

**CITY OF UKIAH
CITY COUNCIL AGENDA
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
February 1, 2017
6:00 p.m.**

5:45 - 5:55 P.M. ANNUAL COUNCIL PHOTO.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

- a. Introduction of Eric Singleton's Promotion to Fire Engineer.
- b. Presentation of Employee Recognition Awards.
- c. Status Report, Discussion and Possible Action Regarding the Ukiah Valley Sanitation District's Litigation Against the City of Ukiah Related to the Operation of the Sanitary Sewer System.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

- a. Minutes of January 18, 2017, a Regular Meeting.

6. RIGHT TO APPEAL DECISION

Persons who are dissatisfied with a decision of the City Council may have the right to a review of that decision by a court. The City has adopted Section 1094.6 of the California Code of Civil Procedure, which generally limits to ninety days (90) the time within which the decision of the City Boards and Agencies may be judicially challenged.

7. CONSENT CALENDAR

The following items listed are considered routine and will be enacted by a single motion and roll call vote by the City Council. Items may be removed from the Consent Calendar upon request of a Councilmember or a citizen in which event the item will be considered at the completion of all other items on the agenda. The motion by the City Council on the Consent Calendar will approve and make findings in accordance with Administrative Staff and/or Planning Commission recommendations.

- a. Adoption of Resolution Approving Records Destruction.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The City Council welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Council when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

9. COUNCIL REPORTS

10. CITY MANAGER/CITY CLERK REPORTS

11. PUBLIC HEARINGS (6:15 PM)

- a. Discussion and Possible Adoption of a Mitigated Negative Declaration and Introduction of an Ordinance Amending the Zoning Map and Adoption of a Resolution Amending the General Plan Map in Accordance with the Proposed Rezone of 350 N. Orchard Avenue.

12. UNFINISHED BUSINESS

- a. Proposed Minor Alteration of Proposed Marijuana Dispensary Ordinance and if Approved, Schedule Final Action for February 15th Council Meeting.
- b. Receive Financial Report Regarding Ukiah on Ice 2016-17, the Outdoor Holiday Ice Rink, and Consider Hosting an Ice Rink in 2017-18.
- c. Authorize Execution of Amendment to the Agreement with SHN in an Amount Not to Exceed \$14,160 for Additional Services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project and Approve Budget Amendment.
- d. Authorize the City Manager to Negotiate and Execute an Amendment (Related to Financial and Administrative Services) to the Interim Agreement for Fire Protection and Emergency Medical Services Between Ukiah Valley Fire Protection District and the City of Ukiah.

13. NEW BUSINESS

- a. Receive and Consider a Status Report on the Strategic Plan and City Operations.

14. CLOSED SESSION – Closed Session may be held at any time during the meeting.

a. Conference with Legal Counsel – Anticipated Litigation

(Cal. Gov't Code Section 54956.9(d)(2))
Significant exposure to litigation (1 case)

b. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))
Name of case: *City of Ukiah v. Questex, LTD, et al*, Mendocino County Superior Court, Case No. SCUK- CVPT-15-66036

c. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9(d)(1))
Name of case: *Ukiah Valley Sanitation District v. City of Ukiah*, Sonoma County Superior Court, Case No. SCV 256737

d. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))
Name of case: *Ukiah Citizens for Safety First v. City of Ukiah*, Mendocino County Superior Court, Case No. SCUKCVPT 14-63579

e. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))
Name of case: *Howard Jarvis Taxpayers Assn., et al. v. City of Ukiah*, Mendocino County Superior Court, Case No. SCUK-CVG-17-68588

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: 429 South Dora St. Ukiah, CA 95482

Negotiator: Sage Sangiacomo, City Manager; Negotiating Parties: City of Ukiah and Ukiah Unified School District; Under Negotiation: Price & Terms of Payment

15. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Dated this 26th day of January, 2017.
Kristine Lawler, City Clerk



ITEM NO.: 3a

MEETING DATE: February 1, 2017

AGENDA SUMMARY REPORT

SUBJECT: INTRODUCTION OF ERIC SINGLETON'S PROMOTION TO FIRE ENGINEER

Summary: After a rigorous testing process we are pleased to announce that Eric Singleton has been promoted to the rank of Fire Engineer. Tonight his wife, Maggie will pin his badge for him.

Background: Over a year ago the fire department went through a rigorous testing process. Applicants were given a written test as well as a practical examination to test their skill in operating a fire engine. Eric Singleton successfully passed both.

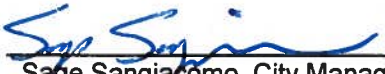
Discussion: Eric's dedication to the fire department and his fellow firefighters has been exemplary. Eric took every chance he could to study and train for this examination. He even helped with training others to test for the position. Eric has been and will continue to be a valuable asset to the Ukiah Valley Fire Authority and the City of Ukiah.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$0	N/A	N/A	Yes ☐ No ☒	N/A

RECOMMENDED ACTION(s): Receive presentation.**ALTERNATIVES:** N/A

Citizens advised: N/A
Requested by: Kirk Thomsen, Fire Chief
Prepared by: Kirk Thomsen, Fire Chief
Coordinated with: Sage Sangiacomo, City Manager
Presenter: Kirk Thomsen, Fire Chief
Attachment: N/A

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____**RECORDS APPROVED:** ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____*Note: Please write Agreement No. in upper right corner of agreement when drafted.*

Approved: 
Sage Sangiacomo, City Manager



AGENDA SUMMARY REPORT

SUBJECT: PRESENTATION OF EMPLOYEE RECOGNITION AWARDS

Summary: Council to receive a presentation of the City of Ukiah Exceptional Employee Awards for the fourth quarter of 2016.

Background and Discussion: The City of Ukiah prioritizes the retention and attraction of outstanding employees and recognizes their role in our goal of providing exceptional customer service. The Exceptional Employees Program, through a nomination process, recognizes and awards those employees or teams of employees who have truly gone above and beyond.

Once each quarter, nominations are considered from the categories of field crews, public safety, and administration. The recipients are as follows:

Kevin Thompson, Interim Planning Director: Kevin's peers appreciate his dedication to the City's core values and how he actively incorporates them into the Planning Department's practices. For example, he created a "Development Team" and holds monthly meetings with representatives from multiple departments to encourage more collaboration and communication between the various team members who work on developments. This has created a much more cooperative environment that is reflected in the improved service that our customers receive.

Skip Williams, Fire Engineer: Skip's compassion and dedication in customer service is appreciated by all. Recently he responded to a call for a reported structure fire at an elderly woman's home. He quickly determined the cause of the smoke was coming from the oven where a food spill had occurred. The next day – Skip's day off – he returned to the woman's home to clean her oven so she would have no further problems.

Rob Gibson, Lead Parks/Golf Service Worker: Rob's peers appreciate his dedication, positive attitude, and leadership. During the 2016 Pumpkinfest, his quick thinking and problem solving efforts during the rain storm allowed for seamless coordination with street closures, vendors, and the public. His actions directly contributed to the success of Pumpkinfest.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☒	N/A

RECOMMENDED ACTION(S): Receive a presentation of the Employee Recognition Awards.

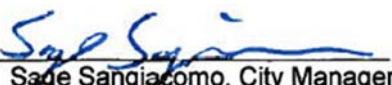
ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: Sheri Mannion, HR and Risk Management Director
Contact/Prepared by: Sheri Mannion, HR and Risk Management Director
Coordinated with: N/A
Presenters: Sage Sangiacomo, City Manager; Kirk Thomsen, Interim Fire Chief; and Tami Bartolomei, Community Services Administrator.
Attachment: None

COUNCIL ACTION DATE: _____ : ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager



ITEM NO.: 3c

MEETING DATE: February 1, 2017

AGENDA SUMMARY REPORT

SUBJECT: STATUS REPORT, DISCUSSION AND POSSIBLE ACTION REGARDING THE UKIAH VALLEY SANITATION DISTRICT'S LITIGATION AGAINST THE CITY OF UKIAH RELATED TO THE OPERATION OF THE SANITARY SEWER SYSTEM

Summary: Staff will provide the latest status report on the Ukiah Valley Sanitation District's Litigation against the City of Ukiah related to the operation of the sanitary sewer system.

The City of Ukiah continues to request that the District consider a change in process outside of litigation to resolve the dispute and restore a working relationship, recognizing there is simply too much at stake for the ratepayers, system operations, and the community.

Background (Chronologic History of Recent Correspondence & Activity): In September 2013, the Ukiah Valley Sanitation District (UVSD) filed a claim for damages with the City, and one month later filed its lawsuit. In its lawsuit, the District seeks damages for alleged breaches of the various agreements between the City and the District related to the operation of the sanitary sewer system, starting with the original 1955 agreement.

The lawsuit will have significant adverse financial impacts to both agencies, as well as the ratepayers and the community, and the City is seeking an alternative to litigation to resolve this dispute. Attached is the letter that was sent on September 14, 2016, by the City Council to the District Board, formally requesting that the District drop the lawsuit with terms that would allow the District to refile if agreement cannot be reached (*UVSD Litigation Update Box File #1*), as well as an informational piece that details the background/impacts (*UVSD Litigation Update Box File #2*).

On September 21, 2016, the City Council received a presentation (*UVSD Litigation Update Box File #3*) from staff that explained the relationship between the two agencies and provided responses to some of the most frequently asked questions about this matter to better inform the public about the consequences of the litigation. This information along with a video link to the September 21st presentation/discussion are accessible at <http://www.cityofukiah.com/projects/uvsd-vs-cou/>.

The UVSD submitted a letter dated September 20, 2016, (*UVSD Litigation Update Box File #4*) which inaccurately asserts that the City's request is for the District to drop the lawsuit until after the recycled

Continued on Page 2

RECOMMENDED ACTION(S): Receive status report. If desired, discuss and provide direction to Staff and/or consider any action(s) related to the matter.

ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: City Council (Councilmembers Crane and Doble)
Prepared by: Sage Sangiacomo, City Manager and Sean White, Director of Water and Sewer.
Coordinated with: David Rapport, City Attorney and Tim Eriksen, Director of Public Works.
Presenter: Sage Sangiacomo, City Manager
Attachments: UVSD Litigation Update Box Files located at:
<https://cityofukiah.box.com/v/UVSDlitigationUpdates>
Attachment #20: Resolution approving the FY 16/17 Wastewater Budget
Attachment #21: Correspondence to the UVSD requesting a joint meeting.

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

water project funding is received. In fact, the City's request is for the District to dismiss its lawsuit and that the City and District devote their time, money and resources to solving the costly issues confronting the sewer system and improving their working relationship. The City's goal is to eliminate the lawsuit altogether. The City has offered to include terms that would allow the District to refile the lawsuit, if the parties fail to reach agreement, but the City never suggested that the District would simply refile the lawsuit once state funding was obtained. Also, the City never suggested that dismissing the lawsuit is all that would be necessary to obtain State funding. In addition to dismissal of the lawsuit, there would have to be an agreement between the City and the District regarding the recycled water project that would satisfy the State Water Resources Control Board.

At the conclusion of the September 21st discussion, the Council directed the City Manager to contact the UVSD District Manager to explore possible alternatives. The City Manager attempted to contact the District Manager by email, but due to a reported medical leave, Mr. McMichael was not available to provide a timely/detailed response. On October 5th the City Attorney received an email correspondence from Duncan James (Attorney representing the District) responding to the City Manager's email to Mr. McMichael. Mr. James indicated in the email that the District had accepted the City's request to meet and formed a committee consisting of Frank McMichael, District Manager; Jim Ronco, Board Chair; Bob Page, Board Member; and legal counsel. The City Manager issued a supplemental memo to the City Council for the October 5th City Council meeting regarding this email exchange and included a recommendation to Council for the formation of a City Council ad hoc committee to meet with the District (*UVSD Litigation Update Box File #5*). At the City Council meeting, Mr. Doug Losak with the Law Offices of Duncan James delivered and read aloud a letter containing some additional allegations, but in the end, agreed to meet with the City. The City Council formed an ad hoc committee consisting of Councilmembers Crane and Doble. The City immediately made efforts to schedule the first meeting between the District's committee and the City's ad hoc.

At the October 19, 2016, meeting, the City Council discussed the latest correspondence from the District including the District's request to hold the ad hoc meetings in private and require the City to consent to a confidentiality agreement. The City Manager provided the Council with the correspondence to date from the District regarding the confidentiality condition (*UVSD Litigation Update Box File #6*) for consideration. At the time of the meeting, the District had not provided a draft of the proposed confidentiality agreement. By consensus, the City Council continued to object to private meetings that do not provide the public with the opportunity to be informed. However, the City Council did direct the ad hoc to meet with the District's ad hoc to discuss the process for such meetings and report back to the City Council at its regular meeting on November 2, 2016.

Prior to the ad hoc meeting, the City Attorney received a letter from Duncan James' Office regarding the District's request for a confidentiality agreement for the ad hoc meetings along with a draft of the agreement (*UVSD Litigation Update Box File #7*). The City Attorney issued a response (*UVSD Litigation Update Box File #8*) indicating that such agreement would need to be discussed at the first joint ad hoc meeting and ultimately considered by the City Council.

In addition, the City Council received correspondence from the District Manager related to the recycled water project dated October 21st (*UVSD Litigation Update Box File #9*). Most of the questions referenced in the letter had already been either answered or provided to the District. Nonetheless, City staff welcomed the dialogue and discussion in a sincere effort to move this critical project forward. Staff provided a response to the District Manager on October 27, 2016 (*UVSD Litigation Update Box File #10*).

On October 28, 2016, the City's ad hoc met with the District's ad hoc. At the meeting, the District presented the City with a take it or leave it condition imposing confidentiality on the ad hoc discussions.

On November 2nd and 4th, the City Council considered the District's confidentiality condition on the ad hoc discussions and approved a letter (*UVSD Litigation Update Box File #11*) that confirmed agreement to the condition if the District Board would agree to either stay further proceedings in the lawsuit or dismiss the lawsuit without prejudice. The City's proposal, if accepted, would halt the costly litigation fees

currently being incurred by both agencies, but would not preclude the District from terminating the stay or refiling the lawsuit if the District wasn't satisfied with the discussions/negotiations. The District issued a response to the City's proposal on November 8, 2016 (*UVSD Litigation Update Box File #12*) that continues to impose a confidentiality condition on the joint ad hoc meetings. The District further stated "the lawsuit needs to otherwise remain in motion" except to provide a limitation on any discovery requests for a period of 4 weeks.

It's important to note that the District's legal team has predominately utilized the Public Information Act (PRA) rather than formal discovery to obtain information. Because the City of Ukiah is a public agency, the District's attorneys have used the PRA process to obtain information, which does not require the District to justify its requests by showing how they are relevant to the issues in the case. In a typical lawsuit, the discovery process is used to obtain documents and is overseen and controlled by the court to prevent burdensome or oppressive requests. The City continues to expense a tremendous amount of staff resources responding to the District's PRA requests for information dating back to 1955. To date, the District has submitted over 41 requests (with multiple parts) under the PRA process. The City has diligently been responding to the requests for the past 12 months. Suspension of the formal discovery process will not prevent the continued practice by the District nor will it limit the escalating litigation expenses during this proposed period.

With regard to the recycled water project, the City received additional correspondence from the District Manager indicating the need for more information (*UVSD Litigation Update Box File #13*). However, the correspondence did not identify any specific questions or information that had not otherwise been provided. The City Manager issued a response on November 15th (*UVSD Litigation Update Box File #14*) and included a BOX link to all relevant information on the recycled water project (<https://cityofukiah.box.com/v/uvsdpointsofinterest>). Most, if not all, of the information and/or documents have already been provided to the District. Furthermore, the City Manager requested a determination from the District regarding its position on the project and offered to provide any other information and/or presentations that would be necessary for a determination.

On November 16th, the City Council instructed the City Attorney to contact the lawyers for the Ukiah Valley Sanitation District to work out the details for mediating the outstanding disputes including selecting a mediator. Furthermore and as a first step in the mediation, the City Council requested the District to provide a detailed written response and any counter proposals to the City's written proposal that was submitted to the District in March 2014, during the original mediation between the City and the District. On November 17th, the City Attorney sent correspondence to the UVSD's lawyer to initiate mediation as directed (*UVSD Litigation Update Box File #15*). As of the publication of the report for the December 7th City Council meeting, the District had not responded.

Additional correspondence between the City and District had also been exchanged related to the recycled water project (*UVSD Litigation Update Box File #16 & #17*). Despite continued attempts to engage and provide the District with information, the District had yet to conclude that the recycled water project is the superior alternative of disposing treated wastewater. In an effort to bring this item to a conclusion, the City Manager proposed in a December 1st correspondence to the District Manager a joint meeting between the City Council and the District Board to discuss and resolve any remaining questions/issues related to the project. As of the publication of the report for the December 7th City Council meeting, the District had not responded.

Related to the Fiscal Year 16/17 Budget, the District has not yet identified the District's timeline for their previously identified budget review process that reportedly extends through various staff, committee and District Board stages before a final joint meeting with the City can be scheduled. The previously approved continuing resolution for the budget was scheduled to expire on December 31, 2016. The City had made inquiries as to the District's progress and anticipated review timeline (*UVSD Litigation Update Box File #18*). Staff recognized some level of District review was underway given recent engagement (since November 11th) on the budget, but the District Manager had not provided a timeline for completion.

of their review and/or indicated readiness for a joint budget meeting. As of the publication of the report for the December 7th City Council meeting, the District had not responded.

At the December 7th City Council meeting, the Council adopted a resolution to secure funding for the construction of the recycled water system using water revenues as an alternate to the City's wastewater revenues. While this was a less desirable option for securing project funding, it was considered a better alternative to losing the project funds altogether. The Ukiah Valley Sanitation District's lawsuit remains the only impediment to securing project funding with the wastewater revenues given the City must be able to demonstrate to the State an unconstrained revenue source to guarantee repayment of the loan funds. City staff reported that they were vetting the details of the water revenue alternative with the State Water Resources Control Board. The UVSD continued to be unresponsive to the City Manager's proposal for a joint meeting between the City Council and the District Board to discuss and resolve any remaining questions/issues related to the recycled water project.

Related to the Fiscal Year 16/17 Budget, the City Council and the District Board approved a continuing budget resolution at their respective meetings on December 7th and December 27th. The City's continuing resolution was set to expire on January 18, 2017, unless otherwise extended. The City requested a joint meeting with the District Board prior to the expiration of the resolution. While the District had taken action to extend the continuing resolution beyond December 31, 2016, it had yet to identify a timeline for the completion of its budget review or response to the City's request for a joint meeting.

At the January 4, 2017, City Council meeting, the City Manager and staff reported that terms for mediation continue to be discussed and the District had not responded to the City's requests for a joint meeting on the Fiscal Year 16/17 budget or the recycled water project. It was further reported that the City received a notice from the District Chair related to communication in the absence of the District Manager due to an extended medical leave (*UVSD Litigation Update Box File #19*).

At the January 18, 2017, City Council meeting, the City Manager and staff reported that terms for mediation continue to be discussed and the District had not responded to the City's continued requests for a joint meeting on the Fiscal Year 16/17 budget or the recycled water project.

Development of the City's wastewater operating budget is a joint process between the City and the Ukiah Valley Sanitation District (UVSD). The process had been delayed significantly despite efforts by the City to move it forward expeditiously. In the interim, the City had been operating its wastewater enterprise on a continuing resolution, carrying forward the adopted appropriations from Fiscal Year 2015-16. At its meeting of December 7, 2016, the City Council determined that continuing to do so impeded its ability to effectively, efficiently, and responsibly provide wastewater services to the citizens of Ukiah and the UVSD and voted to move the budget process forward with its consideration and potential adoption at its regularly scheduled meeting on January 18, 2017. The City notified UVSD of its intentions and again called on it to schedule a meeting with the City Council to complete the budget review process. As of the January 18th City Council meeting, the UVSD continued to be unresponsive to the requests to meet. As such, the City Council unilaterally considered and approved the FY 16-17 Wastewater Budget (Attachment #20).

Discussion: The City Attorney continues to engage with the District's legal counsel regarding mediation. As of the date of publication of this report, dates for mediation had not been finalized, but a Santa Rosa location and mediator through JAMS have been agreed upon.

As of the date of publication of this report, the UVSD continues to be unresponsive to the City's continued requests for a joint meeting on the FY 16-17 Budget and recycled water project (Attachment #21).

At the February 1st City Council meeting, Staff will provide the latest status report on the Ukiah Valley Sanitation District's Litigation against the City of Ukiah related to the operation of the sanitary sewer system including the most recent correspondence from the District.

The Council may elect to discuss the matter further and, if desired, provide direction to Staff and/or consider any related action(s). As part of this agenda item, the Council does not intend to consult with legal counsel regarding the litigation itself and does not intend to waive evidentiary privileges for attorney-client communication or attorney work product.

RESOLUTION NO. 2017- 08**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING THE CITY OF UKIAH OPERATING AND CAPITAL BUDGET TO INCLUDE WASTEWATER AND RECYCLED WATER FUNDS IN THE FISCAL YEAR 2016-2017**

WHEREAS, the Ukiah Municipal Code requires the City Manager to prepare and submit an annual budget to the City Council for its approval; and

WHEREAS, it is good management practice to have comprehensive operating and capital improvement budgets to implement the various policies, programs and projects of the City Council, and the City Council has established a policy to review, adopt, and provide multiple updates to Fiscal Year ("FY") Budgets; and

WHEREAS, on September 7, 2016, the City Council adopted revenue, expenditure and capital budgets for the General Fund, internal service funds, enterprise funds and several special revenue funds; and

WHEREAS, the Wastewater enterprise funds were reviewed and considered but not adopted due to the need to consider them jointly with the Ukiah Valley Sanitation District; and

WHEREAS, the Recycled Water fund was reviewed and considered but not adopted due to its interdependent relationship with the Wastewater enterprise funds; and

WHEREAS, at a special joint meeting on the 21st day of June, 2016, the Ukiah Valley Sanitation District ("DISTRICT") Board of Directors and the Ukiah City Council reviewed the budget process and schedule and determined additional time beyond July 1, 2016, was needed to develop and approve the FY 2016-2017 Wastewater System Budget; and

WHEREAS, the DISTRICT Board of Directors and the Ukiah City Council each passed continuing budget resolutions to allow for the ordinary operation and maintenance and emergency response to be provided by the City of Ukiah for the Wastewater Treatment Plant ("WWTP") and collection system in accordance with the FY 2015-16 Wastewater System Budget approved by the Ukiah City Council; and

WHEREAS, at a special joint meeting on the 15th day of August, 2016, the DISTRICT Board of Directors and the Ukiah City Council reviewed the FY 2016-2017 Wastewater System Budget process and schedule; and

WHEREAS, after review and discussion of the current process and progress, the Board of Directors and the Ukiah City Council agreed the budget review process could not be completed by August 15, 2016, because additional time was needed for the review of the proposed budget and presentation; and

WHEREAS, the DISTRICT Board submitted for the August 15, 2016 joint meeting of the City Council and DISTRICT Board a resolution setting forth Board's views and factual assertions concerning Amendment No. 1 to the Participation Agreement between the CITY and DISTRICT and the process that has occurred in the past and which has occurred in connection with approval of the Sewer System budget for the 2016-17 fiscal year; and

WHEREAS, the City Council doesn't agree with many of those views and factual assertions; and

WHEREAS, the City Council agreed to provide the DISTRICT with more time to review the budget proposed by the City; and

WHEREAS, City of Ukiah staff has responded to all questions raised by the DISTRICT and requested a joint meeting with the DISTRICT to allow the budget to be adopted; and

WHEREAS, the DISTRICT has not responded to the request for a joint meeting and the DISTRICT has indicated staffing limitations are affecting its ability to consider finalization of the budget and have not indicated when its Board will be prepared to participate in a joint meeting with the City Council to approve the budget; and

WHEREAS, at its meeting of December 7, 2016, the City Council determined that continuing to operate under a continuing budget resolution impeded its ability to effectively, efficiently, and responsibly provide wastewater services to the citizens of Ukiah and the UVSD and voted to move the budget process forward independently, if necessary, with complete consideration and adoption at its regularly scheduled meeting on January 18, 2017; and

WHEREAS, the proposed budget for the 2016-2017 fiscal year does not include an expense category not included in an approved budget prior to the 1997/98 fiscal year or a capital expenditure in excess of \$100,000 other than for repair or replacement of existing equipment; and

WHEREAS, the operation and maintenance expenses required to provide sewer service to the City and UVSD ratepayers exceeds the operation and maintenance expenses budgeted in fiscal year 2015-16.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ukiah does hereby amend the adopted operating and capital budgets for the general fund and other funds for Fiscal Year 2016-17, previously approved by Resolution No. 2016-52, to include the wastewater enterprise funds and recycled water fund budgets.

NOW THEREFORE BE IT FURTHER RESOLVED that,

1. The City of Ukiah will provide for the operation and maintenance of, and emergency response for, the WWTP and collection system.
2. Funds are appropriated at the Fund level for total expenditures, transfers, and other uses as summarized in Attachment A, attached hereto.
3. Transfers between funds are authorized and reserve amounts are established as summarized in Attachment A, attached hereto.
4. The FY 2016-17 Operations and Capital Budget provides detail to the sources and uses of the authorized appropriations by fund and the final adopted document is incorporated herein by reference.

5. The City Manager is authorized to approve budget changes between accounts within each Department within the same fund and that any budget appropriation changes between Funds require City Council approval.
6. The encumbrances outstanding at year-end are reported as committed and, with any unreserved and undesignated funds remaining on June 30, 2016, are hereby designated as reserved in Fund Balance or Net Position and available for appropriation in FY 2016-17 or future Fiscal Years.

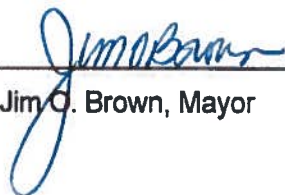
PASSED AND ADOPTED this 18th day of January 2017, by the following roll call vote:

AYES: Councilmembers Scalmanini, Mulheren, Doble, and Mayor Brown
NOES: None
ABSENT: Councilmember Crane
ABSTAIN: None

ATTEST:



Kristine Lawler, City Clerk



Jim C. Brown, Mayor

City of Ukiah
FY 16-17
Budget Summary by Fund

	Fiscal Year 16-17 Budget						
	Estimated Revenues & Other Sources	Appropriations			Total Appropriations	Operating Transfers	
		Operations & Other Uses	Capital Improvements & Equipment	Debt Payments		In	Out
General Funds							
100 General Fund	\$ 14,329,169	\$ 6,432,454	\$ -	\$ -	\$ 6,432,454	\$ 547,825	\$ 8,567,433
105 General Fund - Public Safety	2,740,300	10,836,285	-	-	10,836,285	8,220,985	-
110 General Fund Strategic Reserve	-	-	-	-	-	-	-
Total General Funds	\$ 17,069,469	\$ 17,268,739	\$ -	\$ -	\$ 17,268,739	\$ 8,768,810	\$ 8,567,433
Special Revenue Funds							
220 Equipment Reserve	\$ 5,000	\$ -	\$ 545,000	\$ -	\$ 545,000	\$ -	\$ 347,330
250 Special Revenue Reserve	-	-	-	-	-	54,850	-
251 Special Projects Reserve	10,000	-	682,970	-	682,970	-	156,850
Various Parks & Rec Facilities Related Funds [7]	-	-	18,000	-	18,000	-	-
310 Museum Grant	1,512,385	-	1,509,011	-	1,509,011	-	-
311 Alex Rorabaugh Recreation Center	98,100	110,562	-	-	110,562	-	-
249 RDA Low Moderate Income Housing Bonds	3,600	-	-	-	-	-	-
313 Low Moderate Income Housing	12,250	-	-	-	-	-	-
Various Gas Tax Funds [4]	358,561	-	682,380	-	682,380	-	297,625
505 Signalization Fund	2,500	-	-	-	-	-	-
Various Streets Related Funds [3]	152,000	-	177,000	-	177,000	-	-
Various Comm Dev & Aff Housing Grants [2]	900	-	-	-	-	-	-
607 Prop 84 Grant - Water	125,000	-	-	-	-	-	125,000
Various Asset Seizure & Forfeiture Funds [5]	60,700	20,000	21,684	-	41,684	-	-
Various Police Related Funds [6]	225,000	-	-	-	-	-	125,000
905 FEMA Shelter Program	-	-	-	-	-	-	-
691 Museum	105,500	437,926	-	-	437,926	360,564	-
695 Transfer Station	150,000	10,000	-	-	10,000	177,000	317,000
750 Visit Ukiah	-	157,426	-	-	157,426	110,884	-
Total Special Revenue Funds	\$ 2,819,496	\$ 736,914	\$ 3,636,045	\$ -	\$ 4,371,959	\$ 703,298	\$ 1,368,805
Enterprise Funds [1]							
640 Parking Enforcement	\$ 155,100	\$ 146,639	\$ -	\$ 715	\$ 146,354	\$ -	\$ -
700 Sanitary Disposal Site Operating	279,800	674,874	-	-	674,874	317,000	-
702 Landfill Closure	75,000	2,873,100	-	-	2,873,100	-	-
704 Landfill Post Closure	-	-	-	-	-	-	-
Total Landfill [1.1]	354,800	3,547,974	-	-	3,547,974	317,000	-
720 Golf	81,700	48,129	-	-	48,129	-	-
730 Conference Center	366,569	364,740	-	-	364,740	-	-
777 Airport Operations	929,000	903,307	11,340	-	914,647	-	134,115
778 FAA Grant	262,625	-	396,900	-	396,900	134,115	-
Total Airport	1,191,625	903,307	408,240	-	1,311,547	134,115	134,115
800 Electric Administration	16,033,192	15,548,447	-	-	15,548,447	-	3,669,722
801 Capital Reserve	-	-	4,880,000	-	4,880,000	3,569,172	-
802 Rate Stabilization	-	-	-	-	-	-	-
803 Lake Mendocino Debt	3,500	-	-	2,068,338	2,068,338	67,000	-
805 Street Lighting	196,000	409,271	-	-	409,271	33,550	-
806 Public Benefit	442,900	428,620	-	-	428,620	-	-
Total Electric	16,675,592	16,386,338	4,880,000	2,068,338	23,334,676	3,669,722	3,669,722
820 Water	5,998,136	3,028,246	312,000	-	3,340,246	-	6,610,278
821 Water Capital Reserve	-	-	-	-	-	-	887,508
822 Water - Distribution Capital	68,232	-	6,688,700	927,318	7,616,018	7,472,786	-
Total Water	6,066,368	3,028,246	7,000,700	927,318	10,956,284	7,472,786	7,497,786

(continued)

840 Wastewater	7,088,302	4,809,486	350,000	-	5,159,486	-	86,000
841 Wastewater Debt Service	2,810,989	-	-	4,869,600	4,869,600	-	-
842 Wastewater Rate Stabilization	18,000	-	-	-	-	-	-
843 Wastewater City Connection Fee	52,600	-	-	-	-	-	-
844 Wastewater City Capital	20,000	-	999,700	-	999,700	-	-
830 Recycled Water	37,736,191	85,084	37,650,191	-	37,735,275	88,000	-
Total Wastewater & Recycled Water	47,824,081	4,894,570	38,999,891	4,869,600	48,784,081	88,000	86,000
Total Enterprise Funds	\$ 72,416,835	\$ 29,318,943	\$ 51,288,831	\$ 7,865,971	\$ 88,473,745	\$ 11,679,023	\$ 11,387,823
Internal Services Funds [1]							
201 Worker's Comp & Unemployment	\$ 709,500	\$ 803,953	\$ -	\$ -	\$ 803,953	\$ -	\$ -
202 Liability & Property Insurance	840,200	840,202	-	-	840,202	-	-
203 Garage	511,534	439,536	114,000	-	553,536	34,030	-
204 Purchasing	263,972	272,672	-	-	272,672	-	-
205 Billing and Collections	1,498,551	1,329,136	-	-	1,329,136	-	-
206 Utah Public Safety Dispatch	1,057,230	1,158,449	-	-	1,158,449	-	-
208 Building & Corp Yard Maintenance	582,248	647,088	120,000	-	767,088	120,000	-
209 Information Technology	854,827	854,827	268,300	-	1,122,927	268,300	-
Total Internal Services Funds	\$ 6,097,882	\$ 6,143,643	\$ 502,300	\$ -	\$ 6,845,943	\$ 422,330	\$ -
Total City Funds	\$ 98,402,662	\$ 63,457,239	\$ 55,427,176	\$ 7,865,971	\$ 118,760,388	\$ 21,673,881	\$ 21,323,881
Successor Agency to Redevelopment Agency							
969 Successor Agency	1,341,420	44,000	-	1,631,929	1,675,929	-	250,000
Total Successor Agency	1,341,420	44,000	-	1,631,929	1,675,929	-	250,000
Total All Funds	\$ 99,744,082	\$ 63,511,239	\$ 55,427,176	\$ 9,497,900	\$ 118,436,318	\$ 21,673,881	\$ 21,673,881
Other Agency Funds Administered by City							
312 Downtown Business Improvement District	18,000	17,054	-	-	17,054	-	-
Total All FY 16-17 Transactions	99,762,082	63,528,293	55,427,176	9,497,900	118,453,369	21,673,881	21,673,881

[1] For Enterprise, except Landfill funds, and Internal Service Funds the Fund Balance includes non-cash investments in fixed assets and advances or Due to Other funds. It also includes a reduction for Deferred noncurrent liabilities or assets. Please see the Sources and Uses schedule for each fund for the detail to Net position and the available working capital and reserves in each fund.

[1.1] For Landfill funds the Fund Balance includes only Working Capital. There is a \$14.7 million deferred Liability required to be booked by the State of California for the closure of the landfill. This amount is for the total landfill closure and projected 30 year post closure liability. If included in the Fund Balance, it would significantly distort the available working capital amounts for future closure of the Landfill. Under the 30 year closure plan, sufficient funding resources are projected from surcharge fees and short term cash flow financing to provide for the closure and post closure costs.

[2] CDBG, HOME and other related community development and housing grants and loans - Community Development Block Grant Fund 600, CDBG Fund 602, HOME 11-7654 Fund 605, CDBG 10EDEF-7261 Fund 606, CDBG 13-8940 Fund 609

[3] Streets related grants and other revenues sources - Capital Improvements Fund 506, STOP Augmentation Fund 507, SB325 Reimbursement Fund 508 and State STP Fund 509

[4] Gas Tax revenues are segregated into separate funds - 2106 Fund 500, 2107 Fund 501, 2107.5 Fund 502, 2105 Fund 503 and Congestion Relief (2103 Gas Tax) Fund 510

[5] Asset Seizure and Forfeiture related Funds - Asset Seizure Fund 630, Asset Seizure (Drugs & Alcohol) Fund 631, Federal Asset Seizure Fund 634 and Asset Forfeiture 11470.2 Fund 638

[6] Police related funds - H&S Education 11489 fund 633, Supplemental Law Enforcement Services Fund 635, Local Law Enforcement Block Grant Fund 637 and Special Revenue Police fund 639

[7] Parks and Recreation Facilities funds - Park Development Fund 300, Anton Stadium Fund 301, Observatory Park Fund 302, Parks and Playgrounds Fund 303, Swimming Pool Fund 304, Riverside Park Fund 305, Skate Park Fund 306 and Softball Complex Fund 307

(concluded)

From: Sage Sangiacomo
Sent: Thursday, January 19, 2017 5:09 PM
To: 'Jim Ronco'
Cc: 'Doug Losak'; 'David Rapport'; 'Douglas F. Crane'; Daniel Buffalo; Sean White; Tim Eriksen; Jarod Thiele; Shannon Riley; Kevin Doble; Kristine Lawler
Subject: RE: UVSD communications
Attachments: Agenda Item 12b.pdf; 2017-08 CC Reso - Amend Budget to Include Waste Water and Recycled Water....pdf

Dear Chair Ronco,

The Ukiah City Council consider and took action last night on the FY 16/17 Wastewater Budget. Attached is the resolution approved by the Ukiah City Council and the corresponding agenda item that was previous forwarded to the District with the full agenda packed.

While the District has not been responsive to the City's multiple requests for a joint meeting regarding the budget and the recycled water project, the City remains committed to returning to a collaborative working relationship. Please let me know if and when the District is ready for a joint meeting. In addition, City staff remains available to work with the District on administrative items.

Sage Sangiacomo
City Manager

City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482
P) 707-463-6221
F) 707-463-6740
ssangiacomo@cityofukiah.com
www.cityofukiah.com
www.visitukiah.com

From: Sage Sangiacomo
Sent: Wednesday, December 28, 2016 11:32 AM
To: 'Jim Ronco' <jim@jimroncoconsulting.com>
Cc: 'Doug Losak' <Doug@duncanjames.com>; 'David Rapport' <drapport@pacbell.net>; 'Douglas F. Crane' <doug.crane@craneofukiah.com>; Daniel Buffalo <dbuffalo@cityofukiah.com>; Sean White <swhite@cityofukiah.com>; Tim Eriksen <teriksen@cityofukiah.com>; Jarod Thiele <jthiele@cityofukiah.com>; Shannon Riley <sriley@cityofukiah.com>; Kevin Doble <kdoubleukiah@gmail.com>; 'JohnD@YourPublicMoney.com' <JohnD@YourPublicMoney.com>; Lori Martin <lmartin@cityofukiah.com>; Kristine Lawler <klawler@cityofukiah.com>
Subject: RE: UVSD communications

Hi Jim,

Thanks for the notification. We will update our communication list as requested below.

On budget matters, we were previously directed by the District Manager to communicate with Mr. Dickerson. Please provide clarification on this point.

Sage Sangiacomo
City Manager

City of Ukiah
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Ukiah, CA 95482
P) 707-463-6221
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ssangiacomo@cityofukiah.com
www.cityofukiah.com
www.visitukiah.com

From: Jim Ronco [<mailto:jim@jimroncoconsulting.com>]
Sent: Wednesday, December 28, 2016 11:06 AM
To: Sage Sangiacomo <ssangiacomo@cityofukiah.com>
Cc: 'Doug Losak' <Doug@duncanjames.com>
Subject: UVSD communications

Sage; As you have been advised via written correspondence as well as verbally, the District Manager is on an extended medical leave of absence. Hence forth please direct any and all communications from the City of Ukiah and its employees in writing to myself and UVSD Counsel, Douglas Losak with a cc to the district manager. Please be aware that the UVSD clerk has no authority to release any information to you or the City without my approval in the absence of a District Manager.

Jim Ronco
707-477-7616
jim@jimroncoconsulting.com

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
January 18, 2017
6:00 p.m.**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

Ukiah City Council met at a Regular Meeting on January 18, 2017, having been legally noticed on January 13, 2017. Mayor Brown called the meeting to order at 6:03 p.m. Roll was taken with the following **Councilmembers Present:** Stephen G. Scalmanini (arriving at 6:18), Maureen Mulheren, Kevin Doble, and Jim O. Brown. **Councilmember Absent by Prearrangement:** Douglas F. Crane **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR BROWN PRESIDING.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Receive Presentation Regarding Ukiah on Ice, the Outdoor Holiday Ice Rink, and Present Event Sponsors with Certificates of Appreciation – Administration.

Presenters: Shannon Riley, Senior Management Analyst and Kerry Randall, Facilities Administrator.

Presentation was received.

RECESS 6:20 – 6:22 P.M. to address technical issues.

b. Receive Presentation on the Blue Zones Project Community Development Process and Determine if the City of Ukiah Would Like to Engage in Researching the Steps Needed to Begin an Application Process – Community Services.

Presenters: Shannon Riley, Senior Management Analyst and Maya Simerson, Project Administrator, and Tiffany Gibson, Ukiah Valley Medical Center Wellness Director.

Council Consensus to support exploring the project further, with Councilmember Mulheren working with staff and the Ukiah Valley Medical Center in that process.

Presentation was received.

c. Receive Report for January 9-10, 2017, Winter Storm – Community Services.

Presenter: Tami Bartolomei, Community Services Administrator.

Presentation was received.

d. Status Report, Discussion and Possible Action Regarding the Ukiah Valley Sanitation District's Litigation Against the City of Ukiah Related to the Operation of the Sanitary Sewer System – Administration.

Presenter: Sage Sangiacomo, City Manager and Sean White, Water and Sewer Director.

Public Comment: Don Crawford.

Presentation was received.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Minutes of January 4, 2017, a Regular Meeting.

Motion/Second: Doble/Mulheren to approve Minutes of January 4, 2017, a Regular Meeting as submitted. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

- a. Report of Disbursements for the Month of December - *Finance*.
- b. Report of Contract (*COU No. 1617-157*) with Jones & Mayer in the Amount of \$10,355.80, and Approval of Additional Expenditures as Needed Against the Contract – *Police*.
- c. Authorize City Manager to Execute Design Services Agreement (*COU No. 1617-158*) with Mead & Hunt, Inc. for Runway 15-33 Pavement Rehabilitation and Taxiway Realignment Design in the Amount of \$189,993 - *Airport*.
- d. Authorize the Mayor to Sign Letters of Support for California Senate Bill 1 (Beall) and Assembly Bill 1 (Frazier) Regarding Transportation Funding – *City Clerk*.
- e. Authorize City Manager to Execute an Engineering Services Agreement (*COU No. 1617-159*) with Mead & Hunt, Inc. to Complete Airport Pavement Management Program (APMP) Study with Pavement Classification Number (PCN Calculation) in the Amount of \$48,418 - *Airport*.
- f. Adoption of Resolution (*2017-06*) Authorizing the City of Ukiah Council to Submit an Application to the California State Department of Housing and Community Development for Funding Under the Home Investment Partnerships Program; and if Selected, to Execute a Standard Agreement, Any Amendments Thereto, and Any Related Documents Necessary to Participate in the Home Investment Partnerships Program; Approval of Corresponding Budget Amendments if Awarded the Grant - *Administration*.
- g. Consider Approval of a Revised Mendocino County Youth Project (MCYP) Joint Powers Agreement (*COU No. 1617-160*) and Authorize the City Manager to Negotiate and Execute the Joint Powers Agreement if Appropriate - *Administration*.
- h. Award the Purchase of Two Police Vehicles: One (1) Ford Utility Police Interceptor from Ukiah Ford in the Amount of \$40,199.61 (*PO 44594*), and One (1) Dodge Charger Pursuit Vehicle from Elk Grove Auto Group (*PO 44595*) in the Amount of \$30,989.86 - *Police*.

- i. Adoption of Resolution (2017-07) Authorizing the City Manager to Act as the Authorized Representative for a State Water Resources Control Board Grant in Coordination with the Russian River Watershed Association – *Public Works*.

Motion/Second: Scalmanini/Doble to approve Consent Calendar Items 7a-i, with amended resolution for item 7f. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

9. COUNCIL REPORTS

Presenters: Councilmembers Mulheren and Scalmanini.

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager and Kristine Lawler, City Clerk.

photo next meeting

11. PUBLIC HEARINGS (6:15 PM)

a. Discussion and Consideration of the Proposed Marijuana Dispensary Ordinance and Negative Declaration; and if Appropriate, Consider Introduction of Ordinance by Title Only – Planning and Community Development.

Presenters: Kevin Thompson, Interim Planning Director and Darcy Vaughn, Assistant City Attorney.

Public Comment: Aeolian Vincent de Paul, Chris Watt (speaking as a citizen), and Steely.

Motion/Second: Doble/Mulheren to adopt the Negative Declaration. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

Motion/Second: Doble/Mulheren to introduce the Ordinance by title only. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

City Clerk, Kristine Lawler, read the title of the Ordinance into the record.

Motion/Second: Doble/Mulheren to introduce of the Ordinance amending Chapter 8 in Division 6; Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9; and Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code, Entitled “Medical Marijuana Dispensaries”. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

RECESS 7:52 – 8:01 P.M.

12. UNFINISHED BUSINESS

a. Consideration of Funding to the Economic Development Financing Corporation (EDFC) for Fiscal Year 2016-17 – Administration.

Presenter: Shannon Riley, Senior Management Analyst.

Public Comment: John Kuhry, Executive Director of the Economic Development.

Motion/Second: Doble/Scalmanini to authorize Staff to develop a mutually agreeable service contract (COU No. 1617-161) between EDFC and the City of Ukiah, to disburse funds in the amount of \$11,982.75 based on the formula of 75 cents per capita, and bring back the service contract for Council to review. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

b. Adoption of Resolution of the City Council of the City of Ukiah Authorizing Appropriating Funds for the General Fund and Other Funds in the Fiscal Year 2016-2017 Operating and Capital Budget Including the Wastewater Enterprise and Recycled Water Project Budgets – Finance.

Presenter: Daniel Buffalo, Finance Director.

Motion/Second: Scalmanini/Doble to adopt the resolution (2017-08) amending the City's 2016-17 budget and appropriating funds for the wastewater enterprise and recycled water project activities. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

13. NEW BUSINESS

a. Adoption of a Resolution of the City Council of the City of Ukiah Authorizing the Submission of the Application to the California Infrastructure and Economic Development Bank for Financing of Redwood Business Park Infrastructure Improvements, Declaration of Official Intent to Reimburse Certain Expenditures from Proceeds of Obligation, and Approving Other Matters in Connection Therewith – Administration.

Presenter: Shannon Riley, Senior Management Analyst.

Motion/Second: Mulheren/Doble to adopt a resolution (2017-09) of the City Council of the City of Ukiah authorizing the submission of the application to the California Infrastructure and Economic Development Bank for financing of Redwood Business Park Infrastructure Improvements, declaration of official intent to reimburse certain expenditures from proceeds of obligation, and approving certain other matters in connection therewith. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

b. Authorize the City Manager to Negotiate and Execute the Third Amendment (Related to Fire Chief Services) to the Interim Agreement for Fire Protection and Emergency Medical Services Between Ukiah Valley Fire Protection District and The City of Ukiah – Administration.

Presenter: Sage Sangiacomo, City Manager and Kirk Thomsen, Interim Fire Chief.

Motion/Second: Mulheren/Scalmanini to authorize the City Manager to negotiate and execute the third amendment (related to fire chief services) to the Interim Agreement (COU No. 1314-198-A3) for Fire Protection and Emergency Medical Services between Ukiah Valley Fire Protection District and the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

c. Consideration and Selection of Nominations to the City Selection Committee for Possible Appointments to Vacancies on the North Coast Rail Authority, LAFCo, Sonoma Clean Power, California Coastal Commission, and the County Airport Land Use Commission – Administration.

Presenter: Sage Sangiacomo, City Manager.

Council Consensus to nominate Council Mulheren for the NCRA, Councilmember Doble for LAFCo, Councilmember Scalmanini for Sonoma Clean Power, and for Mayor Brown to speak to Councilmember Crane regarding any interest he may have.

d. Approve Agreement and Corresponding Resolution Between the Successor Agency to the Former Redevelopment Agency of the City of Ukiah and the City of Ukiah Regarding the Expenditure of Housing Bond Proceeds – Finance.

Presenter: Daniel Buffalo, Finance Director.

Public Comment: Aeolian Vincent de Paul.

Motion/Second: Doble/Mulheren to approve Agreement (COU No. 1617-162) and the corresponding resolution (2017-10) for each agency respectfully, regarding expenditure of excess bond proceeds between the City and the Successor Agency relating to the 2011 Housing Bonds and approve transfer of unspent bond proceeds from the Successor Agency to the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Scalmanini, Mulheren, Doble, and Brown. NOES: None. ABSENT: Crane. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO THE SUCCESSOR AGENCY TO THE UKIAH REDEVELOPMENT AGENCY FOLLOWED BY CLOSED SESSION AT 9:01 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Cal. Gov't Code Section 54956.9(d)(2) Number of potential cases (1) (Landfill)

b. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))

Name of case: *City of Ukiah v. Questex, LTD, et al*, Mendocino County Superior Court, Case No. SCU-K CVPT-15-66036

c. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9(d)(1))

Name of case: *Ukiah Valley Sanitation District v. City of Ukiah*, Sonoma County Superior Court, Case No. SCV 256737

d. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))

Name of case: *Ukiah Citizens for Safety First v. City of Ukiah*, Mendocino County Superior Court, Case No. SCU-KCVPT 14-63579

e. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))

Name of case: *Howard Jarvis Taxpayers Assn., et al. v. City of Ukiah*, Mendocino County Superior Court, Case No. SCU-KCVG-17-68588

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: 429 South Dora St. Ukiah, CA 95482

Negotiator: Sage Sangiacomo, City Manager; Negotiating Parties: City of Ukiah and Ukiah Unified School District; Under Negotiation: Price & Terms of Payment

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:55 p.m.

Kristine Lawler, City Clerk



ITEM NO.: 7a

MEETING DATE: February 1, 2017

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF RESOLUTION APPROVING RECORDS DESTRUCTION

Summary: The City Clerk, Community Services, Finance, Human Resources, Public Utilities, and Public Works Departments along with the City Attorney and City Clerk have reviewed Records Destruction Notices encompassing 65 boxes and have identified these boxes as ready for destruction.

Background: The City's Records Retention Schedule was adopted by City Council on November 1, 2000, and has been used to this date. Currently there are two legal holds - Ukiah Valley Sanitation District and Symantec - which have been considered in the review of documents scheduled for destruction.

The Department Heads, City Clerk, and City Attorney have reviewed the Records Destruction Notices for each archival box and have approved those boxes designated for destruction.

Funds have been allocated in the City Clerk's budget for the annual shredding of documents. The estimated cost for shredding the 65 boxes is \$480. The removal of boxes for destruction will create space in storage needed for current document retention.

Discussion: Staff recommends that Council adopt the resolution (Attachment 1) authorizing the destruction of 65 boxes of outdated documents eligible for destruction per the City's Records Retention Schedule and reviewed by the Department Heads, City Clerk, and City Attorney. These boxes are listed in full and attached as Exhibit A to the resolution.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$700	Contractual Services-City Clerk	10011100.52100	Yes ☐ No ☒	N/A

RECOMMENDED ACTION(S): Adopt resolution authorizing the destruction of 65 boxes of outdated documents.

ALTERNATIVES: Do not adopt resolution and give direction to staff.

Citizens advised: N/A
Requested by: N/A
Contacts/Prepared by: Kristine Lawler, City Clerk
Coordinated with: Department Directors and Staff; David Rapport, City Attorney
Presenters: Ashley Cocco, Deputy City Clerk
Attachment: 1. Resolution with Exhibit A: Transfer Notices and list of boxes scheduled for destruction.

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sanfilippo, City Manager

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS

WHEREAS, the City Clerk, Community Services, Finance, Human Resources, Public Utilities, and Public Works Departments have reviewed and approved the list of records provided by the City Clerk's Department that are ready for destruction; and

WHEREAS, the attached list of City records represents records which are no longer necessary and may at this time be destroyed.

NOW, THEREFORE, BE IT RESOLVED, that the Ukiah City Council hereby approves the destruction of certain records, contained in Exhibit A of this Resolution, and authorizes the City Clerk to destroy the records.

PASSED AND ADOPTED this 1st day of February, 2017, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim O. Brown, Mayor

ATTEST:

Kristine Lawler, City Clerk

Updated 7/6/16

3

RECORDS DESTRUCTION NOTICE FOR CITY OF UKIAH

Date: 06/22/16	Department: Public Utilities	Records Coordinator: Kristine Lawler, City Clerk
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Current retention schedules show that the attached records listed are now ready for destruction.

NOTE: Please review the attached City Attorney's message regarding the Ukiah Valley Sanitation District litigation, and keep this in mind when reviewing your files.

- Instructions:
1. Review the attached listing (if needed, you may obtain a copy of the retention guidelines from City Clerk)
 2. If only a portion of the box is to be kept, remove it and start a new box with a new transfer notice; then deliver that to the City Clerk.
 3. If the entire box is to be kept, change the date/year to consider destruction, and give the transfer notice with the new year back to the City Clerk.
 3. For boxes that are okay to proceed with destruction, indicate on list, obtain Department Head's signature, and return this notice, signed, to City Clerk.

Thank you for your cooperation in keeping our records management system working smoothly.

Kristine Lawler, City Clerk

Signatures Authorizing Destruction

Department Head <i>Dean Ketchum</i> for Mel Brandt Date: 12-20-16	City Clerk <i>Kristine Lawler</i> Date: 12/21/16	City Attorney <i>[Signature]</i> Date: 1/10/17	City Council Date:	Destroyed By Date:
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FILES CHECKED PER LEGAL ACTION:

- ☐ UVSD
- ☐ SYMANTEC



2016 RECORDS SCHEDULED FOR DESTRUCTION

LOC.	BOX #	Date Rec'd	Con / Pub	Record Title	RECORD DATES	RETAIN UNTIL	USER/SENDER	DEPARTMENT	COMMENT
181	1692		Pub	NCPA Power Bills	1995 - 1996	2001	Barnes	Public Utilities	
312	1673		Pub	TANC Monthly Comm. Meetings	1992 - 1996	2002	Barnes	Public Utilities	
420	1638		Pub	NCPA Commission - Meeting Minutes	1995 - 1996	2001	Barnes	Public Utilities	

RECORDS TRANSFER NOTICE

Date <i>7/22/96</i>	Department <i>ELECTRIC</i>	User / Sender <i>BARNES</i>	Location <i>181</i>	Box <i>1692</i>
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Record Title (From Records Retention Schedules)

NCPA POWER BILLS

Record Dates

From:	Month	Year	Month	Year

Detailed listing of tote box contents (optional)

NCPA POWER BILLS
WESTERN POWER BILLS

Destroy

- Instructions:
1. Please type or print legibly
 2. Place copies 1 and 2 inside tote box on top of records
 3. Retain copy 3 for follow up

RECORDS TRANSFER NOTICE

Date 7/7/96	Department ELECTRIC	User / Sender BARNES	Location 312	Box 1673
Record Title (From Records Retention Schedules) TALL MONTHLY COMMISSION MEETINGS			Record Dates Month Year Month Year From: 1992 to: 1996	

Detailed listing of tote box contents (optional)

1992, 1995, 1996

Destroy

- Instructions:
1. Please type or print legibly
 2. Place copies 1 and 2 inside tote box on top of records
 3. Retain copy 3 for follow up

RECORDS TRANSFER NOTICE

Date <i>7/16/96</i>	Department <i>ELECTRIC</i>	User / Sender <i>BARNES</i>	Location <i>42D</i>	Box <i>1638</i>
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Record Title (From Records Retention Schedules)

Record Dates

NCPA COMMISSION MEETINGS

Month

Year

Month

Year

From:

To:

Detailed listing of tote box contents (optional)

1995-1996 Commission Meeting Minutes
1995-1996 T/EP Committee Minutes

DeJoy

- Instructions:
1. Please type or print legibly
 2. Place copies 1 and 2 inside tote box on top of records
 3. Retain copy 3 for follow up

RECORDS DESTRUCTION NOTICE FOR CITY OF UKIAH

Date: 06/22/16	Department: Public Works	Records Coordinator: Kristine Lawler, City Clerk
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Current retention schedules show that the attached records listed are now ready for destruction.

NOTE: Please keep files regarding the Ukiah Valley Sanitation District litigation, and keep this in mind when reviewing your files.

- Instructions:
1. Review the attached listing (if needed, you may obtain a copy of the retention guidelines from City Clerk)
 2. If only a portion of the box is to be kept, remove it and start a new box with a new transfer notice; then deliver that to the City Clerk.
 3. If the entire box is to be kept, change the date/year to consider destruction, and give the transfer notice with the new year back to the City Clerk.
 3. For boxes that are okay to proceed with destruction, indicate on list, obtain Department Head's signature, and return this notice, signed, to City Clerk.

Thank you for your cooperation in keeping our records management system working smoothly.

Kristine Lawler, City Clerk

Signatures Authorizing Destruction

Department Head <i>Richard Adams</i> Date: 12-29-2016	City Clerk <i>Kristine Lawler</i> Date: 12-29-16	City Attorney <i>[Signature]</i> Date: 1/26/17	City Council Date:	Destroyed By Date:
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FILES CHECKED PER LEGAL ACTION:

- o UVSD

2016 RECORDS SCHEDULED FOR DESTRUCTION

LOC.	BOX #	Date Rec'd	Con / Pub	Record Title	RECORD DATES	RETAIN UNTIL	USER/SENDER	DEPARTMENT	COMMENT
771	4018	1/25/2012	Pub	Projects, not completed or denied	1953-1997	1999	Seanor	Public Works	
1030	3461		Pub	Collections/Landfill	1990 - 1992	1994	Seanor	Public Works	
1077	3464		Pub	Collections/Landfill	1974 - 1998	2000	Seanor	Public Works	
1081	3466		Pub	Landfill/Collections	1990 - 1997	1999	Seanor	Public Works	
1082	3467		Pub	Streets/Alleys/Maintenance/Operations	1985 - 1999	2001	Seanor	Public Works	
1109	3473		Pub	Engineering - Capital Improvement Projects	1953 - 1993	2003	Seanor	Public Works	
1111	3474		Pub	Engineering - Capital Improvement Projects	1955 - 1992	2002	Seanor	Public Works	
1124	4533	12/1/2015		Solid Waste Landfill - Collections/Landfill	11/1997 - 01/1999	2001	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 1998
1126	3476		Pub	Engineering - Capital Improvement Projects	1978 - 1992	2002	Seanor	Public Works	
1130	4534	12/1/2015		Solid Waste Landfill - Collections/Landfill	01/1998 - 12/1998	2000	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 1998
1132	4535	12/1/2015		Solid Waste Landfill - Collections/Landfill	11/1997 - 01/1999	2001	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 11/97 - 01/98
1161	4536	12/1/2015		Solid Waste Landfill - Collections/Landfill	1989 - 1994	1996	Rick Seanor	Public Works	Employee Comp Time, Correspondence, Daily Incident Log, Metal Bin Tags, Customer Incident Logs, 1989-1994, Solid Waste Records
1163	4537	12/1/2015		Solid Waste Landfill - Collections/Landfill	06/1998 - 10/1998	2000	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 6/1998 - 10/1998
1164	4538	12/1/2015		Solid Waste Landfill - Collections/Landfill	08/1997 - 2001	2003	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 08/1997 - 2001
1165	4539	12/1/2015		Solid Waste Landfill - Collections/Landfill	03/1997 - 07/1998	2000	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 03/1997, 02/1998, 07/1998
1166	4540	12/1/2015		Solid Waste Landfill - Collections/Landfill	10/1997 - 12/1997	1999	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 10/1997 - 12/1997
1181	4541	12/1/2015		Solid Waste Landfill - Collections/Landfill	06/1998 - 07/1998	2000	Rick Seanor	Public Works	Sanitary Disposal Site Tickets 10/1997 - 07/1998

RECORDS TRANSFER NOTICE

Date January 25, 2012	Department Public Works	User/Sender (first and last) Rick Seanor	Location 771	Box 4018
Official Record Title (from Records Retention Schedule) Projects, Not Completed or Denied Maintenance / Operations		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1953 TO 1997	
Date/Year to consider destruction 1999		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 2 and L + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Crane inspection reports – all equipment no longer owned by City of Ukiah (1981-1997) Specifications for metal frame canopy June 1971 City of Ukiah Equipment Lists (1969 – 1976) Various scrolls of curb grade lines (undated) Curb grade line for Giorno Ave. storm drain (Nov. 1953) Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 6/7/06	Department Public Works	User/Sender (first and last) Seanor	Location ... 1030	Box ... 3461
Official Record Title (from Records Retention Schedule) Collections/Landfill		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1990 TO 1992	
Date/Year to consider destruction 1994		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	

Detailed Listing of Tote Box Contents (Please Do Not Write on Box):

Misc. Solid Waste Disposal Site / Landfill

Subchapter 15 Req. Compliance
Solid Waste Management Plan – County of Mendocino
Solid Waste Systems – Financial Statements (1991 – 1992)
Rate Adjustment 1990
Ukiah Solid Waste Audit Review
Activity Reports – Garbage Audits
~~Relocation of PG&E Lines at Ukiah Solid Waste Site~~
Compactor 1991
~~Closure – Post Closure (Files 1 and 2)~~
Butler Scraper
~~Alternative Landfill Cover~~

*removed and transferred to Public Works Directors office
Box contained only advertisements and commercial brochures
removed and transferred to Public Works Directors office
removed and transferred to Public Works*

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)
3. Email marieu@cityofukiah.com notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 6/7/06	Department Public Works	User/Sender (first and last) Seanor	Location 1077	Box 3464
Official Record Title (from Records Retention Schedule) Collections/ Landfill		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1974 TO 1998	
Date/Year to consider destruction 2000		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Misc. Solid Waste Disposal Site / Landfill: Dames and More Contract – Groundwater Dozer Rental CAT Compaction Fees Integrated MSW Management General Info (1974 – 1984) Landfill Scales RFP's Waste Management Plan – Source Reduction and Recycling Alternate Access Routes MSWMA LF Origin Surveys June 1997 – March 1998 MSWMA Surcharge 1992 – June 1996 Origin Surveys Through April 1997 Casper Landfill - Rev/Work – Investigate Naturally Occurring BTX Re-alignment of Unnamed Stream – Landfill Final Draft EIR – Vichy Springs Homes – Landfill Area ESA Contract / Invoices Correspondence – Final EIR for Landfill <i>Removed and transferred to Public Director's office</i>				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email marieu@cityofukiah.com notification box is ready for pickup				

Retention 70

Last printed 7/9/2007 11:24:00 AM

RECORDS TRANSFER NOTICE

Date 6/7/06	Department Public Works	User/Sender (first and last) Seanor	Location 1081	Box 3466
Official Record Title (from Records Retention Schedule) Landfill/Collections		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1990	TO 1997
Date/Year to consider destruction 1999		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Recycling / Landfill Costs/Programs-Haulers/Curbside Pickup Thru December 1996 Landfill AB 939-1996 Annual Report to CIWMB on Progress in Reducing Solid Waste Transfer Station / Landfill Boonville / Potter Valley Transfer Stations Transfer Sitting Study Redding Transfer Facility Willits MRF / Proposal to Receive County Waste Stream Curbside Service Garbage Collection Rate Adjustment 12/21/94 Effective 1/1/95 Garbage Collection Rate Adjustment Garbage Rate Comparison Garbage Collection Rate Adjustment 11/95 Garbage Collection Rate Adjustment 11/1/94 Garbage Collection Rate Adjustment 11/1/90 Garbage Collection Rate Adjustment 11/15/95 Effective 12/1/95 Garbage Collection Rate Adjustment 02/92 to 07/93 Garbage Collection Rate Adjustment Aug/Sept 1993 Ukiah Solid Waste Fees 1992 Mendocino Waste Systems— Fee Adjustments Misc Garbage Collection Complaints Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email marieu@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 6/7/06	Department Public Works	User/Sender (first and last) Seanor	Location 1081	Box 3466
Official Record Title (from Records Retention Schedule) Landfill/ Collections		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1990 TO 1997	
Date/Year to consider destruction 1999		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Garbage / Recycle Collection Rate Adjustments 1997 Rate Adjustment Review 1996 "Bad Boy" Legislation James Ratto – Buy-Out Ukiah Solid Waste Garbage Collection Rate Adjustment 1990/1991 SWS Garbage Collection Routes				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email marieu@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date October 18, 2006	Department Public Works	User/Sender (first and last) Seanor	Location ... 1082	Box ... 3467
Official Record Title (from Records Retention Schedule) Streets / Alleys: Maintenance / Operations		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1985 TO 1999	
Date/Year to consider destruction 2001		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): EMPIRE DR. DISASTER ASSISTANCE FOR LOCAL FEDERAL-AID HIGHWAY FACILITIES GARRETT DR. AND STATE STREET NORTON ST. BRUSH ST. WIDENING GAS TAX – MISC MATCHING PROJECTS ANTON STADIUM SPRINKLER SYSTEM MISC UNDERGROUND SERVICE ALERT. MISCELLANEOUS INFORMATION FEDERAL AID URBAN FORD ROAD/N. STATE STREET COMMUNITY PRIDE WEEK 1999 PURITY STORE AND WILSON V.S. CITY OF UKIAH ELKS, HOLITY – GERGER AND TALMAGE TOTAL TRIHALOMETHANE MONITORING PROGRAM BONDING – MISCELLANEOUS CHRONOLOGICAL CORRESPONDENCE – JANUARY 1999 – DECEMBER 1999 QUESTIONNAIRE- DEPT. OF INTERIOR, BUREAU OF MINES, SAND AND GRAVEL MENDOCINO COUNTY REHABILITATION CENTER NUCLEAR DENSITY GAUGE INFO. MISC. NUCLEAR GAUGE LICENSE MISC. NUCLEAR RADIATION MONITORING Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email marieu@cityofukiah.com notification box is ready for pickup				

Retention 67

Last printed 7/9/2007 11:42:00 AM

RECORDS TRANSFER NOTICE

Date 7/09/07	Department PUBLIC WORKS	User/Sender SEANOR	Location 1109	Box 3473
Record Title (From Records Retention Schedule) Engineering – Capital Improvement Projects		Records are Public Information <u> X </u> or Confidential <u> </u> ?	Record Dates: Month Year Month Year FROM: 1953 TO: 1993	
Year to consider destruction: 2003		Permanent:? Yes <u> </u> or No <u> X </u>	Retention Period: CL + 10	
Detailed Listing of Tote Box Contents (Do not write on Box) Property Streets – Gobbi St Widening – 3010-01 -5' adjustment to Purity Store Letter – 307 N State St – State Hotel – 1989 South Orchard – Marlene Estates – MS # 93-20 - Robert Harris Saint Mary's Rectory – MS 93-40 Site Development – Permit # 92-5 - Bill Daniel Subdivision 92-40 - Sonoma Valley Homes Marlene Subdivision Yaeger & Kirk – MS – Boundary Adjustment 3010-01 City Property Streets – Freeway Access to Oak Manor School – Perkins & Gobbi 3010-01 City Property Streets – Divisions of Highways – Freeway Project 3010-01 City of Highways – Correspondence: 1953 to Present 3010-01 City Streets Highland Ave Extension 3010-01 City Property Streets – Helen Ave Ext. – 1959 – Doolan Creek Southerly 3010-01 City Property Streets – Gobbi St Widening – State to Oak Streets (Map - Signal Oil Co. State at Gobbi Aug. 31, 1956) 3010-01 City Property Streets – Gobbi St Widening: S. Oak to S. Dora – 1961/61 3010-01 City Property Streets – Gobbi St Widening: Dora to Oak – Right of Way Appraisal – 1960/61 Mendocino Place – Conversion of Overhead Power to Underground – Sewer – Cost Estimates Resolution Vacating Portion of North End of Live Oak Ave Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 7/9/07	Department Public Works	User/Sender Seanor	Location 1111	Box 3474
Record Title (From Records Retention Schedule) Engineering – Capital Improvement Projects		Records are Public Information ☒ <u>X</u> or Confidential _____?	Record Dates: Month Year Month Year FROM: 1955 TO: 1992	
Year to consider destruction: 2002		Permanent? Yes ____ or No ☒ <u>X</u>	Retention Period: CL + 10	
Airport – Wind tee Drawing Bandstand – May 1992 Fence Encroaching – Roy Lee Burress Sr – 490 Talmage Rd Front Counter Signs Signs – July 91 thru June 92 Receptionist Area Police department Front Counter Old City Hall – Roof Repair Airport – Permanent Fuel Tanks Airport – Permanent Fuel Tanks & Fuel Facilities Proposed Refuse Collection Rates Restaurant – 801 N State St Civic Center Layout Airport – Temporary Fuel Facilities – Pictures & Info Project Status – July 1990 Thru December 1990 Airport – Hangar Doors – Rollers Ford Street Widths Mobile City Hall Signs Food & Liquor – Brush Street – Plans and Details Street Info – neighborhood Info – Util/Box – Trees Water Mains – 1990 Specifications for Construction of Drainage Facilities on Orchard Ave – 1990 – Various Plans & Info Orchard Ave – Storm Drainage – Includes: Specifications for Construction of Drainage Facilities on Orchard Ave – 1990 Airport Improvements – Lighting Airport Project – 94-01 Talmage Rd Survey – Waugh Ln to Airport Blvd Asphalt Design – the Asphalt Institute Revised STD – Plans – 1978 – Details Engineering Bi-Weekly – Project Hours				

Retention31.doc

Last printed 7/9/2007 2:07:00 PM

RECORDS TRANSFER NOTICE

Date 11/30/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1124	Box 4533
Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill		Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM November 1997 to January 1999	
Date/Year to consider destruction 2001		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): - Sanitary Disposal Site Tickets 1998				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 7/09/07	Department Public Works	User/Sender Seanor	Location 1126	Box 3476
Record Title (From Records Retention Schedule) Engineering – Capital Improvement Projects		Records are Public Information <u>X</u> or Confidential _____?	Record Dates: Month Year Month Year FROM: 1978 TO: 1992	
Year to consider destruction: 2002		Permanent:? Yes ____ or No <u>X</u>	Retention Period: CL + 10	
Detailed Listing of Tote Box Contents (Do not write on Box) Clear Zone Projects – Misc Airport – Smith Air Lease Smith Helicopter Hangar McPhearson, LLA – Coots – ML 4-20-88 Eric Patricio – Curb Addressing Hangars and Site Improvements – 88-09A Hangars – CONTRACT BDM – 88-04A UST Cleanup – Fund Program – Claim Applications – 1991/92 Traffic Count Forms ADT's – 1978 – Ukiah – Speed Zone ADT's – 1978 – Ukiah – Select Average Daily Traffic Counts – 1983 Report ADT's – Other Streets – 1978 – Ukiah Kuki road Recognition – October 1987 Airport Hangars Airport – Large Hangars C & M Properties – North of brush between N.W.P.R.R. and US 101 Civic Center – Generator and Fuel Tank Map – City of Ukiah – Water Main Improvements 1986 Flood - Pictures and Negatives Misc Maps Misc Cost Info Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

Retention30.doc

Last printed 7/9/2007 2:10:00 PM

RECORDS TRANSFER NOTICE

Date 11/30/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1130	Box 4534
Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill		Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM January 1998 to December 1998	
Date/Year to consider destruction 2000		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): - Sanitary Disposal Site Tickets 1998				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11/30/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1132	Box 4535
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Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill	Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM November 1997 to January 1999
Date/Year to consider destruction 2001	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2

Detailed Listing of Tote Box Contents (Please type only):

- Sanitary Disposal Site Tickets November 1997 to January 1999

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number)
3. Email klawler@cityofukiah.com notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 12/01/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1161	Box 4536
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Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill	Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM 1989 to 1994
Date/Year to consider destruction 1996	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2

Detailed Listing of Tote Box Contents (Please type only):

- Employee Comp Time
- Correspondence
- Daily Incident Log
- Metal Bin Tags
- Customer Incident Logs
- 1989 to 1994 Solid Waste Records

Instructions:

RECORDS TRANSFER NOTICE

Date 12/01/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1163	Box 4537
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Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill	Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM June 1998 to October 1998
Date/Year to consider destruction 2000	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2

Detailed Listing of Tote Box Contents (Please type only):

- Sanitary Disposal Site Tickets June to October 1998

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number)
3. Email klawler@cityofukiah.com notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 12/01/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1164	Box 4538
Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill		Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM August 1997 to 2001	
Date/Year to consider destruction 2003		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): - Sanitary Disposal Site Tickets 2001 - Sanitary Disposal Site Tickets August 1997				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 12/01/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1165	Box 4539
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Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill	Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM March 1997 to July 1998
Date/Year to consider destruction 2000	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2

Detailed Listing of Tote Box Contents (Please type only):

- Sanitary Disposal Site Tickets March 1997
- Sanitary Disposal Site Tickets February 1998
- Sanitary Disposal Site Tickets July 1998

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number)
3. Email klawler@cityofukiah.com notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 12/01/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1166	Box 4540
Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill		Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM October 1997 to December 1997	
Date/Year to consider destruction 1999		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): - Sanitary Disposal Site Tickets October 1997 - Sanitary Disposal Site Tickets November 1997 - Sanitary Disposal Site Tickets December 1997				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 12/01/15	Department (from Records Retention Schedule) Department of Public Works	User/Sender (first and last) Rick Seanor	Location 1181	Box 4541
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Official Record Title (from Records Retention Schedule) Solid Waste Landfill – Collections/Landfill	Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM June 1998 to July 1998
Date/Year to consider destruction 2000	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2

Detailed Listing of Tote Box Contents (Please type only):

- Sanitary Disposal Site Tickets June 1998
- Sanitary Disposal Site Tickets July 1998

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number)
3. Email klawler@cityofukiah.com notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 2/10/2011	Department Payroll (Finance)	User/Sender ElizaBeth MacFarland	Location 610	Box 3904
Record Title (From Records Retention Schedule) Health Ins Invoice Pmts		Records are Public Information _____ or Confidential <u>XX</u>	Record Dates: Month/Year Month/Year From: JAN 2008 To: DEC 2009	
Year to consider destruction January 2015		Permanent? Yes _____ No <u>XX</u>	Retention Period: Audit + 4 Years	

Detailed listing of box contents:

PERS Medical Insurance	2008 Au + 4
REMIF Dental & Vision Insurance	2008 Au + 4
Blue Cross Medical Insurance	2008 Au + 4
Op Engrs Insurance	2008 Au + 4
AFLAC Insurance	2008 Au + 4
AFLAC Admin Fee	2008 Au + 4
AFLAC Prepaid Legal	2008 Au + 4
PERS Medical Insurance	2009 Au + 4
REMIF Dental & Vision Insurance	2009 Au + 4
Blue Cross Medical Insurance	2009 Au + 4
Op Engrs Insurance	2009 Au + 4
AFLAC Insurance	2009 Au + 4
AFLAC Admin Fee	2009 Au + 4
AFLAC Prepaid Legal	2009 Au + 4

OK

Ins pmt Invoice
Docs

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)
3. Email jcurrie@cityofukiah.com notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 4/13/2011	Department FINANCE	User/Sender KATHY M NORRIS	Location 622	Box 3909
Record Title (From Records Retention Schedule) ACCOUNTS RECEIVABLE		Records are? Public ☒ or BOTH Confidential ☐ Information	Record Dates FROM: 2004 TO: 2011	
Date/Year to consider destruction JANUARY 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) AU+4	
Detailed Listing of Tote Box Contents (Do not write on Box) CLOSED ACCOUNTS FOR : AIRPORT AND MISCELLANEOUS ACCOUNTS RECEIVABLE Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORD TRANSFER NOTICE				
Date	Department	User/Sender	Location	Box
4/28/2010	FINANCE DEPARTMENT	KATHY M NORRIS	665	3748
Record Title (From Records Retention Schedules)		Record Dates Month Year		Month Year
CLOSED BUSINESS LICENSES		FROM: 1/2009		TO: 12/2009
O-Z 2009				
RETENTION: YEARS T+5 DESTROY DATE: 7/2014 CONFIDENTIAL: Y / N				
Detailed Listing of Tote Box Contents (Do not write on Box)				
CLOSED BUSINESS LICENSES				
O-Z 2009				
Instructions: 1. Please type or print legibly 2. Place copies 1 and 2 inside Tote Box on top of records 3. Retain copy 3 for follow up				

RECORDED

Date 4/28/2010	Department FINANCE DEPARTMENT	User/Sender KATHY M NORRIS	Location 668	Box 3749
Record Title (From Records Retention Schedules) CLOSED BUSINESS LICENSES A-N 2009		Record Dates Month Year FROM: 1/2009		Month Year TO: 12/2009
RETENTION: YEARS T+5 DESTROY DATE: 7/2014 CONFIDENTIAL: Y / N				
Detailed Listing of Tote Box Contents (Do not write on Box) CLOSED BUSINESS LICENSES A-N 2009				
Instructions: 1. Please type or print legibly 2. Place copies 1 and 2 inside Tote Box on top of records 3. Retain copy 3 for follow up				

RECORDS TRANSFER NOTICE

Date 3/30/2011	Department FINANCE	User/Sender KATHY NORRIS	Location 711	Box 3947
Record Title (From Records Retention Schedule) BUSINESS LICENSE PAYMENT ALLOCATION REGISTER		Records are? Public ☒ or BOTH Confidential ☒ Information (some, marked red folders)	Record Dates FROM: 12/2008 TO: 6/2010	
Date/Year to consider destruction JANUARY 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) T+5	
Detailed Listing of Tote Box Contents (Do not write on Box)				
BUSINESS LICENSE PAYMENT ALLOCATION REGISTER				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 7/17/2013	Department FINANCE DEPARTMENT	User/Sender KATHY M NORRIS	Location 906	Box 4179
Record Title (From Records Retention Schedule) MISCELLANEOUS ACCOUNTS RECEIVABLE BILLING		Records are Public Information or Confidential Circle One. NO	Record Dates: Month Year Month Year FROM: 12/2010 TO: 6/2012	
Year to consider destruction: 7/2015		Permanent: NO YES	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box) MISCELLANEOUS ACCOUNTS RECEIVABLE BILLING WHICH INCLUDES: ARIPORT, DUI, BOOKING FEES, INSURANCE, COLLECTION ACCOUNTS, LOANS, MISCELLANEOUS ACCOUNTS				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

a: Records Retention: retention

33

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)
3. Email lindab@cityofukiah notification box is ready for pickup

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4

RECORDS DESTRUCTION NOTICE FOR CITY OF UKIAH

Date: 06/22/16	Department: Human Resources	Records Coordinator: Kristine Lawler, City Clerk
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Current retention schedules show that the attached records listed are now ready for destruction.

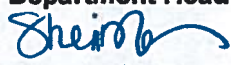
NOTE: Please review the attached City Attorney's message regarding the Ukiah Valley Sanitation District litigation, and keep this in mind when reviewing your files.

- Instructions:
1. Review the attached listing (if needed, you may obtain a copy of the retention guidelines from City Clerk)
 2. If only a portion of the box is to be kept, remove it and start a new box with a new transfer notice; then deliver that to the City Clerk.
 3. If the entire box is to be kept, change the date/year to consider destruction, and give the transfer notice with the new year back to the City Clerk.
 3. For boxes that are okay to proceed with destruction, indicate on list, obtain Department Head's signature, and return this notice, signed, to City Clerk.

Thank you for your cooperation in keeping our records management system working smoothly.

Kristine Lawler, City Clerk

Signatures Authorizing Destruction

Department Head  Date: 9/6/16	City Clerk  Date: 12/29/16	City Attorney  Date: 1/10/17	City Council Date:	Destroyed By Date:
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FILES CHECKED PER LEGAL ACTION:

- UVSD
- SYMANTEC

See attached

2016 RECORDS SCHEDULED FOR DESTRUCTION

LOC.	BOX #	Date Rec'd	Con / Pub	Record Title	RECORD DATES	RETAIN UNTIL	USER/SENDER	DEPARTMENT	COMMENT
514	3874	10/25/2010	Con	Claims G-W	2005-2010	2015	Harris	Human Resources	
560	3230		Pub	Human Resources Recruitment Files	8/98 - 11/05	2015	Maguire	Human Resources	
1196	3482		Con	Recruitment Files	2/94 - 7/05	2015	Maguire	Human Resources	
1201	3485		Con	Recruitment Files	6/97 - 11/05	2015	Maguire	Human Resources	

RECORDS TRANSFER NOTICE

Date 10-25-2010	Department Human Resources	User/Sender (first and last) Melody Harris	Location 514	Box 3874
Official Record Title (from Records Retention Schedule) Claims		Records are? Public ☐ or Confidential ☒ Information	Record Dates FROM 2005 to 2010 G-W	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 5	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Gianvito, Vincent M. Claim 2005 Gitlin, Robert Claims 2008 Global Rental Company, Inc. (B. Pharis) Claims 2005 Gonzules, Anthony Claim 2005 Golding, Maxwell Claims 2006 Grange Ins. Assoc. a/s/o/ John Carpenter Claims 2005 Gruver, Miriam Claims 2007 Gwin, Eddie Claim 2005 Hackett, Kari Kae Claims 2007 Hanes, Tyler Claims 2008 Isnard, Edward & Sherry Notice for Dismissal 2005 Johnston, Chuck Claim 2005 Krieger, Wendy Claims 2005 Kushner, Pinky Claims 2007 Lange, Irene Claim 2006 Ledford, Bruce Claims 2006 Lewis, Michael Dean Claims 2007 Lucchetti, Gail Claims 2007 Maki, James, William and Rachel Claims 2008 Marling, Daniel Claims 2007 Marshall, Marilyn P. Claims 2008 Matthews, Robert Claims 2009 Mc Cann, Michael Claims 2010 McDonald, James Claims 2009 Mendocino Brewing Company Claims 2008 Mendocino Transit Authority Claim 2004 Minsinger/Chandler Claims 2008 Mulheren, Anita Claims 2006 Nelson, Jessie Ann Claims 2007 Nicoll, Scott Claims 2008 <i>pg 1 of 2</i>				

Nickerman, Charles A. v. City of Ukiah 2005
 Nicoll, Jeffery Scott Claim 2005
 Nicoll, Scott Claim 2006
 Nives, Sherryl Claims 2008
 Perrone, Michelle Claims 2008
 Peterson, Jean Louise Claims 2008
 P.G. & E. Claim 2005
 Pfleger, Donald R. Claims 2007
 Piedmont Lumber Claim 2005
 Pruden, Judy Claim 2007
 Pruden, Judy Claims 2008
 Pryse, Wilma L. Claim 2005
 Ramirez, Celia Claims 2007
 Ranochak, Robert Claims 2009
 Richardson, Darwin Claims 2008
 Roberts, Diana Claim 2005
 Roberts, Michael P. Claim 2005
 Roberts, Roneisha Nichole Claims 2007
 Sandoval, Juan Claims 2007
 Sang, Jacob Claims 2009
 Sevier, Dan Claim 2005
 Strong, Elizabeth K. 2006
 Tinajero, Rogelio Rodriguez Claims 2009
 Trinity Youth Services Claims 2008
 Vau, Charles & Kerri Claim 2005
 Vorhes, Waldron Claims 2009
 Ward, James Reyis Claims 2008

Pg 2 of 2
 514 3874

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)
3. Email lindab@cityofukiah notification box is ready for pickup

RECORDS TRANSFER NOTICE

Date 3/3/06	Department Personnel	User/Sender (first and last) Karen Maguire	Location 560	Box 3230
Official Record Title (from Records Retention Schedule) Personnel Recruitment Files		Records are? Public ☐ or Confidential ☒ Information	Record Dates FROM 8/98 TO 11/05	
Date/Year to consider destruction 2008 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 3 ID	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): 503-02 Fire Engineer / EMT 8/98 503-02 Fire Engineer / EMT Closed Promotional 11/02 503-02 Fire Engineer / EMT - P 3/02 503-02 Lineman / Linewoman 2/03 Museum Receptionist PT 2/22/05 503-02 Park Golf Service Worker 1/05 503-02 Park Golf Service Worker PT/YR 10/02 503-02 Park Golf Service Worker (Seasonal Temp.) 2/00 Personnel Assistant 8/03 Police Records Clerk 11/05 Police Records Clerk 1/05				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email marieu@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11/13/06	Department Personnel	User/Sender (first and last) Karen Maguire	Location 1196	Box 3482
Official Record Title (from Records Retention Schedule) Recruitment Files		Records are? Public ☐ or Confidential ☒ Information	Record Dates FROM 2/94 to 7/05	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 10 years	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): Information Technology Assistant P/T – 5/04 Museum Curator (Closed Promotional) – 7/01 Park/Golf Service Worker – 7/05 Park/Golf Maintenance Leadworker – 7/01 Police Officer – 7/05 Police Officer Testing – 7/05 Police Records Clerk – 6/05 Public Safety Dispatcher – 7/05 Public Works Maintenance I – 7/04 Special Events Staff – 2/94 Utility Support Clerk/32 hour – 4/05 Water & Sewer Leadworker – 8/00 Water & Sewer Attendant I – 4/05 Water Treatment Plant Operator/Mechanic – 7/00 Water Utilities Engineering Specialist (Closed promotional) – 1/05 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email gailp@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11/13/06	Department Personnel	User/Sender (first and last) Karen Maguire	Location 1201	Box 3485
Official Record Title (from Records Retention Schedule) Recruitment Files		Records are? Public ☐ or Confidential ☒ Information	Record Dates FROM 6/97 to 11/05	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 10 Years	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Airport Attendant P/T – 11/05 Airport Attendant P/T – 2/22/05 Airport Attendant P/T – 6/04 Building & Grounds Attendant – 1/05 Building & Grounds Attendant – 8/03 Building Inspector – 6/97 Building/Maintenance Attendant – 8/01 Community Services Event Coordinator – 2/02 Community Services Supervisor – 11/05 Conference Center Building Services Attendant – 8/01 Customer Service Rep I (Closed promotional) – 2/04 Day Camp Positions - 1999 Director of Finance – 7/04 Director of Public Works/City Engineer – 7/00 Fire Battalion Chief (Closed promotional) – 9/04 Fire Engineer/EMT (Closed promotional) – 6/02 Firefighter/EMT – 7/02 Firefighter/Paramedic (Entry level or lateral) – 5/05 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email gailp@cityofukiah.com notification box is ready for pickup				

Loc
1017

Box
2493

1996 –

- Chemical Reports
- Daily Admissions
- Special Requests
- Pool Receipts
- Incident Reports
- Accident Reports
- Swim Lessons

pg 2

Instructions:

1. Please type or print legibly
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)

Records: Retention

RECORDS TRANSFER NOTICE

Date 9/27/06	Department: Community Services	User/Sender: Maya Simerson	Location 1018	Box 3262
Record Title (From Records Retention Schedule) Misc. Recreation Files		Records are Public Information ____ or Confidential ____ ?	Record Dates: Month Year Month Year FROM: 1980 TO: 1991	
Year to consider destruction: 2010		Permanent:? Yes ____ or No ____	Retention Period: 19 yrs	
Detailed Listing of Tote Box Contents (Do not write on Box): 1990 Mobile City Hall PAF Full-time 1980 Park Bond Act. Parks Info 91-92 Parks Bond Act 1984 Supervisors Info. 1990 U.U.S.D. Facilities Info. 91-91 Summer Safari Reg. 91 91" Voter Survey's Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 3/25/13	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 1049	Box 4195
Official Record Title (from Records Retention Schedule) CG34090 <i>schedules, classes, and events</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1/1/08 to 4/12/13	
Date/Year to consider destruction: Aug 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2008-2012 Morning Basketball Class 2008-2011 Pool Donations 2011 ARC Deposits 2012 Banner 2012 Pool Donation Deposits 2012 July-Dec Credit Card Deposits 2012 Banner Deposits <u>2012 Fall</u> Instructor Payments A-Z Basketball & Sports Instructor Payments Yoga Mendocino Payments Refunds Rec Guide Ad Deposits Rec Class Deposits 2013 SSDC Spring Style Deposits 2013 WS Rec Guide Ad Deposits Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 8/26/13	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 1051	Box 4196
Official Record Title (from Records Retention Schedule) CG34090 <i>Schedules, classes, and events</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 6/1/11 to 8/15/ 12	
Date/Year to consider destruction: Aug 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): <u>2011 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records <u>2012 SSDC Spring Break Style</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records <u>2012 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 9/10/2013	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 1071	Box 4205
Official Record Title (from Records Retention Schedule) GC34091 <i>Parks & Special Events, etc.</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1/1/07 to 8/1/11	
Date/Year to consider destruction Sept 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): <u>2011 Binders</u> Family Fun in the Sun/All-American Picnic Concerts in the Park Moonlight Movie Madness Vendors <u>2010 Binders</u> Family Fun in the Sun Concerts in the Park Moonlight Movie Madness Vendors <u>2009 Binders</u> Family Fun in the Sun/All-American Picnic Concerts in the Park Moonlight Movie Madness <u>2008 Binders</u> Concerts in the Park <u>2007 Binders</u> Moonlight Movie Madness Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email klawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11-14-14	Department (from Records Retention Schedule) Community Services/Recreation	User/Sender (first and last) Kellie McNerney	Location 1152	Box 4366
Official Record Title (from Records Retention Schedule) Schedules, Classes, & Events		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 2011 – May 2014	
Date/Year to consider destruction Sept. 2032		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+16	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): 2013 Instructor Payments (Fall 2013) Refund Requests Registration Forms • 2011 - 2013 Metal Detecting Club • 2013 Ultimate Frisbee • 2013 Men's Morning Basketball Deposits • 6/3/2013 - 12/30/2013 (cash & check) • 6/3/2013 - 12/30/2013 (credit card) • 1/3/14 - 5/29/14 (cash & check) Receipt Books • 4/4/13 - 12/18/13 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11-14-14	Department (from Records Retention Schedule) Community Services/Recreation	User/Sender (first and last) Kellie McNerney	Location 1160	Box 4367
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Official Record Title (from Records Retention Schedule) Schedules, Classes, & Events	Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2014- September 2014
Date/Year to consider destruction Sept. 2032	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+16

Detailed Listing of Tote Box Contents (Please type only):

2014

Instructor Payments with Registration Forms (Winter/Spring/Summer 2014)

Deposits

- 6/2/2014- 9/25/2014 (cash & checks)
- 1/2/2014-5/30/2014 (credit card)

Receipt Books

- January 2014- May 2014

Instructions:

1. Please complete form, typed, supplying all information
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number)
3. Email klawler@cityofukiah.com notification box is ready for pickup

RECORDS DESTRUCTION NOTICE FOR CITY OF UKIAH

Date: 11/21/16	Department: Finance	Records Coordinator: Kristine Lawler, City Clerk
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Current retention schedules show that the attached records listed are now ready for destruction.

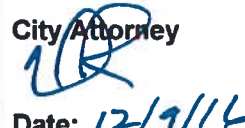
NOTE: Please keep files regarding the Ukiah Valley Sanitation District litigation, and keep this in mind when reviewing your files.

- Instructions:
1. Review the attached listing (if needed, you may obtain a copy of the retention guidelines from City Clerk)
 2. If only a portion of the box is to be kept, remove it and start a new box with a new transfer notice; then deliver that to the City Clerk.
 3. If the entire box is to be kept, change the date/year to consider destruction, and give the transfer notice with the new year back to the City Clerk.
 3. For boxes that are okay to proceed with destruction, indicate on list, obtain Department Head's signature, and return this notice, signed, to City Clerk.

Thank you for your cooperation in keeping our records management system working smoothly.

Kristine Lawler, City Clerk

Signatures Authorizing Destruction

Department Head  Date: 11/22/16	City Clerk  Date: 11/28/16	City Attorney  Date: 12/9/16	City Council Date:	Destroyed By Date:
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FILES CHECKED PER LEGAL ACTION:

- UVSD

2016 RECORDS SCHEDULED FOR DESTRUCTION

LOC.	BOX #	Date Rec'd	Con / Pub	Record Title	RECORD DATES	RETAIN UNTIL	USER/SENDER	DEPARTMENT	COMMENT
32	3766	2/18/2010	Con	Payroll Checks	1/08-6/08	2015	MacFarland	Payroll/Finance	
34	3768	2/18/2010	Con	Payroll Checks	7/08-12/08	2015	MacFarland	Payroll/Finance	
38	3770	4/22/2010	Con	Parking Citation/Payment Allocation Registers/Notification	7/08-7/09	2015	Norris	Finance	
367	3971	12/19/2011	Con	Payroll GL Interface	7/2010-10/2011	2015	MacFarland	Finance	
572	3888	10/27/2010	con	Payroll Checks	1/2009-6/2009	2015	MacFarland	Payroll/Finance	
610	3904	2/11/2011	Con	Health Insurance Invoice Pmts	1/2008-12/2009	2015	MacFarland	Finance	
622	3909	4/22/2011	Pub	Accounts Receivable	2004-2011	2015	Norris	Finance	
665	3748	4/28/2010	Con	Closed Business Licenses O-Z 2009	1/09-12/09	2015	Norris	Finance	
668	3749	4/28/2010	Con	Closed Business Licenses A-N 2009	1/09-12/09	2015	Norris	Finance	
711	3947	4/22/2011	Mix	Business License Payment Allocation Registers	12/2008-6/2010	2015	Norris	Finance	
906	4179	7/17/2013	Con	Misc. Accounts Receivable Billing	12/2010-6/2012	2015	Kathy M. Norris	Finance	
931	4181	8/16/2013	Both	Closed Business Licenses 2010	1/1/10-12/31/10	2015	Kathy M. Norris	Finance	
945	4182	8/16/2013	Both	Closed Business Licenses 2010	1/1/07-12/31/10	2015	Kathy M. Norris	Finance	
1001	4188	8/16/2013	Both	Closed Misc. Accounts Receivable Accounts	2004-2012	2015	Kathy M. Norris	Finance	

RECORDS TRANSFER NOTICE

Date 2/18/2010	Department Payrol (Finance)	User/Sender ElizaBeth MacFarland	Location 32	Box 3766
Record Title (From Records Retention Schedule) Payroll Checks		Records are Public Information _____ or Confidential <u>XX</u>	Record Dates: Month/Year Month/Year From: JAN 2008 To: JUN 2008	
Year to consider destruction January 2014		Permanent? Yes _____ No <u>XX</u>	Retention Period: Audit + 5 Years	
Detailed listing of box contents: PAYROLL CHECK COPIES - PAY DATES 1/4/08 - 7/3/08 OK				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 2/18/2010	Department Payrol (Finance)	User/Sender ElizaBeth MacFarland	Location 34	Box 3768
Record Title (From Records Retention Schedule) Payroll Checks		Records are Public Information _____ or Confidential <u>XX</u>	Record Dates: Month/Year Month/Year From: JULY 2008 To: DEC 2008	
Year to consider destruction January 2014		Permanent? Yes _____ No <u>XX</u>	Retention Period: Audit + 5 Years	
Detailed listing of box contents: PAYROLL CHECK COPIES - PAY DATES 7/18/08 - 12/19/08 OK				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah.com notification box is ready for pickup				

RECORD TRANSFER NOTICE

Date 4/22/2010	Department FINANCE DEPARTMENT	User/Sender KATHY M NORRIS	Location 38	Box 3770
Record Title (From Records Retention Schedules) PARKING CITATION PAYMENT ALLOCATION REGISTERS/NOTIFICATION		Record Dates Month Year Month Year FROM: 7/2008 TO: 7/2009		
RETENTION: AU+4 YEARS		DESTROY DATE: 7/2013		CONFIDENTIAL: Y / N
Detailed Listing of Tote Box Contents (Do not write on Box) PAYMENT ALLOCATION REGISTERS PARKING CITATION ENTRY PROOF LIST WARNING REGISTERS				
Instructions: 1. Please type or print legibly 2. Place copies 1 and 2 inside Tote Box on top of records 3. Retain copy 3 for follow up				

RECORDS TRANSFER NOTICE

Date 12/19/2011	Department Payroll (Finance)	User/Sender ElizaBeth MacFarland	Location 367	Box 3971																
Record Title (From Records Retention Schedule) PAYROLL GL INTERFACE		Records are Public Information _____ or Confidential <u>XX</u>	Record Dates: Month/Year Month/Year From: JULY 2010 To: OCT 2011																	
Year to consider destruction JANUARY 2015		Permanent? Yes _____ No <u>XX</u>	Retention Period: Audit + 2 Years																	
Detailed listing of box contents: <table> <tr> <td>GL INTERFACE</td> <td>JULY-AUG 2010</td> </tr> <tr> <td>GL INTERFACE</td> <td>SEPT-OCT 2010</td> </tr> <tr> <td>GL INTERFACE</td> <td>NOV-DEC 2010</td> </tr> <tr> <td>GL INTERFACE</td> <td>JAN-FEB 2011</td> </tr> <tr> <td>GL INTERFACE</td> <td>MAR-APR 2011</td> </tr> <tr> <td>GL INTERFACE</td> <td>MAY-JUNE 2011</td> </tr> <tr> <td>GL INTERFACE</td> <td>JULY-AUG 2011</td> </tr> <tr> <td>GL INTERFACE</td> <td>SEPT-OCT 2011</td> </tr> </table> OK					GL INTERFACE	JULY-AUG 2010	GL INTERFACE	SEPT-OCT 2010	GL INTERFACE	NOV-DEC 2010	GL INTERFACE	JAN-FEB 2011	GL INTERFACE	MAR-APR 2011	GL INTERFACE	MAY-JUNE 2011	GL INTERFACE	JULY-AUG 2011	GL INTERFACE	SEPT-OCT 2011
GL INTERFACE	JULY-AUG 2010																			
GL INTERFACE	SEPT-OCT 2010																			
GL INTERFACE	NOV-DEC 2010																			
GL INTERFACE	JAN-FEB 2011																			
GL INTERFACE	MAR-APR 2011																			
GL INTERFACE	MAY-JUNE 2011																			
GL INTERFACE	JULY-AUG 2011																			
GL INTERFACE	SEPT-OCT 2011																			
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah.com notification box is ready for pickup																				

RECORDS TRANSFER NOTICE

Date 10/27/10	Department Payrol (Finance)	User/Sender ElizaBeth MacFarland	Location 572	Box 3888
Record Title (From Records Retention Schedule) Payroll Checks		Records are Public Information _____ or Confidential <u>XX</u>	Record Dates: Month/Year Month/Year From: JAN 2009 To: JUN 2009	
Year to consider destruction January 2015		Permanent? Yes _____ No <u>XX</u>	Retention Period: Audit + 5 Years	
Detailed listing of box contents: PAYROLL CHECK COPIES - PAY DATES 1/2/09 - 6/5/09 OK				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email icurrie@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 9/4/2012	Department Community Services	User/Sender (first and last) Lory Limbird	Location 798	Box 4121
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 12/8/11 to 8/15/12	
Date/Year to consider destruction Sept 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents <u>(Please Do Not Write on Box)</u>: 2011 Swim Lesson Scholarships 2012 Winter/Spring Instructor Payments Refunds Sports Classes Yoga Mendocino 2012 Jan-June Rec Guide Ad deposits 2012 Lifeguard reg forms Receipts 12/8/11 – 8/15/12 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 12/12/12	Department Community Services	User/Sender (first and last) Lory Limbird	Location 799	Box 4122
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 6/1/12 to 12/12/12	
Date/Year to consider destruction 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2012 Summer Instructor Payments Refunds Sport classes Yoga Mendocino Credit Card Deposits Swim Lesson Scholarships 9/11 – 8/12 Ultimate Frisbee 2012 Pumpkinfest Bake Contest entries Vendor applications County info Insurance Vendors who didn't come Vendor deposits 8/28/12 – 12/12/12 Receipt books 2009 Vendors – concert , movie, 4th of July Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email @cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE		Date 8/29/03		Department: Community Services		User/Sender: Lindsey Wright		Location 1017		Box 2493	
Record Title (From Records Retention Schedule) 1993 - 1996 Pool Records				Records are Public Information ____ or Confidential ____?		Record Dates: Month Year Month Year FROM: 93 - 96 TO: 2015					
Year to consider destruction: 2015				Permanent:? Yes ____ or No __		Retention Period: 19 years					
Detailed Listing of Tote Box Contents (Do not write on Box):											
1993 – - Unclaimed Red Cross Cards & Fish - Accident / Incident Reports - Course Record Sheets 1994 – - Count Out UCAC - Admissions - Daily Chemical Reports - UCAC Security Check-ins 1995 – - Daily Admissions Part 1 - Daily Admissions Part 2 - Maintenance Checklist - Snack Bar Receipts - Chemical Reports											

Loc
1017

Box
2493

1996 –

- Chemical Reports
- Daily Admissions
- Special Requests
- Pool Receipts
- Incident Reports
- Accident Reports
- Swim Lessons

pg 2

Instructions:

1. Please type or print legibly
2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)

Records: Retention

RECORDS TRANSFER NOTICE

Date 9/27/06	Department: Community Services	User/Sender: Maya Simerson	Location 1018	Box 3262
Record Title (From Records Retention Schedule) Misc. Recreation Files		Records are Public Information ____ or Confidential ____?	Record Dates: Month Year Month Year FROM: 1980 TO: 1991	
Year to consider destruction: 2010		Permanent:? Yes ____ or No __	Retention Period: 19 yrs	
Detailed Listing of Tote Box Contents (Do not write on Box): 1990 Mobile City Hall PAF Full-time 1980 Park Bond Act. Parks Info 91-92 Parks Bond Act 1984 Supervisors Info. 1990 U.U.S.D. Facilities Info. 91-91 Summer Safari Reg. 91 91" Voter Survey's Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 3/26/13	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 1049	Box 4195
Official Record Title (from Records Retention Schedule) CG34090 <i>Schedules, classes, and events</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1/1/08 to 4/12/13	
Date/Year to consider destruction: Aug 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2008-2012 Morning Basketball Class 2008-2011 Pool Donations 2011 ARC Deposits 2012 Banner 2012 Pool Donation Deposits 2012 July-Dec Credit Card Deposits 2012 Banner Deposits <u>2012 Fall</u> Instructor Payments A-Z Basketball & Sports Instructor Payments Yoga Mendocino Payments Refunds Rec Guide Ad Deposits Rec Class Deposits 2013 SSDC Spring Style Deposits 2013 WS Rec Guide Ad Deposits Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 8/26/13	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 1051	Box 4196
Official Record Title (from Records Retention Schedule) CG34090 <i>Schedules, classes, and events</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 6/1/11 to 8/15/ 12	
Date/Year to consider destruction: Aug 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): <u>2011 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records <u>2012 SSDC Spring Break Style</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records <u>2012 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 9/10/2013	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 1071	Box 4205
Official Record Title (from Records Retention Schedule) GC34091 Parades & Special Events, etc.		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1/1/07 to 8/1/11	
Date/Year to consider destruction Sept 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): <u>2011 Binders</u> Family Fun in the Sun/All-American Picnic Concerts in the Park Moonlight Movie Madness Vendors <u>2010 Binders</u> Family Fun in the Sun Concerts in the Park Moonlight Movie Madness Vendors <u>2009 Binders</u> Family Fun in the Sun/All-American Picnic Concerts in the Park Moonlight Movie Madness <u>2008 Binders</u> Concerts in the Park <u>2007 Binders</u> Moonlight Movie Madness Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email klawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11-14-14	Department (from Records Retention Schedule) Community Services/Recreation	User/Sender (first and last) Kellie McNerney	Location 1152	Box 4366
Official Record Title (from Records Retention Schedule) Schedules, Classes, & Events		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 2011 – May 2014	
Date/Year to consider destruction Sept. 2032		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+16	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): 2013 Instructor Payments (Fall 2013) Refund Requests Registration Forms • 2011 - 2013 Metal Detecting Club • 2013 Ultimate Frisbee • 2013 Men's Morning Basketball Deposits • 6/3/2013 - 12/30/2013 (cash & check) • 6/3/2013 - 12/30/2013 (credit card) • 1/3/14 - 5/29/14 (cash & check) Receipt Books • 4/4/13 - 12/18/13 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11-14-14	Department (from Records Retention Schedule) Community Services/Recreation	User/Sender (first and last) Kellie McNeerney	Location 1160	Box 4367
Official Record Title (from Records Retention Schedule) Schedules, Classes, & Events		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2014- September 2014	
Date/Year to consider destruction Sept. 2032		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU+16	
Detailed Listing of Tote Box Contents (<u>Please type only</u>): 2014 Instructor Payments with Registration Forms (Winter/Spring/Summer 2014) Deposits 6/2/2014- 9/25/2014 (cash & checks) 1/2/2014-5/30/2014 (credit card) Receipt Books - January 2014- May 2014 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box Number) 3. Email klawler@cityofukiah.com notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 8/26/13	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 3	Box 4240
Official Record Title (from Records Retention Schedule) CG34090 <i>Schedule classes, and events</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 6/1/09 to 8/15/10	
Date/Year to consider destruction: Aug 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): <i>yes</i> <u>2009 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records <u>2010 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 9/14/2011	Department Community Services	User/Sender (first and last) Lory Limbird	Location 130	Box 3950
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 1, 2011 to August 30, 2011	
Date/Year to consider destruction 2013 2015 Files Reviewed 2/2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2011 Winter/Spring Instructor Payments Credit card charges Rec Guide Ad deposits Rec class deposits Refunds Yoga Mendocino 2011 Summer Instructor Payments Credit card charges Rec Guide Ad deposits Rec class deposits Refunds Pool Deposits Day Camp deposits Yoga Mendocino Sports				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 5/4/11 <i>9-14-11</i>	Department Community Services	User/Sender (first and last) Lory Limbird	Location <i>162</i>	Box <i>3952</i>
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 4/9/10 to 1/3/11	
Date/Year to consider destruction 2013 <i>2015</i> <i>reviewed 2/2014</i>		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): <u>2010 FALL</u> Instructor Payments Refunds Sport classes Yoga Mendocino Rec Guide Ad Deposits Rec Class Deposits Credit Card Deposits <u>2010 SUMMER</u> Pool Deposits Day Camp Deposits Receipt books April 9, 2010 to January 3, 2011 2010 banner Jan-Aug Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 2/7/2006	Department: Community Services	User/Sender: MARIE ULVILA	Location 250	Box 3231
Record Title (From Records Retention Schedule)		Records are Public Information ☐ or Confidential ☐ ?	Record Dates: Month Year Month Year FROM: 1975 TO: 2005	
Year to consider destruction: 2010		Permanent:? Yes ☐ or No ☐	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box): Community Services Misc. 2003 2002 Purchase Orders Todd Grove Park Plans North State Playground Docs Sure-Weld Roofing Specs 1975 Frank Zeek Softball Lights Grant Gobbi Street Park 2003 Men's Softball				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 6-21-10	Department Community Services	User/Sender (first and last) Katie Merz	Location 4188	Box 3865
Official Record Title (from Records Retention Schedule) Special Events 2002-2007		Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM 2002 to 2007	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☐	Retention Period (from Records Retention Schedule)	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): • Sundays in the Park: 2003, 2005, 2006, 2007 Sponsors, contracts, marketing, etc. • PumpkinFest 2002, 2003, 2004, 2005, 2006 Planning, parade, marketing, etc.				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email lindab@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 4/9/07	Department: Community Services	User/Sender: Maya Simerson	Location 512	Box 3433
Record Title (From Records Retention Schedule) Recreation Binders of Past Concerts		Records are Public Information ____ or Confidential ____?	Record Dates: Month Year Month Year FROM: 1994 TO: 1996	
Year to consider destruction: 2014		Permanent:? Yes ____ or No ____	Retention Period: 18 yrs	
Detailed Listing of Tote Box Contents (Do not write on Box): - 1994 Concerts in the Park - 1995 Concerts in the Park - 1996 Concerts in the Park				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 2/7/2006	Department: Community Services	User/Sender: MARIE ULVILA	Location 571	Box 323 ²
Record Title (From Records Retention Schedule)		Records are Public Information _____ or Confidential _____?	Record Dates: Month Year Month Year FROM: 2000 TO: 2004	
Year to consider destruction: 2010		Permanent:? Yes ____ or No ____	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box): Golf Course Water Well Map Orchard Park Development Plan 2003 Annual Statements of Economic Interest 2003 Sundays in the Park Logo Fall 2003 Rec Guide, Fall 2004 2003-2004 Golf Membership (Yearlies) CA Cultural and Historical Endorsment 2004 Misc. Comm Services Docs 2000, 2002, 2004 Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 597	Box 4578
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2013 – December 2013	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2013 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 626	Box 4580
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2010 – December 2010	
Date/Year to consider destruction 2012		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2010 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

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RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 630	Box 4381
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2006 – December 2009	
Date/Year to consider destruction 2011		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2006, 2007, 2008, 2009 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 637	Box 4582
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2011 – December 2011	
Date/Year to consider destruction 2013		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): Adult Softball (Summer & Fall) : All League Documents 2011 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

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Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 645	Box 4572
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2012 – December 2012	
Date/Year to consider destruction 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2012 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 2/7/2006	Department: Community Services	User/Sender: MARIE ULVILA	Location 746	Box 3233
Record Title (From Records Retention Schedule)		Records are Public Information ____ or Confidential ____?	Record Dates: Month Year Month Year FROM: 2002 TO: 2005	
Year to consider destruction: 2010		Permanent:? Yes ____ or No ____	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box): Ukiah Skate Park Project Management Unit 2002 Park Board 2005 North Ukiah Little League General Fund Docs Misc. Community Services 2004 Softball Field Alarm Agreement Deep Valley Security (Mail) Misc. Community Services 2003				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 1/5/12	Department Community Services	User/Sender (first and last) Lory Limbird	Location 775	Box 4019
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM Sept 2010 to Dec 2011	
Date/Year to consider destruction 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2011 Receipt Books State Street Banner Sept 2010 to Dec 2010 and all of 2011 2011 Fall Yomo class registrations Refunds Instructor payments Rec Guide Ad Deposits Rec Class Deposits Credit Card Charges Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11/21/12	Department Community Services	User/Sender (first and last) Lory Limbird	Location 794	Box 4119
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates From 2006 - 2012	
Date/Year to consider destruction November 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Pool Deposits 2006 2007 2008 2009 2010 2012 Day Camp Deposits 2006 2007 2008 2009 2012 Rec Guide Ad Deposits Oct 2007 – March 2008 Fee Subsidy Applications for Swim Lessons 2006 - 2007 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 9/4/2012	Department Community Services	User/Sender (first and last) Lory Limbird	Location 798	Box 4121
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 12/8/11 to 8/15/12	
Date/Year to consider destruction Sept 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2011 Swim Lesson Scholarships 2012 Winter/Spring Instructor Payments Refunds Sports Classes Yoga Mendocino 2012 Jan-June Rec Guide Ad deposits 2012 Lifeguard reg forms Receipts 12/8/11 – 8/15/12 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 12/12/12	Department Community Services	User/Sender (first and last) Lory Limbird	Location 799	Box 4122
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 6/1/12 to 12/12/12	
Date/Year to consider destruction 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): <u>2012 Summer</u> Instructor Payments Refunds Sport classes Yoga Mendocino Credit Card Deposits Swim Lesson Scholarships 9/11 – 8/12 Ultimate Frisbee <u>2012 Pumpkinfest</u> Bake Contest entries Vendor applications County info Insurance Vendors who didn't come Vendor deposits 8/28/12 – 12/12/12 Receipt books 2009 Vendors – concert , movie, 4th of July Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email <u>@cityofukiah</u> notification box is ready for pickup				

RECORDS TRANSFER NOTICE

[illegible]

RECORDS DESTRUCTION NOTICE FOR CITY OF UKIAH

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Date: 06/22/16	Department: City Clerk	Records Coordinator: Kristine Lawler, City Clerk
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Current retention schedules show that the attached records listed are now ready for destruction.

NOTE: Please review the attached City Attorney's message regarding the Ukiah Valley Sanitation District litigation, and keep this in mind when reviewing your files.

- Instructions:
1. Review the attached listing (if needed, you may obtain a copy of the retention guidelines from City Clerk)
 2. If only a portion of the box is to be kept, remove it and start a new box with a new transfer notice; then deliver that to the City Clerk.
 3. If the entire box is to be kept, change the date/year to consider destruction, and give the transfer notice with the new year back to the City Clerk.
 3. For boxes that are okay to proceed with destruction, indicate on list, obtain Department Head's signature, and return this notice, signed, to City Clerk.

Thank you for your cooperation in keeping our records management system working smoothly.

Kristine Lawler, City Clerk

Signatures Authorizing Destruction

Department Head <i>Kristine Lawler</i> Date: 12/29/16	City Clerk <i>Kristine Lawler</i> Date: 12/29/16	City Attorney <i>[Signature]</i> Date: 1/10/17	City Council Date:	Destroyed By Date:
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FILES CHECKED PER LEGAL ACTION:

- ☐ UVSD
- ☐ SYMANTEC

2016 RECORDS SCHEDULED FOR DESTRUCTION

LOC.	BOX #	Date Rec'd	Con / Pub	Record Title	RECORD DATES	RETAIN UNTIL	USER/SENDER	DEPARTMENT	COMMENT
323	4557	12/28/2015	CON	General Subject Files	1989 - 2010	2013	Ashley Cocco	City Clerk	
1118	4529	11/5/2015	CON	Bids and Proposals (Unsuccessful)	2010 - 2012	2014	Ashley Cocco	City Clerk	Qualified Contractor's List; 9-06 to 12-13 Unsuccessful Bidders
1119	4530	11/5/2015	CON	Bids and Proposals (Unsuccessful)	2011 - 2013	2015	Ashley Cocco	City Clerk	11-01 to 13-09 Unsuccessful Bids

RECORDS TRANSFER NOTICE

Date 12/28/16	Department (from Records Retention Schedule) ADMINISTRATION	User/Sender (first and last) Kristine Lawler	Location 323	Box 4557
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Official Record Title (from Records Retention Schedule) General Subject Files	Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 1989 to 2010
Date/Year to consider destruction 2015	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) Mixed

Detailed Listing of Tote Box Contents (Please type only):

- County of Mendocino RDA Pass-through - 1989
- Ukiah Unified School District Administration - 2009
- Blue Drug Pharmacy - 2009
- SHN Construction Management - 2009
- Costco (3 folders)
- Mendocino College RDA Capital Outlay Fund – 1989 - 2008
- Redevelopment Plan for URA - 1989
- URA Statement of Indebtedness - 2008
- 2013 Public Record Act Requests (3 folders)
- 2012/13 Disbursement Vouchers
- Ukiah Daily Journal Annual Contract for City Clerk Legal Advertisement Budget – 2002 - 2009
- Happiness – Goodness Grid - 2010
- Solar for all California - 2009
- Adelphia PEG – 2007 - 2010
- Elliotts Christmas Tree Lot - 2009
- Northcoast Railroad Authority – Skate Park - 2008
- Masonite Site – no date
- Sacred Tart Business Loan Application – 2005 - 2007
- Force Account - 2009
- Slaughter House - 2006
- AB 811 – Sonoma County - 2009
- AB 811 – ASR 11/4/08
- Eminent Domain – 2009 - 2010
- Proposition 22 - 2010
- Truckers Light Parade - 2007

RECORDS TRANSFER NOTICE

Date 11-03-15	Department (from Records Retention Schedule) CITY CLERK	User/Sender (first and last) ASHLEY COCCO	Location 1118	Box 4529
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Official Record Title (from Records Retention Schedule) BIDS & PROPOSALS (UNSUCCESSFUL)	Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 2010 to 2012
Date/Year to consider destruction 2014	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL+2

Detailed Listing of Tote Box Contents (Please type only):

- 2010 Contractor's List
- 2010 Qualified Contractor's List
- 2009 Qualified Contractor's List
- 2011 Qualified Contractor's List
- 2012 Qualified Contractor's List
- 09-06,09-07, 09-08, 09-10, 09-11, 09-13, 09-14, 09-15 Unsuccessful Bidders
- 11-02 Special Provisions for Anton Stadium Restoration Engineered Steel Building
- 12-03 Calvert and Bush Water Main Unsuccessful Bidders
- 12-04 Installation Swimming Pool Heater Unsuccessful Bidders
- 12-07 Hydro Facility TSV Overhaul and Penstock Modification Unsuccessful Bidders
- 12-09 Observatory Park Landscape Improvements Unsuccessful Bidders
- 12-10 Highland Drive Electric Substructure Unsuccessful Bidders
- 12-12 Orchard Storm Drain Unsuccessful Bidders
- 12-13 Orchard Substation Landscape Unsuccessful Bidders

RECORDS TRANSFER NOTICE

Date 11/04/15	Department (from Records Retention Schedule) CITY CLERK	User/Sender (first and last) ASHLEY COCCO	Location 1119	Box 4530
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Official Record Title (from Records Retention Schedule) BIDS & PROPOSALS (UNSUCCESSFUL)	Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 2011 to 2013
Date/Year to consider destruction 2015	Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CL+2

Detailed Listing of Tote Box Contents (Please type only):

- 11-01 Perkins and Orchard Intersection Improvements Unsuccessful Bidders
- 11-02 Anton Stadium Restoration Engineered Steel Building Unsuccessful Bidders
- 11-03 Hospital Drive Mid-Block ADA Ramp Project Award Letter
- 11-04 Riverside Park, Phase One, Trail and Revegetation Project Unsuccessful Bidders
- 11-06 Gobbi Street Joint Utility Substructure Unsuccessful Bidders
- 11-08 Waugh Lane Bridge Unsuccessful Bidders
- 11-09 Riverside Park, Phase One, Trail and Revegetation Unsuccessful Bidders
- 11-10 Gobbi Street / State Street, Street and Utilities Improvement Unsuccessful Bidders
- 11-12 East Clay and South Main Re-Conductoring 2011 Unsuccessful Bidders
- 13-02 Calvert Drive and Willow Avenue, Water Main Replacement Unsuccessful Bidders
- 13-03 Slurry Seal of Local Streets Unsuccessful Bidders
- 13-06 State and Church Streets Electric Vault Substructure Unsuccessful Bidders
- 13-08 115 KV Radial Feed Transmission Line Pole Replacement and Realignment Unsuccessful Bidders
- 13-09 Grace Hudson Museum Weed Eradication Unsuccessful Bidders

RECORDS DESTRUCTION NOTICE FOR CITY OF UKIAH

Date: 11/21/16	Department: Community Services	Records Coordinator: Kristine Lawler, City Clerk
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Current retention schedules show that the attached records listed are now ready for destruction.

NOTE: Please keep files regarding the Ukiah Valley Sanitation District litigation, and keep this in mind when reviewing your files.

- Instructions:
1. Review the attached listing (*if needed, you may obtain a copy of the retention guidelines from City Clerk*)
 2. If only a portion of the box is to be kept, remove it and start a new box with a new transfer notice; then deliver that to the City Clerk.
 3. If the entire box is to be kept, change the date/year to consider destruction, and give the transfer notice with the new year back to the City Clerk.
 3. For boxes that are okay to proceed with destruction, indicate on list, obtain Department Head's signature, and return this notice, signed, to City Clerk.

Thank you for your cooperation in keeping our records management system working smoothly.

Kristine Lawler, City Clerk

Signatures Authorizing Destruction

Department Head  Date: 12/19/16	City Clerk  Date: 12/20/16	City Attorney  Date: 1/10/17	City Council Date:	Destroyed By Date:
--	---	---	---	---

FILES CHECKED PER LEGAL ACTION:

- ☐ UVSD

2016 RECORDS SCHEDULED FOR DESTRUCTION

LOC.	BOX #	Date Rec'd	Con / Pub	Record Title	RECORD DATES	RETAIN UNTIL	USER/SENDER	DEPARTMENT	COMMENT
3	4240	8/26/2013	Pub	Schedules, Classes and Events	6/1/09-8/15/10	2015	Rilee Dockins	Community Services	
130	3950	9/14/2011	Pub	CG34090 Refunds, CC Deposits, Receipt Books, etc.	1/1/2011-8/30/11	2015	Limbird	Community Services	
162	3953	9/14/2011	Pub	CG34090 Refunds, CC Deposits, Receipt Books, etc.	4/9/10-1/3/11	2015	Limbird	Community Services	
250	3231		Pub	Various Files	1975 - 2005	2015	Burgess	Community Services	
488	3865	6/21/2010		Special Events 2002-07	2002-2007	2015	Katie Merz	Community Services	
512	3433		Pub	Recreation Binder of Past Concerts	1994 - 1996	2014	Simerson	Community Services	
571	3232		Pub	Various Files	2000 - 2004	2015	Burgess	Community Services	
597	4578	1/29/2016	PUB	Sports Organization	JAN 2013 - DEC 20	2015	Julie Webb	Community Services	
626	4580	1/29/2016	PUB	Sports Organization	JAN 2010 - DEC 20	2012	Julie Webb	Community Services	
630	4581	1/29/2016	PUB	Sports Organization	JAN 2006 - DEC 20	2011	Julie Webb	Community Services	
637	4582	1/29/2016	PUB	Sports Organization	JAN 2011 - DEC 20	2013	Julie Webb	Community Services	
645	4583	1/29/2016	PUB	Sports Organization	JAN 2012 - DEC 20	2014	Julie Webb	Community Services	
746	3233			Various Files	2002 - 2005	2015	Burgess	Community Services	
775	4019	3/20/2012	Pub	CG34090	9/10-12/11	2014	Limbird	Community Services	
794	4119	11/21/2012	Pub	CG34090	2006 - 2012	2014	Limbird	Community Services	
798	4121	9/4/2012	Pub	CG34090	12/8/11 - 8/15/12	2014	Limbird	Community Services	
799	4122	12/12/2012	Pub	CG34090	6/1/12 - 12/12/12	2014	Limbird	Community Services	
1017	2493		Pub	Pool Records	1993 - 1996	2015	Wright	Community Services	
1018	3262		Con	Miscellaneous Recreation Files	1980 - 1991	2015	Simerson	Community Services	
1049	4195	8/26/2013	Pub	Schedules, Classes, and Events	1/1/08-4/12/13	2015	Rilee Dockins	Community Services	
1051	4196	8/26/2013	Pub	Schedules, Classes, and Events	6/1/11-8/15/12	2014	Rilee Dockins	Community Services	
1071	4205	9/10/2013	Pub	Parades and Special Events	1/1/07-8/1/11	2015	Rilee Dockins	Community Services	
1152	4366	11/14/2014	Pub	Schedules, Classes, and Events	1/14 - 9/14	7/24/1905	Kellie McNerney	Community Services	
1160	4367	11/14/2014	Pub	Schedules, Classes, and Events	1/14 - 9/14	7/24/1905	Kellie McNerney	Community Services	

RECORDS TRANSFER NOTICE

Date 8/26/13	Department Community Services	User/Sender (first and last) Rilee Dockins	Location 3	Box 4240
Official Record Title (from Records Retention Schedule) CG34090 <i>Schedules, classes, and events</i>		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 6/1/09 to 8/15/10	
Date/Year to consider destruction: Aug 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): <u>2009 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records <u>2010 SSDC</u> Payment Sheets Pick-Up Authorization Sheets Sign In & Out Sheets Admission Agreement & Payment Records Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 9/14/2011	Department Community Services	User/Sender (first and last) Lory Limbird	Location 130	Box 3950
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 1, 2011 to August 30, 2011	
Date/Year to consider destruction 2013 2015 Files Reviewed 2/2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): 2011 Winter/Spring Instructor Payments Credit card charges Rec Guide Ad deposits Rec class deposits Refunds Yoga Mendocino 2011 Summer Instructor Payments Credit card charges Rec Guide Ad deposits Rec class deposits Refunds Pool Deposits Day Camp deposits Yoga Mendocino Sports				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 5/4/11 9-14-11	Department Community Services	User/Sender (first and last) Lory Limbird	Location 162	Box 3952
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM 4/9/10 to 1/3/11	
Date/Year to consider destruction 2013 2015 revised 2/2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): <u>2010 FALL</u> Instructor Payments Refunds Sport classes Yoga Mendocino Rec Guide Ad Deposits Rec Class Deposits Credit Card Deposits <u>2010 SUMMER</u> Pool Deposits Day Camp Deposits Receipt books April 9, 2010 to January 3, 2011 2010 banner Jan-Aug Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 2/7/2006	Department: Community Services	User/Sender: MARIE ULVILA	Location 250	Box 3231
Record Title (From Records Retention Schedule)		Records are Public Information ____ or Confidential ____?	Record Dates: Month Year Month Year FROM: 1975 TO: 2005	
Year to consider destruction: 2010		Permanent:? Yes ____ or No ____	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box): Community Services Misc. 2003 2002 Purchase Orders Todd Grove Park Plans North State Playground Docs Sure-Weld Roofing Specs 1975 Frank Zeek Softball Lights Grant Gobbi Street Park 2003 Men's Softball Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 6-21-10	Department Community Services	User/Sender (first and last) Katie Merz	Location 488	Box 3865
Official Record Title (from Records Retention Schedule) Special Events 2002-2007		Records are? Public ☐ or Confidential ☐ Information	Record Dates FROM 2002 to 2007	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☐	Retention Period (from Records Retention Schedule)	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): - Sundays in the Park: 2003, 2005, 2006, 2007 Sponsors, contracts, marketing, etc. - PumpkinFest 2002, 2003, 2004, 2005, 2006 Planning, parade, marketing, etc.				
Instructions: - Please complete form, typed, supplying all information - Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) - Email lindab@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 4/9/07	Department: Community Services	User/Sender: Maya Simerson	Location 512	Box 3433
Record Title (From Records Retention Schedule) Recreation Binders of Past Concerts		Records are Public Information ____ or Confidential ____?	Record Dates: Month Year Month Year FROM: 1994 TO: 1996	
Year to consider destruction: 2014		Permanent:? Yes ____ or No ____	Retention Period: 18 yrs	
Detailed Listing of Tote Box Contents (Do not write on Box): - 1994 Concerts in the Park - 1995 Concerts in the Park - 1996 Concerts in the Park				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 2/7/2006	Department: Community Services	User/Sender: MARIE ULVILA	Location 571	Box 323 ²
Record Title (From Records Retention Schedule)		Records are Public Information ____ or Confidential ____?	Record Dates: Month Year Month Year FROM: 2000 TO: 2004	
Year to consider destruction: 2010		Permanent:? Yes ____ or No ____	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box): Golf Course Water Well Map Orchard Park Development Plan 2003 Annual Statements of Economic Interest 2003 Sundays in the Park Logo Fall 2003 Rec Guide, Fall 2004 2003-2004 Golf Membership (Yearlies) CA Cultural and Historical Endorsment 2004 Misc. Comm Services Docs 2000, 2002, 2004				
Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

(12)

RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 597	Box 4578
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2013 – December 2013	
Date/Year to consider destruction 2015		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2013 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

15

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 626	Box 4580
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2010 – December 2010	
Date/Year to consider destruction 2012		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2010 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 630	Box 4581
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2006 – December 2009	
Date/Year to consider destruction 2011		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (Please Do Not Write on Box): Adult Softball (Summer & Fall) : All League Documents 2006, 2007, 2008, 2009 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 637	Box 4582
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2011 – December 2011	
Date/Year to consider destruction 2013		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2011 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

18

Date 1/29/16	Department Community Services	User/Sender (first and last) Julie Webb	Location 645	Box 4572
Official Record Title (from Records Retention Schedule) Sports Organization		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM January 2012 – December 2012	
Date/Year to consider destruction 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Adult Softball (Summer & Fall) : All League Documents 2012 • Registration Forms • Coaching/Sponsor Forms • Deposits/Incident Reports Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email clawler@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 2/7/2006	Department: Community Services	User/Sender: MARIE ULVILA	Location 746	Box 3233
Record Title (From Records Retention Schedule)		Records are Public Information _____ or Confidential _____?	Record Dates: Month Year Month Year FROM: 2002 TO: 2005	
Year to consider destruction: 2010		Permanent:? Yes ____ or No ____	Retention Period:	
Detailed Listing of Tote Box Contents (Do not write on Box): Ukiah Skate Park Project Management Unit 2002 Park Board 2005 North Ukiah Little League General Fund Docs Misc. Community Services 2004 Softball Field Alarm Agreement Deep Valley Security (Mail) Misc. Community Services 2003 Instructions: 1. Please type or print legibly 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number)				

Records: Retention

RECORDS TRANSFER NOTICE

Date 1/5/12	Department Community Services	User/Sender (first and last) Lory Limbird	Location 775	Box 4019
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates FROM Sept 2010 to Dec 2011	
Date/Year to consider destruction 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): 2011 Receipt Books State Street Banner Sept 2010 to Dec 2010 and all of 2011 2011 Fall Yomo class registrations Refunds Instructor payments Rec Guide Ad Deposits Rec Class Deposits Credit Card Charges				
Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				

RECORDS TRANSFER NOTICE

Date 11/21/12	Department Community Services	User/Sender (first and last) Lory Limbird	Location 794	Box 4119
Official Record Title (from Records Retention Schedule) CG34090		Records are? Public ☒ or Confidential ☐ Information	Record Dates From 2006 - 2012	
Date/Year to consider destruction November 2014		Permanent? Yes ☐ or No ☒	Retention Period (from Records Retention Schedule) CU + 2	
Detailed Listing of Tote Box Contents (<u>Please Do Not Write on Box</u>): Pool Deposits 2006 2007 2008 2009 2010 2012 Day Camp Deposits 2006 2007 2008 2009 2012 Rec Guide Ad Deposits Oct 2007 – March 2008 Fee Subsidy Applications for Swim Lessons 2006 - 2007 Instructions: 1. Please complete form, typed, supplying all information 2. Place 3 copies inside Tote Box on top of records (one copy will be returned to you indicating the Location and Box number) 3. Email jcurrie@cityofukiah notification box is ready for pickup				



ITEM NO.: 11a

MEETING DATE: February 1, 2017

AGENDA SUMMARY REPORT

SUBJECT: DISCUSSION AND POSSIBLE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING MAP AND ADOPTION OF A RESOLUTION AMENDING THE GENERAL PLAN MAP IN ACCORDANCE WITH THE PROPOSED REZONE OF 350 N. ORCHARD AVENUE

Summary: The City Council will receive, review and possibly adopt the proposed Mitigated Negative Declaration, will review and consider introducing an amended Zoning Map Ordinance by title only, and will consider adopting a resolution amending the General Plan Map that will rezone a 0.66-acre parcel located at 350 N. Orchard Avenue.

Background: The subject parcel was created in 1997 with approval of the Kmart Use Permit and Subdivision. The initial zoning for the parcel was R2 (Medium Density Residential). The parcel was then rezoned to R3 (High Density Residential) in 1996 in conjunction with a City-wide General Plan implementation effort. The 1996 General Plan envisioned a much larger Ukiah that spread throughout the valley. At the time, the population was expected to increase dramatically; however, this has not occurred. This population projection created the perceived need to rezone parcels to R3 throughout the City. Although currently the vacancies rates are very low in Ukiah, based on the analysis below, this proposed rezoning will not affect the City's ability to meet its housing needs for the foreseeable future.

From a land-use perspective, this rezone conforms the parcel to the surrounding land uses (see Figure 1 below). This is particularly the case given a portion of the parcel is currently used for the Home Depot's overflow parking, which is viewed as incompatible with residential uses. Home Depot's hours of operation are 6:00 a.m. to 9:00 p.m. Monday-Saturday and 7:00 a.m. to 8:00 p.m. on Sunday, furthering the notion that residential uses on this parcel are incompatible with the surrounding uses.

Site Characteristics: The site is fully improved with curb, gutter, sidewalk, shared access off of Orchard Avenue, and 36 parking spaces, with the use of an additional 10 parking spaces through an agreement with the Home Depot. The center's two parcels contain a total of 479 parking spaces, 46 of which are

Continued on Page 2

RECOMMENDED ACTION(S): 1. Adopt Mitigated Negative Declaration and 2. Introduce by title only the proposed ordinance amending the Zoning Map, and 3. Adopt a Resolution amending the General Plan Map.

ALTERNATIVES: Provide direction to Staff.

Citizens advised: Publically noticed pursuant to Ukiah City Code
Requested by: Dan Thomas
Prepared by: Kevin Thompson, Interim Planning and Community Development Director
Coordinated with: Kevin Thompson, Interim Planning and Community Development Director
Presenter: Kevin Thompson, Interim Planning and Community Development Director
Attachments:
1. Draft Planning Commission Minutes of January 11, 2017
2. Email from Wagenseller Neighborhood Association
3. Findings for Mitigated Negative Declaration
4. Mitigated Negative Declaration
5. Draft Ordinance
6. Draft Resolution amending the General Plan Map

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

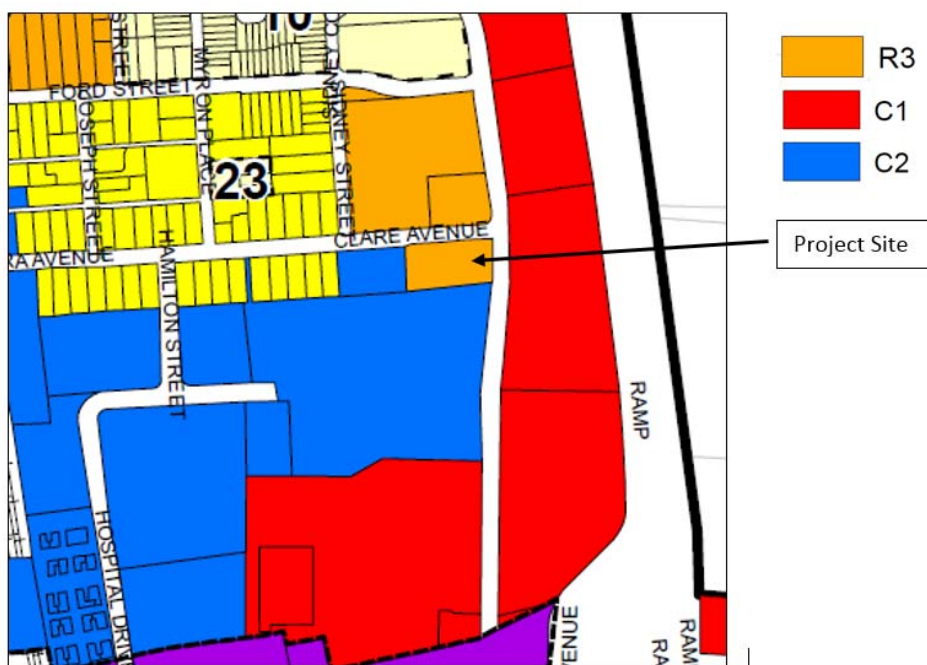
RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

shared with the subject parcel. The Home Depot's parking requirement is 414 spaces using the Zoning Code standard for the C1 designation of 1 per 300 sq. ft.

Figure 1:



Housing Discussion: The current Housing Element's Regional Housing Needs Assessment (RHNA) determined that Ukiah needs to accommodate (45) housing units in various income categories over the next five (5) years (see Table 1 below). The 2014 Housing Element through its "Vacant and Underutilized Land Survey" demonstrated the City could accommodate (879) units on both vacant and underutilized properties throughout the City. The subject parcel was among those identified to meet the City's RHNA. This rezoning represents the loss of 0.66 acres high-density residential property that could potentially accommodate (housing 17 to 18 units). Based on the amount of vacant land identified in the Vacant and Underutilized Land Survey, this rezone will not impact the City's ability to accommodate its RHNA. Further, high-density residential is an allowed use in C1 with a Use Permit. Meaning future development of the site could, even with the C1 zoning designation, include high-density residential.

Ukiah Regional Housing Needs Allocation (RHNA) as defined in the 2014 Housing Element

Table 1:

Years	Very Low	Low	Moderate	Above Moderate	Total
2014-2019 (RHNA)	11	7	7	20	45
Approved to date:	16	21	0	32	74

POTENTIAL USES ANALYSIS: The proposed zoning for the parcel is Commercial C1. The following table illustrates what potential uses are allowed by right and conditionally allowed with a Use Permit in the C1 designation.

Table 2:

* Potential Uses in C1:	Allowed by right	Use Permit required
Community care facility (6 or fewer patients)	x	
Condominiums	x	
Hotels, motels, and bed and breakfast establishments	x	
Personal improvement and personal service establishments	x	
Places of religious worship, assembly or instruction	x	
Professional offices and banks	x	
Public or private schools	x	
Restaurants	x	
Retail stores	x	
Small family child daycare home (8 or fewer children)	x	
Small homeless facilities		x
Auto repair shop, auto body and painting shop		x
Bar, dance hall, live entertainment establishment and nightclub		x
Billiard parlor, amusement arcade, and bowling alley		x
Cabinet shop		x
Community care facility (for more than 6 patients)		x
Large family child daycare (8 or more children)		x
Machine shop		x
Mini/convenience storage		x
Mixed residential and commercial land uses		x
Outdoor sales establishments		x
Parking lot		x
Single-family dwelling, duplex, multiple-family residential units, and mobile home park		x
Social halls and lodges		x
Theater		x
Veterinarian		x

* Site Development permit may also be required.

Table 3:

* Potential Uses in R3:	Allowed by right	Use Permit required
Accessory buildings and accessory uses.	x	
Community care facility, which provides service for six (6) or fewer persons	x	
Home occupations	x	
Manufactured homes	x	
Public or private parking lots for automobiles	x	
Second dwelling units	x	
Single-family dwellings, duplexes, condominiums, apartment houses, and rooming or boarding houses.	x	
Small family child daycare home, which provides care for eight (8) or fewer children	x	
Barbershops, beauty shops.		x
Churches, chapels, and other places of religious assembly		x
Coin operated Laundromat		x
Dwelling groups.		x
Florist.		x
Hotels, motels, and bed and breakfast establishments.		x
Mobile home parks.		x
Mom and pop" convenience grocery stores, delicatessens, bakeries, and coffee shops.		x
Nursery schools and large family child daycare homes		x
Parks, community gardens, and playgrounds.		x
Professional offices.		x
Public buildings.		x
Rest homes, hospitals, pharmacies, and community care facilities serving more than six (6) persons, but not more than twelve (12) persons.		x
Video rentals/sales.		x

* Site Development permit may also be required.

The Planning Commission conducted a public hearing on January 11, 2017 (see Attachment 1 for the Draft Planning Commission minutes), to discuss the item. No members of the public, other than the applicant, provided testimony (see Attachment 2 for an email from the Wagenseller Neighborhood Association). The Planning Commission recommended adoption of the Mitigated Negative Declaration Zoning and General Plan Map amendments with a unanimous vote.

In conclusion, Staff has attached the Findings for the Mitigated Negative Declaration (Attachment 3) and is recommending for Council to adopt the Mitigated Negative Declaration (Attachment 4), introduce by title only the proposed ordinance amending the Zoning Map (Attachment 5), and adopt a Resolution amending the General Plan Map (Attachment 6).

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☒	N/A

**UKIAH PLANNING COMMISSION
January 11, 2017
Minutes**

COMMISSIONERS PRESENT

Mike Whetzel, Chair
Christopher Watt
Laura Christensen
Mark Hilliker
Linda Sanders

COMMISSIONERS ABSENT**STAFF PRESENT**

Kevin Thompson, Interim Planning Director
Cathy Elawadly, Recording Secretary

OTHERS PRESENT

Listed below, Respectively

1. CALL TO ORDER

The regular meeting of the City of Ukiah Planning Commission was called to order by Chair Whetzel at 6:00 p.m. in the Council Chambers of the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE - Everyone cited.

4. APPROVAL OF MINUTES – The minutes from the November 9, 2016 meeting are included for review and approval.

Commissioner Sanders made the following correction to the minutes:

- Page 1, line 36, should read, 'Vice Chair Watt read the appeal process. For matters heard at this meeting the final date to appeal is November 21, 2016 at 5:00 p.m.'

M/S Christensen/Hilliker to approve November 9, 2016 meeting minutes, as amended. Motion carried (4-0) with Chair Wetzel abstaining.

5. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**6. APPEAL PROCESS**

Chair Whetzel read the appeal process. For matters heard at this meeting the final date to appeal is January 23, 2017 at 5:00 p.m.

7. SITE VISIT VERIFICATION - Confirmed by Commission.

8. VERIFICATION OF NOTICE – Confirmed by Staff.

9. PUBLIC HEARING

9A. Thomas General Plan Amendment and Rezone, 350 North Orchard Avenue, File No.: 2044 GPA-RZ-PC. Consider making a recommendation to the City Council for adoption of a Mitigated Negated Declaration, General Plan Amendment, and Rezoning for a .66 acre parcel located at 350 N. Orchard Avenue.

Interim Planning Director Thompson:

- Gave a staff report as provided for on pages 1-4 of the staff report specific to background, project description, GP consistency, analysis regarding housing and analysis of potential uses with the zoning change and corresponding attachments 2 through 7 and a PowerPoint presentation incorporated into the minutes as attachment 1.

- Asked the Planning Commission to consider the zoning amendment change, conduct a public hearing, and make a motion recommending City Council approve 1) Mitigated Negative Declaration. 2) Introduce Ordinance amending Zoning Map. 3) Adopt a Resolution amending the GP Map.

Commissioner Sanders:

- Asked about the Housing analysis of the staff report relevant to the language that reads, 'The parcel proposed for this rezoning was among the parcels identified to meet the City's Regional Housing Needs Allocation (RHNA) in which this zoning represents the loss of .66 acres of R3 High-Density Residential. Based on the amount of vacant land identified in the Vacant and Underutilized Land Survey this rezone will not result in the City's ability to accommodate its RHNA.' Requested clarification about the rezone project from R3 to C1 with the understanding that residential opportunities are allowed with approval of a use permit in the C1 zoning district but would like to better understand how the City intends to encourage housing development in different zoning districts using the proposed project as an example.
- Appreciates staff's analysis of the project and corresponding rationale/justification for having the use be consistent with the other uses in the neighborhood primarily with regard to the west and east sides of the subject parcel.
- Is of the opinion providing for sufficient housing accommodations in the community is a high priority where the City could lose some housing opportunity with the proposed rezone. There is the potential for loss of housing opportunities in the zoning designations and would like to see a discussion about how the City is going to work on improving opportunities for housing development as a topic for a future workshop perhaps at the City Council level. Has knowledge that very few single-family or multi-housing projects are coming forward other than the recently constructed homes on Ford Street near Orr Creek.
- Is fine with the applicant's request to rezone the parcel from R3 to C1. Is of the opinion the City has not done enough to incentivize the opportunity for multi-housing development with the exception of the PEP Senior Housing project.
- It would be beneficial to know what vacant lands the City owns that could be converted to housing. Asked if the reason more housing projects are not being initiated is because of changes in the California Building Code, more stringent application of green building standards and/or storm water regulations, etc.

Commissioner Watt:

- Referred to the "Area Zoning" and asked what the zoning designation is for the darker yellow-colored parcels and the lighter white/yellow parcels.
- Inquired about the zoning for the Kmart property before the use permit project and subdivision and corresponding change to from R2 to R3, the current zoning. Related to the parcel boundaries, part of the parcel has parking and trees that serve the Home Depot business and is there a project condition from this business that requires the trees and the parking accommodations that are located on the subject parcel or can they be eliminated without compromising those conditions for operation of the Home Depot business?
- Requested clarification the proposed rezone project cannot eliminate the parking and trees and questioned whether a new project for development of the parcel could effectively eliminate the existing parking and trees.
- A project proposed for construction of a new commercial enterprise on the subject rezone property could not likely remove the parking and trees without mitigation measures in place because they are a project component of the permit for the Home Depot operation.
- Understands the proposed zoning change does not preclude that a new development could be residential at the high density level.

Interim Planning Director Thompson:

- Confirmed with the rezone from R3 to C1 residential uses are allowed with approval of a use permit so the option of a multi-family housing development on the subject property still exists.
- Multi-family housing is allowed in all the commercial zoning districts.

- Has no real clear answers why there are not more housing developments coming forward other than economically they simply do not pencil out.
- It may be the reason houses are not being built correlates to associated cost factors. Developers particularly those from out of the area when considering a potential housing project typically ask how people in the community are earning a living and can they essentially afford housing. Consideration of a potential housing development is a complex matter.
- The darker yellow-colored parcels represent R2 zoning and the lighter white parcels represent R1 zoning.
- Has looked at the map of the area in and around the time of the Kmart project and understands the zoning at that time was residential.
- Confirmed the parking and associated trees are part of the project conditions for operation of the Home Depot business.
- Confirmed the proposed rezone project from R3 to C1 would not eliminate the parking and trees that serve Home Depot but development of the rezoned property could possibly eliminate the parking and trees on the subject parcel that currently serve Home Depot. However, it is likely the new standards for the subject parcel for a new development would be more stringent than what is existing.
- Would agree mitigation measures would need to be in place regarding any removal of the parking and corresponding trees that are currently a part of the Home Depot business operation.
- Referred to the potential use table for residential development in the C1 zoning district that includes: 1) Mixed residential and commercial land uses with approval of a use permit; 2) Single-family dwelling, duplex, multiple-family residential units, and mobile home park.

Commissioner Watt:

- Finds the proposed rezone from R3 to C1 does not limit the housing opportunities.

Interim Planning Director Thompson:

- Agrees the proposed rezone would not limit housing opportunities.

PUBLIC HEARING OPENED: 6:25 p.m.

Dan Thomas, Applicant:

- Provided information about previous zoning in the vicinity of Orchard Avenue and Hospital Drive.
- The trees and parking accommodations on the parcel are part of the Kmart plot plan and cannot be altered by virtue of a contract.
- Related to zoning and uses, Clara Avenue definitely separates/distinguishes between the uses in the area.
- The subject parcel was created in 1997 as a part of the Kmart project use permit and subdivision. The initial zoning for the parcel was R2 and rezoned from R2 to R3 in 1996 as part of a Citywide GP implementation effort.
- Talked about the parking lot on the parcel, how it functions, and corresponding access.
- Talked about the focused traffic study for the rezone project conducted by W-Trans in 2016 with regard to cumulative conditions, operational analysis, trip generation as it relates to different uses in Table 1, Trip Generation Summary of the study, impact analysis where the conclusion/recommendations were that while the proposed rezone to C1 with a potential development would generate increased trips under projected cumulative conditions which include the Ukiah Railroad Depot project the potential widening of the street at E. Perkins and Orchard Avenue the project would cause a less-than-significant impact.
- The parking lot on the parcel consists of 46 spaces and is essentially unused.
- At this time he is asking for a zoning change and no project is proposed. His intent is to eventually develop the site.

Commissioner Sanders:

- Asked about the traffic study conducted for the project and potential impacts with increased AM/PM trips in the event the parcel is developed with a restaurant, for instance, similar to Chipotle that attracts a lot of people. How is this going to work with regard to Perkins Street?

Dan Thomas:

- The matter of traffic flow in connection with road widening improvements is the responsibility of the City. The traffic study concluded that any increased trip generation resulting from a development would cause less-than-significant impact.

Interim Planning Director Thompson:

- Talked about proposed widening improvement plans for Perkins Street and the location of various right-of-ways to make this happen.
- Is of the opinion with the findings/recommendations from the Courthouse project traffic study and the traffic study for the proposed rezone the intersections of Perkins Street and Orchard Avenue do need to be improved. These intersections are only operating at 'D' or 'E' Level of Service (LOS) depending on the time of day.

Commissioner Watt:

- Asked about the square footage on that portion of the parcel that does not have the parking lot.
- If a project were developed on the subject parcel would they be able to utilize the parking?
- Requested clarification the parking accommodations on the subject rezone project was created for the Kmart project?

Interim Planning Director Thompson:

- The aforementioned square footage is small and is likely 5,000 or 6,000 square feet.
- Confirmed a new development would be able to utilize the existing parking on the subject parcel. The parking is shared and is designed for this type of use. A new development would share the parking accommodations with Home Depot.

Dan Thomas:

- By contract Kmart which was later assumed by Home Depot provides that the person/establishment that owns the rezone property can utilize the parking lot facility.

Commissioner Watt:

- Requested clarification the parking spaces on the subject rezone property were not required for Kmart to be compliant with their use permit by rather by contract with the property owner (Dan Thomas) of the parcel requested for rezone.

Interim Planning Director Thompson:

- Confirmed the aforementioned inquiry.

Commissioner Watt:

- As such whatever project occurs on the subject rezone property will have to comply with the existing parking agreement of shared parking with Home Depot.

Dan Thomas:

- Since Home Depot assumed the shared parking agreement from Kmart, any contract alteration would be between Home Depot and himself, as the current property owner.

Commissioner Sanders:

- Requested clarification there are 46 parking spaces.

Dan Thomas:

- Confirmed the aforementioned inquiry. 36 parking spaces with the use of an additional 10 parking spaces through an agreement with Home Depot. Home Depot has 479 parking spaces, 46 of which are with the subject parcel.

Commissioner Christensen:

- Is there or was there ever a plan to construct a driveway from the parking lot onto Clara Avenue?

Dan Thomas:

- When Kmart was constructed there was a lot of discussion not to allow a driveway access from this building or parking lot from the proposed rezone parcel onto Clara Avenue. The Wagenseller Neighborhood did not favor having any driveway access onto Clara Avenue. Traffic congestion was a real issue for the Wagenseller Neighborhood and this is the reason traffic calming measures were taken on this street.
- There was never a plan formulated to allow driveway access of any type from Home Depot or the subject rezone property.

PUBLIC HEARING CLOSED: 6:37 p.m.

M/S Watt/Hilliker to recommend City Council adopt Mitigated Negative Declaration as provided in attachment 2 of the staff report. Motion carried (5-0).

M/S Watt/Hilliker to recommend City Council introduce Ordinance Amending the Official Zoning Map as provided for in attachment 3 of the staff report. Motion carried (5-0).

M/S Watt/Hilliker to recommend adoption of Resolution Amending the Ukiah General Plan Map as provided for in attachment 4 of the staff report. Motion carried (5-0).

10. PLANNING DIRECTOR'S REPORT

Interim Planning Director Thompson gave an update on upcoming and/or planning-related projects:

- Daytime homeless shelter on Clara Avenue. (PC) There is a predevelopment meeting tomorrow concerning this project.
- Holiday Inn on Airport Park Boulevard is moving forward. The subdivision portion of the proposed project has been approved.
- The Medical Marijuana Dispensary Ordinance is going to City Council again on January 18, 2017.
- No complaints have been received regarding the temporary homeless emergency shelter.
- There is a Minor Variance request at 535 S. Spring Street. (ZA) The applicant has requested a postponement.
- Possible residential project on Cleveland Lane.(PC)
- Preliminary discussion about potential improvements to the temporary emergency homeless shelter building and converting it to a community center facility. There has been discussion about Tiny Houses being constructed on the subject property but there are issues associated with this where the intent is to have a more permanent type of structure.
- The next regular Planning Commission meeting will be cancelled.
- Is processing the Planning Commission stipends.

11. PLANNING COMMISSIONERS' REPORT

Commissioner Hilliker:

- Related to possible improvements to the temporary emergency homeless shelter building asked about usage of the subject property and building(s).

Interim Planning Director Thompson:

- Does not yet know the details about the potential project as the plans change.

Commissioner Hilliker:

- Sees the Wool Mill facility is progressing on Orchard Avenue.

Commissioner Christensen:

- Asked about Planning Commission allowance for education. She may be interested in attending a planning educational workshop.

There was discussion about the City Planning Director and City Associate Planner position openings.

There was more discussion about the property located at 535 S. Spring Street.

There was also discussion concerning the Costco project.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 6:58 p.m.

Cathy Elawadly, Recording Secretary

From: Kevin Thompson
Sent: Tuesday, January 03, 2017 7:29 AM
To: 'Ann Kelly'
Subject: RE: Rezoning at Home Depot

Thanks Ann, the site really doesn't make sense for more residential.

From: Ann Kelly [mailto:aakelly@sbcglobal.net]
Sent: Friday, December 30, 2016 2:25 PM
To: Kevin Thompson
Subject: Re: Rezoning at Home Depot

Hello Kevin,

Thank you for reaching out to us. I did read the notice posted on the corner.

We had an impromptu neighborhood meeting last night, and as far as our group goes, we have no opposition to the re-zoning. It makes sense to zone it commercial. I doubt if we will come to the meeting. If you need something from us, let me know.

I still owe you some minutes about the groups' park site preference.

Have a wonderful New Year!

With All Best Wishes
Ann

Wagenseller Neighborhood Association
468-0901

From: Kevin Thompson <kthompson@cityofukiah.com>
To: "aakelly@sbcglobal.net" <aakelly@sbcglobal.net>
Sent: Thursday, December 22, 2016 2:49 PM
Subject: Rezoning at Home Depot

Hi Ann,

I wanted to let you know that the rezoning of that parcel in the Home Depot is proceeding on Jan 11th at the Planning Commission, it will have to go to the Council after that.

See the attached for more info, more to come later. I'll keep you informed.

Thanks, Kevin

**FINDINGS TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR
THE THOMAS GENERAL PLAN AND ZONING MAP AMENDMENTS
AT 350 NORTH ORCHARD AVENUE APN 002-370-270
FILE NO.: 2044
PURSUANT TO THE REQUIREMENTS OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")**

1. The Project will approve an amendment to the Ukiah General Plan Map and Zoning Ordinance Map changing the land use designation on a parcel located at 350 North Orchard Avenue from High Density Residential to Commercial, and approve a Zoning Ordinance Map amendment changing the parcel zoning to Commercial (C1). There is not a specific construction project proposed at this time.
2. The City of Ukiah, as lead agency has prepared an Initial Environmental Study and a Mitigated Negative Declaration dated December 19, 2016, to evaluate the potential environmental impacts of the General Plan Map Amendment, and Zoning Ordinance Map Amendment.
3. The Initial Environmental Study examined areas of potential impacts and based on the conclusions reached in the Initial Environmental Study, it has been determined that the proposed project, as mitigated, would not have significant adverse impacts on the environment for the following reasons:
 - A. A mitigation measure has been included to reduce any impacts related to light and glare to less than significant. Impacts to visual quality were determined to be less than significant or no impact.
 - B. The Project would not have an impact on any existing or future agriculture use. There are no parcels within the City zoned Agriculture and no agricultural uses on or proximate to the Project site.
 - C. The project does not involve construction that would violate air quality standards, result in a net increase in pollutants, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors. Furthermore, the rezoning does not conflict with applicable air quality plans. However, the rezoning could facilitate commercial or residential development on site. This may result in additional pollutants and a cumulative increase in criteria pollutants. A project that involves construction will be subject to project-specific environmental review. At such time, determination will be made as to whether that project will result in potentially significant impacts to air quality. Nevertheless, mitigation measures have been included for future projects to reduce any impacts related air quality standards.
 - D. The City's General Plan includes goals and policies related to the conservation and replenishment of valley oaks, and the maintenance and enhancement of the urban forest and shade tree canopy. The project site contains no native trees.

- 1
2
3 E. The Project area is not identified on the Area of High Archeological Sensitivity included in the
4 City of Ukiah General Plan. It is highly unlikely that there are archeological resources or human
5 remains on the Project site. In the unlikely event that cultural resources or human remains are
6 discovered during grading operations for a Project resulting from this zoning amendment, future
7 mitigation measures will be included to reduce the impact to less than significant.
8
9 F. The Project site is not known to be in an area with unstable or expansive soil. The Project site
10 and surrounding area are relatively flat; therefore, there would be no impacts related to
11 landslide. The Project has the potential to result in erosion or the loss of top soil. Mitigation
12 measures for Air Quality have also been applied to Geology and Soils. Implementation of these
13 mitigation measures would reduce the potential for the Project to impact top soil and result in
14 erosion.
15
16 G. The Project site is not located on any list of hazardous waste disposal sites compiled pursuant to
17 Government Code Section 65962.5.
18
19 H. The Project is not within the Mendocino Airport Land Use Comprehensive Land Use referral
20 area.
21
22 I. The Project does not propose any construction and therefore would not modify the drainage on
23 the site which has the potential to result in erosion, siltation, and/or to increase the rate or
24 volume of runoff. Future projects will be subject to review and evaluation.
25
26 J. Future Projects will be subject to the Storm Water Low Impact Development Technical Design
27 Manual adopted by City Council on June 18, 2014, which became effective upon adoption and
28 applies to applications submitted on or after June 19, 2014.
29
30 K. The project is not located within a 100-year flood hazard area or within a 100-year flood zone as
31 mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard
32 delineation map. The Project is located within Zone X (areas determined to be outside of the
33 0.2% annual chance floodplain) on FEMA Flood Insurance Rate Map #06045C1512F, Panel #1512
34 of 2100, dated June 2, 2011.
35
36 L. No mineral resources are located within or proximate to the project area.
37
38 M. Future Construction of the Project could result in a temporary increase in noise levels in the
39 Project area. Residential uses are located proximate to the Project. Mitigation measures for
40 future projects have been included to limit the hours of construction and reduce noise from
41 construction equipment. These mitigation measures would reduce construction noise impacts
42 to less than significant.
43
44 N. This rezoning represents the loss .66 acres of R3 High-Density residential. Based on the amount
45 of vacant land identified in the Vacant and Underutilized Land Survey, this rezone will not result

1 in the City's ability to accommodate its Regional Housing Needs Assessment (RHNA). Further,
2 high-density residential is an allowed with a Use Permit in C1, the proposed zoning for the site.
3 This mean that future development could, even with the C1 zoning designation accommodate
4 high-density residential.
5

6 O. New developments, resulting from the rezoning would be required by existing regulations to
7 provide adequate public services consistent with the City's General Plan. Future projects will be
8 subject to CEQA review, including potential impacts on public services. As a result, impacts are
9 considered to be less than significant.
10

11 P. The Project would not result in climate change or greenhouse gas impacts. The Project does not
12 violate any plans or policies adopted to address climate change/GHG. Future development that
13 is proposed because of this rezone will be evaluated for greenhouse gas emissions. If it is found
14 that a future development will increase greenhouse gas emissions appropriate mitigation
15 measures will be imposed.
16

17 Q. Reasonable and feasible mitigation measures have been identified that would eliminate or
18 reduce significant impacts to levels of insignificance.
19

20 4. The Initial Environmental Study examined areas of potential impacts that may result from the
21 implementation of the Project. Based on the conclusions reached in the Initial Environmental Study,
22 it has been determined that the proposed Project has the potential to have significant
23 environmental impacts on aesthetics, air quality, and noise without the implementation of
24 mitigation measures. The analysis and conclusion reached in the Initial Environmental Study
25 identified mitigation measures that would reduce the potential impacts to less than significant
26 levels.
27

28 5. There is no substantial evidence in light of the whole record before the City of Ukiah that the
29 Project, as mitigated, would have a significant effect on the environment.
30

31 6. The Initial Environmental Study was prepared and demonstrated there is no substantial evidence
32 that supports a fair argument that the Project, as mitigated, would have a significant effect on the
33 environment.
34

35 7. Based upon the analysis, findings, and conclusions contained in the Initial Environmental Study, the
36 Project, as mitigated, does not have the potential to degrade the quality of the local or regional
37 environment.
38

39 8. Based upon the analysis, findings, and conclusions contained in the Initial Environmental Study, the
40 Project, as mitigated, will not result in short-term impacts that will create a disadvantage to long-
41 term environmental goals.
42

43 9. Based upon the analysis, findings, and conclusions contained in the Initial Environmental Study, the
44 Project, as mitigated, will not result in impacts that are individually limited, but cumulative
45 considerable.

10. Based upon the analysis, findings, and conclusions contained in the Initial Environmental Study, the Project, as mitigated, will not result in impacts that will cause substantial adverse effects on human beings, either directly or indirectly.
11. A Notice of Intent to adopt the Mitigated Negative Declaration was made available in the following manner: posted at the Mendocino County Clerk on December 16, 2016; mailed to property owners within 300-feet of the parcels included in the Project on December 16, 2016; published in the Ukiah Daily Journal on December 18, 2016; and posted on the Project site on December 16, 2016, in order to notify interested parties of Planning Commission consideration of the Mitigated Negative Declaration at its January 11, 2017, meeting and the possible City Council consideration of the Mitigated Negative Declaration at its February 1, 2017, meeting.
12. A Mitigation Monitoring Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures and the project proponent has agreed to the mitigation measures included in the MMRP.
13. The Initial Environmental Study and Mitigated Negative Declaration and record of proceedings of the decision on the Project are available for public review at the City of Ukiah Planning Department, Ukiah Civic Center, and 300 Seminary Avenue, Ukiah, CA.
14. On January 11, 2017, the Planning Commission held public hearings to receive public comment and consider the Mitigated Negative Declaration for the Thomas General Plan Amendment and rezoning. At the January 11, 2017, meeting, the Planning Commission voted 5-0 to make a recommendation to the City Council to adopt the Mitigated Negative Declaration for the Thomas General Plan Amendment, and rezoning.
15. On _____ the City Council voted _____ to adopt the Mitigated Negative Declaration for the Thomas General Plan Map Amendment, and Zoning Ordinance Map Amendment.



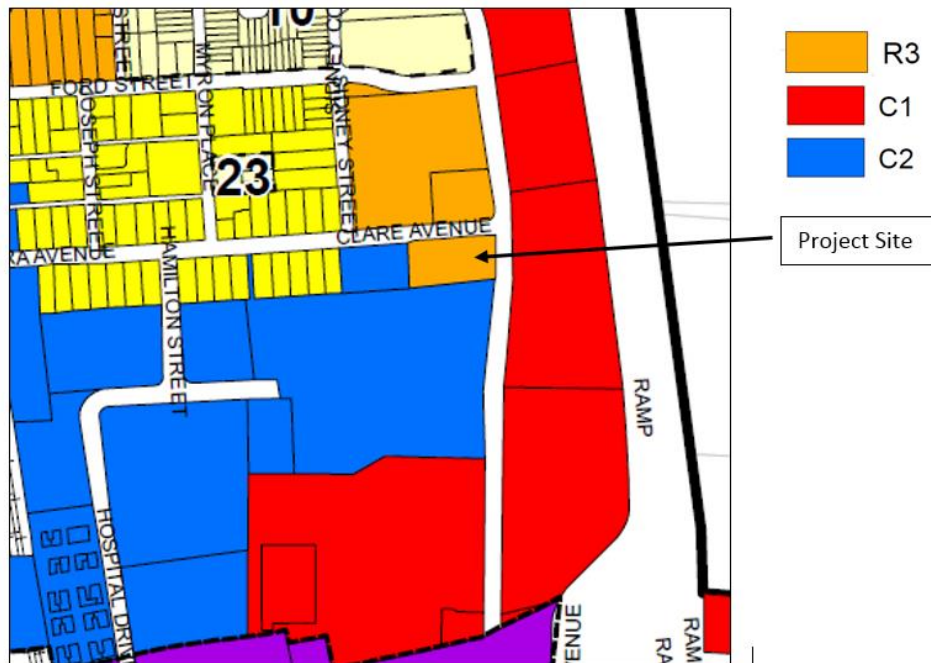
Initial Environmental Study
and
Mitigated Negative
Declaration

Project Information:

Project Title:	Thomas General Plan Amendment and Rezone (Application #2044 REZ)
Lead Agency:	City of Ukiah, Planning and Community Development
Project Location:	350 North Orchard Avenue
Project Sponsor and Address:	Dan Thomas, 135 W Gobbi Street, Ukiah Ca. 95482
General Plan Designation:	High Density Residential
Zoning:	R3 High Density Residential
Surrounding Zoning:	South and East: C2 (Commercial) West: C1 (Commercial) North: R3 (High Density Residential)
Surrounding General Plan Designation:	South and East: Commercial West: Medium Density Residential North: High Density Residential
Assessor's Parcel No.	002-370-270
Contact Person:	Kevin Thompson, Interim Planning Director
Phone Number:	(707) 463-6207
Date Prepared:	December 19, 2016

Project Description

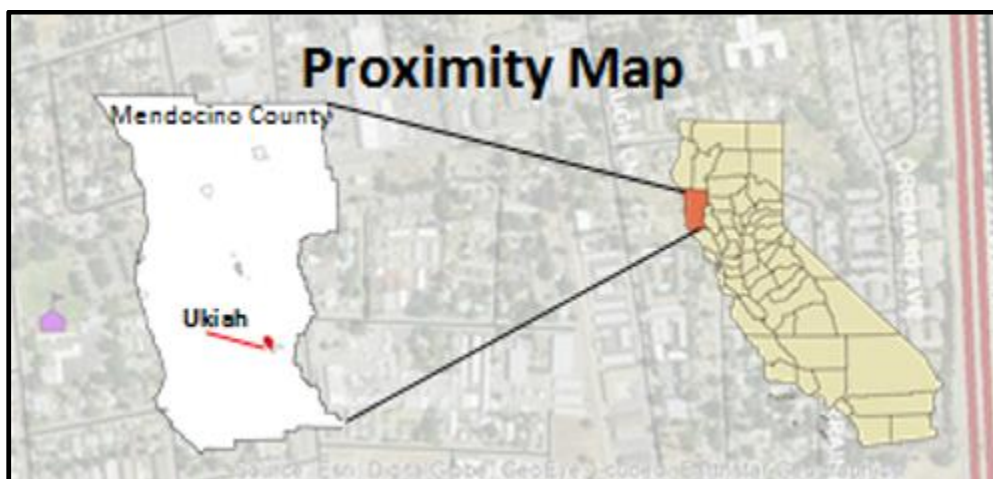
The project proposes a General Plan Land Use Amendment and rezoning of a .66 acre parcel located at the corner of Clara Avenue and Orchard Avenue at 350 Orchard Avenue. The parcel is situated in the northeast corner of the existing Home Depot parking lot. The subject parcel was created in 1997 along with the Kmart project Use Permit and Subdivision. The initial zoning for the parcel was R2 (Medium Density Residential). The current zoning is R3 (High-Density Residential) the proposed zoning is C1 (Commercial). The current General Plan designation is HDR (High-Density) and the proposed General Plan Designation is C (Commercial). The site is fully improved with curb, gutter, sidewalk, fully improved access off of Orchard Ave., and 36 parking spaces on-site, with an additional 10 parking spaces available through an agreement with the Home Depot. All the parking was installed as a part of the 1996 constructed K-mart, now the Home Depot. From a land-use perspective, this rezone conforms the parcel to the surrounding land uses (see Figure 1 below). This is particularly the case given a portion of the parcel is currently used for the Home Depot's overflow parking. Home Depot's hours of operation are 6:00 a.m. to 9:00 p.m. Mon-Sat and 7:00 a.m. to 8:00 p.m. on Sun., furthering the notion that residential uses on this parcel could conflict with surrounding uses. The purpose of the rezone is to bring the site into conformance with existing land uses surrounding the property.





Environmental Setting

The Project is located in the City of Ukiah, Mendocino County, California. The City of Ukiah is located approximately 110 miles north of San Francisco, and is situated along US 101 in southeastern Mendocino County. US 101 freeway traverses the City of Ukiah in a north/south direction. State Route (SR) 222, also known as Talmage Road, is a short east/west state highway that intersects US 101 in the southern portion of the City of Ukiah. US 101 connects Ukiah to Santa Rosa and San Francisco, providing major regional access to the City. SR 253, located at the south end of Ukiah, begins at US 101 and travels in an east/west direction connecting Ukiah with SR 1 along the coast.



Environmental Checklist

The Project's potential level of impact is indicated as follows:

Potentially Significant	Potentially significant environmental impacts.
Potentially Significant and Mitigable	Potentially significant impacts which can be mitigated to less than significant levels.
Less than Significant	Impacts which are considered less than significant and do not require mitigation.
No Impact	No impacts related to the project.

Environmentally Factors Potentially Affected

None of the environmental factors would be potentially affected by this project. The environmental factors below are discussed in this document.

1. Aesthetics	X	10. Land Use Planning	
2. Agricultural Resources		11. Mineral Resources	
3. Air Quality	X	12. Noise	X
4. Biological Resources		13. Population and Housing	
5. Cultural Resources		14. Public Services	
6. Geology and Soils		15. Recreation	
7. Greenhouse Gas Emissions		16. Transportation and Circulation	
8. Hazardous Materials		17. Utilities and Service Systems	
9. Hydrology and Water Quality		18. Mandatory Findings of Significance	

Determination (Completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Purpose of this Initial Study

This Initial Study has been prepared consistent with CEAQ Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the finding contained in this report, the Initial Study will be used in support of the preparation of a negative declaration.

Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project fall outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g.

- the project will not expose sensitive receptors to pollutants, based on the project-specific screening analysis).
2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
 3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant with mitigation or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
 4. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analysis" may be cross-referenced.
 5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEAQ process, an effect had been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation measures based in the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated." Describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site specific conditions for the project.
 6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to previously prepared or outside document should, where appropriate, include a reference to the page where the statement is substantiated.
 7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.

<u>I. AESTHETICS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		
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Significance Criteria: Aesthetic impacts would be significant if the project resulted in the obstruction of any scenic view or vista from the public right-of-way, damage to significant scenic resources within a designated State scenic highway, creation of an aesthetically offensive site from the public right-of-way, substantial degradation to the existing visual character or quality of the site and its surroundings, or new sources of light or glare that would adversely affect day or nighttime views in the area, including that which would directly illuminate or reflect upon adjacent property or could be directly seen by motorists or persons residing, working or otherwise situated within sight of the project.

Discussion: The proposed General Plan land use amendment and rezoning does not propose the construction of a project. Potential indirect impacts, such as damage or degradation of scenic resources or visual character, effects on scenic vistas, and new sources of light and glare will be considered at the time site specific projects are proposed. However, the following analysis applies to the project:

- a. The project is located in an established residential / commercial neighborhood any subsequent development as resulting from this rezoning will be consistent with other development in the surrounding neighborhood, both in terms of use and intensity.
- b. The project is not located within a scenic area; and therefore, would not damage scenic resources including but not limited to trees, rock outcroppings, and historic buildings. Furthermore, the rezone is not located in or visible from a scenic highway.
- c. Any subsequent development resulting from this rezoning will be reviewed by the Design Review Board (DRB). The applicant will be encouraged to incorporate the recommendations of the DRB into the project. Therefore, the rezone would not degrade the existing visual character or quality of the site and its surroundings and any proposed development would be consistent with existing development in the area.
- d. The project would establish zoning that could lead to development of a new source of substantial light or glare which might impact neighboring residential uses. In order to ensure a less than significant impact from light and glare resulting from a potential new project, the standard mitigation measure listed below will be imposed on any future project.

Mitigation Measures:

- a. All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be nighttime friendly and International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting, any project will be subject to review and approval at time of building permit. Should any development occur on this site, lighting shall be positioned in a manner that it will not result in light being spilled to the north thus not impacting the residential uses.

Impact Significance After Mitigation: Less than Significant

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Significance Criteria: Significant impacts would occur to agricultural resources if the proposed project would hamper existing agricultural operations or convert agricultural land to urban uses.

Discussion: The proposed project may encourage the development of commercial uses within walking distance to established residential neighborhoods. The General Plan contains policies that encourages infill growth where infrastructure and service capacity is available to support growth. Furthermore, the City of Ukiah has no agriculture within its boundaries.

No Impact

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X

d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?				x

Significance Criteria: Air Quality Impacts would be significant if the project results in any of the following:

- Conflicts with or obstructs implementation of any applicable Air Quality Plan;
- Violates any air quality standard or contributes substantially to an existing or project air quality violation, including a cumulatively considerable net increase of any criteria for which the region is in nonattainment as defined by Federal or State regulations. For the Mendocino County Air Quality Management District, the applicable daily thresholds for criteria pollutants would be significant if they exceed any of the following:
 - Reactive organic gases (ROG) 220 lbs.
 - Nitrogen oxides (Nox) 220 lbs.
 - Sulfur oxides (Sox) 220 lbs.
 - Particulates (PM10) 80 lbs.
- If carbon monoxide (CO) exceeds 550 lbs./day, dispersion modeling is recommended to determine the significance of the impact upon Federal or State standards.
- Exposes sensitive receptors to substantial pollutant concentrations; or
- Creates objectionable odors affecting a substantial number of people.

Discussion: The project does not involve construction that would violate air quality standards, result in a net increase in pollutants, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors. Furthermore, the rezoning does not conflict with applicable air quality plans. However, the rezoning could facilitate commercial or residential development on site. This may result in additional pollutants and a cumulative increase in criteria pollutants. A project that involves construction will be subject to project-specific environmental review. At such time, determination will be made as to whether that project will result in potentially significant impacts to air quality. Standard mitigations that would be imposed on any project proposed as a result of this rezoning will include:

Mitigation Measures:

1. All activities involving site preparation, excavation, filling, grading, road construction, and building construction shall institute a practice of routinely watering exposed soil to control dust, particularly during windy days.
2. All inactive soil piles on the project site shall be completely covered at all times to control fugitive dust.
3. All activities involving site preparation, excavation, filling, grading, and actual construction shall include a program of washing off trucks leaving the construction site to control the transport of mud and dust onto public streets.

4. Low emission mobile construction equipment, such as tractors, scrapers, and bulldozers shall be used for earth moving operations.
5. All earth moving and grading activities shall be suspended if wind speeds (as instantaneous gusts) exceed 25 miles per hour.

Impact Significance After Mitigation: Less than Significant After Mitigation

<u>IV. BIOLOGICAL RESOURCES:</u> Would the project	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				x
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				x
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				x
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				x

Significance Criteria: Project impacts to biological resources would be significant if any of the following resulted:

- Substantial direct or indirect effect on any species identified as a candidate, sensitive, or special status species in local/regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service or any species protected under provisions of the Migratory Bird treaty Act;

- Substantial effect upon sensitive natural communities identified in local/regional plans, policies, or regulations or by the agencies listed above;
- Substantial effect (e.g., fill, removal, hydrologic interruption) upon Federally protected wetlands under Section 404 of the Clean Water Act;
- Substantially interfere with movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies/ordinances that protect biological resources (e.g., tree preservation policy or ordinance).

Discussion: The proposed rezoning or subsequent development will not adversely impact biological resources, special status habitat, wetlands, wildlife movement, local policies protecting biological resources, or conflict with an adopted habitat conservation plan or state habitat conservation plan based on the following:

- a. The project site is surrounded by existing residential and commercial development and is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service and therefore, the project would have no impact on candidate, sensitive, or special status species.
- b. There are no riparian areas or riparian habitat on the subject parcels or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. Therefore, the project would have no impact on these resources.
- c. There are no wetlands, marshes, vernal pools, or other water courses on the parcels included in the project. Therefore, the project would have no impact on these resources.
- d. No migratory path for wildlife species, no connection with any wildlife habitat, no water courses are located on the parcels included in this project. No trees would be removed as part of this project.
- e. The City does not have a tree preservation ordinance that applies to this project, furthermore the project site does not contain any native trees and no trees would be removed as part of this project.
- f. The parcels included in the project are not subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- g. Environmental review procedures (CEQA and the City's Environmental Review Guidelines) currently in place and administered by the City will ensure that adequate mitigation measures will be identified for future projects that will achieve "no net loss" of sensitive habitat acreage, values, and function.

There is not physical development of the site proposed as a part of the project.

No Impact:

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				x
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				x
d) Disturb any human remains, including those interred outside of formal cemeteries?				x

Significance Criteria: A significant impact to historic and cultural resources would occur if implementation of the project would:

- Cause a substantial change in the significance of a historical or cultural resource;
- Result in the removal or substantial exterior alteration of a building or structure or district that may be eligible for listing in the National Register or California Register;
- Result in the removal or substantial exterior alteration of a building or structure so that it results in the loss of a designated county landmark in the City of Ukiah;
- Result in the destruction of a unique paleontological resource, site or unique geological feature, or disturbs any human remains.

Discussion: The proposed project does not involve any construction. Future development will be consistent with the City's General Plan and is not expected to negatively impact land that has historical, archaeological or paleontological significance as described in the General Plan. Future discretionary projects will be subject to environmental review, specific projects will be evaluated for the possibility of the disturbance of any archaeological or historical resources, including human remains associated with these resources. As a result, no impacts to cultural resources will occur.

The Historic and Archaeological Element of the General Plan Update includes four policies for the protection of cultural resources: Policy HA-1.2, HA-5 and HA-7. The General Plan Update and implementation of these policies reduces the potential impacts to cultural resources.

No Impact

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			x	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			x	
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?			x	
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			x	

Significance Criteria: A significant geologic impact would occur if a project exposed people or structures to major geologic features that pose a substantial hazard to property and/or human life, or hazards such as earthquake damage (rupture, groundshaking, ground failure, or landslides), slope and/or foundation instability, erosion, soil instability, or other problems of a geologic nature that cannot be mitigated through the use of standard engineering design and seismic safety design techniques.

A significant geologic impact would occur if a project exposed people or structures to major geologic features that pose a substantial hazard to property/or human life, or hazards such as earthquake damage.

Discussion: While the rezoning does not propose new development, it does introduce zoning that could lead to additional construction and development. Future projects will have a less than significant impact on seismic or geological risks based on the following analysis:

Alquist-Priolo Earthquake Fault Zones are mapped within the project area, and applicable state and local regulations will apply. General Plan policies and implementation measures, in conjunction with seismic provisions of the California Building Code (CBC), will minimize the impact of strong seismic shaking. In

addition, future development will be evaluated on a project-by-project basis for potential seismic or geological risks. As required by the City Planning and Building Department, specific sites will be reviewed to ascertain whether the soil has the potential for landslides, erosion, subsidence, liquefaction, expansion, and is capable of handling septic tanks or other wastewater disposal systems.

Fault Rupture. No known active fault zones cross the rezone area based on official fault maps. The Macaama fault zone is located to the east of the project site and therefore, fault rupture hazard is considered low since research has shown that the Maacama Fault is confined to a limited zone with little or no splaying. Impacts related to fault rupture are less than significant.

Seismic. A future project will be required to comply with the seismic design standards included in the California Building Code. Compliance with these requirements would reduce impacts resulting from strong seismic ground shaking to less than significant.

Liquefaction. According to the Soil Survey of Mendocino County, Eastern Part, and Trinity County Southwestern Part published by the U.S. Soil Conservation Service, the subject property is underlain by an “urban mix” that includes native soils mixed with non-native fill materials that are only partially covered by patches of asphalt and hard-packed gravel. However, the project site is not in an area with any known deposits of soils that are unstable, or that would become unstable as a result of the project, or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse

Landslide. The project parcel and surrounding area are relatively flat and no new slopes would be created as a result of the project; therefore, there are no impacts related to landslides related to seismic activity.

Soil Erosion. With construction of a future project it is possible that soil erosion and/or loss of topsoil could increase on the site if soils are left exposed to winds or storm waters for any substantial period of time during the construction. Such impacts would generally be short-term in nature, but could cause significant erosion if normal grading and site preparation techniques are not utilized during the development phase of the project. In this case, however, the soil protection measures included as Mitigation Measures 1-5 in the Air Quality discussion, above, will sufficiently reduce soil impacts to less than significant levels.

Future projects will be required to comply with Division 9, Chapter 7, Sediment and Erosion Control of the Ukiah City Code which includes requirements intended to reduce erosion and sedimentation. Implementation of these requirements through the building permit process would reduce impacts to less than significant.

Expansive soils: There are no known deposits of expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Additionally, the project site is relatively flat, and it is not anticipated that future development would require extensive grading, cutting or filling, or other site preparation activities that would cause substantial soil erosion or the loss of topsoil.

Wastewater: A future project will not include the use of septic tanks or alternative wastewater disposal systems; therefore, there is no impact.

However, as noted above, the current proposal will not result in any development occurring as part the rezoning request.

Less than Significant Impact.

<u>VII. GREENHOUSE GAS EMISSIONS.</u>				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				x
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				x

The proposed project would result in significant adverse environmental impacts if any of the following occur:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Discussion: While the project does not propose any construction, it does introduce zoning that could lead to additional development. Future development could lead to increased greenhouse gas emissions. The City of Ukiah does not have an adopted climate action plan. Ukiah does have General Plan goals and policies that address energy use which may reduce or minimize GHG emission. The rezoning would not conflict with any plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. However, any future development that is proposed because of this rezone will be evaluated for greenhouse gas emissions. If it is found that a future development will increase greenhouse gas emissions appropriate mitigation measures will be imposed.

No Impact

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u>				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section				x

65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

Significance Criteria: A significant impact to the environment and the public associated with hazards and hazardous materials would result from a project if any of the following occurred:

- Creation of a significant hazard to the public or environment by routine transport, use or disposal of hazardous materials or from foreseeable upset and accident conditions;
- Emission and/or handling of hazardous, acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;
- Location of a project on a listed hazardous materials site compiled pursuant to Government Code Section 65962.5;
- Be located within an adopted Airport Land Use Plan and expose people to a safety hazard;
- Be located within the vicinity of a private airstrip and expose people to a safety hazard;
- Impairment/interference with adopted emergency response plan or emergency evacuation plan; or
- Be located in or near a wildland area and expose people to risk due to wildland fire.

Discussion: While the rezoning does not propose any construction, it does introduce zoning that could lead to additional development. Based on the following analysis, no impact is expected for hazardous materials:

- a. Any proposed development resulting from this rezoning, would not involve the use of hazardous material based on the allowed uses in the C1 Zoning District. Therefore, it is anticipated that a proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b. The parcel included in the rezoning is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- c. The project rezone site is located outside of the Airport Compatibility zone.

- d. The project rezone site is not located within the vicinity of a private airstrip.
- e. The City of Ukiah does not have an adopted emergency response plan or evacuation plan. The project has been reviewed by the Police Department and Fire Marshal and no negative comments were received related to emergency response or evacuation.
- f. The project site is located within an established residential and commercial neighborhood and surrounded by urban development. The project site is not located in or adjacent to a wild land area. Therefore, the project would have no impact related to exposing structures or people to risk related to wild land fires.

No Impact

<u>IX. HYDROLOGY AND WATER QUALITY.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?				x
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				x
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				x
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				x
f) Otherwise substantially degrade water quality?				x
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x

j) Inundation by seiche, tsunami, or mudflow?				x
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Significance Criteria: Significant impacts associated with hydrology and water quality would result from a project if water quality standards or waste discharge requirements were violated; groundwater and surface water quality and quantity were substantially altered; drainage patterns were substantially altered that would increase erosion/siltation and increase surface runoff; increase runoff that would exceed capacity of existing or planned drainage systems or add a substantial source of pollution; located on a 100-year floodplain; or expose people to hydrological hazards such as flooding or inundation by seiche, tsunami, or mudflow.

Discussion: While the project does not propose any new development, it does introduce zoning that could lead to additional development. Future project evaluation for hydrology and water quality risks will include: the prevention of toxic materials and other debris from entering the storm drain and waterway systems (section 9704). Based on the following analysis, no impact is expected for hydrology and water quality:

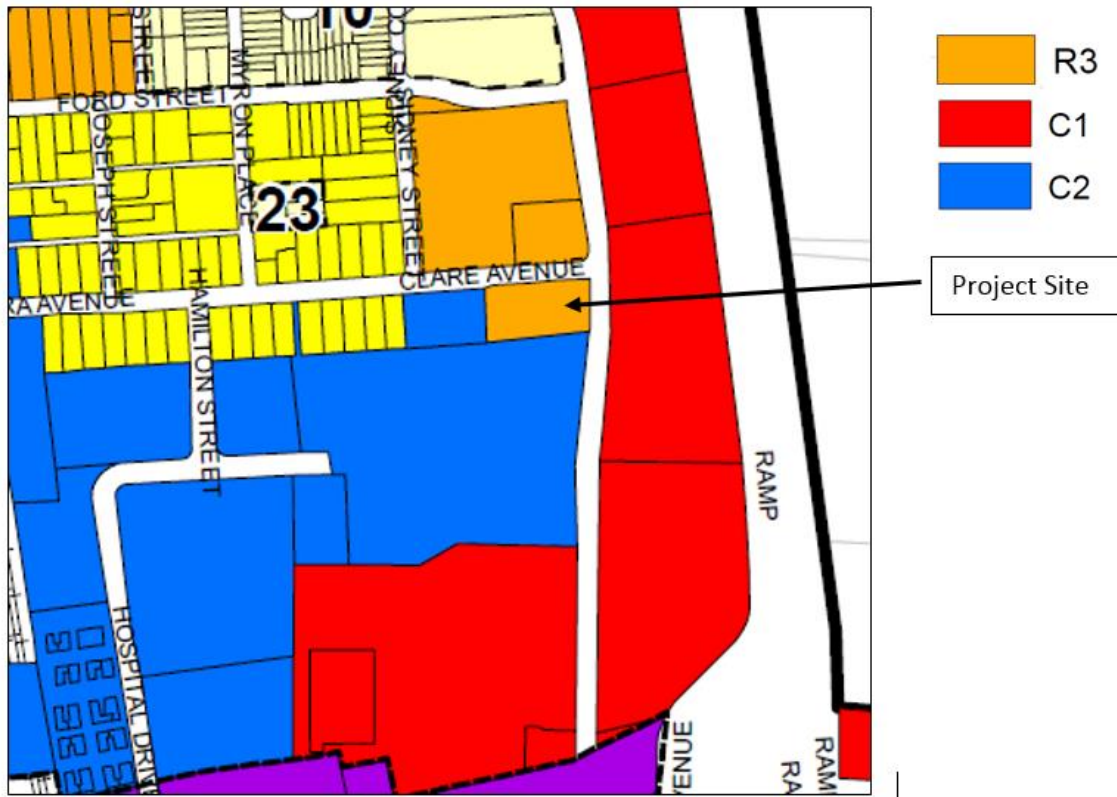
- a. Building permits from the City of Ukiah are required. The permits require compliance with specific standards designed to comply with water quality standards and to avoid illicit discharge. Compliance with these requirements would result in no impact from the project, including Low Impact Development Standards.
- b. Construction associated site improvements would not impact groundwater because new landscaping would be included along with drainage swales that would provide opportunity for groundwater infiltration. The project drainage plan has been reviewed by the Public Works Department.
- c. Orr Creek is 1,000 feet to the north.
- d. Future projects will be reviewed by Public Works to ensure existing stormwater system has adequate capacity to serve the project.
- e. The rezoning would not degrade water quality. Any future project is subject to compliance with requirements Ukiah City Code. These requirements are intended to protect water quality. Compliance with these requirements would result in no degradation of water quality.
- f. The site is not located within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- g. The project is not located within a 100-year flood zone. The project is located within Zone X (areas determined to be outside of the 0.2% annual chance floodplain) on FEMA Flood Insurance Rate Map (FIRM) #06045C1512F, Panel #1512 of 2100, dated June 2, 2011.
- h. The site is not located within a flood zone. Portions of the Ukiah Valley would be subject to inundation due to the failure of Coyote Dam at Lake Mendocino. In the highly unlikely event of a dam failure, inundation is predicted to occur within most creek channels from the river nearly to the base of the foothills on the west side of the valley. The main channel of flooding is expected to follow State Street or US 101, whichever is furthest west.

- i. The site is located inland and therefore would not be subject to inundation by seiche, tsunami, or mudflow.

No Impact

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				x
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x

Significance Criteria: Significant land use impacts would occur if the project substantially conflicted with established uses, disrupted or divided an established community, or resulted in a substantial alteration to present or planned land uses. Proposed project consistency with the Ukiah General Plan and zoning and any other applicable environmental plans and policies is also evaluated in making a determination about potential land use impacts.



Discussion: The rezoning of the site will not result in the physical division of the community based on the existing surrounding landuses. The site is surrounded on three sides by established commercial and residential uses including the Home Depot to the west, Kohl's retail to the east, a commercial parking lot to the south and high density residential to the north. Given the surrounding land uses, and the incompatibility between a large-scale retail operation (Home Depot), and residential, this rezoning makes the site more compatible with the surroundings. The site is currently developed with a parking lot and vacant area, the parking lot serves the Home Depot and potential future uses of the site. The proposed rezoning of the site from R3 to C1 will result in a consistent land use pattern for the area. Rezoning the site will result in a more appropriate land use designation given and surrounding uses.

No Impact:

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				x

Significance Criteria: Impacts to Mineral and Natural resources would be substantial if the proposed project resulted in the loss of significant or locally important materials such as minerals, gravel, sand, and heritage trees. Impacts to mineral and natural resources would be substantial if the proposed project resulted in the loss of significant or locally important materials such as minerals, gravel, sand, and heritage trees. Impacts to mineral natural resources would be.

Discussion: The site is currently partially developed with a parking lot and associated improvements, and serves the Home Depot immediately to the south.

- a. The parcel included in the rezone is located in an existing neighborhood. There are no known natural or mineral resources on the site.
- b. The parcel included in the rezone is not delineated as an important natural or mineral resource recovery site on the City's General Plan Map or on any specific plan or other land use plan.

Based on the above, the rezoning would have no impact on natural or mineral resources.

No Impact.

<u>XII. NOISE</u>				
Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				x
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				x
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		x		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		x		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

Significance Criteria: A project will typically have a significant noise impact if it meets any of the following criteria:

- Exposes people to or generate noise levels in excess of standards established in the local General Plan or Noise Ordinance.
- Causes a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Expose people to excessive ground borne vibration or noise levels.
- Causes a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project.
- If located within an airport land use plan or within 2 miles of a public airport, expose people to excessive noise levels.
- If located within the vicinity of a private strip, expose people to excessive noise levels.

Discussion: While the rezoning does not propose the construction of new development, it does introduce zoning that could lead to additional development. Future development will be subject to the following noise standards and mitigations:

Maximum allowable ambient noise levels:

Sound Level A, decibels		
Zone	Time	Ambient Noise Level
R1 and R2	10 p.m. to 7 a.m.	40 decibels
R1 and R2	7 p.m. to 10 p.m.	45 decibels
R1 and R2	7 a.m. to 7 p.m.	50 decibels
R3	10 p.m. to 7 a.m.	45 decibels
R3	7 a.m. to 10 p.m.	50 decibels
Commercial	10 p.m. to 7 a.m.	60 decibels
Commercial	7 a.m. to 10 p.m.	65 decibels
Industrial	Anytime	70 decibels

Section 6053: Machinery, Equipment, Fans and Air Conditioning: It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five (5) decibels between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. (Ord. 748, Article 1, adopted 1980)

Section 6054: Construction of Buildings and Projects: It shall be unlawful for any person within a residential zone, or within a radius of five hundred feet (500') therefrom, to operate equipment or perform any outside

construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device (between the hours of 7:00 P.M. of one day and 7:00 A.M. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefore has been duly obtained from the Director of Public works. No permit shall be required to perform emergency work as defined in §6046 of this Article. (Ord. 748, Article 1, adopted 1980).

A future project will be subject to the following noise standards and standard mitigation measures:

Mitigation Measures:

1. Provided the subject site is developed at a future date as a result of the rezone, construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4:00 p.m. on Saturday. Construction hours are prohibited on Sunday and all holidays recognized by the City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above.
2. Approval of additional construction hours may be requested in writing from the Planning and Community Development Director and Public Works Director for extenuating circumstances. The written request must be submitted a minimum of 14 days prior to the date for which the change in construction hours/days is being requested and shall explain the need for the extended construction hours, describe the extenuating circumstances, and identify the additional construction hours requested, including the duration.
3. Signs shall be posted at the project site prior to commencement of construction of the proposed project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise.
4. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems.
5. An onsite complaint and enforcement manager shall be designated for the project and shall respond to and track complaints and questions related to noise.
6. Equipment and trucks used for proposed project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible).
7. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.

8. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled.
9. No outside amplified sources (e.g. stereo “boom boxes”) shall be used on site during project construction.

Impact Significance After Mitigation: Less than Significant

<u>XIII. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				x
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				x
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				x

Significance Criteria: Population and housing impacts would be significant if the project induced substantial direct or indirect (e.g., road extensions) population growth in an area and/or displaced substantial numbers of existing houses and/or substantial numbers of people, thus requiring replacement housing elsewhere.

Discussion: The 2014 Housing Element through its “Vacant and Underutilized Land Survey” demonstrated the availability of appropriately zoned parcels needed to accommodate the City’s Regional Housing Needs Allocation (RHNA) (Government Code Sections 65582(a)(3) and 65582.2(a) (See table below). The parcel proposed for this rezoning was among the parcels identified to meet the City’s RHNA. This rezoning represents the loss .66 acres of R3 High-Density residential. Based on the amount of vacant land identified in the survey, this rezone will not result in the City’s ability to accommodate its RHNA. Further, high-density residential is an allowed use with a Use Permit in C1, the proposed zoning for the site. This mean that future development could, even with the C1 zoning designation include high-density residential.

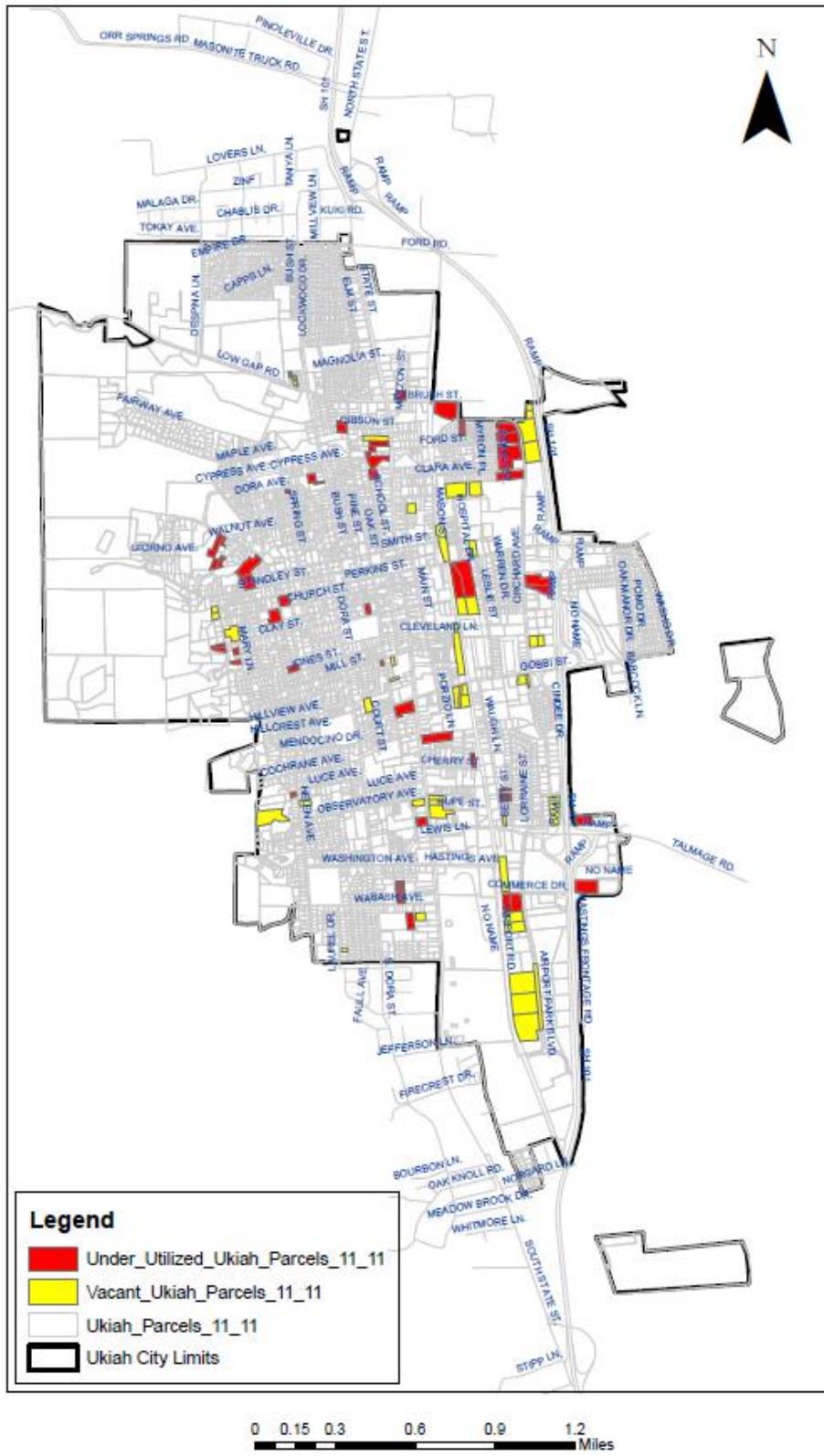
Ukiah Regional Housing Needs as defined in the 2014 Housing Element

Years	Very Low	Low	Moderate	Above Moderate	Total
2014-2019	11	7	7	20	45
Total Approved to Date:	16	21	0	32	74

The proposed project will rezone a total of .66 acres of high-density residential zoned land that could accommodate approximately 17-units of housing. The Vacant and Underutilized Land Survey demonstrated that the City could accommodate a total of 879 units on both vacant and underutilized properties throughout the City. The total housing needs for the City is 45 according to the RHNA. Based on the availability of vacant and underutilized land and the fact that C1, the proposed zoning, allows high-density development, the loss of .66 acres of high-density (R3) is viewed as having no impact. Given that half the site is currently used for parking for the Home Depot, a rezoning to commercial brings the site into conformance with the surrounding area.

No Impact

**CITY OF UKIAH
VACANT & UNDERUTILIZED LAND 2014-2019
GENERAL PLAN HOUSING ELEMENT UPDATE**



Vacant	Underutilized
53 (acres)	51 (acres)
533 (units accommodated)	346 (units accommodated)

No Impact.

XIV. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			x	
Fire protection?			x	
Police protection?			x	
Schools?			x	
Parks?			x	
Other public facilities?			x	

Significance Criteria: Impacts to public services would be significant if the project resulted in adverse physical impacts upon capacity that would lead to construction of new public facilities or substantial alteration to existing governmental facilities to maintain acceptable service levels or performance levels.

Discussion: New developments, resulting from the rezoning would be required by existing regulations to provide adequate public services consistent with the City's General Plan. Future projects will be subject to CEQA review, including potential impacts on public services. As a result, impacts are considered to be less than significant.

Less Than significant Impact.

<u>XV. RECREATION.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			x	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			x	

Significance Criteria: Impacts to recreation would be significant if the project resulted in an impact upon the quality or quantity of existing recreational opportunities or required the creation of new recreational facilities.

Discussion: New developments, resulting from the rezoning would be required by existing regulations to provide adequate recreational facilities consistent with the City's General Plan. Future projects will be subject to CEQA review, including potential impacts on recreational facilities. As a result, impacts are considered to be less than significant.

Less Than Significant Impact

<u>XVI. TRANSPORTATION/TRAFFIC.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			x	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			x	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				x
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
e) Result in inadequate emergency access?				x
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				x

Significance Criteria: According to the Ukiah General Plan Circulation Element, the minimum acceptable level of service (LOS) on City commercial streets/intersections is LOS “D.” Other criteria include whether the project would have substantial effects upon air traffic patterns; whether the project would increase traffic hazards due to design features; whether the project has inadequate emergency access; and whether the project would create conflicts with adopted policies, programs and plans for alternative transportation.

Discussion: The rezoning of the site from R3 to C1 will likely result in an increase in traffic volumes in the area. The Focused Traffic Study (November 16, 2016)(Attachment 1) completed by W-Trans compared various land uses that could be constructed as result of the rezoning, in all cases, the C1 zoning would result in higher traffic volumes. The greatest increase would occur if the site was developed as pharmacy. The traffic study concluded that:

“Under projected the cumulative conditions which include the Ukiah Railroad depot project and the recommended widening at the East Perkins Street/Orchards Avenue intersection, it is anticipated that acceptable operation would be maintained, even upon adding trips associated with the highest trip generator, which is a pharmacy. It is therefore concluded that development of the parcel with any of the C1 land uses listed in this report would cause a less than significant impact as the intersection would continue to operate acceptably under the City standards”.

The rezoning does not increase or change air traffic patterns or substantially increase hazards. Amending the zoning does not involve changes to airports or prompt changes in air traffic patterns. Furthermore, no design features that would substantially increase safety risks are proposed as part of the rezoning.

The rezoning does not propose any changes to emergency access. Any project proposed for the site is subject to environmental review, including review by fire and police to determine adequate emergency access.

Less than significant impact.

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				x
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				x

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				x
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				x
g) Comply with federal, state, and local statutes and regulations related to solid waste?				x

Significance Criteria: Impacts to public services would be significant if the project resulted in adverse physical impacts upon capacity that would lead to construction of new public facilities or substantial alteration to existing governmental facilities to maintain acceptable service levels or performance levels.

Discussion: The rezoning will result in nominal impacts to municipal services, schools, and parks, given the small number of new units. The Project has been reviewed by Public Works, the Police Department, Fire Marshal, and Electric Utility. The Project would not require the need for new city facilities or services as the site is currently developed with utilities. Therefore, the rezoning would have no impact on public services.

No Impact

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				x
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				x
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				x

- A. As discussed in the preceding sections, the project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.

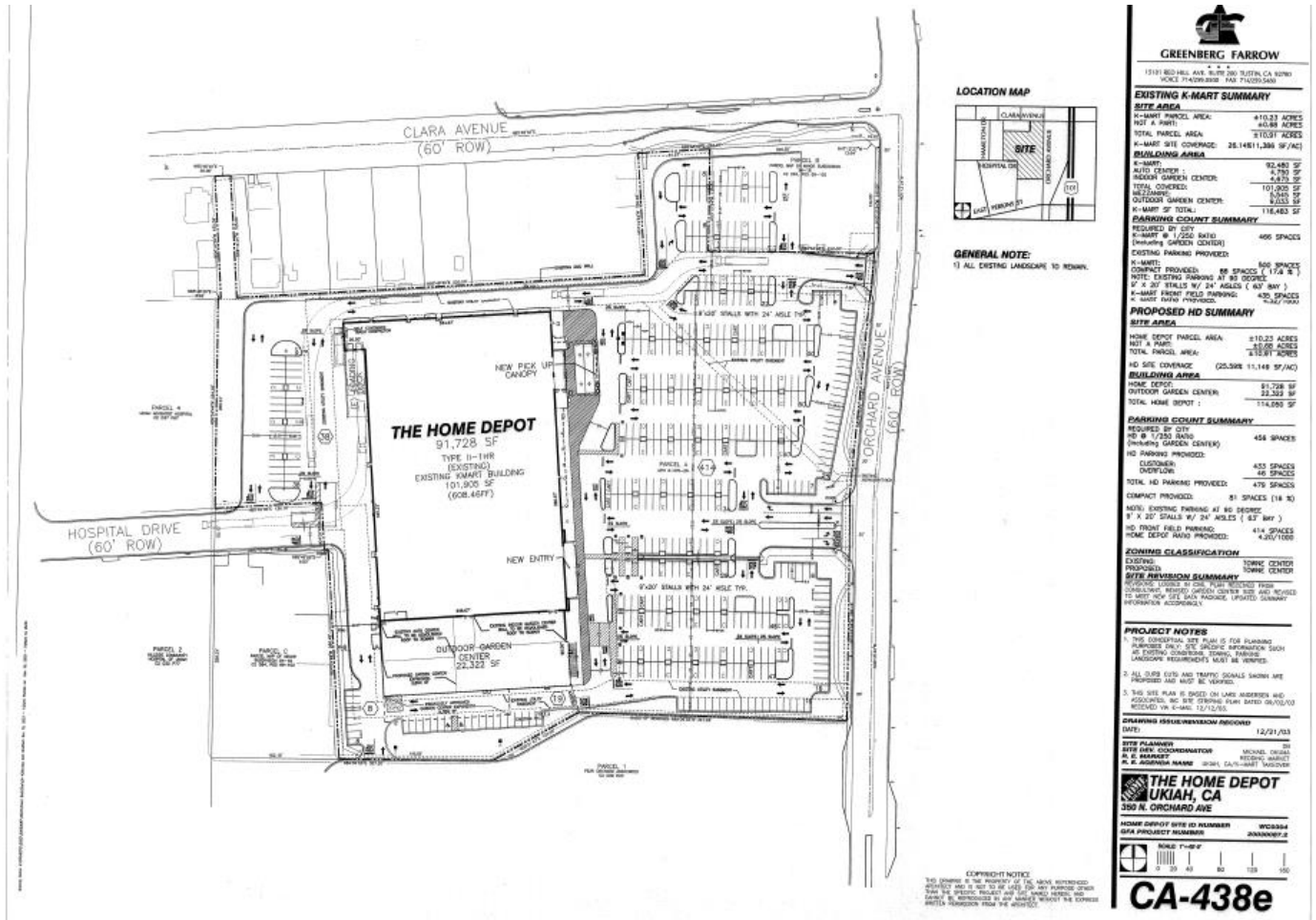
- B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be less than significant.
- C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are insignificant.
- D. The above discussions do not identify any substantial adverse impacts to people as a result of the project.

No Impact

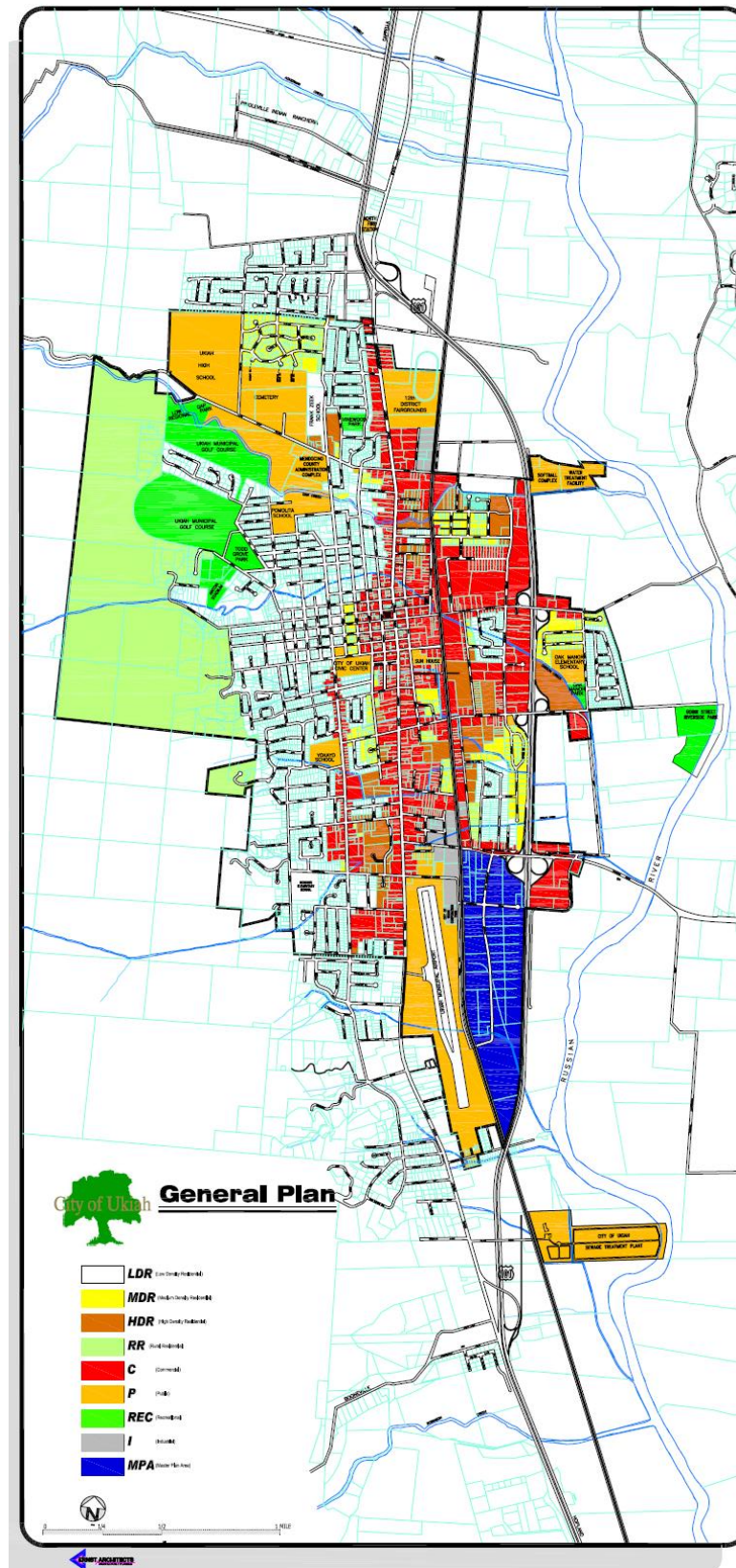
Attachments:

1. Home Depot Site Plan
2. General Plan Map
3. Zoning Map
4. Focused Traffic Study (November 16, 2016) completed by W-Trans
5. Mitigation Monitoring Plan

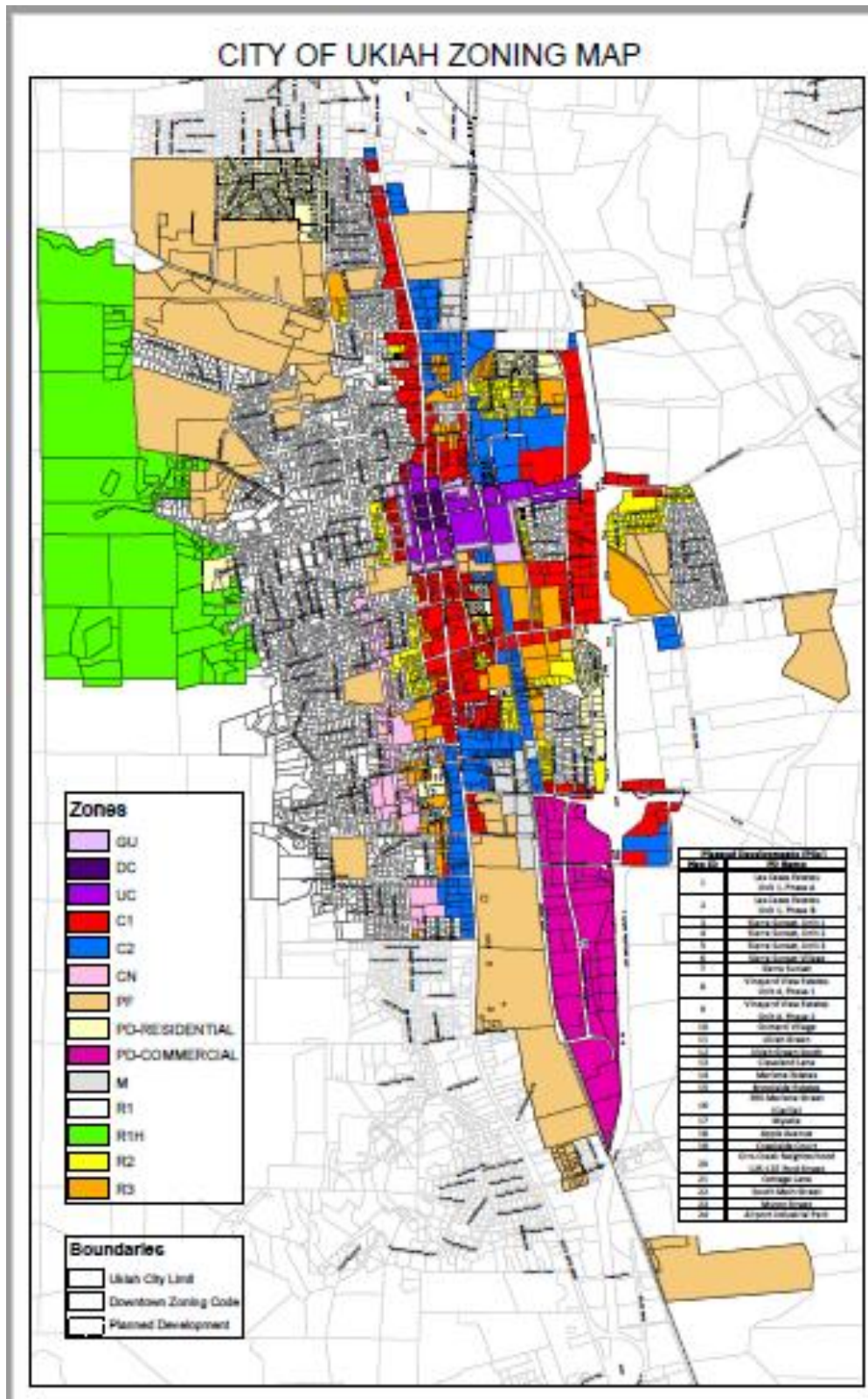
Attachment 1



Attachment 2 General Plan Map



Attachment 3: Zoning Map



November 16, 2016



Mr. Dan Thomas
Moreno and Company
P.O. Box 1028
Ukiah, CA 95482

Focused Traffic Study for Re-zoning 350 North Orchard Avenue

Dear Mr. Thomas;

W-Trans has completed a focused traffic study for the proposed re-zoning of the existing vacant parcel located at 350 North Orchard Avenue in the City of Ukiah. It is understood that the parcel, located on the southwest corner of the intersection of North Orchard Avenue and Clara Avenue, is currently zoned R3 for residential development. Due to the proximity of other commercial uses, it is proposed that the zoning be modified to C1. The purpose of this analysis was to determine the potential impacts associated with any increase in trip generation that might result from the change in zoning.

Study Area and Operational Analysis

The study area includes the signalized intersection of East Perkins Street/Orchard Avenue as the location most likely to be significantly impacted by any additional trips. The analysis presented in the *Railroad Depot Site Traffic Impact Study Report (TIS)*, February 13, 2015, by GHD was used for the basis for evaluating potential impacts associated with the proposed re-zoning.

In the TIS, the East Perkins Street/Orchard Avenue intersection experiences higher delay during the p.m. peak hour under all scenarios analyzed. Since commercial uses typically have much higher trip generations during the p.m. peak period, this time frame was evaluated to capture the highest potential impacts.

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation. The City of Ukiah has adopted LOS D as the minimum acceptable level of service at signalized intersections. For a signalized intersection, the threshold where operation drops to LOS E is at 55 seconds of delay.

Cumulative Conditions

Since the change in land use would require an update to the Ukiah General Plan, and further because there is not a specific project proposed, the potential impacts of the rezoning were evaluated under future conditions to capture the ultimate potential change to conditions from those currently planned at build-out. The cumulative scenario, as detailed in the Railroad Depot traffic study, represents the projected conditions for the year 2034. The cumulative volumes were derived from the population growth data in the *Ukiah Valley General Plan and Growth Management Program* and applied as a growth rate of one percent per year for 20 years. In addition to the projected future volumes, Ukiah's planned roadway improvements were assumed to be complete. At this intersection, these improvements include the coordination of the traffic signal with the new signal planned at East Perkins Street/US 101 South Ramps Intersection. The Railroad Depot traffic study reported for the cumulative scenario with the addition of the railroad depot project trips that the intersection is expected to operate deficiently at LOS E, with an average delay of 57.8 seconds. Any increase in trips due to the rezoning of the parcel would result in additional delay at the intersection.

Since the study intersection was identified as operating deficiently at LOS E, the report recommended widening improvements on the west leg of East Perkins Street. The widening of the west leg would change the eastbound lane configuration to include left-turn, through, and through/right-turn lanes. With these improvements under the cumulative volumes in addition to the Railroad Depot project, the intersection was reportedly expected to operate acceptably at LOS D, with 43.0 seconds of delay on average.

Trip Generation

The trip generations for buildout of the study site with its existing zoning as well as with the proposed change in zoning were determined based on standard rates published by ITE in *Trip Generation Manual*, 9th Edition, 2012.

The site as currently zoned could accommodate a maximum of 17 multi-family dwelling units; the ITE rate for "Apartment" (ITE LU#220) was used for this land use zone. The proposed change would be expected to result in a maximum of 15,000 square feet of building area devoted to commercial uses. It is noted that if a restaurant were to be developed, the maximum anticipated size for this use would be about half as much, or 7,500 square feet; the remainder of the site would be devoted to parking and landscaping. Various allowed commercial uses were considered for use in this analysis as listed on the enclosed sheet. The specific uses for which the trip generations were developed are listed below in descending order from the highest p.m. peak hour trip generator to the lowest:

- High-Turnover (Sit-Down) Restaurant (ITE LU#932)
- Pharmacy (ITE LU#880)
- Nursery/Garden Center (ITE LU#817)
- Hardware/Paint Store (ITE LU#816)
- Building Materials and Lumber (ITE LU#812)
- Tire Store (ITE LU#848)
- Shopping Center (ITE LU#820)
- Specialty Retail Center (ITE LU#826)
- General Office Building (ITE LU#710)

The trip generation difference between the site under its current zoning and with the use that would result in the highest trip generating potential, a pharmacy, is 1,238 daily trips including 115 trips during the p.m. peak hour. The lowest difference, which would occur with General Office Building use, would result in a net increase of 52 daily trips, of which 11 would be during the p.m. peak hour. The p.m. peak trip generations for the above land uses are summarized in Table 1.

Table 1 – Trip Generation Summary

Land Use	Units	Daily		PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out
Existing R3 Zoning							
Apartment	17 du	6.65	113	0.62	11	7	4
Proposed C1 Zoning							
Restaurant	7.5 ksf	127.15	954	9.85	74	44	30
Pharmacy	15 ksf	90.06	1,351	8.40	126	62	64
Nursery Garden	15 ksf	68.10	1,022	6.94	104*	52	52
Hardware Store	15 ksf	51.29	769	4.84	73	34	39
Lumber Store	15 ksf	45.16	677	4.49	67	32	35
Tire Store	15 ksf	24.87	373	4.15	62	27	35
Shopping Center	15 ksf	42.70	641	3.71	56	27	29
Specialty Retail	15 ksf	44.32	665	2.71	41	18	23
General Office Bldg	15 ksf	11.03	165	1.49	22	4	18
Maximum Net Difference		1,238		115		55	60
Minimum Net Difference		52		11		-3	14

Note: du = dwelling unit; ksf = 1,000 square feet; * = directional split not provided, 50/50 assumed

Trip Distribution

The pattern used to allocate new project trips to the street network was based on the counts collected September 18, 2014, at Orchard Avenue/East Perkins Street for the Railroad Depot Study. It was assumed that 80 percent of the trips generated by the study site would traverse the study intersection and the remaining trips would use other routes to get to and from the site. The applied assumptions for distribution of trips at the study intersection are shown in Table 2.

Table 2 – Trip Distribution Assumptions	
Route	Percent
To/From the East via Perkins St	11%
To/From the West via Perkins St	43%
To/From the South via Orchard Ave	26%
TOTAL	80%

Impact Analysis

The potential impact due to the proposed rezoned parcel was analyzed using the volumes from the Cumulative plus Project scenario in the Railroad Depot TIS. The minimum and maximum net increase in trips were added to the Railroad Depot study volumes, assuming completion of the recommended road widening improvement. Upon the addition of trips associated with the highest and lowest generators that might result from the rezoning the study site, the study intersection is expected to continue operating acceptably. These results are summarized in Table 3, and copies of the level of service calculations are enclosed.

Table 3 – Cumulative and with Net Project PM Peak Hour Intersection Levels of Service						
Study Intersection	Cumulative PM (Baseline)		Lowest Trip Generation (Office)		Highest Trip Generation (Pharmacy)	
	Delay	LOS	Delay	LOS	Delay	LOS
East Perkins St/Orchard Ave	43.1*	D	43.4	D	49.4	D

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service;
 * = delay differs slightly from value of 43.0 reported in Railroad Depot traffic study

With the recommended road-widening project detailed in the *Railroad Depot Site Traffic Impact Study Report*, the intersection is expected to maintain acceptable operation even with the highest projected trip generation increase associated with a pharmacy. Based on this analysis, development of the study parcel with any of the land uses that could be included in a C1 zone would be expected to result in a less-than-significant impact on operation of the intersection of East Perkins Street/Orchard Avenue. It should be noted that without the widening project, the intersection would be expected to operate unacceptably with or without the rezoning.

Because this analysis was focused on the long-range impacts of allowing rezoning of the study site, it is recommended that a more detailed study be completed at such time as there is a specific project proposal to address potential short-term impacts.

Conclusions and Recommendations

- Based on the current R3 zoning designation, the study site would be expected to generate 113 daily trips, which includes 11 during the p.m. peak hour.

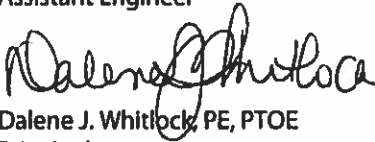
- With the proposed rezoning to C1, the site could generate as many as 1,351 daily trips, including 126 trips during the p.m. peak hour, if developed with a pharmacy. The net increase compared to what is currently anticipated would be 1,238 daily trips (115 p.m. peak hour trips).
- If developed with an Office use the study site would be expected to generate 165 daily trips, with 22 during the p.m. peak hour. This would result in a net increase of 52 daily trips and 11 p.m. peak hour trips compared to the projected trip generation under the site's existing zoning.
- Under projected the cumulative conditions which include the Ukiah Railroad depot project and the recommended widening at the East Perkins Street/Orchards Avenue intersection, it is anticipated that acceptable operation would be maintained, even upon adding trips associated with the highest trip generator, which is a pharmacy. It is therefore concluded that development of the parcel with any of the C1 land uses listed in this report would cause a less-than-significant impact as the intersection would continue to operate acceptably under the City standards.
- If the rezoning is approved, a more detailed traffic study should be conducted at such time as there is a specific project proposal to identify any potential near-term impacts.

Thank you for giving us the opportunity to provide these services.

Sincerely,



Briana Byrne, EIT
Assistant Engineer



Dalene J. Whitlock, PE, PTOE
Principal



DJW/bkb/UK1074.L1

Enclosures: List of Allowed and Permitted Land Uses
Level of Service Calculations

§9081 ALLOWED USES

The following uses are allowed in the Community Commercial (C-1) Zoning District:

Accessory uses to any of the uses allowed in this District.
Community care facility which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.
Condominiums.
Hotels, motels, and bed and breakfast establishments.
Personal improvement and personal service establishments.
Places of religious worship, assembly or instruction.
Professional offices and banks.
Public or private schools.
Restaurants.
Retail stores.
Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.
Small family child daycare home, which provides care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home.
Small homeless facilities, pursuant to section 9171 of this chapter. (Ord. 1006, §1, adopted 1998; Ord. 1047, §1, adopted 2003)

§9082 PERMITTED USES

The following uses require approval of a use permit pursuant to the provisions contained in section 9262 of this chapter:

Auto repair shop, auto body and painting shop, car wash, auto service (gas) station, and new and used car sales.
Bar, dance hall, live entertainment establishment and nightclub.
Billiard parlor, amusement arcade, and bowling alley.
Cabinet shop.
Community care facility for more than six (6) persons, but not more than twelve (12) persons.
Large family child daycare home for a minimum of seven (7) to fourteen (14) children inclusive, including children under the age of ten (10) years who reside at the home.
Large homeless facility, pursuant to section 9171 of this chapter.
Machine shop.
Mini/convenience storage.
Mixed residential and commercial land uses on one parcel provided they are found to be compatible.

HCM 2010 Signalized Intersection Summary
7: S. Orchard Ave. & E. Perkins St.

PM Cumulative Project plus Improvements

10/11/2016

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	99	640	83	58	437	339	117	227	143	398	218	73
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		0.97	1.00		0.98	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1863	1863	1863	1863	1863	1863	1863
Adj Flow Rate, veh/h	100	646	84	59	441	342	118	229	144	402	220	74
Adj No. of Lanes	1	2	0	1	2	1	1	1	1	1	1	1
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	140	773	100	98	786	341	149	517	431	433	814	689
Arrive On Green	0.08	0.25	0.25	0.07	0.30	0.30	0.08	0.28	0.28	0.24	0.44	0.44
Sat Flow, veh/h	1774	3148	409	1774	3539	1535	1774	1863	1553	1774	1863	1577
Grp Volume(v), veh/h	100	363	367	59	441	342	118	229	144	402	220	74
Grp Sat Flow(s),veh/h/ln	1774	1770	1787	1774	1770	1535	1774	1863	1553	1774	1863	1577
Q Serve(g_s), s	5.0	17.5	17.6	2.9	9.5	20.0	5.9	9.1	6.6	19.9	6.8	2.5
Cycle Q Clear(g_c), s	5.0	17.5	17.6	2.9	9.5	20.0	5.9	9.1	6.6	19.9	6.8	2.5
Prop In Lane	1.00		0.23	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	140	435	439	98	786	341	149	517	431	433	814	689
V/C Ratio(X)	0.72	0.83	0.84	0.60	0.56	1.00	0.79	0.44	0.33	0.93	0.27	0.11
Avail Cap(c_a), veh/h	315	435	439	315	786	341	256	517	431	434	814	689
HCM Platoon Ratio	1.00	1.00	1.00	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	0.66	0.66	0.66	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.5	32.2	32.2	40.7	28.0	31.7	40.4	26.8	25.9	33.3	16.2	15.0
Incr Delay (d2), s/veh	6.7	13.1	13.2	3.8	0.6	40.1	9.0	2.7	2.1	26.4	0.8	0.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	2.7	10.2	10.3	1.5	4.7	12.2	3.3	5.1	3.1	12.9	3.7	1.1
LnGrp Delay(d),s/veh	47.1	45.3	45.4	44.6	28.6	71.8	49.4	29.5	28.0	59.7	17.0	15.3
LnGrp LOS	D	D	D	D	C	F	D	C	C	E	B	B
Approach Vol, veh/h	830				842				491		696	
Approach Delay, s/veh	45.6				47.3				33.9		41.5	
Approach LOS	D				D				C		D	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	25.9	29.0	9.0	26.1	11.6	43.3	11.1	24.0				
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0				
Max Green Setting (Gmax), s	22.0	16.0	16.0	20.0	13.0	25.0	16.0	20.0				
Max Q Clear Time (g_c+I1), s	21.9	11.1	4.9	19.6	7.9	8.8	7.0	22.0				
Green Ext Time (p_c), s	0.0	1.6	0.1	0.3	0.1	3.1	0.1	0.0				
Intersection Summary												
HCM 2010 Ctrl Delay	43.1											
HCM 2010 LOS	D											

HCM 2010 Signalized Intersection Summary
7: S. Orchard Ave. & E. Perkins St.

PM Cumulative Project plus Improvements
10/11/2016

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	98	640	83	58	437	338	117	226	143	404	222	75
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		0.97	1.00		0.98	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1863	1863	1863	1863	1863	1863	1863
Adj Flow Rate, veh/h	99	646	84	59	441	341	118	228	144	408	224	76
Adj No. of Lanes	1	2	0	1	2	1	1	1	1	1	1	1
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	139	772	100	98	786	341	149	517	431	434	815	690
Arrive On Green	0.08	0.25	0.25	0.07	0.30	0.30	0.08	0.28	0.28	0.24	0.44	0.44
Sat Flow, veh/h	1774	3148	409	1774	3539	1535	1774	1863	1553	1774	1863	1577
Grp Volume(v), veh/h	99	363	367	59	441	341	118	228	144	408	224	76
Grp Sat Flow(s), veh/h/ln	1774	1770	1787	1774	1770	1535	1774	1863	1553	1774	1863	1577
Q Serve(g_s), s	4.9	17.5	17.6	2.9	9.5	20.0	5.9	9.1	6.6	20.3	6.9	2.6
Cycle Q Clear(g_c), s	4.9	17.5	17.6	2.9	9.5	20.0	5.9	9.1	6.6	20.3	6.9	2.6
Prop In Lane	1.00		0.23	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	139	434	438	98	786	341	149	517	431	434	815	690
V/C Ratio(X)	0.71	0.84	0.84	0.60	0.56	1.00	0.79	0.44	0.33	0.94	0.27	0.11
Avail Cap(c_a), veh/h	315	434	438	315	786	341	258	517	431	434	815	690
HCM Platoon Ratio	1.00	1.00	1.00	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	0.66	0.66	0.66	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.5	32.3	32.3	40.7	28.0	31.7	40.4	26.8	25.9	33.4	16.2	14.9
Incr Delay (d2), s/veh	6.6	13.3	13.4	3.8	0.6	39.4	9.0	2.7	2.1	28.8	0.8	0.3
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	2.6	10.2	10.3	1.5	4.7	12.1	3.3	5.1	3.1	13.4	3.7	1.2
LnGrp Delay(d), s/veh	47.1	45.6	45.7	44.6	28.6	71.0	49.4	29.5	28.0	62.1	17.0	15.3
LnGrp LOS	D	D	D	D	C	E	D	C	C	E	B	B
Approach Vol, veh/h	829			841			490			708		
Approach Delay, s/veh	45.8			46.9			33.9			42.8		
Approach LOS	D			D			C			D		
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	26.0	29.0	9.0	26.1	11.6	43.4	11.0	24.0				
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0				
Max Green Setting (Gmax), s	22.0	16.0	16.0	20.0	13.0	25.0	16.0	20.0				
Max Q Clear Time (g_c+l1), s	22.3	11.1	4.9	19.6	7.9	8.9	6.9	22.0				
Green Ext Time (p_c), s	0.0	1.6	0.1	0.3	0.1	3.1	0.1	0.0				
Intersection Summary												
HCM 2010 Ctrl Delay	43.4											
HCM 2010 LOS	D											

HCM 2010 Signalized Intersection Summary
7: S. Orchard Ave. & E. Perkins St.

PM Cumulative Project plus Improvements
10/11/2016

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	105	640	83	58	437	363	117	241	143	424	234	80
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.99	1.00		0.97	1.00		0.98	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1863	1863	1863	1863	1863	1863	1863
Adj Flow Rate, veh/h	106	646	84	59	441	367	118	243	144	428	236	81
Adj No. of Lanes	1	2	0	1	2	1	1	1	1	1	1	1
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	146	784	102	98	786	341	149	509	425	434	808	684
Arrive On Green	0.08	0.25	0.25	0.07	0.30	0.30	0.08	0.27	0.27	0.24	0.43	0.43
Sat Flow, veh/h	1774	3148	409	1774	3539	1535	1774	1863	1553	1774	1863	1577
Grp Volume(v), veh/h	106	363	367	59	441	367	118	243	144	428	236	81
Grp Sat Flow(s),veh/h/ln	1774	1770	1787	1774	1770	1535	1774	1863	1553	1774	1863	1577
Q Serve(g_s), s	5.2	17.4	17.5	2.9	9.5	20.0	5.9	9.8	6.7	21.6	7.4	2.8
Cycle Q Clear(g_c), s	5.2	17.4	17.5	2.9	9.5	20.0	5.9	9.8	6.7	21.6	7.4	2.8
Prop In Lane	1.00		0.23	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	146	441	445	98	786	341	149	509	425	434	808	684
V/C Ratio(X)	0.73	0.82	0.83	0.60	0.56	1.08	0.79	0.48	0.34	0.99	0.29	0.12
Avail Cap(c_a), veh/h	315	441	445	315	786	341	256	509	425	434	808	684
HCM Platoon Ratio	1.00	1.00	1.00	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	0.66	0.66	0.66	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.3	31.9	31.9	40.7	28.0	31.7	40.4	27.3	26.2	33.9	16.5	15.2
Incr Delay (d2), s/veh	6.7	11.9	12.0	3.8	0.6	61.4	9.0	3.2	2.2	39.7	0.9	0.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.8	9.9	10.1	1.5	4.7	14.2	3.3	5.5	3.1	15.4	4.0	1.3
LnGrp Delay(d),s/veh	47.1	43.8	43.9	44.6	28.6	93.1	49.4	30.5	28.3	73.5	17.4	15.6
LnGrp LOS	D	D	D	D	C	F	D	C	C	E	B	B
Approach Vol, veh/h	836			867			505			745		
Approach Delay, s/veh	44.3			57.0			34.3			49.5		
Approach LOS	D			E			C			D		
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	26.0	28.6	9.0	26.4	11.6	43.0	11.4	24.0				
Change Period (Y+Rc), s	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0				
Max Green Setting (Gmax), s	22.0	16.0	16.0	20.0	13.0	25.0	16.0	20.0				
Max Q Clear Time (g_c+I1), s	23.6	11.8	4.9	19.5	7.9	9.4	7.2	22.0				
Green Ext Time (p_c), s	0.0	1.5	0.1	0.4	0.1	3.3	0.1	0.0				
Intersection Summary												
HCM 2010 Ctrl Delay	47.6											
HCM 2010 LOS	D											

MITIGATION MEASURE MONITORING AND REPORTING PROGRAM

Thomas GPA Rezoning 350 North Orchard Street, Ukiah

MITIGATION MEASURES	MONITORING RESPONSIBILITY	HOW AND WHEN	VERIFICATION SIGNATURE	FUNDING RESPONSIBILITY
<u>Aesthetics:</u> a. All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be nighttime friendly and International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting, any project will be subject to review and approval at time of building permit. Should any development occur on this site, lighting shall be positioned in a manner that it will not result in light being spilled to the north thus not impacting the residential uses.	Applicants and Staff	Inclusion of a final landscaping / lighting plan prior to the submittal of a Building Permit	Planning Department staff	Applicants
<u>Air Quality</u> 1. All activities involving site preparation, excavation, filling, grading, road construction, and building construction shall institute a practice of routinely watering exposed soil to control dust, particularly during windy days.	Applicants and Grading/Site Preparation Contractors	During all phases of construction	Planning and Public Works Departments staff	Applicants

2. All inactive soil piles on the project site shall be completely covered at all times to control fugitive dust. 3. All activities involving site preparation, excavation, filling, grading, and actual construction shall include a program of washing off trucks leaving the construction site to control the transport of mud and dust onto public streets. 4. Low emission mobile construction equipment, such as tractors, scrapers, and bulldozers shall be used for earth moving operations. 5. All earth moving and grading activities shall be suspended if wind speeds (as instantaneous gusts) exceed 25 miles per hour.				
<u>Noise</u> 1. Construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4 p.m. on Saturday. Construction hours are prohibited on Sunday and all holidays recognized by the City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above. Approval of additional construction hours may be requested in writing from the Planning and Community Development Director and Public Works Director for extenuating circumstances. The written request must be submitted a minimum of 14 days prior to the date for which the change in construction hours/days is being requested and shall explain the need for the extended construction hours, describe the extenuating circumstances, and identify the additional construction hours requested, including the duration.	Applicants with Staff oversight	During all site preparation and construction phases	Planning Department staff	Applicants

2. Signs shall be posted at the Project site prior to commencement of construction of the proposed Project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise. 3. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems. 4. An onsite complaint and enforcement manager shall be designated for the Project and shall respond to and track complaints and questions related to noise. 5. Equipment and trucks used for proposed Project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible). 6. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. 7. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled. 8. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site during Project construction.				
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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF UKIAH, CALIFORNIA AND ESTABLISHING THE COMMERCIAL ZONING (C1)
AT 350 N. ORCHARD AVENUE APN 002-370-270**

The City Council of the City of Ukiah does hereby ordain as follows:

SECTION ONE-FINDINGS AND DECLARATIONS

1. The proposed Zoning Ordinance map amendment is consistent with the findings required for adoption of an ordinance to approve a Zoning Ordinance amendment as required by Zoning Ordinance Section 9265.
2. General Plan: The Project is consistent with General Plan because it implements General Plan, Goal ED-1, Policy ED 1.1 and Goal GP-2.
3. The City of Ukiah, as lead agency, has prepared an Initial Environmental Study and a Mitigated Negative Declaration dated December 19, 2016, to evaluate the potential environmental impacts of the Zoning Ordinance map amendment.
4. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEAQ) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigations have been made by or agreed to by the project proponent.
5. On February 1, 2017, the City Council conducted a duly noticed public hearing and after receiving public testimony and conducting due deliberations, voted _____ to: adopt the Mitigated Negative Declaration for Zoning Ordinance Map Amendment.
6. Notice of the Intent to Adopt a Mitigated Negative Declaration and notice of the rezoning was provided in the following manner:
 - posted with the County Clerk on December 16, 2016
 - mailed to property owners within 300 feet of the parcels included in the Project December 16, 2016, and January 23, 2017
 - published in the Ukiah Daily Journal on December 18, 2016 and January 15, 2017
 - posted in the Civic Center glass case on December 16, 2016 and January 26, 2017
 - posted on the City's Web site December 16, 2016 and January 26, 2017

SECTION TWO

Pursuant to the procedures set forth in Ukiah City Code Section 9009, the Official Zoning Map for the City of Ukiah is amended to change the landuse designation of 350 N. Orchard Avenue, APN 002-370-270 from High Density Residential (R3) to Commercial (C1).

SECTION THREE

This Zoning Map amendment will result in a more appropriate land use designation given and surrounding uses.

SECTION FOUR

The Planning Commission held a public hearing to provide direction on the proposed Zoning Ordinance map amendment on January 11, 2017. The Planning Commission voted 5-0 to recommend the City Council approve the Zoning Ordinance Map Amendment.

SECTION FIVE

This ordinance shall be published as required by law in a newspaper of general circulation.

SECTION SIX

This ordinance shall become effective thirty (30) days after adoption.

Introduced by title only on February 1, 2017, by the following roll call vote:

AYES:

NOS:

ABSENT:

ABSTAIN:

Passed and adopted on _____ by the following vote:

AYES:

NOS:

ABSENT:

ABSTAIN:

Jim O. Brown, Mayor

ATTEST:

Kristine Lawler, City Clerk

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH APPROVING AN AMENDMENT TO THE UKIAH GENERAL PLAN LAND USE MAP FOR 350 NORTH ORCHARD AVE. APN 002-370-270

WHEREAS, the City adopted its current General Plan, including the land use map in December of 1995; and

WHEREAS, Dan Thomas (owner) has applied for a General Plan Map Amendment to change the land use designation on APN 002-370-270 350 N Orchard Avenue. from High Density Residential (HDR) to Commercial (C) to facilitate a more appropriate land use designation given and surrounding uses; and

WHEREAS, the proposed amendment is deemed to be in the public interest because it could facilitate infill development in proximity to established neighborhoods, foster economic development, and reduce needless vehicle trips as called for in the Ukiah General Plan; and

WHEREAS, the proposed amendment is consistent and compatible with the other goals and policies of the General Plan, particularly the Economic Development which identifies support for the local economy as a strong need in the community; and

WHEREAS, the potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, and general welfare because after mitigation it would not create impacts to the neighborhood, nor would it be out of character in terms of use because other commercial developments are in the area, and the future design would be similar to the adjacent commercial uses; and

WHEREAS, the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA). An Initial Study was prepared and demonstrated that there is no substantial evidence that supports a fair argument that the project, as mitigated, would have a significant effect on the environment. The Initial Study and the Notice of Intent to Adopt a Mitigated Negative Declaration were publically noticed as required. The amendment has been processed as required by the California Government, including the requirement to provide public notice of the project and public hearing.

WHEREAS, the Planning Commission held a duly noticed Public Hearing on January 11, 2017, to consider the General Plan Amendment and after receiving testimony, considering the staff report, and due deliberation; the Planning Commission formulated a recommendation to the City Council to adopt the Resolution amending the General Plan.

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the Mitigated Negative Declaration and General Plan Map Amendment to change the land use designation on APN 002-370-270 from Commercial High Density Residential (HDR), to Commercial (C1).

PASSED AND ADOPTED on February 1, 2017, by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim O. Brown, Mayor

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: PROPOSED MINOR ALTERATION OF PROPOSED MARIJUANA DISPENSARY ORDINANCE AND IF APPROVED, SCHEDULE FINAL ACTION FOR FEBRUARY 15TH COUNCIL MEETING

Summary: The Council is requested to approve an alteration to correct an error in Subsection 5707(D) in the Ordinance. This minor alteration will not substantively change the requirements and procedures set forth in the Ordinance, and in fact, will ensure that the distance restriction waiver procedure set forth in Subsection 5707(D) is consistent with the intent of the City Council. As expressed at the meeting on January 18, 2017, the Council requested that the Planning Commission, in the first instance, retain the ability to consider exemptions for the distance requirement that dispensaries be located no less than 250 feet from each other or any Youth Oriented Facility.

Background: On October 9, 2015, the Governor signed into law AB 266, AB 243, and SB 643, which together comprise the Medical Marijuana Regulation & Safety Act (MMRSA). The MMRSA, which went into effect on January 1, 2016, created a statewide regulatory structure for the medical marijuana industry that also allows local governments to regulate the operation of marijuana businesses within their jurisdiction, pursuant to local ordinances. Specifically, the MMRSA allows the City of Ukiah to issue permits or licenses to operate marijuana businesses or prohibit their operation entirely, to regulate or expressly prohibit the delivery of medical marijuana within its boundaries, and to regulate or expressly prohibit the cultivation of marijuana within its boundaries. Pursuant to the MMRSA, if the City opts not to expressly prohibit or regulate the cultivation, processing, delivery, and/or dispensing of medical marijuana, the State will be the sole licensing authority for any of these activities once the State licensing and regulatory regime goes into effect, no earlier than January 1, 2018.

The Ordinance (Attachments 1 - clean version and 2 - redlined version) was drafted through an Ad Hoc committee comprised of Councilmember Mulheren and Mayor Brown and supported by the City Manager, Planning Director, City Attorney, Assistant City Attorney, and Chief of Police. The Ad Hoc Committee was created by the City Council on July 1, 2015, in response to (1) the enactment of the MMRSA - specifically, to address any regulatory gaps in the City's current regulation of marijuana distribution, delivery, and cultivation that would allow for sole State jurisdiction over these activities; and (2) to consider the City's policy objectives with regard to the marijuana industry given the proliferation of marijuana businesses within the County's jurisdiction. Though the MMRSA was later amended in order to

Continued on Page 2

RECOMMENDED ACTION(S): Approve the proposed alteration of the Marijuana Dispensary Ordinance, and direct the City Clerk to place the possible adoption of the Ordinance on the agenda for the February 15, 2017, City Council meeting.

ALTERNATIVES: Do not approve alteration but adopt Ordinance as introduced.

Citizens advised:	Publically noticed pursuant to Ukiah City Code
Requested by:	City Council
Contact/Prepared by:	Kevin Thompson, Interim Planning Director and Darcy Vaughn, Assistant City Attorney
Coordinated with:	Marijuana Legislation and Policy Ad Hoc
Presenters:	Kevin Thompson, Interim Planning Director and Darcy Vaughn, Assistant City Attorney
Attachments:	1. Draft Ordinance 2. Draft Ordinance (redlined version) 3. Staff completed Question and Answers 4. Maps delineating potential locations for dispensaries

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

preserve local authority over medical marijuana-related industry and activities or to give local government entities additional time to adopt ordinances to regulate the operation of marijuana businesses, the City Council thought it prudent to proceed with drafting and adopting an ordinance allowing and regulating medical marijuana dispensaries and the operation of such businesses.

In drafting the ordinance, the Ad Hoc Committee considered different versions of the standards and requirements for hearings on applications for Dispensary Use Permits. A past version of the Ordinance, considered by the Council at the November 16, 2016, Council Meeting, gave the Zoning Administrator the authority to conduct a public hearing and make an initial decision on an application for a Dispensary Use Permit, with the Planning Commission tasked with hearing appeals of the Zoning Administrator. In addition, the November 16, 2016, version of the Ordinance allowed the Planning Commission, on appeal of the Zoning Administrator's decision, to waive specific distance restrictions for dispensary locations after making findings of no adverse impact. However, at their November 30, 2016, meeting, the Ad Hoc Committee amended the Ordinance to authorize the Planning Commission to conduct a public hearing and make an initial decision on an application for a Dispensary Use Permit, with the Council authorized to hear appeals of the Commission's decision. It was the intent of the Ad Hoc Committee that the Planning Commission, in making findings in support of their decision on an initial Permit application, could opt to waive certain distance restrictions for dispensary locations after making a finding of no adverse impact. In amending the Ordinance, the Ad Hoc Committee, in error, did not strike the phrase "on appeal" from Subsection 5707(D) of the Ordinance, which allows the Planning Commission to waive certain distance restrictions. Not only is the inclusion of this phrase contrary to the Ad Hoc Committee's intent and contrary to the hearing process on Dispensary Use Permit applications as discussed at the January 18, 2017, Council meeting, it also renders the Ordinance internally inconsistent: Pursuant to the January 18, 2017, version of the Ordinance, the City Council would be authorized to hear appeals of decisions on Dispensary Use Permit applications, not the Planning Commission, and any such appeal could include an appeal of a Planning Commission decision to grant an exemption for the distance requirement.

Discussion: After a thorough review by the City Attorney's office, the following change to the draft ordinance is suggested:

The phrase "on appeal" should be removed from Subsection 5707(D) of the Ordinance, as shown in Attachments 1 and 2, on page 7 of each.

Government Code Section 36934 requires that if an ordinance is altered after introduction, it shall be passed only at a regular or at an adjourned regular meeting of the Council held at least five days after alteration. If the Council approves the alteration to the Ordinance at the February 1, 2017, meeting, with a unanimous vote, staff will place the item on the consent calendar for the February 15, 2017, meeting.

Considerations: Provide staff direction on the proposed alteration to the Ordinance.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☒	N/A

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING CHAPTER 8 IN DIVISION 6; TABLE 3 IN SECTION 9223.1 OF ARTICLE 18, CHAPTER 2 IN DIVISION 9; AND SECTION 9254 IN ARTICLE 19, CHAPTER 2 IN DIVISION 9 OF THE UKIAH CITY CODE, ENTITLED “MEDICAL MARIJUANA DISPENSARIES”

The City Council of the City of Ukiah hereby ordains as follows.

SECTION 1

Chapter 8 in Division 6 of the Ukiah City Code is hereby amended to read as follows:

§ 5700 FINDINGS AND PURPOSE

The City Council adopts the ordinance codified in this Chapter based upon the following findings:

(A) In 1970, Congress enacted the Controlled Substances Act (“CSA”) which, among other things, makes it illegal to import, manufacture, distribute, possess or use marijuana in the United States.

(B) In 1996, the voters of the state of California approved Proposition 215, or the Compassionate Use Act of 1996, codified at Health and Safety Code §11362.5 *et seq.* (the “Act”).

(C) The Act creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances.

(D) On January 1, 2004, SB 420 went into effect. SB 420, codified as Health and Safety Code §§ 11362.7 – 11362.83 and known as the “Medical Marijuana Program” (“MMP”) was enacted by the state legislature to clarify the scope of the act and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420.

(E) After the enactment of the MMP and in response to the MMP’s explicit reservation of local authority to regulate medical marijuana cultivation and distribution, the City Council took legislative notice of the fact that California cities and counties that had permitted the establishment of medical marijuana dispensaries had experienced serious adverse impacts associated with and resulting from such dispensaries, including an increase in crime, including burglaries, robberies, violence, illegal sales of marijuana, use of marijuana by minors and other persons without medical need in the areas immediately surrounding such medical marijuana dispensaries; and malodorous smells, indoor fire hazards, mold, fungus, and pests caused by indoor cultivation at dispensaries.

(F) To address these potential adverse impacts, in 2007, the City Council enacted Ordinance 1095, §1 (“Medical Marijuana Dispensaries Ordinance”), which prohibited and declared a public nuisance medical marijuana dispensaries in the City of Ukiah.

(G) The 2007 Medical Marijuana Dispensaries Ordinance also states that the City Council's intention is to prohibit the operation and location of dispensaries in the City "until such time as their legality is clearly established and a proposal can be developed that would satisfy the city council that the facility could operate without causing [serious adverse impacts]".

(H) On October 9, 2015, the Governor signed into law AB 266, AB 243, and SB 643, which together comprise the Medical Marijuana Regulation & Safety Act ("MMRSA"). The MMRSA, which went into effect on January 1, 2016, created a statewide regulatory structure for the medical marijuana industry that also allows local governments to regulate the operation of marijuana businesses within their jurisdiction, pursuant to local ordinances. Specifically, the MMRSA allows the City of Ukiah to issue permits or licenses to operate marijuana businesses or prohibit their operation, to regulate or expressly prohibit the delivery of medical marijuana within its boundaries, and to regulate or expressly prohibit the cultivation of marijuana within its boundaries. Pursuant to the MMRSA, if the City opts not to expressly prohibit or regulate the cultivation, processing, delivery, and/or dispensing of medical marijuana, the State will be the sole licensing authority for these activities in the City.

(I) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the MMP and the MMRSA, regarding the location and operation of medical marijuana dispensaries, delivery of medical marijuana within the boundaries of the City, and cultivation of medical marijuana within the boundaries of the City.

(J) There have been a number of marijuana dispensing-related incidents in California, some including acts of violence committed by persons without a legitimate medical need to use marijuana.

(K) The City Council finds that medical marijuana dispensing which exceeds the limitations set forth in these regulations will likely result in an unreasonable risk of crime and other adverse impacts and will likely create offensive odors to persons living nearby.

(L) It is the City Council's intention that nothing in this Chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of marijuana for non-medical purposes; or (3) allow any activity relating to the distribution or consumption of marijuana that is otherwise illegal.

(M) Pursuant to California Health and Safety Code § 11362.71 *et seq.*, the State Department of Health through the state's counties, is to be responsible for establishing and maintaining a voluntary medical marijuana identification card program for qualified patients and primary caregivers.

(N) Health and Safety Code § 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the manner set forth in § 11362.71 *et seq.*

(O) This Chapter is compatible with the general objectives of the general plan, in that a Medical Marijuana Dispensary use will be conditionally permitted in commercial and industrial districts, being similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the use will be subject to strict review and conditions.

(P) This Chapter will not be detrimental to the public health, safety and general welfare or adversely affect the orderly development of property, because the uses permitted under this Chapter will be subject to careful review, limited in scope and location, and subject to strict operating requirements, avoiding or limiting potential negative effects.

(Q) It is the purpose and intent of this Chapter to regulate medical marijuana dispensaries in order to promote the health, safety, morals, and general welfare of residents and businesses within the City.

§ 5701 INTERPRETATION AND APPLICABILITY.

(A) This Chapter is not intended to create a positive conflict with the CSA, but rather to implement the MMRSA and related state laws.

(B) Nothing in this Chapter is intended, nor shall it be construed, to exempt any marijuana-related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building, fire, or land use standards or permitting requirements.

(C) Nothing in this Chapter is intended, nor shall it be construed, to make legal any cultivation, transportation, sale, or other use of marijuana that is otherwise prohibited under California law.

(D) All processing and distribution of medical marijuana within City limits shall be subject to the provisions of this Chapter, even if the processing, distribution, or cultivation existed or occurred prior to adoption of this Chapter.

(E) Nothing in this Chapter is intended, nor shall it be construed, to allow or permit any “commercial cannabis activity,” as defined in Business and Professions Code § 19300.5(j), or any commercial or non-commercial activity involving marijuana use for recreational or other non-medical purposes that is not otherwise authorized in the Ukiah City Code.

§ 5702 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the following meaning:

(A) “Accessory building” shall have the same meaning as set forth in City Code § 9278.

(B) “Applicant” means a person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a Dispensary.

(C) “City” means the City of Ukiah.

(D) “Delivery” shall have the same definition as set forth in California Business and Professions Code § 19300.5, and as it may be amended.

(E) “Dispensary Use Permit” means a permit required to operate a Medical Marijuana Dispensary within the City and that is issued pursuant to this Chapter.

(F) "Drug paraphernalia" or "paraphernalia" shall have the same definition as set forth in City Code § 6071.

(G) "Identification card" shall have the same definition as in California Health and Safety Code § 11362.7, and as it may be amended.

(H) "Medical Marijuana Dispensary" or "Dispensary" means a "Dispensary" as defined in California Business and Professions Code § 19300.5, as it now reads or may be amended in the future.

(I) "On-Site" means an activity or accessory use that is related to the primary use – i.e. lawful, retail distribution of medical marijuana – and is located on the same legal parcel as the primary use.

(J) "Permittee" means the person to whom a Dispensary Use Permit is issued.

(K) "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

(L) "Person with an identification card" shall have the same definition as set forth in California Health and Safety Code § 11362.7, and as it may be amended.

(M) "Physician" means a licensed medical doctor (M.D.) or a doctor of osteopathic medicine (D.O.).

(N) "Primary caregiver" shall have the same definition as set forth in California Health and Safety Code § 11362.7, and as it may be amended.

(O) "Qualified patient" shall have the same definition as set forth California Health and Safety Code § 11362.7, and as it may be amended.

(P) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including any other college or university.

(Q) "Use Permit" shall have the same definition as set forth in City Code § 9261 and as it may be amended.

(R) "Youth-oriented facility" means a public park, church, museum, library, or licensed daycare facility.

(S) "Zoning Administrator" means the Zoning Administrator of the City of Ukiah or the authorized representative thereof.

§ 5703 DISPENSARY USE PERMIT REQUIRED TO OPERATE.

(A) It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a

Medical Marijuana Dispensary unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit from the City as required in this Chapter.

(B) After January 1, 2018, or such time when State implementing regulations are in effect for the MMRSA, whichever is earlier, it shall be unlawful to operate any business or conduct any activity in the City for which a State license is required under the MMRSA without also having a valid State license pursuant to the MMRSA. Prior to implementation of the State license program pursuant to MMRSA, any operation of a Dispensary, cultivation of medical marijuana, or delivery of medical marijuana permitted by the City shall be conducted in accordance with this Chapter, the City's Zoning and Land Use Ordinances, and all laws pertaining to the equivalent license classification under the MMRSA.

(C) The grant of a Dispensary Use Permit by the City shall not create an entitlement or vested right in the permittee to any permit or license to operate any commercial, non-medical marijuana businesses or conduct any commercial, non-medical marijuana activities within the City.

§ 5704 TERM OF PERMITS AND RENEWALS REQUIRED.

(A) Dispensary Use Permits issued under this Chapter shall expire one year following the date of their issuance which date shall appear on the face of the permit.

(B) Dispensary Use Permits may be renewed by the Zoning Administrator for additional one-year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this Chapter.

(C) Applications for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable application fee referenced in Section 5706 and all information necessary for the Zoning Administrator to evaluate the renewal request in light of the criteria listed in (F) below. In acting on an application for renewal the Zoning Administrator shall follow the procedures set forth in Section 5711(B) and (C), except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator. Upon timely application to renew a permit, the permit being renewed shall remain in effect until final action is taken to grant or deny the renewal application.

(D) Applications for renewal made less than 45 days before the expiration date shall be processed in the same manner as a timely renewal application but shall not stay the expiration date of the permit.

(E) Renewal applications shall be subject to duly noticed public hearings in accordance to the procedures set forth for minor use permit applications in Section 9262 of Division 9, Chapter 2, Article 20 of the City Code.

(F) In determining whether to renew a Dispensary Use Permit, the Zoning Administrator will consider the following non-exclusive criteria, in addition to those criteria set forth in this Chapter at Section 5710:

1. Whether the Dispensary operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the Dispensary.

2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.
3. Whether the Dispensary operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this Chapter.
4. Whether the Dispensary has failed to pay fees, penalties, or taxes required by this Code or has failed to comply with the production of records or other reporting requirements of this Chapter.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("Managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a Dispensary operator. A conviction within the meaning of this Chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted.
7. Whether the renewal applicant or Dispensary has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(G) The Zoning Administrator shall make findings of fact and either grant, grant conditionally, or deny the application for renewal of a Dispensary Use Permit. An applicant aggrieved by the Zoning Administrator's decision to issue or to deny a Dispensary Use Permit renewal may appeal such decision to the Planning Commission by filing an appeal. All determinations of the Zoning Administrator regarding Dispensary Use Permit renewals shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the Planning Department within ten (10) days of the date the decision was made. The appeal fee will be in addition to the nonrefundable renewal application fee. Appeals may be filed by an applicant.

The Planning Commission shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in Section 9266 of Division 9, Chapter 2, Article 20 of the City Code, except that all references therein to the City Council shall be deemed to refer to the Planning Commission. At the close of the public hearing, the Planning Commission may affirm, reverse, or modify the appealed decision of the Zoning Administrator. All Planning Commission decisions on appeals of the Zoning Administrator's decision with regard to an application for a Dispensary Use Permit renewal are final for the City.

§ 5705 GENERAL TAX LIABILITY.

As a prerequisite to obtaining a permit pursuant to the terms hereof, an operator of a Dispensary shall also be required to apply for and obtain a Business License or exemption from the City of Ukiah and obtain a seller's permit or exemption from the State Board of Equalization pursuant to Division 2, Part 2, Chapter 2, Article 2 of the Cal. Revenue and Taxation Code,

commencing with Section 6066e. Dispensary sales shall be subject to sales tax consistent with State law.

§ 5706 IMPOSITION OF FEES.

Every application for a Dispensary Use Permit or renewal shall be accompanied by an application fee, as established by resolution of the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time.

§ 5707 LIMITATION ON LOCATION OF DISPENSARIES.

(A) A Dispensary may only be located within the C1, C2, CN, M, and PD (Commercial) zoning districts and in the GU, UC, and DC downtown zoning districts as designated in the General Plan, Zoning Map.

(B) A Dispensary shall be in a visible location that provides good views of the Dispensary entrance, windows and premises from a public street.

(C) A Dispensary shall not be allowed in the following areas at the time of its permitted establishment:

(1) Within 600 feet of a School, with that distance measured as the horizontal distance in a straight line from the property line of the School to the closest property line of the lot on which the Dispensary is to be located without regard to intervening structures, pursuant to California Health and Safety Code § 11362.768; or

(2) Within 250 feet of a Youth-oriented facility other than a School, or another Dispensary, with that distance measured by street frontage from the property line of the Youth-oriented facility to the closest property line of the lot on which the Dispensary is to be located, and not radial distance; or

(3) Abutting, on any side of the parcel upon which the Dispensary is located, a parcel occupied by a Youth-oriented facility, a School, or another Dispensary; or

(4) Within any residential zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation.

(5) On a parcel having a residential unit, or on a parcel directly abutting a residentially-zoned property, unless there are intervening non-residential uses between the Dispensary and the residential unit or the residentially-zoned property that the Planning Commission or, on appeal, the City Council determines sufficient to provide an appropriate separation.

(D) A waiver of the provisions in subsections (C)(2)-(5) of this Section may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or other condition exists which achieves the same purpose and intent as the distance separation requirements established herein, and that,

as a result, the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the Dispensary.

§ 5708 OPERATING REQUIREMENTS.

Dispensary operations shall be established and managed only in compliance with the following standards:

(A) Criminal History. Any applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority of a Dispensary on behalf of the applicant shall not have been convicted of any of the felony offenses enumerated in Health and Safety Code § 19323(b)(5), or of a felony or misdemeanor involving moral turpitude, or on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee.

(B) Minors.

(1) It is unlawful for any permittee, operator, or other person in charge of any Dispensary to employ any person who is not at least 21 years of age.

(2) Persons under the age of 18 shall not be allowed on the premises of a Dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(3) The entrance to a Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(4) The burden of proof is on the Dispensary personnel to establish compliance with this subsection (B) by clear and convincing evidence.

(C) Dispensary Access.

(1) The entrance into the Dispensary building shall be locked at all times with entry strictly controlled; e.g., a buzz-in electronic/mechanical entry system with a vestibule is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.

(2) Dispensary personnel shall monitor site activity, control loitering and site access.

(3) Only Dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be allowed on the premises at a Dispensary.

(4) Potential patients or caregivers shall not visit a Dispensary without first having obtained a valid written recommendation from their physician recommending use of medical marijuana.

(5) Only a primary caregiver and qualified patient shall be a in the designated dispensing area with Dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.

(6) Restrooms shall remain locked and under the control of management.

(D) Dispensing Operations.

(1) The Dispensary may possess no more dried marijuana or plants per qualified patient or caregiver than permitted in strict accordance with California Health and Safety Code § 11362.77 and any other applicable State law, and as amended.

(2) A Dispensary shall only dispense to qualified patients or caregivers with:

(a) a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code § 11362.5 *et seq.* and valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card, or

(b) a currently valid California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

(3) For qualified patients or caregivers without a California Medical Marijuana Identification Card or a Patient ID Center Identification Card, prior to dispensing medical marijuana, the Dispensary shall obtain verbal, online, or signed verification from the recommending physician's office personnel that the individual requesting medical marijuana is a qualified patient.

(4) A Dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical marijuana.

(5) Patient records shall be maintained and verified as needed, and at least annually verified with the qualifying patient's medical doctor or doctor of osteopathy unless the patient has provided a California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

(6) Information on prior year's operations shall be provided annually, as required in this Chapter. The operator shall adjust the operations as necessary to address issues.

(E) Hours of Operation

(1) Hours of Operation are limited to 9:00 a.m. to 9:00 p.m., seven days a week.

(F) Consumption Restrictions.

(1) Marijuana shall not be consumed on the premises of the Dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the Dispensary's entrance.

(2) Dispensary operations shall not result in illegal redistribution of medical marijuana obtained from the Dispensary, or use in any manner that violates local, State or City Codes.

(3) No person may consume marijuana, by smoking or vaporization, in any public places. Public places shall include, but are not limited to, city owned parks and/or city sponsored events where designated as nonsmoking areas by resolution of the City Council, streets, sidewalks, alleys, highways, public parking lots as defined in City Code § 6000 and as amended, enclosed places and places of employment as defined in City Code §§ 4503 and 4505 and as amended, and any other property owned or leased by the City, or in which the City holds a right-of-way easement, and which is open to members of the general public, except while actively passing through on the way to another destination. Nothing in this Section is intended, nor shall it be construed to be inconsistent with the California Indoor Clean Air Act of 1976, Health and Safety Code § 118875 *et seq* and as amended.

(G) Retail Sales and Cultivation.

(1) No cannabis shall be cultivated on the premises of the Dispensary, except in compliance with this Chapter and with City Code §§ 6093 and 9254 and Health and Safety Code § 11362.5 *et seq.* The space devoted to on-site cultivation at a permitted Dispensary shall not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet. Cultivation shall be limited to interior areas of buildings.

(a) Except for immature nursery stock marijuana plants, marijuana plants grown by the Dispensary shall only be utilized for production of processed marijuana to dispense to patients.

(b) A security plan for the growing area shall be submitted to the Ukiah Police Chief for review and approval. Such plan shall include: security alarms and surveillance systems; physical measures to prevent access to the area by anyone other than Dispensary staff; and physical measures to prevent vehicle penetration of the growing area.

(c) The cultivation area shall include a one-hour firewall assembly and shall not create excessive humidity or mold conditions. The cultivation area shall have an air treatment system that prevents odors generated from the cultivation of marijuana on the Dispensary property from being detected by any reasonable person of normal sensitivity outside the Dispensary property, as set forth in City Code § 5708(l)(4). The medical marijuana cultivation area shall be in compliance with the current, adopted edition of the California Building Code as regards Natural Ventilation or Mechanical Ventilation.

(d) Cultivation facilities are strongly encouraged to utilize the most water-efficient and environmentally-responsible cultivation practices available. The City reserves the right to require annual reports on cultivation facility practices, including but not limited to cultivation mediums and water use methods.

(e) The cultivation use shall comply with applicable stormwater, wastewater, and Building Code requirements and any applicable State or Federal law, including the Clean Water Act, 33 U.S.C. § 1251 *et seq.*

(2) With the approval of the Planning Commission, a Dispensary may conduct or engage in the commercial sale of specific products, goods or services in addition to the provision of medical marijuana and other items permitted by these regulations on terms and conditions consistent with this Chapter and applicable law.

(3) Up to 150 square feet of the total square footage of the Dispensary may be utilized for display and sales of devices necessary for administering medical marijuana, including but not limited to rolling papers and related materials and devices, pipes, water pipes, and vaporizers. Such devices may only be provided to qualified patients or primary caregivers and only in accordance with Health and Safety Code § 11364.5 and as amended.

(4) Retail sales of medical marijuana that violate California law or this Chapter are expressly prohibited.

(5) A Dispensary shall meet all the operating criteria for the dispensing of medical marijuana as is required pursuant to California Health and Safety Code § 11362.5 *et seq* and as amended.

(6) The provision of locally-grown and organic marijuana is encouraged.

(H) Operating Plans.

(1) Floor Plan. A Dispensary shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

(2) Storage. A Dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical marijuana.

(3) Minimum Staffing Levels. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical marijuana.

(4) Odors Control. The Dispensary shall have an air treatment system that prevents odors generated from the storage and cultivation of marijuana on the Dispensary property from being detected by any reasonable person of normal sensitivity outside the Dispensary property. To achieve this, both the storage and cultivation areas shall be, at minimum, mechanically ventilated with a carbon filter or superior method.

(5) Security Plans. A Dispensary shall provide adequate security on the premises, as approved by the Chief of Police and reviewed by the Planning Commission, including lighting and a premise and panic alarm system monitored by a licensed operator, to insure the safety of persons and to protect the premises from theft.

(6) Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.

(7) Security Video Retention. Security video shall be maintained for 90 days.

(8) Alarm System. Professionally monitored premise and panic alarm system shall be installed and maintained in good working condition.

(9) Emergency Contact. A Dispensary shall provide the Chief of Police with the name, e-mail address, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the Dispensary. The Dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

(I) Signage and Notices.

(1) A notice shall be clearly and legibly posted in the Dispensary indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the Dispensary is prohibited. The notice shall be posted in both English and Spanish.

(2) Signs on the premises shall not obstruct the entrance or windows.

(3) Address identification shall comply with illuminated address signs requirements.

(4) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with City Code § 3227 and any other City Code provisions regulating signage.

(J) Employee Records. Each owner or operator of a Dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this Chapter.

(K) Patient Records. Information identifying the names of patients, their medical conditions, or the names of their primary caregivers is confidential and such disclosure is prohibited pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d *et seq.*) and the Confidentiality of Medical Information Act (California Civil Code § 56 *et seq.*). In order to protect patient confidentiality, the Dispensary shall maintain records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the State, or its agent, pursuant to California Health and Safety Code § 11362.7 *et seq.* Such records may be maintained on or off-site, and shall be made available for inspection by any City official

authorized to enforce this Chapter for purposes of determining compliance with the requirements of this Chapter.

(L) Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and the Dispensary shall employ properly trained or use professionally-hired security personnel in accordance with the conditions of its permit.

(M) Site Management.

(1) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject Dispensary.

(a) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

(b) "Nuisance" includes, but is not limited to, disturbances of peace, open public consumption of marijuana or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or excessive police detentions and arrests.

(2) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(3) The operator shall provide Dispensary patients with a list of the rules and regulations governing medical marijuana use and consumption within the City and recommendations on sensible marijuana etiquette.

(N) Compliance with Other Requirements. The operator shall comply with all applicable provisions of local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

(O) Confidentiality. The information provided for purposes of this Section shall be maintained by the City as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction or otherwise compelled by court order.

(P) Display of Permit. Every Dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this Chapter for such Dispensary in a conspicuous place so that the same may be readily seen by all persons entering the Dispensary.

(Q) Reporting and Payment of Fees. Each permittee shall file an annual statement with the Planning Department: (1) indicating the number of patients served by the Dispensary within the previous calendar year, (2) the continuing accuracy of the information in the prior year's Dispensary Use Permit application, (3) documenting any changes or additions to that information as of the date for renewal of the Permit, any citizen complaints, City Code violations, and calls for law enforcement during the prior year, the applicant's compliance with applicable City and State law governing the operation of dispensaries, and (4) including any additional

information the Planning Department deems necessary to administer this Chapter, and pay all annual permit fees.

(R) Alcoholic Beverages. No Dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

(S) Dispensaries shall comply with the parking requirements for medical office uses.

(T) Inspections. During normal business hours, Dispensaries permitted under this Chapter shall provide access for administrative inspections by City officials or officers to verify compliance with this Chapter. Any Dispensary's refusal to comply with this Section shall be deemed a violation of this Chapter.

§ 5709 APPLICATION PREPARATION AND FILING.

(A) Application Filing. A complete Dispensary Use Permit application submittal packet shall be submitted in accordance with City Code § 9262, including a detailed written statement as to how the proposed Dispensary complies with Sections 5707 and 5708, and any other information or submissions required by this Chapter. All applications for Dispensary Use Permits shall be filed with the Planning Department, using forms provided by the City, and accompanied by the applicable filing fee and any other applicable fees or charges. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

(B) Eligibility for Filing. Applications may only be filed by the owner of the subject property, or person with a lease signed by the owner or duly authorized agent allowing them to occupy the property for the intended use. If the applicant is a lessee, a copy of the duly executed lease currently in effect must accompany the application.

(C) Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

(D) Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall submit any additional documents or information required to complete the application within thirty (30) days of the date the applicant is notified in writing by the Planning Department that the application is incomplete. If the applicant fails to complete the application within said thirty (30) days, the application shall be deemed withdrawn and a new application submittal that complies with Sections 5709(A) and (F) shall be required in order to proceed with the application.

(E) Effect of Other Permits or Licenses. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a Dispensary Use Permit.

(F) Submittal Requirements. Any application for a Dispensary Use Permit shall include the following information.

(1) Applicant(s) Name. The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;

(2) Applicant(s) Mailing Address. The address to which notice of action on the application is to be mailed;

(3) Previous Addresses. Previous addresses for the past five years immediately prior to the present address of the applicant;

(4) Verification of Age. Written proof that the applicant is over the age of 21 years of age;

(5) Physical Description. Applicant's height, weight, color of eyes and hair;

(6) Photographs. Passport quality photographs for identification purposes;

(7) Employment History. All business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;

(8) Tax History. The Dispensary business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation in which the applicant engaged subsequent to such action of suspension or revocation;

(9) Management Information. The name or names and addresses of the person or persons having the management or supervision of applicant's business;

(10) Criminal Background. A background investigation verifying whether the person or person having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;

(11) Employee Information. Number of employees, volunteers, and other persons who will work at the Dispensary;

(12) Plan of Operations. A plan of operations describing how the Dispensary will operate consistent with the intent of State law and the provisions of this Chapter, including but not limited to:

(a) Ensuring that the Dispensary will not engage in retail sales of medical marijuana that violate California law or this Chapter.

(b) Controls that will assure medical marijuana will be dispensed to qualifying patients or caregivers only.

(c) Controls that will ensure access to Dispensary premises is adequately monitored and restricted to pre-approved qualified patients and caregivers.

(13) Written Project Description. A written description summarizing the proposed Dispensary use size, number of patients, characteristics and intent;

(14) Written Response to Dispensary Standards. The applicant shall provide a comprehensive written response identifying how the Dispensary plan complies with the each of the standards for review in this Chapter, specifically the limitation on location and operating requirements in Sections 5707 and 5708;

(15) Written Response to Criteria for Review Section. The applicant shall provide a written response indicating the method by which each of the criteria for review enumerated in Section 5710 has been satisfied;

(16) Security Plan. A detailed security plan outlining the proposed security arrangements for insuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a premise and panic alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;

(17) Floor Plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Dispensary. The

sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;

(18) Site Plan. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six inches;

(19) Accessibility Evaluation. A written evaluation of accessibility to and within the building, and identification of any planned accessibility improvements.

(20) Neighborhood Context Map. An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the Dispensary, and: (a) the property lines of any School within 600 feet of the property line of the Dispensary for which a permit is requested, (b) the property lines of any Dispensary within 250 feet of the primary entrance of the Dispensary for which a permit is requested, and (c) the property lines of any youth-oriented facility or residential zone or use within 250 feet of the primary entrance of the Dispensary;

(21) Lighting Plan. A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation. All lighting shall be fully hooded and downcast, and shall not shine towards the night sky, adjacent property or any street.

(22) City Authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

(23) Statement of Owner's Consent. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a Dispensary at the location;

(24) Applicant's Certification. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct;

(25) Other Information. Such other information as deemed necessary by the Planning Department to demonstrate compliance with this Chapter including all City and State Codes, including operating requirements established in this Chapter.

(G) Renewal. Applications for one-year renewal shall be accompanied by the following minimum information:

(1) The operator shall report the number of patients served and pay applicable fees, as required by this Chapter.

(2) The operator shall provide a detailed description of any adjustments and changes proposed or that have occurred in Dispensary operations to address issues, or comply with laws.

(3) The operator shall identify any problems encountered during operations and how they have been addressed.

(4) The operator shall identify how the Dispensary has managed its operations to comply with the operating requirements of this Chapter and with State law.

§ 5710 CRITERIA FOR REVIEW.

In addition to the findings required in City Code § 9262, the Planning Commission shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit,

and the Zoning Administrator shall consider the following criteria in determining whether to grant or deny renewals of a Dispensary Use Permit:

(A) That the Dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the MMRSA, and related State law, the provisions of this Chapter and the City Code, including the application submittal and operating requirements herein.

(B) That the Dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

(C) That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing Dispensary location.

(D) That an applicant or employee is not under 21 years of age.

(E) That all required application materials have been provided and/or the Dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this Chapter.

(F) That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

(G) That the location is not prohibited by the provisions of this Chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or have resulted from Dispensary operations.

(H) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements in Section 5708. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

(I) That no Dispensary use, owner, permittee, agent, or employee has violated any provision of this Chapter including grounds for suspension, modification or revocation of a permit.

(J) That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference with the operation of another business.

(K) That the Dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the Dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

(L) That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.

(M) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

(N) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

(O) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.

(P) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(Q) That adequate parking will be provided at a rate of one space for every 200 gross square feet of retail space, office space, and similar floor areas, pursuant to City Code § 9198(F)(1).

§ 5711 INVESTIGATION AND ACTION ON APPLICATION.

After the making and filing of a complete application for the Dispensary Use Permit and the payment of the fees, the applicant shall complete a fingerprint background check and the Police Department shall conduct an investigation of the application. In processing the application:

(A) The Planning Department shall refer the application to any other City departments as necessary to complete the review of the application.

(B) Following provision of complete application materials, inter-departmental review, and compliance with the California Environmental Quality Act, the Planning Department shall schedule the Dispensary Use Permit for Planning Commission review. In making a decision to grant or deny the application the Planning Commission shall follow the notice and hearing procedures and make the findings required by City Code § 9262(C)-(F) and shall either grant or deny the application in accordance with the provisions of this Chapter.

(C) In approving a Dispensary Use Permit, the Planning Commission may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this Chapter.

(D) The Planning Department shall cause a written notice of the Planning Commission decision to issue or deny a permit to be mailed to the applicant by U.S. mail.

§ 5712 APPEAL FROM PLANNING COMMISSION DETERMINATION.

(A) An applicant aggrieved by the Planning Commission decision to issue or to deny a Dispensary Use Permit may appeal such decision to the City Council by filing an appeal. All

determinations of the Planning Commission regarding Dispensary Use Permits shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the City Council within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

(B) The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the procedures applicable to an appeal of a decision to grant or deny a use permit as set forth in Division 9, Chapter 2, Article 20 of the City Code. At the close of the public hearing, the City Council may affirm, reverse, or modify the appealed decision of the Planning Commission. All City Council decisions on appeals of the Planning Commission's decision with regard to an application for a Dispensary Use Permit are final for the City.

§ 5713 REVOCATION.

(A) Any Dispensary Use Permit issued under the terms of this Chapter may be revoked by the Zoning Administrator, when it shall appear to the Administrator that the use for which the Dispensary Use Permit was granted is not being conducted in compliance with the Dispensary Use Permit as conditioned, the permittee has violated any of the requirements of this Chapter, or the Dispensary is operated in a manner that violates the provisions of this Chapter, including the criteria for review and operating requirements sections, or conflicts with State law.

(B) The Zoning Administrator shall conduct revocation proceedings in compliance with Section 9262(H) of this Code, except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator. Notice of the hearing required by said Section shall be given in compliance with Section 9262(C). In addition, notice of the revocation hearing, including a description of the facts and violations relied upon in seeking revocation, shall be served on the permit holder by personal service, overnight courier or registered United States Mail, return receipt requested, not later than ten (10) day prior to the hearing. Service shall be deemed complete when received by the permit holder or forty-eight hours after deposit in the United States Mail, whichever occurs first. Notice shall be sent to the address as shown on the permit application or to an address which the permit holder has requested in writing that the City use for official communications. The address shall not be a Post Office box, but must be a physical address.

(C) If any person holding a permit or acting under the authority of such permit under this Chapter is convicted of a public offense in any court for any offense that would constitute a violation of their Dispensary Use Permit or this Chapter, the Zoning Administrator may revoke such permit forthwith without any further action thereof, other than giving notice of revocation to the permittee.

(D) The final decision of the Zoning Administrator to revoke a Dispensary Use Permit may be appealed to the Planning Commission. The appeal hearing shall be conducted in compliance with City Code Section 9266, except that all references therein to the City Council in an appeal of a Zoning Administrator decision shall be deemed to refer to the Planning Commission.

§ 5714 EFFECT OF REVOCATION.

When a final decision has been made revoking any Dispensary Use Permit provided for in this Chapter, no new application for a Dispensary Use Permit shall be accepted from the applicant and no such Permit shall be issued to such person or to any corporation or other business entity, including but not limited to, a partnership or limited liability company, in which he or she shall have any direct or indirect beneficial, financial or ownership interest for a period of three years after the action revoking the Permit.

§ 5715 TRANSFER OF PERMITS.

(A) A permittee shall not operate a Dispensary under the authority of a Dispensary Use Permit at any place other than the address of the Dispensary stated in the application for the permit.

(B) A permittee shall not transfer ownership or control of a Dispensary, including by transferring a controlling interest in the permittee, or transfer a Dispensary Use Permit to another person or entity unless and until the transferee obtains its own Dispensary Use Permit. Any other assignment of a Dispensary Use Permit is prohibited.

(C) No Dispensary Use Permit may be transferred when the Zoning Administrator or Planning Commission have notified the permittee that the permit has been or may be revoked.

(D) Any attempt to transfer a Dispensary Use Permit either directly or indirectly in violation of this Section is declared void, and the permit shall be deemed revoked.

§ 5716 TIME LIMIT FOR FILING APPLICATIONS UPON ANNEXATION.

Any Dispensary that was legally established in Mendocino County ("County") and which is subsequently annexed into the City must apply for and obtain a Dispensary Use Permit in compliance with the provisions of this Chapter within 90 days from the date the annexation becomes effective. Continued operation of a Dispensary without a permit more than 90 days after annexation shall constitute a violation of this Chapter, unless an extension of the 90 day period is approved by the Planning Commission upon the applicant's demonstration of reasonable grounds to do so.

§ 5717 MARIJUANA DELIVERY.

(A) A permitted Dispensary located in the City may deliver marijuana to qualified patients and caregivers at their residence in the City. Such permissible delivery of marijuana to qualified patients shall be limited to delivery by lawfully-operated, permitted dispensaries located within the jurisdictional limits of the City. Any individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient must have a business license in accordance with Division 2, Chapter 1, Article 3 of the City Code.

All other marijuana delivery is a prohibited activity in the City, except where the City is preempted by federal or state law from enacting a prohibition on such activity.

(B) In conformity with City Code § 6001, it shall be unlawful for any qualified individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient to be in an intoxicated condition or under the influence of narcotic drugs within

the corporate City limits of the City in, on, or about any automobile, motorcycle, motor vehicle, street car, railroad car or other vehicle.

§ 5718 VIOLATIONS.

(A) It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character to violate any provision or fail to comply with any of the requirements of this Chapter.

(B) A violation of this Chapter shall be subject to the enforcement and penalties specified in City Code § 5723.

§ 5719 REMEDIES.

This Chapter shall be subject to enforcement pursuant to Division 8, Article 22 of this Code.

§ 5720 SEPARATE OFFENSE FOR EACH DAY.

Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

§ 5721 HOLD HARMLESS.

As a condition of approval of any permit issued pursuant to this Chapter for medical marijuana cultivation, processing, or distribution, the permittee shall indemnify, defend and hold harmless the City of Ukiah and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by a permittee's clients or employees, adjacent or nearby property owners or other third parties due to permitted uses or operations, and for any expense incurred by City as a result of or in defense of any such claim..

§ 5723 PENALTIES.

(A) It shall be unlawful and constitute a misdemeanor for any person to violate the provisions of this Chapter, punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than six (6) months or both. This penalty shall not apply, if prohibited by state law.

(B) The penalty provided herein is in addition to any other penalty or remedy available at law or in equity, whether civil or criminal, for any violation of this Chapter or engaging in activity requiring a City license or permit, including, without limitation, a business license or building permit, without first obtaining such permit or license.

§ 5724 JUDICIAL REVIEW.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure § 1094.5.

Any such petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure § 1994.6 which shall be applicable for such actions.

SECTION 2

Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended by adding a new permit category, DUP – Use Allowed with a Dispensary Use Permit, to the heading column entitled “Use Categories and Specific Uses”, by specifying that a Medical marijuana dispensary is an allowable use with a Dispensary Use Permit in the General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning districts, and replacing the reference to section 5702 in the column entitled “Additional Zoning Requirements by Code Section with references to Section 5703 and Section 5707.

SECTION 3

Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9254 MARIJUANA CULTIVATION

* * *

B. Cultivation of Marijuana:

* * *

2. Indoor Cultivation: Except as permitted in Chapter 8 in Division 6 of this Code, it is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any residential zoning district (R-1, R-2, R-3 and CN districts) in the city of Ukiah to cause or allow such parcel to be used for the cultivation of more than twelve (12) mature and twenty four (24) immature marijuana plants within a fully enclosed and secure structure on the parcel.

3. Indoor Cultivation Of Marijuana Restricted To Qualified Patients And Primary Caregivers: It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Ukiah to cause or allow such parcel to be used for the cultivation of marijuana, unless (a) the person is a qualified patient or primary caregiver, growing the amount of marijuana per qualified patient authorized by Health and Safety Code section 11362.77(a) – (b) and (d) – (f), not to exceed the per parcel limit in subsection B2 of this Section, or (b) the person is operating a Medical Marijuana Dispensary pursuant to a valid Dispensary Use Permit, within the C1, C2, CN, M, and PD (Commercial) zoning districts and in the GU, UC, and DC downtown zoning districts, and the space devoted to on-site cultivation at the permitted Dispensary does not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet.

SECTION 4.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of

the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on January 18, 2017, by the following roll call vote:

AYES: Councilmembers Scalmanini, Mulheren, Doble, and Mayor Brown
 NOES: None
 ABSENT: Councilmember Crane
 ABSTAIN: None

Adopted on February 15, 2017, by the following roll call vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Jim O. Brown, Mayor

ATTEST:

Kristine Lawler, City Clerk

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING CHAPTER 8 IN DIVISION 6; TABLE 3 IN SECTION 9223.1 OF ARTICLE 18, CHAPTER 2 IN DIVISION 9; AND SECTION 9254 IN ARTICLE 19, CHAPTER 2 IN DIVISION 9 OF THE UKIAH CITY CODE, ENTITLED “MEDICAL MARIJUANA DISPENSARIES”

The City Council of the City of Ukiah hereby ordains as follows.

SECTION 1

Chapter 8 in Division 6 of the Ukiah City Code is hereby amended to read as follows:

§ 5700 FINDINGS AND PURPOSE

The City Council adopts the ordinance codified in this Chapter based upon the following findings:

(A) In 1970, Congress enacted the Controlled Substances Act (“CSA”) which, among other things, makes it illegal to import, manufacture, distribute, possess or use marijuana in the United States.

(B) In 1996, the voters of the state of California approved Proposition 215, or the Compassionate Use Act of 1996, codified at Health and Safety Code §11362.5 *et seq.* (the “Act”).

(C) The Act creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances.

(D) On January 1, 2004, SB 420 went into effect. SB 420, codified as Health and Safety Code §§ 11362.7 – 11362.83 and known as the “Medical Marijuana Program” (“MMP”) was enacted by the state legislature to clarify the scope of the act and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420.

(E) After the enactment of the MMP and in response to the MMP’s explicit reservation of local authority to regulate medical marijuana cultivation and distribution, the City Council took legislative notice of the fact that California cities and counties that had permitted the establishment of medical marijuana dispensaries had experienced serious adverse impacts associated with and resulting from such dispensaries, including an increase in crime, including burglaries, robberies, violence, illegal sales of marijuana, use of marijuana by minors and other persons without medical need in the areas immediately surrounding such medical marijuana dispensaries; and malodorous smells, indoor fire hazards, mold, fungus, and pests caused by indoor cultivation at dispensaries.

(F) To address these potential adverse impacts, in 2007, the City Council enacted Ordinance 1095, §1 (“Medical Marijuana Dispensaries Ordinance”), which prohibited and declared a public nuisance medical marijuana dispensaries in the City of Ukiah.

(G) The 2007 Medical Marijuana Dispensaries Ordinance also states that the City Council's intention is to prohibit the operation and location of dispensaries in the City "until such time as their legality is clearly established and a proposal can be developed that would satisfy the city council that the facility could operate without causing [serious adverse impacts]".

(H) On October 9, 2015, the Governor signed into law AB 266, AB 243, and SB 643, which together comprise the Medical Marijuana Regulation & Safety Act ("MMRSA"). The MMRSA, which went into effect on January 1, 2016, created a statewide regulatory structure for the medical marijuana industry that also allows local governments to regulate the operation of marijuana businesses within their jurisdiction, pursuant to local ordinances. Specifically, the MMRSA allows the City of Ukiah to issue permits or licenses to operate marijuana businesses or prohibit their operation, to regulate or expressly prohibit the delivery of medical marijuana within its boundaries, and to regulate or expressly prohibit the cultivation of marijuana within its boundaries. Pursuant to the MMRSA, if the City opts not to expressly prohibit or regulate the cultivation, processing, delivery, and/or dispensing of medical marijuana, the State will be the sole licensing authority for these activities in the City.

(I) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the MMP and the MMRSA, regarding the location and operation of medical marijuana dispensaries, delivery of medical marijuana within the boundaries of the City, and cultivation of medical marijuana within the boundaries of the City.

(J) There have been a number of marijuana dispensing-related incidents in California, some including acts of violence committed by persons without a legitimate medical need to use marijuana.

(K) The City Council finds that medical marijuana dispensing which exceeds the limitations set forth in these regulations will likely result in an unreasonable risk of crime and other adverse impacts and will likely create offensive odors to persons living nearby.

(L) It is the City Council's intention that nothing in this Chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of marijuana for non-medical purposes; or (3) allow any activity relating to the distribution or consumption of marijuana that is otherwise illegal.

(M) Pursuant to California Health and Safety Code § 11362.71 *et seq.*, the State Department of Health through the state's counties, is to be responsible for establishing and maintaining a voluntary medical marijuana identification card program for qualified patients and primary caregivers.

(N) Health and Safety Code § 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the manner set forth in § 11362.71 *et seq.*

(O) This Chapter is compatible with the general objectives of the general plan, in that a Medical Marijuana Dispensary use will be conditionally permitted in commercial and industrial districts, being similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the use will be subject to strict review and conditions.

(P) This Chapter will not be detrimental to the public health, safety and general welfare or adversely affect the orderly development of property, because the uses permitted under this Chapter will be subject to careful review, limited in scope and location, and subject to strict operating requirements, avoiding or limiting potential negative effects.

(Q) It is the purpose and intent of this Chapter to regulate medical marijuana dispensaries in order to promote the health, safety, morals, and general welfare of residents and businesses within the City.

§ 5701 INTERPRETATION AND APPLICABILITY.

(A) This Chapter is not intended to create a positive conflict with the CSA, but rather to implement the MMRSA and related state laws.

(B) Nothing in this Chapter is intended, nor shall it be construed, to exempt any marijuana-related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building, fire, or land use standards or permitting requirements.

(C) Nothing in this Chapter is intended, nor shall it be construed, to make legal any cultivation, transportation, sale, or other use of marijuana that is otherwise prohibited under California law.

(D) All processing and distribution of medical marijuana within City limits shall be subject to the provisions of this Chapter, even if the processing, distribution, or cultivation existed or occurred prior to adoption of this Chapter.

(E) Nothing in this Chapter is intended, nor shall it be construed, to allow or permit any “commercial cannabis activity,” as defined in Business and Professions Code § 19300.5(j), or any commercial or non-commercial activity involving marijuana use for recreational or other non-medical purposes that is not otherwise authorized in the Ukiah City Code.

§ 5702 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the following meaning:

(A) “Accessory building” shall have the same meaning as set forth in City Code § 9278.

(B) “Applicant” means a person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a Dispensary.

(C) “City” means the City of Ukiah.

(D) “Delivery” shall have the same definition as set forth in California Business and Professions Code § 19300.5, and as it may be amended.

(E) “Dispensary Use Permit” means a permit required to operate a Medical Marijuana Dispensary within the City and that is issued pursuant to this Chapter.

(F) "Drug paraphernalia" or "paraphernalia" shall have the same definition as set forth in City Code § 6071.

(G) "Identification card" shall have the same definition as in California Health and Safety Code § 11362.7, and as it may be amended.

(H) "Medical Marijuana Dispensary" or "Dispensary" means a "Dispensary" as defined in California Business and Professions Code § 19300.5, as it now reads or may be amended in the future.

(I) "On-Site" means an activity or accessory use that is related to the primary use – i.e. lawful, retail distribution of medical marijuana – and is located on the same legal parcel as the primary use.

(J) "Permittee" means the person to whom a Dispensary Use Permit is issued.

(K) "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

(L) "Person with an identification card" shall have the same definition as set forth in California Health and Safety Code § 11362.7, and as it may be amended.

(M) "Physician" means a licensed medical doctor (M.D.) or a doctor of osteopathic medicine (D.O.).

(N) "Primary caregiver" shall have the same definition as set forth in California Health and Safety Code § 11362.7, and as it may be amended.

(O) "Qualified patient" shall have the same definition as set forth California Health and Safety Code § 11362.7, and as it may be amended.

(P) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including any other college or university.

(Q) "Use Permit" shall have the same definition as set forth in City Code § 9261 and as it may be amended.

(R) "Youth-oriented facility" means a public park, church, museum, library, or licensed daycare facility.

(S) "Zoning Administrator" means the Zoning Administrator of the City of Ukiah or the authorized representative thereof.

§ 5703 DISPENSARY USE PERMIT REQUIRED TO OPERATE.

(A) It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a

Medical Marijuana Dispensary unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit from the City as required in this Chapter.

(B) After January 1, 2018, or such time when State implementing regulations are in effect for the MMRSA, whichever is earlier, it shall be unlawful to operate any business or conduct any activity in the City for which a State license is required under the MMRSA without also having a valid State license pursuant to the MMRSA. Prior to implementation of the State license program pursuant to MMRSA, any operation of a Dispensary, cultivation of medical marijuana, or delivery of medical marijuana permitted by the City shall be conducted in accordance with this Chapter, the City's Zoning and Land Use Ordinances, and all laws pertaining to the equivalent license classification under the MMRSA.

(C) The grant of a Dispensary Use Permit by the City shall not create an entitlement or vested right in the permittee to any permit or license to operate any commercial, non-medical marijuana businesses or conduct any commercial, non-medical marijuana activities within the City.

§ 5704 TERM OF PERMITS AND RENEWALS REQUIRED.

(A) Dispensary Use Permits issued under this Chapter shall expire one year following the date of their issuance which date shall appear on the face of the permit.

(B) Dispensary Use Permits may be renewed by the Zoning Administrator for additional one-year periods upon application by the permittee, unless the permit is suspended or revoked in accordance with the provisions of this Chapter.

(C) Applications for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable application fee referenced in Section 5706 and all information necessary for the Zoning Administrator to evaluate the renewal request in light of the criteria listed in (F) below. In acting on an application for renewal the Zoning Administrator shall follow the procedures set forth in Section 5711(B) and (C), except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator. Upon timely application to renew a permit, the permit being renewed shall remain in effect until final action is taken to grant or deny the renewal application.

(D) Applications for renewal made less than 45 days before the expiration date shall be processed in the same manner as a timely renewal application but shall not stay the expiration date of the permit.

(E) Renewal applications shall be subject to duly noticed public hearings in accordance to the procedures set forth for minor use permit applications in Section 9262 of Division 9, Chapter 2, Article 20 of the City Code.

(F) In determining whether to renew a Dispensary Use Permit, the Zoning Administrator will consider the following non-exclusive criteria, in addition to those criteria set forth in this Chapter at Section 5710:

1. Whether the Dispensary operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the Dispensary.

2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.
3. Whether the Dispensary operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this Chapter.
4. Whether the Dispensary has failed to pay fees, penalties, or taxes required by this Code or has failed to comply with the production of records or other reporting requirements of this Chapter.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("Managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a Dispensary operator. A conviction within the meaning of this Chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted.
7. Whether the renewal applicant or Dispensary has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(G) The Zoning Administrator shall make findings of fact and either grant, grant conditionally, or deny the application for renewal of a Dispensary Use Permit. An applicant aggrieved by the Zoning Administrator's decision to issue or to deny a Dispensary Use Permit renewal may appeal such decision to the Planning Commission by filing an appeal. All determinations of the Zoning Administrator regarding Dispensary Use Permit renewals shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the Planning Department within ten (10) days of the date the decision was made. The appeal fee will be in addition to the nonrefundable renewal application fee. Appeals may be filed by an applicant.

The Planning Commission shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in Section 9266 of Division 9, Chapter 2, Article 20 of the City Code, except that all references therein to the City Council shall be deemed to refer to the Planning Commission. At the close of the public hearing, the Planning Commission may affirm, reverse, or modify the appealed decision of the Zoning Administrator. All Planning Commission decisions on appeals of the Zoning Administrator's decision with regard to an application for a Dispensary Use Permit renewal are final for the City.

§ 5705 GENERAL TAX LIABILITY.

As a prerequisite to obtaining a permit pursuant to the terms hereof, an operator of a Dispensary shall also be required to apply for and obtain a Business License or exemption from the City of Ukiah and obtain a seller's permit or exemption from the State Board of Equalization pursuant to Division 2, Part 2, Chapter 2, Article 2 of the Cal. Revenue and Taxation Code,

commencing with Section 6066e. Dispensary sales shall be subject to sales tax consistent with State law.

§ 5706 IMPOSITION OF FEES.

Every application for a Dispensary Use Permit or renewal shall be accompanied by an application fee, as established by resolution of the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time.

§ 5707 LIMITATION ON LOCATION OF DISPENSARIES.

(A) A Dispensary may only be located within the C1, C2, CN, M, and PD (Commercial) zoning districts and in the GU, UC, and DC downtown zoning districts as designated in the General Plan, Zoning Map.

(B) A Dispensary shall be in a visible location that provides good views of the Dispensary entrance, windows and premises from a public street.

(C) A Dispensary shall not be allowed in the following areas at the time of its permitted establishment:

(1) Within 600 feet of a School, with that distance measured as the horizontal distance in a straight line from the property line of the School to the closest property line of the lot on which the Dispensary is to be located without regard to intervening structures, pursuant to California Health and Safety Code § 11362.768; or

(2) Within 250 feet of a Youth-oriented facility other than a School, or another Dispensary, with that distance measured by street frontage from the property line of the Youth-oriented facility to the closest property line of the lot on which the Dispensary is to be located, and not radial distance; or

(3) Abutting, on any side of the parcel upon which the Dispensary is located, a parcel occupied by a Youth-oriented facility, a School, or another Dispensary; or

(4) Within any residential zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation.

(5) On a parcel having a residential unit, or on a parcel directly abutting a residentially-zoned property, unless there are intervening non-residential uses between the Dispensary and the residential unit or the residentially-zoned property that the Planning Commission or, on appeal, the City Council determines sufficient to provide an appropriate separation.

(D) A waiver of the provisions in subsections (C)(2)-(5) of this Section may be granted if the applicant demonstrates on plans and materials presented for review and ~~on appeal~~, the Planning Commission determines that a physical barrier or other condition exists which achieves the same purpose and intent as the distance separation requirements established

herein, and that, as a result, the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the Dispensary.

§ 5708 OPERATING REQUIREMENTS.

Dispensary operations shall be established and managed only in compliance with the following standards:

(A) Criminal History. Any applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority of a Dispensary on behalf of the applicant shall not have been convicted of any of the felony offenses enumerated in Health and Safety Code § 19323(b)(5), or of a felony or misdemeanor involving moral turpitude, or on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee.

(B) Minors.

(1) It is unlawful for any permittee, operator, or other person in charge of any Dispensary to employ any person who is not at least 21 years of age.

(2) Persons under the age of 18 shall not be allowed on the premises of a Dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(3) The entrance to a Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(4) The burden of proof is on the Dispensary personnel to establish compliance with this subsection (B) by clear and convincing evidence.

(C) Dispensary Access.

(1) The entrance into the Dispensary building shall be locked at all times with entry strictly controlled; e.g., a buzz-in electronic/mechanical entry system with a vestibule is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.

(2) Dispensary personnel shall monitor site activity, control loitering and site access.

(3) Only Dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be allowed on the premises at a Dispensary.

(4) Potential patients or caregivers shall not visit a Dispensary without first having obtained a valid written recommendation from their physician recommending use of medical marijuana.

(5) Only a primary caregiver and qualified patient shall be in the designated dispensing area with Dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.

(6) Restrooms shall remain locked and under the control of management.

(D) Dispensing Operations.

(1) The Dispensary may possess no more dried marijuana or plants per qualified patient or caregiver than permitted in strict accordance with California Health and Safety Code § 11362.77 and any other applicable State law, and as amended.

(2) A Dispensary shall only dispense to qualified patients or caregivers with:

(a) a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code § 11362.5 *et seq.* and valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card, or

(b) a currently valid California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

(3) For qualified patients or caregivers without a California Medical Marijuana Identification Card or a Patient ID Center Identification Card, prior to dispensing medical marijuana, the Dispensary shall obtain verbal, online, or signed verification from the recommending physician's office personnel that the individual requesting medical marijuana is a qualified patient.

(4) A Dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical marijuana.

(5) Patient records shall be maintained and verified as needed, and at least annually verified with the qualifying patient's medical doctor or doctor of osteopathy unless the patient has provided a California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

(6) Information on prior year's operations shall be provided annually, as required in this Chapter. The operator shall adjust the operations as necessary to address issues.

(E) Hours of Operation

(1) Hours of Operation are limited to 9:00 a.m. to 9:00 p.m., seven days a week.

(F) Consumption Restrictions.

(1) Marijuana shall not be consumed on the premises of the Dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within 200 feet of the Dispensary's entrance.

(2) Dispensary operations shall not result in illegal redistribution of medical marijuana obtained from the Dispensary, or use in any manner that violates local, State or City Codes.

(3) No person may consume marijuana, by smoking or vaporization, in any public places. Public places shall include, but are not limited to, city owned parks and/or city sponsored events where designated as nonsmoking areas by resolution of the City Council, streets, sidewalks, alleys, highways, public parking lots as defined in City Code § 6000 and as amended, enclosed places and places of employment as defined in City Code §§ 4503 and 4505 and as amended, and any other property owned or leased by the City, or in which the City holds a right-of-way easement, and which is open to members of the general public, except while actively passing through on the way to another destination. Nothing in this Section is intended, nor shall it be construed to be inconsistent with the California Indoor Clean Air Act of 1976, Health and Safety Code § 118875 *et seq* and as amended.

(G) Retail Sales and Cultivation.

(1) No cannabis shall be cultivated on the premises of the Dispensary, except in compliance with this Chapter and with City Code §§ 6093 and 9254 and Health and Safety Code § 11362.5 *et seq.* The space devoted to on-site cultivation at a permitted Dispensary shall not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet. Cultivation shall be limited to interior areas of buildings.

(a) Except for immature nursery stock marijuana plants, marijuana plants grown by the Dispensary shall only be utilized for production of processed marijuana to dispense to patients.

(b) A security plan for the growing area shall be submitted to the Ukiah Police Chief for review and approval. Such plan shall include: security alarms and surveillance systems; physical measures to prevent access to the area by anyone other than Dispensary staff; and physical measures to prevent vehicle penetration of the growing area.

(c) The cultivation area shall include a one-hour firewall assembly and shall not create excessive humidity or mold conditions. The cultivation area shall have an air treatment system that prevents odors generated from the cultivation of marijuana on the Dispensary property from being detected by any reasonable person of normal sensitivity outside the Dispensary property, as set forth in City Code § 5708(l)(4). The medical marijuana cultivation area shall be in compliance with the current, adopted edition of the California Building Code as regards Natural Ventilation or Mechanical Ventilation.

(d) Cultivation facilities are strongly encouraged to utilize the most water-efficient and environmentally-responsible cultivation practices available. The City reserves the right to require annual reports on cultivation facility practices, including but not limited to cultivation mediums and water use methods.

(e) The cultivation use shall comply with applicable stormwater, wastewater, and Building Code requirements and any applicable State or Federal law, including the Clean Water Act, 33 U.S.C. § 1251 *et seq.*

(2) With the approval of the Planning Commission, a Dispensary may conduct or engage in the commercial sale of specific products, goods or services in addition to the provision of medical marijuana and other items permitted by these regulations on terms and conditions consistent with this Chapter and applicable law.

(3) Up to 150 square feet of the total square footage of the Dispensary may be utilized for display and sales of devices necessary for administering medical marijuana, including but not limited to rolling papers and related materials and devices, pipes, water pipes, and vaporizers. Such devices may only be provided to qualified patients or primary caregivers and only in accordance with Health and Safety Code § 11364.5 and as amended.

(4) Retail sales of medical marijuana that violate California law or this Chapter are expressly prohibited.

(5) A Dispensary shall meet all the operating criteria for the dispensing of medical marijuana as is required pursuant to California Health and Safety Code § 11362.5 *et seq* and as amended.

(6) The provision of locally-grown and organic marijuana is encouraged.

(H) Operating Plans.

(1) Floor Plan. A Dispensary shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

(2) Storage. A Dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical marijuana.

(3) Minimum Staffing Levels. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical marijuana.

(4) Odors Control. The Dispensary shall have an air treatment system that prevents odors generated from the storage and cultivation of marijuana on the Dispensary property from being detected by any reasonable person of normal sensitivity outside the Dispensary property. To achieve this, both the storage and cultivation areas shall be, at minimum, mechanically ventilated with a carbon filter or superior method.

(5) Security Plans. A Dispensary shall provide adequate security on the premises, as approved by the Chief of Police and reviewed by the Planning Commission, including lighting and a premise and panic alarm system monitored by a licensed operator, to insure the safety of persons and to protect the premises from theft.

(6) Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.

(7) Security Video Retention. Security video shall be maintained for 90 days.

(8) Alarm System. Professionally monitored premise and panic alarm system shall be installed and maintained in good working condition.

(9) Emergency Contact. A Dispensary shall provide the Chief of Police with the name, e-mail address, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the Dispensary. The Dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

(I) Signage and Notices.

(1) A notice shall be clearly and legibly posted in the Dispensary indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the Dispensary is prohibited. The notice shall be posted in both English and Spanish.

(2) Signs on the premises shall not obstruct the entrance or windows.

(3) Address identification shall comply with illuminated address signs requirements.

(4) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with City Code § 3227 and any other City Code provisions regulating signage.

(J) Employee Records. Each owner or operator of a Dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this Chapter.

(K) Patient Records. Information identifying the names of patients, their medical conditions, or the names of their primary caregivers is confidential and such disclosure is prohibited pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d *et seq.*) and the Confidentiality of Medical Information Act (California Civil Code § 56 *et seq.*). In order to protect patient confidentiality, the Dispensary shall maintain records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the State, or its agent, pursuant to California Health and Safety Code § 11362.7 *et seq.* Such records may be maintained on or off-site, and shall be made available for inspection by any City official

authorized to enforce this Chapter for purposes of determining compliance with the requirements of this Chapter.

(L) Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and the Dispensary shall employ properly trained or use professionally-hired security personnel in accordance with the conditions of its permit.

(M) Site Management.

(1) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject Dispensary.

(a) "Reasonable steps" shall include calling the police in a timely manner; and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

(b) "Nuisance" includes, but is not limited to, disturbances of peace, open public consumption of marijuana or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or excessive police detentions and arrests.

(2) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(3) The operator shall provide Dispensary patients with a list of the rules and regulations governing medical marijuana use and consumption within the City and recommendations on sensible marijuana etiquette.

(N) Compliance with Other Requirements. The operator shall comply with all applicable provisions of local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

(O) Confidentiality. The information provided for purposes of this Section shall be maintained by the City as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction or otherwise compelled by court order.

(P) Display of Permit. Every Dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this Chapter for such Dispensary in a conspicuous place so that the same may be readily seen by all persons entering the Dispensary.

(Q) Reporting and Payment of Fees. Each permittee shall file an annual statement with the Planning Department: (1) indicating the number of patients served by the Dispensary within the previous calendar year, (2) the continuing accuracy of the information in the prior year's Dispensary Use Permit application, (3) documenting any changes or additions to that information as of the date for renewal of the Permit, any citizen complaints, City Code violations, and calls for law enforcement during the prior year, the applicant's compliance with applicable City and State law governing the operation of dispensaries, and (4) including any additional

information the Planning Department deems necessary to administer this Chapter, and pay all annual permit fees.

(R) Alcoholic Beverages. No Dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

(S) Dispensaries shall comply with the parking requirements for medical office uses.

(T) Inspections. During normal business hours, Dispensaries permitted under this Chapter shall provide access for administrative inspections by City officials or officers to verify compliance with this Chapter. Any Dispensary's refusal to comply with this Section shall be deemed a violation of this Chapter.

§ 5709 APPLICATION PREPARATION AND FILING.

(A) Application Filing. A complete Dispensary Use Permit application submittal packet shall be submitted in accordance with City Code § 9262, including a detailed written statement as to how the proposed Dispensary complies with Sections 5707 and 5708, and any other information or submissions required by this Chapter. All applications for Dispensary Use Permits shall be filed with the Planning Department, using forms provided by the City, and accompanied by the applicable filing fee and any other applicable fees or charges. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

(B) Eligibility for Filing. Applications may only be filed by the owner of the subject property, or person with a lease signed by the owner or duly authorized agent allowing them to occupy the property for the intended use. If the applicant is a lessee, a copy of the duly executed lease currently in effect must accompany the application.

(C) Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

(D) Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall submit any additional documents or information required to complete the application within thirty (30) days of the date the applicant is notified in writing by the Planning Department that the application is incomplete. If the applicant fails to complete the application within said thirty (30) days, the application shall be deemed withdrawn and a new application submittal that complies with Sections 5709(A) and (F) shall be required in order to proceed with the application.

(E) Effect of Other Permits or Licenses. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a Dispensary Use Permit.

(F) Submittal Requirements. Any application for a Dispensary Use Permit shall include the following information.

(1) Applicant(s) Name. The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;

(2) Applicant(s) Mailing Address. The address to which notice of action on the application is to be mailed;

(3) Previous Addresses. Previous addresses for the past five years immediately prior to the present address of the applicant;

(4) Verification of Age. Written proof that the applicant is over the age of 21 years of age;

(5) Physical Description. Applicant's height, weight, color of eyes and hair;

(6) Photographs. Passport quality photographs for identification purposes;

(7) Employment History. All business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;

(8) Tax History. The Dispensary business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation in which the applicant engaged subsequent to such action of suspension or revocation;

(9) Management Information. The name or names and addresses of the person or persons having the management or supervision of applicant's business;

(10) Criminal Background. A background investigation verifying whether the person or person having the management or supervision of applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;

(11) Employee Information. Number of employees, volunteers, and other persons who will work at the Dispensary;

(12) Plan of Operations. A plan of operations describing how the Dispensary will operate consistent with the intent of State law and the provisions of this Chapter, including but not limited to:

(a) Ensuring that the Dispensary will not engage in retail sales of medical marijuana that violate California law or this Chapter.

(b) Controls that will assure medical marijuana will be dispensed to qualifying patients or caregivers only.

(c) Controls that will ensure access to Dispensary premises is adequately monitored and restricted to pre-approved qualified patients and caregivers.

(13) Written Project Description. A written description summarizing the proposed Dispensary use size, number of patients, characteristics and intent;

(14) Written Response to Dispensary Standards. The applicant shall provide a comprehensive written response identifying how the Dispensary plan complies with the each of the standards for review in this Chapter, specifically the limitation on location and operating requirements in Sections 5707 and 5708;

(15) Written Response to Criteria for Review Section. The applicant shall provide a written response indicating the method by which each of the criteria for review enumerated in Section 5710 has been satisfied;

(16) Security Plan. A detailed security plan outlining the proposed security arrangements for insuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a premise and panic alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;

(17) Floor Plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Dispensary. The

sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;

(18) Site Plan. A sketch or diagram showing exterior configuration of the premises, including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six inches;

(19) Accessibility Evaluation. A written evaluation of accessibility to and within the building, and identification of any planned accessibility improvements.

(20) Neighborhood Context Map. An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the Dispensary, and: (a) the property lines of any School within 600 feet of the property line of the Dispensary for which a permit is requested, (b) the property lines of any Dispensary within 250 feet of the primary entrance of the Dispensary for which a permit is requested, and (c) the property lines of any youth-oriented facility or residential zone or use within 250 feet of the primary entrance of the Dispensary;

(21) Lighting Plan. A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation. All lighting shall be fully hooded and downcast, and shall not shine towards the night sky, adjacent property or any street.

(22) City Authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

(23) Statement of Owner's Consent. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a Dispensary at the location;

(24) Applicant's Certification. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct;

(25) Other Information. Such other information as deemed necessary by the Planning Department to demonstrate compliance with this Chapter including all City and State Codes, including operating requirements established in this Chapter.

(G) Renewal. Applications for one-year renewal shall be accompanied by the following minimum information:

(1) The operator shall report the number of patients served and pay applicable fees, as required by this Chapter.

(2) The operator shall provide a detailed description of any adjustments and changes proposed or that have occurred in Dispensary operations to address issues, or comply with laws.

(3) The operator shall identify any problems encountered during operations and how they have been addressed.

(4) The operator shall identify how the Dispensary has managed its operations to comply with the operating requirements of this Chapter and with State law.

§ 5710 CRITERIA FOR REVIEW.

In addition to the findings required in City Code § 9262, the Planning Commission shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit,

and the Zoning Administrator shall consider the following criteria in determining whether to grant or deny renewals of a Dispensary Use Permit:

(A) That the Dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the MMRSA, and related State law, the provisions of this Chapter and the City Code, including the application submittal and operating requirements herein.

(B) That the Dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

(C) That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing Dispensary location.

(D) That an applicant or employee is not under 21 years of age.

(E) That all required application materials have been provided and/or the Dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this Chapter.

(F) That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

(G) That the location is not prohibited by the provisions of this Chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or have resulted from Dispensary operations.

(H) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements in Section 5708. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

(I) That no Dispensary use, owner, permittee, agent, or employee has violated any provision of this Chapter including grounds for suspension, modification or revocation of a permit.

(J) That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference with the operation of another business.

(K) That the Dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the Dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

(L) That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.

(M) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

(N) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

(O) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.

(P) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(Q) That adequate parking will be provided at a rate of one space for every 200 gross square feet of retail space, office space, and similar floor areas, pursuant to City Code § 9198(F)(1).

§ 5711 INVESTIGATION AND ACTION ON APPLICATION.

After the making and filing of a complete application for the Dispensary Use Permit and the payment of the fees, the applicant shall complete a fingerprint background check and the Police Department shall conduct an investigation of the application. In processing the application:

(A) The Planning Department shall refer the application to any other City departments as necessary to complete the review of the application.

(B) Following provision of complete application materials, inter-departmental review, and compliance with the California Environmental Quality Act, the Planning Department shall schedule the Dispensary Use Permit for Planning Commission review. In making a decision to grant or deny the application the Planning Commission shall follow the notice and hearing procedures and make the findings required by City Code § 9262(C)-(F) and shall either grant or deny the application in accordance with the provisions of this Chapter.

(C) In approving a Dispensary Use Permit, the Planning Commission may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this Chapter.

(D) The Planning Department shall cause a written notice of the Planning Commission decision to issue or deny a permit to be mailed to the applicant by U.S. mail.

§ 5712 APPEAL FROM PLANNING COMMISSION DETERMINATION.

(A) An applicant aggrieved by the Planning Commission decision to issue or to deny a Dispensary Use Permit may appeal such decision to the City Council by filing an appeal. All

determinations of the Planning Commission regarding Dispensary Use Permits shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the City Council within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

(B) The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the procedures applicable to an appeal of a decision to grant or deny a use permit as set forth in Division 9, Chapter 2, Article 20 of the City Code. At the close of the public hearing, the City Council may affirm, reverse, or modify the appealed decision of the Planning Commission. All City Council decisions on appeals of the Planning Commission's decision with regard to an application for a Dispensary Use Permit are final for the City.

§ 5713 REVOCATION.

(A) Any Dispensary Use Permit issued under the terms of this Chapter may be revoked by the Zoning Administrator, when it shall appear to the Administrator that the use for which the Dispensary Use Permit was granted is not being conducted in compliance with the Dispensary Use Permit as conditioned, the permittee has violated any of the requirements of this Chapter, or the Dispensary is operated in a manner that violates the provisions of this Chapter, including the criteria for review and operating requirements sections, or conflicts with State law.

(B) The Zoning Administrator shall conduct revocation proceedings in compliance with Section 9262(H) of this Code, except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator. Notice of the hearing required by said Section shall be given in compliance with Section 9262(C). In addition, notice of the revocation hearing, including a description of the facts and violations relied upon in seeking revocation, shall be served on the permit holder by personal service, overnight courier or registered United States Mail, return receipt requested, not later than ten (10) day prior to the hearing. Service shall be deemed complete when received by the permit holder or forty-eight hours after deposit in the United States Mail, whichever occurs first. Notice shall be sent to the address as shown on the permit application or to an address which the permit holder has requested in writing that the City use for official communications. The address shall not be a Post Office box, but must be a physical address.

(C) If any person holding a permit or acting under the authority of such permit under this Chapter is convicted of a public offense in any court for any offense that would constitute a violation of their Dispensary Use Permit or this Chapter, the Zoning Administrator may revoke such permit forthwith without any further action thereof, other than giving notice of revocation to the permittee.

(D) The final decision of the Zoning Administrator to revoke a Dispensary Use Permit may be appealed to the Planning Commission. The appeal hearing shall be conducted in compliance with City Code Section 9266, except that all references therein to the City Council in an appeal of a Zoning Administrator decision shall be deemed to refer to the Planning Commission.

§ 5714 EFFECT OF REVOCATION.

When a final decision has been made revoking any Dispensary Use Permit provided for in this Chapter, no new application for a Dispensary Use Permit shall be accepted from the applicant and no such Permit shall be issued to such person or to any corporation or other business entity, including but not limited to, a partnership or limited liability company, in which he or she shall have any direct or indirect beneficial, financial or ownership interest for a period of three years after the action revoking the Permit.

§ 5715 TRANSFER OF PERMITS.

(A) A permittee shall not operate a Dispensary under the authority of a Dispensary Use Permit at any place other than the address of the Dispensary stated in the application for the permit.

(B) A permittee shall not transfer ownership or control of a Dispensary, including by transferring a controlling interest in the permittee, or transfer a Dispensary Use Permit to another person or entity unless and until the transferee obtains its own Dispensary Use Permit. Any other assignment of a Dispensary Use Permit is prohibited.

(C) No Dispensary Use Permit may be transferred when the Zoning Administrator or Planning Commission have notified the permittee that the permit has been or may be revoked.

(D) Any attempt to transfer a Dispensary Use Permit either directly or indirectly in violation of this Section is declared void, and the permit shall be deemed revoked.

§ 5716 TIME LIMIT FOR FILING APPLICATIONS UPON ANNEXATION.

Any Dispensary that was legally established in Mendocino County ("County") and which is subsequently annexed into the City must apply for and obtain a Dispensary Use Permit in compliance with the provisions of this Chapter within 90 days from the date the annexation becomes effective. Continued operation of a Dispensary without a permit more than 90 days after annexation shall constitute a violation of this Chapter, unless an extension of the 90 day period is approved by the Planning Commission upon the applicant's demonstration of reasonable grounds to do so.

§ 5717 MARIJUANA DELIVERY.

(A) A permitted Dispensary located in the City may deliver marijuana to qualified patients and caregivers at their residence in the City. Such permissible delivery of marijuana to qualified patients shall be limited to delivery by lawfully-operated, permitted dispensaries located within the jurisdictional limits of the City. Any individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient must have a business license in accordance with Division 2, Chapter 1, Article 3 of the City Code.

All other marijuana delivery is a prohibited activity in the City, except where the City is preempted by federal or state law from enacting a prohibition on such activity.

(B) In conformity with City Code § 6001, it shall be unlawful for any qualified individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient to be in an intoxicated condition or under the influence of narcotic drugs within

the corporate City limits of the City in, on, or about any automobile, motorcycle, motor vehicle, street car, railroad car or other vehicle.

§ 5718 VIOLATIONS.

(A) It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character to violate any provision or fail to comply with any of the requirements of this Chapter.

(B) A violation of this Chapter shall be subject to the enforcement and penalties specified in City Code § 5723.

§ 5719 REMEDIES.

This Chapter shall be subject to enforcement pursuant to Division 8, Article 22 of this Code.

§ 5720 SEPARATE OFFENSE FOR EACH DAY.

Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

§ 5721 HOLD HARMLESS.

As a condition of approval of any permit issued pursuant to this Chapter for medical marijuana cultivation, processing, or distribution, the permittee shall indemnify, defend and hold harmless the City of Ukiah and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by a permittee's clients or employees, adjacent or nearby property owners or other third parties due to permitted uses or operations, and for any expense incurred by City as a result of or in defense of any such claim..

§ 5723 PENALTIES.

(A) It shall be unlawful and constitute a misdemeanor for any person to violate the provisions of this Chapter, punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than six (6) months or both. This penalty shall not apply, if prohibited by state law.

(B) The penalty provided herein is in addition to any other penalty or remedy available at law or in equity, whether civil or criminal, for any violation of this Chapter or engaging in activity requiring a City license or permit, including, without limitation, a business license or building permit, without first obtaining such permit or license.

§ 5724 JUDICIAL REVIEW.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure § 1094.5.

Any such petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure § 1994.6 which shall be applicable for such actions.

SECTION 2

Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended by adding a new permit category, DUP – Use Allowed with a Dispensary Use Permit, to the heading column entitled “Use Categories and Specific Uses”, by specifying that a Medical marijuana dispensary is an allowable use with a Dispensary Use Permit in the General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning districts, and replacing the reference to section 5702 in the column entitled “Additional Zoning Requirements by Code Section with references to Section 5703 and Section 5707.

SECTION 3

Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9254 MARIJUANA CULTIVATION

* * *

B. Cultivation of Marijuana:

* * *

2. Indoor Cultivation: Except as permitted in Chapter 8 in Division 6 of this Code, it is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any residential zoning district (R-1, R-2, R-3 and CN districts) in the city of Ukiah to cause or allow such parcel to be used for the cultivation of more than twelve (12) mature and twenty four (24) immature marijuana plants within a fully enclosed and secure structure on the parcel.

3. Indoor Cultivation Of Marijuana Restricted To Qualified Patients And Primary Caregivers: It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Ukiah to cause or allow such parcel to be used for the cultivation of marijuana, unless (a) the person is a qualified patient or primary caregiver, growing the amount of marijuana per qualified patient authorized by Health and Safety Code section 11362.77(a) – (b) and (d) – (f), not to exceed the per parcel limit in subsection B2 of this Section, or (b) the person is operating a Medical Marijuana Dispensary pursuant to a valid Dispensary Use Permit, within the C1, C2, CN, M, and PD (Commercial) zoning districts and in the GU, UC, and DC downtown zoning districts, and the space devoted to on-site cultivation at the permitted Dispensary does not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet.

SECTION 4.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of

the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on January 18, 2017, by the following roll call vote:

AYES: Councilmembers Scalmanini, Mulheren, Doble, and Mayor Brown
 NOES: None
 ABSENT: Councilmember Crane
 ABSTAIN: None

Adopted on February 15, 2017, by the following roll call vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Jim O. Brown, Mayor

ATTEST:

Kristine Lawler, City Clerk

Attachment 3

Based on the Council's questions from the November 19, 2016 meeting, staff has complied the following questions and answers regarding medical marijuana dispensaries:

1. **Analysis of the benefits to the City:** According to staff research, the following are some potential benefits to allowing Medical Dispensaries within the City:
 1. Provides an alternative to the black market and illegal sales.
 2. Provides location for patients to obtain medicine.
 3. Limited revenue source in the form of sales tax on devices, excise tax, business license fees.
 4. Job creation (Craig's List search revealed an average rate of \$16 per hour for dispensaries jobs).
 5. Increased traffic / business / tourism.
2. **Planning Commission Vs. Zoning Administrator Decisions:** The Council requested information regarding what types of projects were considered by the Zoning Administrator. The following provides the Code sections and examples of Zoning Administrator projects:

Three types of permits issued by the Zoning Administrator:

1. Minor Use Permits
2. Minor Site Development Permits
3. Minor Variances

In determining whether a project is considered minor or major permit, the Planning Director uses the following criteria found in Section 9262 of the Zoning Ordinance:

....If the Planning Director determines that the use permit application is minor in nature, it shall be scheduled for a public hearing before the Zoning Administrator. If the Planning Director determines that the use permit application is major, it shall be scheduled for consideration by the Planning Commission for public hearing and action.

And

... If the Planning Director determines that the site development permit application is minor in nature, it shall be scheduled for a public hearing before the Zoning Administrator

Typical permits issued by the Zoning Administrator include: Large Day Care Facilities, variances seeking encroachment of less than 50% into the setback, and retail uses in the C2 zoning designation, and minor alterations to facades of commercial buildings.

The following projects were approved by the Zoning Administrator in 2016:

1. Ground mounted photovoltaic system setback reduction- *Minor Variance*
2. Tasting Room Hours of Operation modification- *Minor Use Permit*
3. Two Large Family Day Cares- *Minor Use Permits*
4. Restaurant expansion- *Minor Site Development Permit*
5. Residential setback encroachment- *Minor Variance*
6. Cemetery Pavilion construction- *Minor Site Development Permit*
7. Residential Fence Height- *Minor Variance*

- 3. Estimation of Business License and other revenue:** In terms of business license fees, dispensaries would be considered retail sales and charged a rate of \$.35 per every \$1,000 of sales. Additionally, dispensaries located in the Business Improvement District would be charged an additional business license tax equivalent to the business license fee (capped at \$250). For example if a business's gross receipts are \$1,000,000 the City would collect a \$350 for the business licenses and an additional B.I.D. fee of \$250.

Other Potential Revenue:

The City could enact a cannabis business tax, as the County did with Measure AI. This would require a ballot measure that could impose a business license tax on cultivating, manufacturing, dispensing, producing, processing, preparing selling or distributing medical cannabis or medical cannabis products.

For example Measure AI imposes a 2.5% business license tax based on gross sales, per fiscal year. Additionally, Measure AI imposes annual business taxes on cultivation, based on the size of the grow operation. A 2,500 sq.ft or less cultivation would trigger a \$2,500 annual business licenses tax. To collect additional revenue, the City could consider a similar ballot measure.

Current Sales Tax Data Analysis:

Staff was able to obtain sales tax data from a local dispensary in the Ukiah area but outside the City limits. It should be noted that with the passage of Proposition 64, local jurisdictions will no longer be able to collect sales tax on medical marijuana. The revenue shown in the table below represents sales tax (1%) the County collected from one dispensary in the Ukiah Area:

Timeframe	Sales Tax Collected (1%)	Gross Sales (Est.)
YE 2015/Q2	\$10,566	\$1,056,000
YE 2014/Q2	\$6,893	\$693,000
YE 2013/Q2	\$5,581	\$581,000
YE 2012/Q2	4,914	\$494,000

State Taxes:

Effective January 1, 2018, a 15 percent State excise tax, based on the gross receipts from the retail sale, would be imposed upon retail purchasers of all marijuana and marijuana products, including medical marijuana. In addition, a tax on cultivators of marijuana would generally be imposed as follows:

- \$9.25 per dry-weight ounce of marijuana flowers
- \$2.75 per dry-weight ounce of marijuana leaves

While this State excise tax described above, will not be collected or distributed to the City, it will be available in the form of grants that the City will be able to apply for under certain circumstances. At this point, the amount of grant funding is unknown.

4. Analysis of Allowed Signage: Dispensaries would be subject to the same sign regulations as other businesses in the City as follows:

§ 5708 OPERATING REQUIREMENTS. (4) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with City Code § 3227 and any other City Code provisions regulating signage.

1. One and one-half (1 1/2) square feet of sign area for every ground level linear foot of parcel frontage. No more than two-thirds (2/3) of this allowed signage to be freestanding.
2. On corner lots the maximum allowable number and square footage of on-site signs are permitted for each street frontage up to two (2). Said maximum allowances, however, are not transferable either in whole or in part from one street frontage to another, except when the sign is placed at a forty five degree (45) angle in the corner of the parcel, in which case site development is required.
3. In no case shall the total square footage of signs on a building frontage exceed the number of linear feet in the frontage or five hundred (500) square feet, whichever is the lesser figure.

Some commercial centers (i.e. Pear Tree Center) have adopted sign programs that provide signage criteria unique to their development. Criteria typically includes size, location and method of illumination. A dispensary seeking to locate within a development with a sign program would be subject to those criteria.

5. Examples of City's that regulate the appearance of the façade: Staff analyzed ordinances from 15 cities and counties, none of which specifically regulate the façade or

appearance of dispensaries. For jurisdictions with adopted design guidelines, staff believes those standards would apply to dispensaries like any other business. Dispensaries proposed in the Downtown area would be subject to architectural standards found in the Downtown Zoning Code. These generally include material selection, amount of windows, entry way design, among others.

- 6. Crime associated with dispensaries:** Please see Attachment 6 of the ASR for an article entitled “Medical Marijuana Dispensaries and Their Effect on Crime”. The article summarizes several surveys and studies pertaining to the effects on crime resulting from Medical Marijuana Dispensaries. It concluded that medical marijuana dispensaries do not increase crime in the neighborhood where they are located.

7. Pictures of Dispensaries:





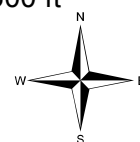






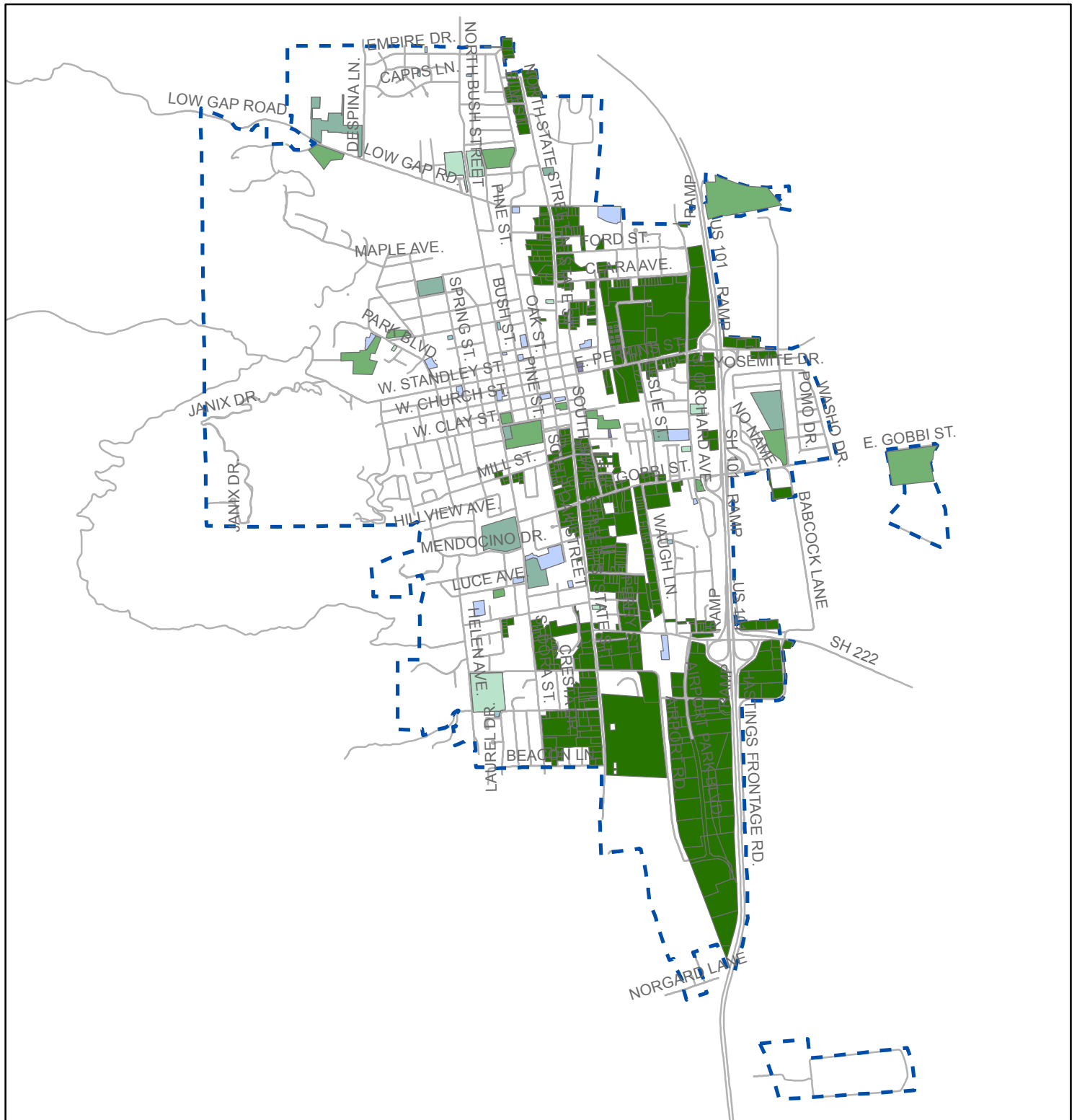
Youth Facility

-  Large Home Daycare
  Allowable Locations 500 ft
-  Park
  Streets
-  Preschool
  CITY LIMITS
-  School
-  W
- 



A horizontal number line with tick marks at 0, 1,625, 3,250, and 6,500. The word "Feet" is written at the right end of the line.

Allowable Locations 250 ft from Youth Facilities



Legend

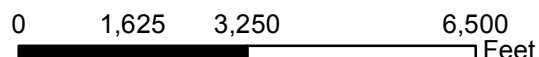
Youth Facility

-  Afterschool Program/Youth Services
 Church
 Family Fun Center

-  Large Home Daycare
  Allowable Locations 250 ft
-  Park
 Streets
-  Preschool
  CITY LIMITS
-  School
- 
- 



Date: 1/10/2017





ITEM NO.: 12b

MEETING DATE: February 1, 2017

AGENDA SUMMARY REPORT

SUBJECT: RECEIVE FINANCIAL REPORT REGARDING UKIAH ON ICE 2016-17, THE OUTDOOR HOLIDAY ICE RINK, AND CONSIDER HOSTING AN ICE RINK IN 2017-18

Summary: The City Council will receive the financial report on the 2016-17 Ukiah on Ice event and consider hosting an ice rink for the 2017-18 holiday season.

Background: Under Council direction and in partnership with the Ukiah Valley Medical Center (UVMC), the City hosted the first-ever seasonal ice rink in the downtown for five weeks. The rink was open daily, including holidays, for five weeks and hosted over 7,300 skaters and over thirty school field trips.

Discussion: Ukiah on Ice proved to be a tremendous asset to the community. The seasonal ice rinks drew thousands of people to the area, providing entertainment and exercise for all ages. In addition to daily users, there were school field trips and weekly free hockey lessons. During the holidays, when out-of-town shopping is at its highest, the ice rink brought people from all corners of our county and neighboring counties, exposing them to Ukiah's historic downtown and providing a boost to the local economy.

As part of wrapping up the 2016-17 event, the ice rink team has inquired with the major sponsors to determine whether, if the rink was brought back for another season, they would participate again. Most conveyed enthusiastic support and a strong likelihood of their continued involvement. Based on this response, Staff believes that commitments for another season would equal or surpass the amounts received for this first event.

The below matrix illustrates the operating budget for the ice rink in 2016-17, and projects the costs associated with hosting a rink in 2017-18. This year's event generated net revenue of just under \$17,000 exceeding projections by over \$15,000. Forecasting for next year, with known in-kind sponsor commitments, Staff is comfortable projecting a break-even event; however, many of the numbers are variable and Council would need to be comfortable with the possibility of the General Fund closing the gap if needed. Furthermore, these budgets continue to be based on in-kind support from the City for the regular-salary Staff that managed the ice rink.

Continued on Page 2

RECOMMENDED ACTION(S): Receive financial report regarding Ukiah on Ice 2016-17, the outdoor holiday ice rink, and authorize staff to move forward with planning hosting an ice rink in 2017-18.

ALTERNATIVES: Provide staff with other direction.

Citizens advised: N/A
Requested by: N/A
Prepared by: Shannon Riley, Senior Management Analyst; Kerry Randall, Facilities Administrator; and Maya Simerson, Project Administrator.
Coordinated with: Jake Burgess, Recreation Supervisor and Tami Bartolomei, Community Services Supervisor.
Presenters: Shannon Riley, Senior Management Analyst and Maya Simerson, Project Administrator.
Attachment: N/A

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

ICE RINK BUDGET		
Revenue	2016 Actuals	2017 Projections
Ticket sales, field trips, concessions	56,753	66,000
Sponsors	88,000	80,000
Total	144,753	146,000
Expense		
Ice rink	92,000	102,000
Tent	5,750	7,000
Sand box	in-kind sponsorship	in-kind sponsorship
Fencing	in-kind sponsorship	in-kind sponsorship
Security	in-kind sponsorship	in-kind sponsorship
Hotel for ice rink maintenance staff	in-kind sponsorship	in-kind sponsorship
Utilities	5,362	8,000
Staff for ice rink- seasonal	15,615	17,000
Supplies	5,500	5,000
Total	127,827	141,600
Profit/ Loss	16,926	4,400

As determined at the September 7, 2016, Council meeting, the City established a trust fund account to receive all income and process all expenses for the ice rink. The revenue from the 2016-17 event will remain in the fund and will be available for use towards another downtown holiday event in the future at the City's discretion if a 2017-18 event is not authorized.

Should Council choose to move forward with another season, the proposed location of the 2017-18 Ukiah on Ice would remain the same, on School Street in front of Alex Thomas Plaza. This site is ideal for its proximity to electrical access, parking, public restrooms, and the covered pavilion. While the street width will not allow for a wider ice rink there is a possibility to extend the length from eighty feet to one hundred feet. The larger size would allow for more field trip participation and allow more skaters on the ice during peak use times.

At this time Staff is confident there is the capacity to successfully host another season of Ukiah on Ice and is recommending that Council authorize Staff to move forward with hosting an ice rink in 2017-18.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Fund Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	31400000	Yes ☐ No ☒	N/A

**AGENDA SUMMARY REPORT**

SUBJECT: AUTHORIZE EXECUTION OF AMENDMENT TO THE AGREEMENT WITH SHN IN AN AMOUNT NOT TO EXCEED \$14,160 FOR ADDITIONAL SERVICES FOR THE NORTH STATE STREET - LOW GAP ROAD STORM DRAIN AND TRAFFIC SIGNAL PROJECT AND APPROVE BUDGET AMENDMENT

Summary: City Council will consider authorizing an amendment to the professional services agreement with SHN for additional services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project. City Council will also consider authorizing a budget amendment for the additional services.

Background and Discussion: At the September 7, 2016, Regular City Council Meeting, the City Council approved additional design work which included the full intersection design and design of the frontage improvements along Brush Street. The City is obligated to construct these frontage improvements (retaining wall, sidewalk, curb, and gutter) per the City's agreement for acquisition of easement with the property owner. Please refer to the attached scope of work (Attachment #3) for further details on this approved work.

On January 4, 2017, at its Regular City Council meeting, the City Council rejected all bids received for construction of this project and further directed Staff to re-advertise the project for bids. To prepare the project for re-advertisement, staff identified the following items which will need to be incorporated in the bid documents: revise the specifications and plans to reflect the new specification number and bid date, revise the specifications and plans to include information from previous bid addenda and bid questions, revise the plans and specifications to include a new recycled water line extending through the project limits of new paving on Brush Street and Low Gap Road, etc. Staff therefore requested a proposal from SHN for this additional work for City Council's consideration. SHN has proposed a total fee of \$14,160 to cover the cost of the additional City requested work. Please refer to Attachment #5.

For reference, staff has also included the original scope of work (Attachment #1) and the supplemental scopes of work (Attachments #2, #3, and #4). Staff has reviewed the proposal for the additional work and found the proposed fee to be commensurate with the scope of work. Staff recommends approval of a contract amendment for this work and approval of the corresponding budget amendment.

FISCAL IMPACT:				
Budget Amendment Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$14,160	Recycled Water Fund	83024430.15062	Yes ☒ No ☐	1516-229

RECOMMENDED ACTION(S): Authorize execution of amendment to the agreement with SHN in an amount not to exceed \$14,160 for additional services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project and approve budget amendment.

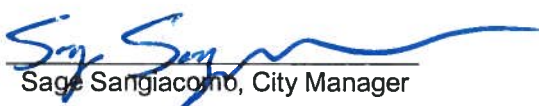
ALTERNATIVES: Choose not to approve recommended action and provide direction to staff.

Citizens advised: Tom Hunt, SHN Consulting Engineers & Geologists, Inc.
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Contact/Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenter: Tim Eriksen, Director of Public Works / City Engineer
Attachments: 1. SHN scope of work dated April 27, 2016
2. SHN proposal dated July 19, 2016
3. SHN proposal dated August 30, 2016
4. SHN proposal dated November 8, 2016
5. SHN proposal dated January 19, 2017

COUNCIL ACTION DATE: _____ : ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager



CONSULTING ENGINEERS & GEOLOGISTS, INC.

335 S. Main St. • Willits, CA 95490-3977 • 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Reference: 415080.200

April 27, 2016

Richard Seanor
Deputy Public Works Director
City of Ukiah
300 Seminary Avenue
Ukiah, CA. 95482

**Subject: Engineering Services Proposal - Low Gap Road and North State Street
Drainage and Curb Return Improvements**

Dear Mr. Seanor :

SHN Consulting Engineers & Geologists, Inc. (SHN) offers to provide engineering and surveying services for the preparation of plans to reconstruct the northeast and northwest curb returns at the intersection of Low Gap Road and North State Street to facilitate the installation of new curb return with a larger radius and ADA accessible ramps on the two corners. This work is necessary due to an existing collapsing storm drain on the northwest corner of Low Gap Road and State Street, and a grade conflict with an existing storm drain crossing State Street and the new 10-inch sewer main currently being constructed in the center of North State Street.

Our services would include performing a field survey of the existing intersection improvements and preparation of a topographic map to be used as a base map. We will research the available plan records to determine the most cost effective way to construct a new storm drain across State Street between the northern curb returns. We will also design new drain inlet locations to efficiently capture the runoff on Low Gap Road and State Street so the new drain inlet and the gutter drainage does not adversely impact the proposed ADA pedestrian ramp. Based on a preliminary review of existing plans and a site inspection, we have determined that some relocation of signal poles and below-grade electrical wiring will need to be relocated to accommodate the new curb radius and the ADA ramps.

We will prepare a site grading plan for the new curb returns and drainage inlets, storm drain profile, site plan for relocation of signal poles and wiring pull boxes, and details for ADA ramp, drainage inlets, sidewalk, curb and gutter, together with general specification and notes on the plans. We will prepare these plans for a fee of \$9,780.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

A handwritten signature in black ink that reads 'Thomas M. Herman'. The signature is written in a cursive, flowing style.

Thomas M. Herman
Regional Principal

TMH: amg



Reference: 415080.200

July 19, 2016

Richard Seanor
Deputy Public Works Director
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Via email: rseanor@cityofukiah.com

**Subject: Engineering Services Contract Amendment - North State Street
Intersection and Storm Drainage Improvements -Low Gap Road/Brush
Street**

Dear Mr. Seanor :

Under your direction, we submitted an engineering services proposal on April 27, 2016 for the preparation of plans for new curb returns on the northwest and northeast corners of North State Street and Low Gap Road/Brush Street together for the repair of the collapsed storm drain at the northwest corner of North State Street and Low Gap Road. When SHN Consulting Engineers & Geologists, Inc. (SHN) started the original discussions regarding this work, the City of Ukiah was only considering the improvements to the northwest corner curb return and repair of the collapse sidewalk to be constructed as a Contractor Change Order for extra work. We were directed by Tim Eriksen during a meeting to put the project on hold temporarily because of complications with the Contractor working on the Sewer Main Improvements project. We were later directed by yourself to move forward with preparing an estimate for engineering services and to include both the northeast and northwest corner curb returns and repair the of the collapsed storm drain at the northwest corner. It was the hope that this work could be added to the North State Sewer Project Improvements by Contractor Change Order. We provided a proposed cost of \$9,780 for the preparation of engineering plans for this work with a budget to facilitate a quick, internal approval so the engineering work could be started in an effort to provide plans to the Contractor for a Change Order budget prior to the finishing of the existing project. We endeavored to perform these services as quickly as possible. We understood this effort would include the relocation of two traffic signal poles and the associated pull boxes and electrical conduits in the sidewalk.

Subsequent to the authorization of the original work order, the following elements were added to the Scope of Work at different times, and were thus included on the plans per the direction of various City of Ukiah personnel:

- While SHN was in the process of preparing plans, it was discovered the existing storm drain in North State Street was in grade conflict with the new sewer main and had to be compromised to construct the new sewer main. It was also noted that the existing CMP storm drain was rusted along the spring line and was in need of replacement. It was then confirmed that the storm drain across North State Street needed to be replaced. We thus included the new storm drain improvement to our plans.

Richard Seanor

Contract Amendment - Low Gap Road & North State Street Drainage and Curb Return Improvements

July 19, 2016

Page 2

- After I requested the right of way documents that were prepared in 1995, we discussed the realignment of the sidewalk and driveway on Quest Mart property on Brush Street.
- In the process of realigning the sidewalk, it was determined that the Quest Mart sign pole would have to be moved thus a footing design was calculated.
- While SHN was preparing the new curb alignment, we were directed by yourself to replace the existing traffic light pole on the northeast corner with one large enough to provide a left turn arrow module on the mast arm over North State Street. Also, left turn arrow signal modules were to be added on all of the appropriate signal poles together with a Gridsmart camera traffic signal control system.
- We later had discussions about including the rehabilitation of Brush Street where we recommended providing a new structural section as opposed to an overlay. Thus, a new structural section and limits of the rehabilitation work were prepared.
- During a Sewer Project walk with Tim Eriksen and Jarod Thiele, we were directed to add pavement rehabilitation for North State Street and Low Gap Road to the project plans.
- Relative to reconstructing the structural section on Brush Street, we suggested that the remaining section of CMP storm drain on Brush Street to the corner of Mazzoni Street should be replaced as well so future digging in Brush Street to repair a rust out storm drain would not necessary.
- Upon completing a 95% complete set of plans, we then prepared a Bid Schedule with construction items and quantities for the preparation of a Bid by TGI. We have since provided pdf plans to TGI and City of Ukiah for Bid Estimate and final review.

At this juncture, SHN would like to respectfully submit a request to the City of Ukiah for additional compensation for the extra work that was performed relative to the above described elements that were added to the completed plans. To date, our additional engineering services fees for the preparation of the North State Street Intersection and Storm Drainage Improvement Plans are \$23,840.

On July 18, 2016, the City of Ukiah requested a fee for preparing Contract Documents and Technical Specifications for the bidding of the North State Street Intersection and Storm Drain Improvements at Low Gap/Brush Street. SHN will prepare the Contract Documents and Technical Specifications using base digital documents provided by the City of Ukiah for a fee of \$8,540. We will provide the City of Ukiah a digital copy of the Contract Documents together with digital copies of the project plans for submittal to Builders Exchange Plan rooms. We will also provide three (3) hard copies of the Contract Documents and full size Project Plans signed by a California Registered Civil Engineer.

The proposed amendment to the Engineering Services Contract is \$23,840 for design services completed, plus an additional fee of \$8,540 for the finalization of the project plans and the preparation of Contract Documents and Technical Specifications, for a total contract increase of \$32,380.

Richard Seanor

Contract Amendment - Low Gap Road & North State Street Drainage and Curb Return Improvements

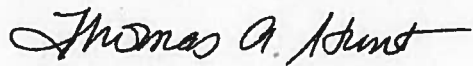
July 19, 2016

Page 3

Please review this request and call or email us at your earliest convenience to discuss the future direction for finalizing this work and the adjustment to our engineering services contract fees. We appreciate the opportunity to work with the City of Ukiah on this project and we are looking forward to providing our services on future projects.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TAH:amg

cc: Jarod Thiele, City of Ukiah
Email: jthiele@cityofukiah.com

**CONSULTING ENGINEERS & GEOLOGISTS, INC.**

335 S. Main St. • Willits, CA 95490-3977 • 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Reference: 416056.100

August 30, 2016

Richard Seanor
Deputy Public Works Director
300 Seminary Avenue
Ukiah, CA. 95482

Via email: rseanor@cityofukiah.com

**Subject: Engineering Services Contract Amendment – North State Street
 Intersection and Storm Drainage Improvements – Low Gap Road/Brush
 Street**

Dear Mr. Seanor:

Under your direction and discussion with Tim Eriksen, Public Works Director, we are submitting an estimate to amend to our existing engineering services agreement for the preparation of construction plans, contract documents, and to provide assistance during bidding for the subject North State Street Intersection Improvements. We have been directed to 1) add an ADA accessible ramp on the existing southwest curb return, 2) design a complete ADA ramp with a new 35 foot radius curb return for the southeast corner, and 3) design frontage improvements along the south side of Brush Street from North State Street to the end of the existing sidewalk improvements across from the intersection with Mazzoni Street and within the right of way previously purchased by the City of Ukiah.

These new frontage improvements include retaining walls, driveways, new utility stubs for future development of the adjacent parcel, and special foundation support for the existing structure which will be effected by the widening and construction of the Brush Street improvements. The widening of Brush Street will allow for a left turn lane with reasonable stacking distance and safer vehicle and pedestrian flow on Brush Street. These improvements will also facilitate a full left turn traffic signalization of the intersection. A new traffic signal pole with an overhead mast will be added to the southeast corner of the intersection. A complete left turn arrow signal plan is being prepared for the intersection. In addition, we are redesigning the storm drains for the intersection to include all four corners of the intersection and to accomplish the full abandonment of the existing steel culverts which have been found to be failing. Due to the number of existing underground utilities crossing this intersection, the design of the storm drain is complicated and will be very deep to pass under the existing utility piping.

We are setting up the plans and contract documents to bid this work as one project but will phase the construction work. Phase One would be performed as soon as the project can be bid and awarded this fall because of the importance of rebuilding the storm drain that was severed to construct the new sewer main in North State Street. During the sewer main construction, it was noted that the existing steel storm drains crossing State Street were all perforated with rust holes. During the construction of the new storm drain, it is anticipated that new curb returns would be constructed along with the relocations of existing traffic poles and installation of new poles and traffic signal modules to create left turn arrows in all directions. It is important that the storm drainage work be performed as a first priority along with the other associated improvements,

Richard Seanor

Engineering Services Contract Amendment - No. State St. Intersection & Storm Drainage Improvements - Low Gap Rd/Brush St.

August 30, 2016

Page 2

unless a temporary alternative can be installed. We would then suggest that after the storm drains, curb returns, the shoulder construction adjacent to the new curb returns, and the signalization work and Phase One street striping is completed that work be suspended until spring.

In the spring, Phase Two construction would resume to address the improvements along the Brush Street frontage, reconstruction of the structural section of Brush Street together with pavement rehabilitation in State Street and Low Gap Road and in the intersection. Once the new pavement rehabilitation and reconstruction is completed, the Phase Two striping plan would be applied for a finished project.

We anticipate having 95% of plans and contract documents ready for the City of Ukiah staff to review during the week of September 6, 2016. We assume that some minor revisions may be necessary after review by staff and we would then prepare a final set of plan and contract documents as quickly as possible, signed by a California Registered Civil Engineer and submitted to the City of Ukiah. We will provide the City ten (10) full-size sets of plans together with PDF files of the same. We will also provide three (3) sets of bound Contract Documents, a Word document file and a PDF file of the Contract Documents. We will prepare an Engineer's Opinion of Cost for the proposed improvements. Providing the City with assistance during bidding to help answer contractor questions as needed and preparing a bid tabulation of the submitted bids will also be performed. Our estimated amendment to the engineering services agreement which includes providing the aforementioned services, final signed plans for bidding, and bidding assistance is \$25,266.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TAH: amg



Reference: 416056.100

November 8, 2016

Richard Seanor
Deputy Public Works Director
300 Seminary Avenue
Ukiah, CA. 95482

Via email: rseanor@cityofukiah.com

Subject: Engineering Services Contract Amendment - North State Street Intersection, Traffic Signalization, and Storm Drainage Improvements - Low Gap Road/Brush Street

Dear Mr. Seanor:

Under your direction, we are submitting a final estimate to amend to our existing engineering services agreement for the preparation of construction plans, contract documents, and to provide assistance during bidding for the subject North State Street Intersection Improvements.

After completing a set of plans and contract documents which addressed the previously discussed additions to the project plans we have performed additional revisions to the plans, specifications, and contract documents to include the following items:

- Add utility services and details for the southeast corner parcel to the plan sheets per new documents subsequently provided by Mr. Seanor after being found in old project files.
- Add new chain link fencing and gate along the length of the property on the south side Brush Street.
- Modify the drainage piping from the Ceja Tire parking lot drain inlet.
- Perform engineering analysis to look at street grades and existing utility grades to see if a temporary storm drain from the northwest corner of the intersection could be constructed to an existing drain inlet at another corner.
- Performing additional modifications to the contract documents to be consistent with new City of Ukiah formats after printing and binding of a final set of contract documents.
- Perform revisions to the Notice to Bidders document and add a bidder's checklist, adding City of Ukiah sample insurance forms, together with renumbering of the table of contents after each modification or addition to the contract documents.
- Creating a specification and bid item for the Contractor to perform Public Noticing of traffic control and closures in the intersection.
- Create a specification for Night Construction and a bid alternate item.
- Perform research for the estimate cost of Night Construction and amend the Engineer's Opinion Cost for the project.
- Prepare a new set of pdf plots of the plans and a pdf file of the contract documents after performing revisions adding the various notes and details referred to herein.
- Print a new set of original full size plans with the final revisions.
- Print and bind three new sets of contract documents for submittal to the City of Ukiah.

To date our total approved budget for the North State Street Intersection improvements is \$67,426. Our total billing invoiced to date is \$68,031.45 as of September. Since the first of October we have accrued a

total of \$11,503.79 in labor and print expenses. In addition we would like to reserve a budget of 8 hours for bidding assistance if so needed during the next few weeks of the bidding process. SHN would respectfully like to request an amendment to this contract in the amount of **\$13,269** to complete our engineering services through bid the opening of this project on November 30, 2016.

The total budget for Engineering design services for the North State Street Intersection, Traffic Signalization, and Storm Drainage Improvements – Low Gap Road/Brush Street would be **\$80,695**. Relative to the estimated construction budget of \$1,396,558 the design services fees are equivalent to 5.8% of the estimate.

Sincerely,

SHN Consulting Engineers & Geologists



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TMH/tjc



CONSULTING ENGINEERS & GEOLOGISTS, INC.

335 S. Main St. • Willits, CA 95490-3977 • 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Reference: 416056.100

January 19, 2017

Richard Seanor
Deputy Public Works Director
300 Seminary Avenue
Ukiah, CA. 95482

By e-mail: rseanor@cityofukiah.com

**Subject: Engineering Services Contract Amendment – North State Street Intersection,
Traffic Signalization, and Storm Drainage Improvements – Low Gap
Road/Brush Street**

Dear Mr. Seanor:

Under your direction and discussion with Tim Eriksen, we are submitting an estimate to amend our existing engineering services agreement for additional services for the North State Street Intersection Traffic Signalization, and Storm Drainage Improvements – Low Gap Road/Brush Street Project (Project).

Based on the City Council's direction, staff rejected the contractor bids for the Project due to a Contractor protesting information not included on another Contractor's bid. Since the construction bids for the Project have been rejected, we have prepared the following to rebid the Project with the associated modifications identified during the previous bidding process and additional items of work as described herein.

We will prepare modifications to the plans and contract documents for the project plans to include the bidder questions and additional specification language included in the bid addendum, together with the following additional items of work:

- Perform engineering analysis of the feasibility of locating and constructing a 12 inch recycled water pipe from the Mazzoni Street intersection westerly within Brush Street, across the State Street intersection and westerly within Low Gap Road to five feet beyond the proposed improvements. Locating the proposed recycled water main will require analyzing the location and depths of existing water, sewer, gas, storm drains, telephone, and underground power conduits to maintain Title 22 separation from the existing water mains and clearance with other utilities.
- Meet with the City of Ukiah staff to discuss the recycled water main feasibility.
- Add elements to the traffic signal system per comments from the City Electrical Department.
- Obtain additional sewer depth data to be added to the street profile of Brush Street for sewer lateral construction.

Mr. Rick Seanor
North State Street Contract Amendment
January 19, 2017
Page 2

- Prepare a new plan and profile sheet, and trench details for the recycled water main construction.
- Prepare a new specification section for the recycled water main construction.
- Modify the sheet numbering and index to add the new plan and profile, and trench details.
- Prepare revisions to the Notice to Bidders document.
- Prepare revisions to the Bid Schedule.
- Prepare miscellaneous revisions to the contract documents to revise bid dates, order of work, and specifications.
- Prepare an updated engineer's opinion of cost for the construction project.
- Submit a set of plans and contract documents for review and comment by City staff.
- Prepare a new set of .pdf plots of the project plans, and a .pdf file of the contract documents after performing final revisions and provide a digital copy to the City for posting to their construction bidding website.
- Print a new set of original full size updated plans, with the revisions and additions.
- Obtain a wet signature on the project plans and contract documents.
- Print and bind three new sets of contract documents for submittal to the City of Ukiah.
- Provide 10 sets of printed full size plans to City of Ukiah.
- Provide assistance to City staff answering technical questions and preparing any addendums during the bidding process.

To date, our total approved budget for the Project is \$80,695 as completed through the initial bid process. SHN will perform the above described additional services under this contract for an amount not to exceed \$14,160.

The total budget for Engineering Design services for the Project would be \$94,855.

Sincerely,

SHN Consulting Engineers & Geologists



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TAH/alh



ITEM NO.: 12d

MEETING DATE: February 01, 2017

AGENDA SUMMARY REPORT

SUBJECT: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT (RELATED TO FINANCIAL AND ADMINISTRATIVE SERVICES) TO THE INTERIM AGREEMENT FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES BETWEEN UKIAH VALLEY FIRE PROTECTION DISTRICT AND THE CITY OF UKIAH

Summary and Discussion: The City of Ukiah and the Ukiah Valley Fire Protection District "UVFD" have been exploring a long term merger of fire services and currently provide joint services under an interim agreement. The services are provided by retaining each agency's team members in their separate employment including Fire Chief Services provide through the City. The City Council will consider an amendment to the agreement to consider providing financial and administrative services to the UVFD.

Recently the UVFD's administrative staff member submitted her resignation leaving the District with a need for financial and administrative services. The UVFD and City are in the process of exploring possible options utilizing the City's existing resources. At the time of publication, options were being vetted and under development. Staff will present an update and possible alternatives for Council's consideration at the February 1st meeting.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$3,044,849	Fire Dept. Budget	10521210	Yes ☐ No ☒	1314-198, A1,A2

RECOMMENDED ACTION(S): Authorize the City Manager to negotiate and execute an amendment (related to financial and administrative services) to the Interim Agreement for Fire Protection and Emergency Medical Services between Ukiah Valley Fire Protection District and the City of Ukiah.

ALTERNATIVES: Provide the Fire Services Ad-hoc and/or city staff with direction.

Citizens advised: N/A
Requested by: Kirk Thomsen, Interim Fire Chief
Contact/Prepared by: Sage Sangiacomo, City Manager
Coordinated with: Dan Buffalo, Finance Director and Kirk Thomsen, Interim Fire Chief
Presenter: Dan Buffalo, Finance Director and Kirk Thomsen, Interim Fire Chief
Attachments: N/A

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager



ITEM NO.: 13a

MEETING DATE: February 1, 2017

AGENDA SUMMARY REPORT

SUBJECT: RECEIVE AND CONSIDER A STATUS REPORT ON THE STRATEGIC PLAN AND CITY OPERATIONS.

Summary & Discussion: The City Manager will present an informal update and review of the Strategic Plan and City Operations. Council will have the opportunity to discuss and provide direction to the City Manager.

Four Strategic Planning Areas

- Develop a prioritized plan for maintaining and improving public infrastructure.
- Planning Valley-Wide takes place based on sound planning principles.
- Facilitate the development of a sound local economy that attracts investment, promotes economic diversity, supports businesses, creates employment opportunities, and generates public revenues.
- Council and staff work together to create a more responsive and effective workplace environment.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☒	N/A

RECOMMENDED ACTION(S): Receive report and provide direction as necessary

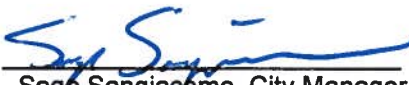
ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: Sage Sangiacomo, City Manager
Prepared by/Contact: Sage Sangiacomo, City Manager
Coordinated with: Shannon Riley, Senior Management Analyst and Kristine Lawler, City Clerk
Presenters: Sage Sangiacomo, City Manager
Attachments: N/A

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager