, June 29, 2021**

**5:00 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 **June 29, 2021** will be conducted telephonically through Zoom. 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 Zoom meeting remotely:**

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

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82885346233?pwd=SW1JM0oxS1RMWnpkbXJzOVl3RDZ09>

Passcode: 869055

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 828 8534 6233

Passcode: 869055

International numbers available: <https://zoom.us/u/abNviaqY1I>

The City wants you to know that you can also submit your comments by email to [virtualhost@cityoflakeport.com](mailto: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 **2:30 p.m. on Tuesday, June 29, 2021.**

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**  
**NOTICE AND CALL OF SPECIAL MEETING**  
**OF THE LAKEPORT CITY COUNCIL**  
**Tuesday, June 29, 2021**  
**5:00 p.m.**

**TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF LAKEPORT:**

**NOTICE IS HEREBY GIVEN** that a Special Meeting of the Lakeport City Council is hereby called to be held on Tuesday, **June 29, 2021, at 5:00 p.m.** for the purpose of discussing and acting on the following:

**Community  
Development  
Block Grant  
(CDBG) –  
Economic  
Development:**

Adopt the Resolution authorizing the City Manager to sign the statement of assurances and submit an application for the State Community Development Block Grant for the staff recommended purposes.

**Closed Session:**

1. Conference with Legal Counsel; Initiation of Litigation (Gov. Code § 54956.9(d)(4))  
Number of potential cases: One (1) case
  
2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))  
The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.  
*City of Lakeport et al. v. Amerisourcebergen Drug Corporation et al.*  
(NDO MDL 1:20-op-45242-DAP)

**Adjournment:**

Dated: 06/28/2021

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Hilary Britton, Deputy City Clerk



# 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:** CDBG – Economic Development

**MEETING DATE:** 6/29/2021

**SUBMITTED BY:** Jennifer M. Byers, Community Development Director

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

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

The City Council is being asked to adopt the draft Resolution authorizing the City Manager to sign the statement of assurances and submit an application requesting \$500,000 from the State Community Development Block Grant (CDBG) to allocate towards Economic Development Activities.

**BACKGROUND/DISCUSSION:** The State Department of Housing and Community Development (HCD) published a Notice of Funding Availability (NOFA) for the 2021 Non-Entitlement Community Development Block Grant funds. Eligible cities may submit applications for CDBG funds under the 2021 NOFA. The CDBG program can fund Community Development program activities and projects, and Economic Development program activities and projects.

In May of 2021, staff was approached by Community Development Services to provide services to administer Economic Development Activities on behalf of the City. The City as the Non-Entitlement Jurisdiction would be required to submit an application requesting the funds. The National Objective would be for the creation or retention of jobs for low-mod individuals.

On June 15, 2021, a community meeting was held at 4:30 pm, as well as the City Council opened a public hearing to receive public input regarding the CDBG program and possible activities and projects to be considered for funding under the Notice of Funding Availability (NOFA) process. The purpose of the public hearing was to give the public an opportunity to make their comments known regarding the eligible activities the City intends to apply for under the State CDBG program. The outcome of that meeting and subsequent work by City staff and elected officials has resulted in preparations for one funding application; Economic Development Business Assistance, to provide low interest loans to city businesses to help create and retain jobs for low- and moderate-income households.

The City currently has approximately \$100,000 on hand and plans to allocate an amount not to exceed \$150,000 over the life of this grant to the activity specified in the application, Economic Development Activities

**OPTIONS:**

1. Adopt the draft Resolution authorizing the City Manager to sign the statement of assurances and submit an application under the CDBG 2021 NOFA to allocate towards Economic Development Activities.
2. Take no action or provide other 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: Fund

Community Development Services will be preparing the application. The application cost is an eligible expenditure under the City's open contract with general administration funds. It is believed that the grant will have enough funds to cover this cost with no additional funds being needed. If awarded, CDBG funds are a 100% grant with no matching fund requirements. Up front expenditures for preparation of any bids and specifications by the City Engineer or other consultants may be required. If awarded these funds may be eligible for reimbursement (OTC Projects).

**SUGGESTED MOTION:**

Move to adopt the Resolution authorizing the City Manager to sign the statement of assurances and submit an application for the State Community Development Block Grant for the staff recommended purposes.

- Attachments:**
1. Resolution for CDBG Grant
  2. Statement of Assurances

**RESOLUTION NO. \_\_**

**A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020-2021 FUNDING YEAR OF THE STATE CDBG PROGRAM**

BE IT RESOLVED by the Lakeport City Council; County of Lake as follows:

**SECTION 1:**

The City Council has reviewed and hereby approves the submission to the State of California of one or more application(s) in the aggregate amount, not to exceed, of \$500,000 for the following CDBG activities, pursuant to the January 2021 CDBG NOFA:

Business Assistance	\$ <u>425,000</u>
Activity Delivery	\$ <u>35,000</u>
Administration	\$ <u>50,000</u>

**SECTION 2:**

The City Council hereby approves the use of Program Income in an amount not to exceed \$150,000 for the CDBG activities described in Section 1.

**SECTION 3:**

The City acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

**SECTION 4:**

The City hereby authorizes and directs the City Manager to execute and deliver all applications and act on the City's behalf in all matters pertaining to all such applications.

**SECTION 5:**

If an application is approved, the City Manager is authorized to enter into, execute and deliver the grant agreement (*i.e.*, Standard Agreement) and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

**SECTION 6:**

If an application is approved, the City Manager is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

PASSED AND ADOPTED at a special meeting of the Lakeport City Council, of the County of Lake held on June 29, 2021 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

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Kenneth Parlet, II, Mayor  
City Council

**STATE OF CALIFORNIA**

City of Lakeport

I, Kelly Buendia, City Clerk of the City of Lakeport, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council on this 29th day of June, 2021.

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Kelly Buendia, City Clerk of the City of Lakeport, State  
of California

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 200  
Sacramento, CA 95833  
(855) 333-CDBG (2324)/ FAX (916) 263-2763  
www.hcd.ca.gov



**2021 CDBG Application Certifications and Statement of Assurances**

The City of Lakeport hereby certifies the following:

**1. Legal Authority:**

It possesses the legal authority to apply for and execute the proposed activity(s) in the application.

**2. Application Authorization:**

Its governing body has duly adopted or passes as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.

**3. Citizen Participation:**

It has or will comply with all citizen participation requirements, which include, at a minimum, the following components:

- A. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction – and
- B. Provides citizens with reasonable ADA compliant and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title – and

Department of Housing and Community Development  
Revised 11/03/2020

2021 CDBG NOFA  
Authorized Signatory Initials:

\_\_\_\_\_

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- C. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee – and
- D. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal – and
- E. Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable – and
- F. Identifies needs of limited-English speaking residents will be met in the case of public hearings where limited-English speaking residents can reasonably be expected to participate.

**4. National Objective:**

It has developed its CDBG Program so as to primarily benefit targeted income person and households and each activity in the program meets one of the three national objectives: benefit to low-and moderate-income persons, elimination of slums and blight, or meets an urgent community need (with prior Department approval) certified by the grantee as such.

**5. NEPA Environmental Review:**

It consents to assume, and hereby assumes the responsibilities for environmental review and decision-making in order to ensure timely compliance with NEPA by following the procedures for recipients of block grant funds as set forth in [24 CFR Part 58](#), titled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities." Also included in this requirement is compliance with [Executive Order 11988](#) relating to the evaluation of flood hazards, [Section 102\(a\) of the Flood Disaster Protection Act of 1973](#) (Public Law 93-234) regarding purchase of flood insurance, and the [National](#)

Department of Housing and Community Development  
Revised 11/03/2020

2021 CDBG NOFA  
Authorized Signatory Initials:



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[Historic Preservation Act of 1966](#) (16 USC 470) and implementing regulations  
([36 CFR §800.8](#)).

**6. Audit/Performance Findings:**

It certifies that the State Controller's Office (SCO) was in receipt of its complete Single Audit Package by the NOFA application due date or certifies that it is exempt from the Single Audit requirements set forth in [2 CFR Part 200](#).

**7. Growth Control:**

It certifies that there is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because it:

- A. Imposes a moratorium on residential construction, to protect health and safety, for a specified period of time which will end when health and safety is no longer jeopardized; or,
- B. Creates agricultural preserves under [Chapter 7 \(commencing with Section 51200\) of Part 2 of Division 1 of Title 5 of the Government Code](#); or,
- C. Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or,
- D. The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with [Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code, commencing with section 65580](#).

**8. Uniform Administrative Requirements:**

It will comply with the regulations, policies, guidelines and requirements of [2 CFR Part 200](#) and [24 CFR Part 85](#) and the [CDBG Program Guidelines](#).

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**9. Nondiscrimination:**

It shall comply with the following regarding nondiscrimination laws and practices as may be amended from time to time:

- A. Title VI of the Civil Rights Act of 1964 (Public Law 88-352).
- B. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing.
- C. Section 109 of the Housing and Community Development Act of 1974, as amended.
- D. Section 3 of the Housing and Urban Development Act of 1968, as amended.
- E. Executive Order 11246, as amended by Executive Orders 11375 and 12086.
- F. Executive Order 11063, as amended by Executive Order 12259.
- G. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.
- H. The Age Discrimination Act of 1975 (Public Law 94-135).

**10. Anti-Displacement/Relocation:**

It will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.).

**11. Labor Standards:**

It will comply with the following regarding labor standards as may be amended from time to time:

- A. [Section 110 of the Housing and Community Development Act of 1974](#), as amended.

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- B. [Section 1720, et seq. of the California Labor Code](#) regarding public works labor standards.
- C. Davis-Bacon and Related Acts as amended ([40 U.S.C. §276\(a\)](#)) regarding the payment of prevailing wage rates.
- D. Contract Work Hours and Safety Standards Act ([40 U.S.C. §3702](#)) regarding overtime compensation.
- E. Anti-Kickback Act of 1934 ([41 U.S.C. §51-58](#)) prohibiting "kickbacks" of wages in federally assisted construction activities.

**12. Architectural Barriers:**

It will comply with the Architectural Barriers Act of 1968 ([42 U.S.C. §4151 et seq.](#)) and implementing regulations ([24 CFR Parts 40-41](#))

**13. Conflict of Interest:**

It will enforce standards for conflicts of interest which govern the performance of their officers, employees, or agents engaged in the award and administration, in whole or in part, of State CDBG grant funds ([24 CFR §570.611](#)).

**14. Limitations on Political Activities:**

It will comply with the Hatch Act ([5 U.S.C. §1501, et seq.](#)) regarding political activity of employees.

**15. Lead Based Paint:**

It will comply with the Lead-Based Paint Regulations ([24 CFR Part 35](#)) which prohibit the use of lead-based paint on projects funded by the program.

**16. Debarred Contractors:**

It certifies that neither the applicant or its staff are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs, in any proposal submitted in connection with the CDBG program, per the Excluded Party List System located at <https://www.sam.gov/SAM/>. In addition, the applicant will not award contracts

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to or otherwise engage the services of any contractor while that contractor (or its principals) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any

proposal submitted in connection with the CDBG program under the provisions of [24 CFR Part 24](#).

**17. Inspection of Grant Activities:**

It will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access

to and the right to examine all records, books, papers, or documents related to the grant.

**18. Cost Recovery:**

It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- A. CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or
- B. For purposes of assisting any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income, that it lacks sufficient funds received from CDBG Program to comply with the requirements of this clause.

**19. Procurement:**

It will follow the federal procurement policies per [24 CFR §200.317 et seq.](#)

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**20. Excessive Force:**

It will adopt and enforce policies:

- A. Prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; and
- B. Enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

**21. Anti-Lobbying:**

- A. It certifies and agrees that no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer of employee of any agency, a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

**22. Compliance with Laws:**

The jurisdiction will comply with all applicable laws, rules, and regulations governing the activities being applied for herein.

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**I hereby certify under penalty of perjury that all information contained in this Statement of Assurances (including all supporting documentation) is true and correct. I understand and acknowledge that making false statements on this certification, including any documents submitted in support of it, is a crime under federal and California state laws, which may result in criminal prosecution and fines.**

\_\_\_\_\_  
Printed Name of Authorized Representative (*per the Resolution*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_