

**CITY OF UKIAH
CITY COUNCIL AGENDA
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
July 1, 2015
6:00 p.m.**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

- a. Presentation by the Community Services Recreation Division.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

- a. Minutes of June 17, 2015, 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.

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)

12. UNFINISHED BUSINESS

- a. Adoption of a Resolution Certifying the Environmental Impact Report for the Talmage Road/Southbound U.S. 101 On-Off Ramp Realignment Project, Adopting Findings of Fact Pursuant to Public Resources Code ("PRC") Section 21081 and California Environmental Quality Act ("CEQA") Guidelines Section 15091, Adopting a Statement of Overriding Considerations in Accordance with PRC §21081(b) and Guidelines §15093 Approving Alternative 2 as the Project, and Adopting a Mitigation Monitoring and Reporting Program Pursuant to Public Resources Code § 21081.6(a).
- b. Discussion, Direction, and Approve Budget Amendment Regarding Pedestrian Facilities for the Crosswalk on North State Street at Redwood Empire Fairgrounds.
- c. Award Professional Services Agreement in the Amount Of \$119,750 to Green Valley Consulting Engineers for Preparation of Plans, Specifications and Estimate for Summer 2015 Street Reconstruction Project and Approve Budget Amendment.

13. NEW BUSINESS

- a. Designation of Voting Delegate and Alternates for 2015 League of California Cities Annual Conference – September 30 - October 2, 2015.
- b. Discussion and Direction to Staff Regarding the Possible Development of a Development Impact Fee Deferral Program.
- c. Update on Hydro Electric Bonds and Potential to Refund 2005 Water Bonds.
- d. Consideration and Discussion of Interest in Appointing an Ad-Hoc Committee on Marijuana Legislation and Policy.
- e. Consideration of Initial Reorganization Plan for the New City Manager Transition and Approve the Corresponding Budget Adjustments to be Incorporated into the Fiscal Year 15/16 Budget.

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

- a. **Conference with Legal Counsel – Pending Litigation**
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (1 case)
- b. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9(d)(1))
Name of case: Ukiah Valley Sanitation District v. City of Ukiah, Mendocino County Superior Court Case No. SCU-K-CVC-13-63024

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 June, 2015
Kristine Lawler, City Clerk



ITEM NO.: 3a

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: PRESENTATION BY THE COMMUNITY SERVICES RECREATION DIVISION.**Summary:**

The Recreation Division will present a slideshow outlining current summer programs, classes, sports leagues and events for the 2015 summer season.

Background:

The Recreation Division facilitates a wide array of youth and adult recreational programs including classes, sports leagues, camps, clinics, tournaments and special events. The goal of the Recreation Division is to provide accessible and affordable recreation opportunities with reduced program and participant cost through sponsorships and scholarships.

Discussion:

Staff is pleased to present to Council an overview of our current 2015 summer programs. Thank you for the opportunity to showcase our summer activities.

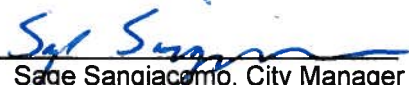
FISCAL IMPACT:			
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
N/A	N/A	N/A	Yes ☐ No ☒

RECOMMENDED ACTION(S): Receive presentation by the Community Services Recreation Division.**ALTERNATIVES:** n/a

Citizens advised: N/A
Requested by: N/A
Prepared by: Stephanie Young, Recreation Supervisor & Dustin Malanga, Recreation Coordinator
Coordinated with: Maya Simerson, Interim Community Services Supervisor
Presenters: Stephanie Young, Recreation Supervisor
Attachments: 1. PowerPoint Presentation

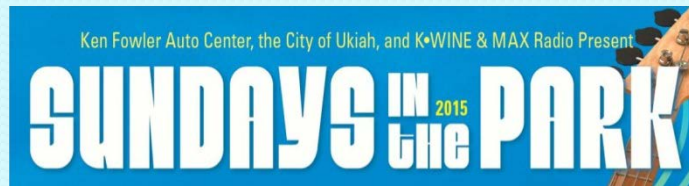
COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____**RECORDS APPROVED:** ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

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

Approved: 
Sage Sangiacomo, City Manager



City of Ukiah Recreation Department



Parks Make Life Better

Recreation Programs

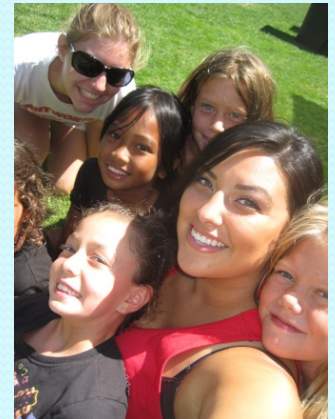
- Recreation Classes: Over 3,000 participants
- Adult Sports: 185 teams with over 2,000 participants
- Two Softball Tournaments with over 400 players
- Petanque Tournament at Observatory Park
- Youth Sports Camps: Over 500 participants in basketball, baseball, football, and wrestling camps



Summer Safari Day Camp

at Todd Grove Park

- Serving the community for over 30 years
- Over 300 families utilize the program
- Swimming, yoga, and golf
- Arts & Crafts
- Sports & Games
- Field trips, movies and cooking
- Emphasis on education through theme weeks
- Parents night out
- For campers 6 -12 years of age



Ukiah Municipal Pool Program

- American Red Cross certified lifeguards and water safety instructors
- Over 600 swim lessons taught and 3,500 public swimmers
- Swim Lessons, Aqua Aerobics, Senior Water Exercise, Public Swim, and Lap Swim
- Concessions
- New Pool Slide
- Pool Party Rentals
- Free 4th of July Swim



Family Fun in the Sun



- **Saturday, June 20:** **Vinewood Park**
- **Saturday, July 18:** **Oak Manor Park**
- **Saturday, August 15:** **Orchard Park**
- All Activities are **Free** 9:30am – Noon
- Arts & Crafts, Teamwork Games, Healthy Snacks & Beverages, Bounce House and Lots of Fun!



Sundays in the Park

24th Annual Free Concert Series

Sundays, 6pm at Todd Grove Park

- June 14 Tommy Castro and the Painkillers
- June 28 Frobeck
- July 12 The Suffers
- July 26 Tuba Skinny
- August 9 Double Standyrd & Top Shelf
- August 23 Jack Mack & The Heart Attack



Moonlight Movie Madness

- June 19 - Penguins of Madagascar (PG)
- July 3 - Into the Woods (PG)
- July 17 - The Hunger Games: (PG-13 Edited)
Mockingjay Part 1
- July 31 - Big Hero 6 (PG)
- August 7 - McFarland, USA (PG)
- August 21 - Guardians of the Galaxy (PG-13 Edited)

AT Alex Thomas Plaza since 2004



Employment Opportunities

- The City of Ukiah Recreation Department is the largest single employer of youth in Mendocino County.
- Opportunities include:
 - Camp Counselors
 - Lifeguard
 - Concessionaires
 - Referees
 - Umpires
 - Scorekeepers



Flynn Creek Circus

Entertainment for the whole family
Under the BIG TOP TENT!

- August 27, @ 7pm
- August 28, @ 7pm
- August 29, @ 3pm & 7pm
- August 30, @ 1:30pm & 4pm



MENDOCINO COUNTY'S ORIGINAL CIRCUS

FLYNN CREEK CIRCUS

TOP QUALITY INTERNATIONAL CIRCUS ACTS
UNDER THE NOSTALGIC BIG TOP TENT

AUG 27, 7PM
AUG 28, 7PM
AUG 29, 3 & 7PM
AUG 30, 1:30 & 4PM

GIORNO FIELD
506 PARK BLVD
UKIAH, CA 95482

THRILLING, INSPIRING ALL AGES ENTERTAINMENT!!
ADVANCE DISCOUNT TICKETS AVAILABLE ONLINE AT
WWW.FLYNNCREEKCIRCUS.COM
SPONSORED BY THE CITY OF UKIAH

Sponsorships

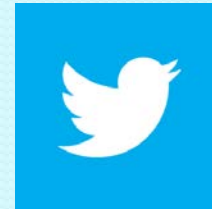
- Through generous donations from our community partners, we are able to offer activities to families at an affordable rate or completely free.

Fee Assistance

- Income should not be a barrier to a family's ability to participate. Qualified families are eligible for a significantly reduced fee.

For Information find us @

- WWW.CITYOFUKIAH.COM/RECREATION
 - Your one stop for all your recreation information needs
- Follow us for the latest information
 - Facebook
 - Twitter
 - Instagram



**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
June 17, 2015
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on June 17, 2015, having been legally noticed on June 12, 2015. Mayor Crane called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Maureen Mulheren, Kevin Doble, Jim O. Brown, Vice Mayor Scalmanini and Mayor Crane. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR CRANE PRESIDING.

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Oath of Office: Incoming City Manager.

Presenter: Kristine Lawler, City Clerk.

City Clerk, Kristine Lawler administered Oath of Office to incoming City Manager, Sage Sangiacomo.

b. Proclamation: Celebrating the 100th Anniversary of Kiwanis International.

Presenter: Mayor Crane.

Public Comment: Larry Olson, Ukiah Kiwanis Club President.

c. Proclamation for Cleveland Lane Community Garden.

Presenter: Mayor Crane.

Public Comment: Genaro Vega.

d. Presentation: Business Watch Outreach Program Administered by Ukiah Police Department.

Presenter: Chief Chris Dewey, Police Chief.

Public Comment: Jennifer Seward, Redwood Empire Fairgrounds Chief Executive Officer.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Minutes of June 3, 2015, a Regular Meeting.

Motion/Second: Doble/Brown to approve the minutes of June 3, 2015, a Regular Meeting, with the administrative correction noted. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Presenter: John McCowen, 2nd District Supervisor.

13. NEW BUSINESS

- a. **Discussion, Direction, and Approve Budget Amendment Regarding Pedestrian Facilities for the Crosswalk on North State Street at Redwood Empire Fairgrounds – Public Works.**

Presenter: Tim Eriksen, Public Works Director/City Engineer.

Public Comment: Jessica Murray; Elna Gordon, Redwood Academy Principal; Jim Switzer, Redwood Academy Business and Facilities Coordinator; Selah Sawyer, Redwood Academy Assistant Principal; Jennifer Seward, Redwood Empire Fairgrounds Chief Executive Officer; Roger Vincent; Clayton Murray; and Mark Hilliker.

Motion/Second: Mulheren/Doble to approve the four recommendations of the Traffic Engineering Committee, approve the budget amendment regarding funding and construction of pedestrian facilities for the North State Street crosswalk at the Redwood Empire Fairgrounds, direct staff to bring back costs and recommendations for in-pavement lighting, and report back on the July 1st consent calendar regarding the funding sources. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- c. **Discussion and Possible Adoption of Resolution Appointing Alan Nicholson to the Parks, Recreation and Golf Commission – City Clerk.**

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Crane/Doble to approve nomination and adopt the Resolution (2015-21) appointing Alan Nicholson to the Parks, Recreation and Golf Commission as an At Large Member. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION**7. CONSENT CALENDAR**

- a. Report of Disbursements for the Month of May – Finance.
- b. Adoption of the Planned Development Ordinance/Precise Development Plan for the PEP Affordable Senior Housing Project Located at 517 South Main Street – *Planning and Community Development*.

ORDINANCE NO. 1158

AN ORDINANCE OF THE CITY OF UKIAH AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF UKIAH, CALIFORNIA

- c. Notification of Agreement (COU No. 1415-208) with Sonoma County Sheriff's Office for Coordinated County Wide Bomb Squad Services, and Authorization for Continuance of Agreement for Future Years – Contingent on Yearly Budget Approval – *Police*.
- d. Report of Disposition of Surplus Materials, Used Equipment and Supplies – *Finance*.

- e. Notification of Purchase of Services for Roll-Up Door Replacement at the Municipal Garage to Overhead Door Company in the Amount of \$22,320 – *Public Works*.
- f. Approval of Budget Amendment for Rental of Water Truck for Four Months from Hertz Equipment Rental in the Amount of \$8,628.36 – *Public Works*.
- g. Award a Unit Price Contract (COU No. 1415-209) for Portable Toilet Rental with United Site Services – *Community Services*.
- h. Approval of Visit Ukiah (TOT Program) Contract (COU No. 1415-210) with Sunset Magazine in Amount of \$25,880, to be Paid Out of Measure X Funds (Hotel Bed Tax) – *Community Services*.
- i. Notification to City Council of Expenditure for Engineering Services (COU No. 1415-194) to Design Walk Grating for the Lake Mendocino Hydro Electric Plant to Crawford and Associates, Inc. in the Amount of \$13,838.00 – *Electric Utility*.
- j. ~~Award Professional Services Agreement in the Amount of \$86,260 to Green Valley Consulting Engineers for Preparation of Plans, Specifications and Estimate for Summer 2015 Street Reconstruction Project and Approve Budget Amendment – *Public Works*. Pulled by department for discussion and place as Agenda Item 13h.~~
- k. Notification to City Council of Expenditure for Sauber Mfg. Co, Single Reel Turret Trailer for the Electric Utility Department (EUD) in the Amount of \$25,413.51 – *Electric Utility*.
- l. Approve New Monthly Service Charge for AT&T Managed 200mbps Internet Fiber Service with Cisco Router in the Amount of \$2,121.03 per Month – *Community Services*.
- m. Award of Contract (COU No. 1415-211) for Leslie Street Undergrounding Extension Project: Specification 15-05 to Wipf Construction in the Amount of \$52,862.50 – *Electric Utility*.
- n. Adoption of Resolution (2015-22) Removing 94 Lineal Feet of On-Street Parking on South State Street at the Corner of Gobbi Street – *Public Works*.

Motion/Second: Brown/Mulheren to approve Consent Calendar Items 7a-l, and 7k-n, as submitted. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS, Continued

Presenter: Mark Hilliker.

9. COUNCIL REPORTS

Presenters: Councilmember Mulheren and Vice Mayor Scalmanini.

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager; Tim Eriksen, Public Works Director; and Karen Scalabrini, Finance Director.

11. PUBLIC HEARINGS

12. UNFINISHED BUSINESS

- a. **Authorize Amendment to Disposition and Regulatory Agreements Between the City of Ukiah and Petaluma Ecumenical Projects to Qualify Project for Exemption from Voter Approval Requirement in Article 34 of the California Constitution – *Community Services*.**

Presenters: Shannon Riley, Program and Grant Administrator and David Rapport, City Attorney.

Public Comment: Jim Langford, PEP Housing Development and Operations Director.

Motion/Second: Scalmanini/Doble to authorize an amendment (*COU No. 1415-157-A1*) to the Regulatory Agreement incorporated as Exhibit C into the Disposition Agreement (*COU No. 1415-157*) with Petaluma Ecumenical Projects to qualify project for an exemption from the voter approval requirement in Article 34 of the California Constitution. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- b. **Reject Bids for Spec No. 15-03 Grace Hudson Nature Education Facility Grant Project – *Community Services*.**

Presenters: Katie Marsolan, Project Analyst and Sherrie Smith-Ferri, Museum Director.

Motion/Second: Scalmanini/Doble to reject bids for Specification No. 15-03 Grace Hudson Nature Education Facility Grant Project. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS, Continued

- b. **Consider Approving and Authorizing the City Manager to Sign an Agreement with PEP Housing to Defer the Sewer and Water Connection Fees for the PEP Housing Sun House Senior Affordable Housing Project until a Certificate of Occupancy is Issued – *Planning and Community Development*.**

Presenter: Charley Stump, Planning and Community Development Director.

Motion/Second: Doble/Brown to approve and authorize the City Manager to sign the Fee Deferral Agreement (*COU No. 1415-212*). Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- d. **Approve Plans and Specifications for Slurry Seal of Local Streets and Airport Parking, Specification No. 15-07 and Direct Staff to Advertise for Bids – *Public Works*.**

Presenter: Tim Eriksen, Director of Public Works / City Engineer

Motion/Second: Mulheren/Scalmanini to approve plans and specifications for the Slurry Seal of Local Streets and Airport Parking, Specification No. 15-07 and direct staff to advertise for bids. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- e. **Adoption of Resolution Amending Rates for Legal Services Provided by the City Attorney to \$200 per Hour – Administration.**

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Brown/Doble to adopt a resolution (2015-23) of the City Council of the City of Ukiah to amend rates for legal services provided by the City Attorney to \$200 per hour. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Crane. NOES: Scalmanini. ABSENT: None. ABSTAIN: None.

- f. **Award Contract to Install Conduit, Vaults and Equipment Pads to Specification No. 15-04. Improving the Capability and Reliability to the North West Portion of Ukiah – Electric Utilities.**

Presenter: Mel Grandi, Electric Utilities Director.

Motion/Second: Mulheren/Doble to award Contract (COU No. 1415-213 to All Phase Excavating and Construction, Inc.) to Install Conduit, Vaults and Equipment Pads to Specification No. 15-04, Improving the Capability and Reliability to the North West Portion of Ukiah. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- g. **Reclassify the Deputy Director of Public Works, Water and Sewer to Director of Water and Sewer and Include the Position in the Department Head Bargaining Unit – Public Works.**

Presenter: Tim Eriksen, Director of Public Works / City Engineer.

Public Comment: Roger Vincent.

Motion/Second: Doble/Brown to reclassify the Deputy Director of Public Works, Water and Sewer to Director of Water and Sewer and include the position in the Department Head bargaining unit. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- h. **Award Professional Services Agreement in the Amount of \$86,260 to Green Valley Consulting Engineers for Preparation of Plans, Specifications and Estimate for Summer 2015 Street Reconstruction Project and Approve Budget Amendment – Public Works – From Consent Calendar Agenda Item 7j.**

Presenter: Tim Eriksen, Director of Public Works / City Engineer.

Public Comment: Diana Marie Steele, Crawford and Associates, Inc., and Roger Vincent.

Motion by Councilmember Scalmanini to not do the recommended action and go with the proposal by the second contractor in line to receive the award.

Motion dies for lack of a second.

Motion by Councilmember Brown for the recommended action.

Motion dies for lack of a second.

Council Direction to continue this item to the July 1st Council meeting to give Councilmembers time to review the proposals.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 10:36 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Pending Litigation

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (1 case)

b. Conference with Legal Counsel – Existing Litigation

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

Name of case: Ukiah Valley Sanitation District v. City of Ukiah, Mendocino County Superior Court Case No. SCU-K-CVC-13-63024

No action was taken on Closed Session items.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 p.m.

Kristine Lawler, City Clerk



ITEM NO.: 12a

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE TALMAGE ROAD/SOUTHBOUND U.S. 101 ON-OFF RAMP REALIGNMENT PROJECT, ADOPTING FINDINGS OF FACT PURSUANT TO PUBLIC RESOURCES CODE ("PRC") SECTION 21081 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") GUIDELINES SECTION 15091, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH PRC §21081(b) AND GUIDELINES §15093 APPROVING ALTERNATIVE 2 AS THE PROJECT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO PUBLIC RESOURCES CODE § 21081.6(a).

Summary: Council will consider adopting a resolution that certifies the Environmental Impact Report for the Talmage Road/Southbound U.S. 101 on-off ramp Realignment Project, adopting Findings of Fact pursuant to Public Resources Code (PRC) Section 21081 and California Environmental Quality Act (CEQA) Guidelines Section 15091, adopting a statement of overriding considerations in accordance with §21081(b) and guidelines §15093 approving Alternative 2 as the project, and adopting a mitigation monitoring and reporting program pursuant to Public Resources Code §21081.6(a)

Background: In September 2014, the City released a Draft Environmental Impact Report (DEIR) for the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment project. On October 15, 2014, the City Council conducted a public hearing to receive oral comments on the DEIR. Responses to the comments and the Final Environmental Impact Report (FEIR) for the project have been prepared and the document is ready for consideration and possible certification by the City Council. Once the FEIR is certified and the project approved by the City Council, staff will return to the City Council for approval of the plans and specifications for the project. After approval of the plans and specifications, Staff and the contractor will apply to the California Department of Transportation for the required encroachment permit, seek City Council award of the bid to construct the project and then secure the permit from CalTrans. This project

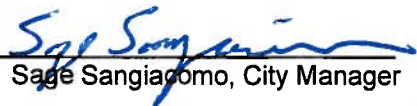
RECOMMENDED ACTION(S): 1) Adopt a Resolution Certifying the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment project Environmental Impact Report, adopting Findings and a Statement of Overriding Consideration, approving the project (Alternative 2), and Adopting the Mitigation Monitoring and Reporting Program

ALTERNATIVES: Do not adopt the Resolution and provide alternative direction to staff.

Citizens advised: Publically noticed pursuant to the Ukiah City Code and local CEQA Guidelines
Requested by: Charley Stump, Director of Planning and Community Development
Prepared by: Charley Stump, Director of Planning and Community Development
Coordinated with: Sage Sangiacomo, City Manager and David Rapport, City Attorney.
Presenters: Charley Stump, Director of Planning and Community Development and Leonard Charles (Consultant)
Attachments: 1. Resolution certifying EIR, making CEQA findings and a Statement of Overriding Consideration, approving Alternative 2, and adopting the MMRP.
2. Final Environmental Impact Report (distributed by City Clerk via BOX on June 22, 2015; available for public review at: <https://cityofukiah.box.com/talmage-rd>)
3. Loop design and Alternative 2 design diagrams

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

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

Approved: 
Sage Sangiacomo, City Manager

has been planned for many years and is necessary to improve traffic circulation for build-out of the Airport Industrial/Business Park.

The FEIR is comprised of 1) The Draft EIR and revisions to the draft; 2) Comments and recommendations received on the Draft EIR; 3) A list of persons, organizations, and public agencies commenting on the Draft EIR; and 4) The responses to the comments and significant environmental points raised in the review process.

Project Description: The original project described in the DEIR was termed the “Loop Design,” which involved removing the southbound off-ramp, widening the existing loop underneath the overpass and installing a traffic signal where the loop intersects with Talmage Road. The DEIR included an alternative favored by Cal-Trans (Alternative 2) that retained and widened the existing southbound off-ramp and did not widen the existing loop underneath the overpass. This alternative includes a traffic signal where the off-ramp intersects with Talmage Road (see attachment 3 for diagrams of both alternatives). The following text provides details on each design:

Loop Design: The project involves the modification and reconstruction of the southbound portion of the U.S. 101 interchange at Talmage Road (State Route 222) in Ukiah, California, to provide additional capacity in order to address future impacts associated with regional growth and projected growth in the Airport Industrial Park (AIP). The purpose of the project is to alleviate congestion and improve traffic operations and safety for the southbound Highway 101 on- and off-ramps and along the Talmage Road Corridor. The project includes a partial cloverleaf interchange configuration with a new signalized intersection at the southbound ramp terminus with Talmage Road. There would be three (3) left-turn lanes onto westbound Talmage Road and one (1) eastbound lane. Two dedicated left turns would be provided into the Airport Industrial Park. The existing southbound off-ramp would be removed. The new signalized intersection at Talmage Road and the southbound on/off ramp are proposed to be interconnected and coordinated with the existing signalized intersection at Talmage Road and Airport Park Boulevard.

Alternative 2 Design: The EIR also assesses a project alternative recommended by Caltrans (EIR Alternative 2) and concludes that this alternative is the environmentally superior alternative. Under Alternative 2, which Caltrans has recently communicated is its preferred design, the southbound Highway 101 off-ramp to westbound Talmage Road would remain in its approximate current location. It would be widened to include two right-turn lanes as it approaches the Talmage Road intersection. This southbound off-ramp intersection with westbound Talmage Road would be signalized and realigned to the west to increase sight distance. The southbound Highway 101 off-ramp to eastbound Talmage Road would be realigned slightly to the west, and would remain only one lane. This intersection would be signalized with the signal controlling right turns if queues begin accumulating on either southbound off-ramps or along the left-turn lane onto the southbound Highway 101 on-ramp. As is the case for the Loop design project, two dedicated left-turn lanes from Talmage Road to Airport Park Boulevard would be provided.

Need for the Project: The *Summary of Major Findings* contained in the Circulation and Transportation Element of the 1995 General Plan indicates that improvements to the interchange of U.S. 101 and Talmage Road would eventually be constructed as part of build-out of the Airport Industrial Park. In 2005, the Mendocino Council of Governments commissioned a study of the Highway 101 interchanges in the Ukiah Valley and concluded that based on the expected future annual growth rate in the valley, improvements would eventually be needed to the Talmage Road interchange. During the recent environmental review processes for the Wal-Mart expansion and Costco projects, it was confirmed that improvements to the Talmage Road/U.S. southbound on-off ramps would be necessary to accommodate existing and future traffic using the interchange.

The Draft EIR: The draft EIR analyzed the potential environmental impacts to: geology and soils, hydrology and water quality, biological resources, cultural resources, traffic and circulation, air quality, noise, visual resources, utilities and public services systems, hazards and hazardous materials, land use, agricultural and plan consistency, global climate change, and energy.

Less than significant impacts: The EIR analysis concluded that impacts to traffic and circulation, visual resources, utilities and service systems, and hazards and hazardous materials would be less than significant; therefore, no mitigation measures were required.

Potentially significant impacts: The EIR analysis concluded that potentially significant impacts could occur to geology and soils, hydrology and water quality, biological resources, cultural resources, noise, and energy. The EIR identified mitigation measures that would reduce the impacts to a level that is less than significant.

Significant and unavoidable impacts: The EIR concluded the Project could result in significant and unavoidable impacts to air quality and global climate change as described below:

- **Air Quality:** Project operation would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions or degrade air quality. Project development, in conjunction with other project development could result in cumulative air quality impacts.
- **Global Climate Change:** Construction and use of the project would increase the emission of greenhouse gases.

These foregoing significant impacts cannot be feasibly avoided by the City because they are due to emissions from vehicle traffic, the regulation of which are beyond the technological capacity and legal jurisdiction of the City. The 45-day public review period began on September 8, 2014 and ended on October 23, 2014. The City Council then conducted a public hearing on October 15, 2014 to receive oral comments on the DEIR.

The following public agencies and interested persons commented on the DEIR:

Public Agencies

1. State Office of Planning and Research
2. California Department of Transportation
(Jaime Hostler)
3. State of California Native American
Heritage Commission (Katy Sanchez)

Interested Persons

4. William D. Kopper (Law Offices
of William D. Kopper)
5. Daniel T. Smith, Jr. (Smith Engineering
& Management)
6. Greg Gilbert (Autumn Wind Associates, Inc.)
7. James Houle

Final EIR: The Final EIR includes specific responses to each comment raised by public agencies and interested persons and was sent to all commenters on June 19, 2015, 12 days prior to the City Council public discussion regarding EIR certification.

EIR Certification: The City Council is the first decision making body responsible for approving the plans and specifications for the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment project, so as a first step, it is required to take action to certify the EIR. In order to certify the EIR, the California Environmental Quality Act (CEQA) section 15090(a) requires the decision making body to make the following specific findings:

1. The final EIR has been completed in compliance with CEQA;
2. The final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
3. The final EIR reflects the lead agency's independent judgment and analysis.

Public Notice and Comment: As required, Staff sent a copy of the Final Environmental Impact Report to all those who commented on the Draft EIR for review. In the email, staff notified the recipients of the July 1, 2015 City Council meeting. A notice of the City Council discussion and possible FEIR certification was published in the *Ukiah Daily Journal* on June 21, 2015. To date, no correspondence regarding this matter has been received.

Alternative 2 Design: Under Alternative 2, which is favored by Cal-Trans, the southbound Highway 101 off-ramp to westbound Talmage Road would remain in its approximate current location. It would be widened to include two right-turn lanes as it approaches the Talmage Road intersection. This southbound off-ramp intersection with westbound Talmage Road would be signalized and realigned to the west to increase sight distance. The southbound Highway 101 off-ramp to eastbound Talmage Road would be realigned slightly to the west, and would remain only one lane. This intersection would be signalized with the signal controlling right turns if queues begin accumulating on either southbound off-ramps or along the left-turn lane onto the southbound Highway 101 on-ramp. As is the case for the proposed project, two dedicated left-turn lanes from Talmage Road to Airport Park Boulevard would be provided (see attachment 2).

The EIR found Alternative 2 to be the environmentally superior alternative.

Findings Required By CEQA: CEQA requires the City to make certain findings, when an EIR identifies impacts from a project that will have a significant adverse impact on the physical environment. As to each significant adverse environmental impact from the project, the City must find that changes or alterations to the project avoid the adverse impact, or the impacts are within the jurisdiction of another public agency which can and should adopt measures to mitigate or avoid the adverse impacts, or specific economic, legal, social, technological or other considerations make mitigations identified in the EIR infeasible. (Cal. Public Resources Code §§21002, 21002.1.)

The CEQA Guidelines section 15091 requires the City to make one or more of the following findings as to each adverse environmental impact identified in the EIR:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

For any adverse environmental impacts that cannot be avoided or mitigated, the City must find for each unmitigated adverse environmental impact that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant adverse effects on the environment. These findings are called a Statement of Overriding Considerations.

For a fuller explanation of the findings required by CEQA before the City can approve a project based on a certified final EIR, see Attachment 1, CEQA FINDINGS OF FACT AND STATEMENT OF

OVERRIDING CONSIDERATIONS, pages 4-6, attached to the Resolution Certifying the EIR and Making Findings Pursuant to CEQA Guidelines Section 15090, which is Attachment 1 to this ASR.

Attachment 1 to the attached Resolution contains all of the proposed findings required by CEQA and the CEQA Guidelines in the required format.

Significant and Unavoidable Impacts: The EIR concluded the Project could result in significant and unavoidable impacts to air quality and global climate change. This means that if the Talmage Road southbound on-off ramps are realigned, air quality and global climate change impacts would result that could not be successfully mitigated to levels of insignificance. These impacts include the following:

- **Air Quality:** Project operation would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions or degrade air quality. Project development, in conjunction with other project development could result in cumulative air quality impacts.
- **Global Climate Change:** Construction and use of the project would increase the emission of greenhouse gases.

Statement of Overriding Consideration and Project Benefits: In order to proceed with the project, the City Council must adopt a Resolution making the appropriate findings and a Statement of Overriding Consideration to conclude that the economic, social, technological, and environmental benefits of the project outweigh the significant and unavoidable impacts. The benefits of the project include:

1. **Alleviate existing traffic congestion.** Alternative 2 will alleviate traffic congestion at the Talmage Road/Highway 101 interchange, specifically on the southbound on and off-ramps. The Talmage Road interchange improvements are required to alleviate existing and future congestion and improve traffic operations and safety for the southbound on- and off-ramps and along the Talmage Road corridor.
2. **Accommodate planned future growth.** Alternative 2 will improve the Talmage Road/Highway 101 interchange so that it will have capacity to successfully accommodate vehicle and pedestrian traffic resulting from planned future local and regional traffic growth for a 20-year planning horizon and design life. By providing additional capacity at the interchange, Alternative 2 alleviates existing and future traffic congestion, which any significant new development in the Redwood Business Park and the Airport Business Park (together, the Airport Industrial Park or "AIP") could otherwise exacerbate. Undeveloped properties in the AIP that may benefit from the traffic congestion relief resulting from the project include the property where a Costco store has been approved. The traffic associated with regional growth, which includes traffic associated with the proposed Costco project, is included in the future traffic volume estimates used in the analysis.
3. **Reduce greenhouse gas emissions.** Growth to the year 2032 and the corresponding Caltrans-projected growth in trips would result in emissions of CO₂ with or without the project. Because the project would reduce area CO₂ emissions by 464 metric tons of CO₂ per year compared to emissions caused by area-wide projected traffic increases without the proposed project improvements, it would have a beneficial effect on global climate change.
4. **Improve traffic and pedestrian safety.** Alternative 2 will improve traffic safety and pedestrian safety at the Talmage Road/Highway 101 interchange. The southbound Highway 101 off-ramp to westbound Talmage Road would remain in its approximate current location, but it would be widened to include two right-turn lanes as it approached the Talmage Road intersection. This southbound off-ramp intersection with westbound Talmage Road would be signalized and realigned to the west to increase sight distance. The southbound Highway 101 off-ramp to eastbound Talmage Road would be realigned slightly to the west, and would remain only one lane. This intersection would be signalized with the signal controlling right turns if queues begin

accumulating on either southbound off-ramps or along the left-turn lane onto the southbound Highway 101 on-ramp. Two dedicated left-turn lanes from Talmage Road to Airport Park Boulevard would be provided. This alternative would avoid the expansion of the existing southbound off-ramp from one lane to four. New lighting, curbs, and gutters would be included in this alternative.

5. **Satisfy the General Plan.** This alternative will satisfy the General Plan Circulation and Transportation Element goal to construct improvements to the interchange of U.S. 101 and Talmage Road as part of the Airport Industrial Park off Talmage Road. The need for the interchange improvements has been discussed in the Circulation and Transportation Element of the General Plan since 1995 (page 32 of the element). The improvements, by decreasing congestion at intersections and along roadways, and improving intersection levels of service, would be consistent with City General Plan policies aimed at decreasing congestion on the roadway system.
6. **Improve energy usage.** This alternative includes energy-conserving elements, such as the use of LED lighting and improving bike and pedestrian safety (thereby promoting use of these alternate transportation methods). These LED lights would replace the halide lights currently used, resulting in reduced energy usage and promotion of additional energy conservation. The Project would be expected to result in energy conservation within 1-2 years.

Conclusion: Staff is able to conclude that the consulting team and staff have prepared an adequate and meaningful EIR that is in compliance with the requirements of the California Environmental Quality Act and reflects the City's independent judgment. The public has participated in the process and the resulting EIR is comprehensive and provides the level of information needed to fully understand the potential environmental consequences resulting from the project. Attachment 1 includes a Resolution with the findings required for certification of the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment project EIR. Staff recommends adoption of the Resolution.

FISCAL IMPACT:			
Budgeted Amount in 14-15 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required: NO

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE TALMAGE ROAD/SOUTHBOUND U.S. 101 ON-OFF RAMP REALIGNMENT PROJECT, ADOPTING FINDINGS OF FACT PURSUANT TO PUBLIC RESOURCES CODE ("PRC") SECTION 21081 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") GUIDELINES SECTION 15091, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH PRC §21081(b) AND GUIDELINES §15093 APPROVING THE PROJECT (ALTERNATIVE 2) AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO PUBLIC RESOURCES CODE § 21081.6(a).

WHEREAS:

1. The *Summary of Major Findings* contained in the Circulation and Transportation Element of the 1995 General Plan indicates that improvements to the interchange of U.S. 101 and Talmage Road would eventually be constructed as part of build-out of the Airport Industrial Park; and
2. On September 8, 2014, the City released a Draft Environmental Impact Report (DEIR) for the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment project and circulated it for a 45-day public review and comment period, ending on October 23, 2014; and
3. The EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by construction of operation of the project; and
4. The EIR proposed all feasible mitigation measures and a range of reasonable alternatives to substantially lessen or avoid most significant project-related environmental effects; and
5. Some of the project's air quality and greenhouse gas-related environmental effects cannot be feasibly avoided or substantially lessened and would therefore remain significant and unavoidable; and
6. On October 15, 2014, the City Council conducted a public hearing to receive oral comments on the DEIR; and
7. The City has carefully reviewed, considered, and responded to all substantive comments on the DEIR, which are set forth in the Final EIR (FEIR). Responses to all commenting public agencies and individuals were provided to those agencies on June 19, 2015; and
8. The EIR concludes that project Alternative 2, which is also the design preferred by the California Department of Transportation, is the environmentally superior alternative; and
9. The City Council has also considered the CEQA Findings of Fact And Statement of Overriding Considerations ("Findings & SOC"), attached hereto as Attachment 1, which explain the disposition of every significant impact identified in the EIR, before and after the implementation of mitigation, and the reasons why the City considers the project benefits to outweigh its environmental effects; and
10. The City has also considered the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Attachment 2, which will ensure that mitigation measures adopted by the City will actually be carried out; and
11. Notwithstanding the significant and unavoidable environmental effects of the project (including Alternative 2), the City Council believes that the benefits of the project as described in the SOC outweigh the environmental effects.

NOW, THEREFORE, BE IT RESOLVED that based on the foregoing FEIR, Findings and Statement of Overriding Considerations, and the entirety of the administrative record for this project, the City Council of the City of Ukiah:

1. Finds that the FEIR has been completed in compliance with CEQA.
2. Finds that the FEIR was presented to the Council as the decision-making body of the City, the lead agency for the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment project, and that the City Council has reviewed and considered the information contained in the FEIR prior to approving the project.
3. Finds that the FEIR reflects the City's independent judgment and analysis.
4. Certifies the FEIR for the Talmage Road/Southbound U.S. 101 On-Off Ramp Realignment Project.
5. Adopts the Findings and Statement of Overriding Considerations, attached as Attachment 1.
6. Approves the Mitigation and Monitoring and Reporting Program, attached as Attachment 2.
7. Approves Alternative 2 as the preferred Project.
8. Directs the Public Works Director to:
 - a. Submit final plans and specifications to the City Council for adoption pursuant to Public contract Code § 22039.
 - b. Apply to Cal Trans for an encroachment permit to construct the Project;
 - c. Seek City Council award of bid for the project; and
 - d. Seek final approval from the California Department of Transportation ("Cal Trans") for required encroachment permit.

Adopted on July 1, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

**ATTACHMENT 1
to RESOLUTION**

**BEFORE THE CITY COUNCIL
OF THE CITY OF UKIAH**

State Clearing House No. 2013072057

**Re: Talmage Road / Southbound U.S. 101
On-Off Ramp Realignment**

**CEQA FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

INTRODUCTION

The Draft Environmental Impact Report (DEIR) and the Final Environmental Impact Report (FEIR) prepared for this project address the environmental effects associated with the approval of the project known as the Talmage Road / Southbound U.S. 101 On-Off Ramp Realignment Project ("Talmage Interchange Project"), which will modify and reconstruct the southbound portion of the U.S. 101 interchange at Talmage Road (State Route 222) in Ukiah, California, to provide additional capacity in order to address future impacts associated with regional growth and projected growth in the Airport Industrial Park (AIP). The Project will alleviate congestion and improve traffic operations and safety for the southbound Highway 101 on- and off-ramps and along the Talmage Road Corridor. (DEIR, p. 1.) These findings have been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Res. Code section 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.). These findings are supported by information and analysis from the DEIR, the responses to all public comments, and technical appendices, together comprising the FEIR, and other evidence in the administrative record.

ACRONYMS AND ABBREVIATIONS

These Findings of Fact and Statement of Overriding Considerations (Findings) contain a number of acronyms and abbreviations. The acronyms and abbreviations used in these findings are the same as the definitions and acronyms set forth in the FEIR.

PROJECT DESCRIPTION

The proposed project (as analyzed in the Draft EIR) includes a partial cloverleaf interchange configuration with a new signalized intersection at the southbound ramp terminus with Talmage Road. There would be three (3) left-turn lanes onto westbound Talmage Road and one (1) eastbound lane. Two dedicated left turns would be provided into the Airport Industrial Park. The existing southbound off-ramp would be removed. The new signalized intersection at Talmage Road and the southbound on/off ramp are proposed to be interconnected and coordinated with the

existing signalized intersection at Talmage Road and Airport Park Boulevard. Other proposed improvements include new sidewalks, signing, striping, medians, and safety lighting. (DEIR, p. 1.)

The stated objectives of this Project are as follows:

- To alleviate existing traffic congestion at the Talmage Road/Highway 101 interchange, specifically the southbound on and off-ramps.
- To improve the Talmage Road/Highway 101 interchange so that it will successfully accommodate vehicle and pedestrian traffic resulting from future local and regional traffic growth for a 20-year planning horizon and design life.
- To improve traffic safety at the Talmage Road/Highway 101 interchange.
- To improve the Talmage Road gateway into the City of Ukiah.
- To improve pedestrian facilities along Talmage Road at its intersection with U.S. Highway 101.
- To limit site disruption.
- To limit disruption to the flow and circulation of traffic during construction activities.
- To satisfy the General Plan Circulation and Transportation Element goal to construct improvements to the interchange of U.S. 101 and Talmage Road as part of the Airport Industrial Park off Talmage Road.

BACKGROUND

The City of Ukiah proposes to modify and reconstruct the southbound portion of the U.S. 101 interchange at Talmage Road (State Route 222) in Ukiah, California, to provide additional capacity in order to address future impacts associated with regional growth and projected growth in the Airport Industrial Park (AIP), which is comprised of the Redwood Business Park (RBP) at its northern end and Airport Business Park (ABP) at its southern end.

The purpose of the project is to alleviate congestion and improve traffic operations and safety for the southbound on- and off-ramps and along the Talmage Road Corridor. As shown on Figure 3.1-3, the project includes a partial cloverleaf interchange configuration with a new signalized intersection at the southbound ramp terminus with Talmage Road. This interchange improvement would remove the existing U.S. 101 southbound off-ramp to westbound Talmage Road from use, and widen the existing U.S. 101 southbound loop offramp to eastbound Talmage Road from one lane to four lanes south of the Talmage Road overpass, so that it can serve turns in both directions onto Talmage Road. The loop ramp would be modified to terminate at Talmage Road with a more standard 90-degree angle. With this configuration all southbound traffic exiting U.S. 101 at Talmage Road would use the loop off-ramp terminating at a new signalized intersection. Three left-turn lanes would direct traffic to westbound Talmage Road and a single right-turn lane would direct traffic to eastbound Talmage Road. Phasing of the new traffic signal would include right-turn overlaps for the eastbound Talmage Road right-turn onto the southbound U.S. 101 onramp. Protected left-turn phasing would also be provided for the westbound Talmage Road approach. The new traffic signal would be interconnected and coordinated with the traffic signal at the intersection of Airport Park Boulevard and Talmage Road. Two dedicated left turns would be provided from Talmage Road to Airport Park Boulevard.

The Draft EIR identified potential impacts and mitigation measures that would be required to be implemented for any identified impacts. The following environmental analysis chapters are contained in the Draft EIR:

- Air Quality;
- Biological Resources;

- Cultural Resources;
- Energy;
- Geology and Soils;
- Global Climate Change;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use, Agriculture, and Plan Consistence;
- Noise;
- Transportation and Circulation;
- Utilities and Public Service Systems;
- Visual Resources.

RECORD OF PROCEEDINGS

The Record of Proceedings for the City Council's decision on the Talmage Interchange Project consists of the following documents:

1. The Talmage Interchange Final Environmental Impact Report, State Clearing House No. 2013072057, which includes the Draft Environmental Impact Report for the Talmage Interchange Project, all appendices to and all documents cited or referenced therein; responses to comments received on the Draft EIR; revisions to the text of the Draft EIR; and the Initial Study and the Notice of Preparation contained in Appendices XX and XXI[?] of the Talmage Interchange FEIR).
2. The Talmage Interchange Project application package, including written documentation, maps and subsequent amendments and submittals.
3. All public notices published and issued by the City in connection with the Talmage Interchange Project.
4. The Mitigation and Monitoring and Reporting Program adopted in connection with the Talmage Interchange Project, these Findings of Fact and Statement of Overriding Considerations, and all documents, exhibits, studies and/or written materials attached to or referenced in any of these documents.
5. All reports, studies, memoranda, maps, staff reports or other planning documents relating to the Talmage Interchange Project prepared by the City of Ukiah, its consultants or responsible or trustee agencies with respect to CEQA compliance and the City's action on the project;
6. All documents or other evidence submitted to the City, including City Council and City of Ukiah Commissions or Committees, by other public agencies or members of the public in connection with the Talmage Interchange Project up through the final approval of the project;
7. All minutes of public meetings and hearings held in conjunction with the Talmage Interchange Project.
8. Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations.
9. Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e) and applicable law.

The official custodian of the record is the City Clerk located at 300 Seminary Avenue, Ukiah, California.

FINDINGS REQUIRED BY CEQA

Pursuant to sections 21002 and 21002.1 of the Public Resources Code, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

CEQA Guidelines section 15091 requires the following:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Accordingly, for each significant impact identified herein, a finding has been made as to one or more of the following, as appropriate in accordance with Public Resources Code section 21081 and State CEQA Guidelines section 15091:

A. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Such changes or

alterations reduce the significant environmental effect identified in the FEIR to a level of less than significant;

B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or

C. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the FEIR.

A narrative of supporting facts follows the appropriate finding. For many of the impacts, one or more of the findings above have been made. Finding (B) appears because, although the City is the lead agency, it has limitations on its power to require or enforce certain mitigation. Whenever finding (B) occurs, agencies with jurisdiction to impose certain mitigation measures have been identified. It is these agencies, within their respective scopes of authority, which would have the ultimate responsibilities to adopt, implement, and enforce the mitigation discussed within each type of impact that could result from Project implementation.

Whenever finding (C) was made, the City has determined that there will be, even after mitigation, an unavoidable significant level of impact due to the Project, and sufficient mitigation is not feasible to reduce the impact to a level of less than significant. Such impacts are always specifically identified in the supporting discussions. The Statement of Overriding Considerations applies to all such unavoidable significant impacts, as required by sections 15092 and 15093 of the CEQA Guidelines.

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other context in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code section 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid(ed) or substantially lessen(ed),” these findings, for purposes of clarity, in each

case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines section 15091(a) and (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” outweigh its “unavoidable adverse environmental effects”, and on that basis consider the adverse environmental effects “acceptable” under CEQA (CEQA Guidelines sections 15093 and 15043(d). See also Pub. Resources Code section 21080(b).) The California Supreme Court has stated, “(t)he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore, balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 559, 576.)

These findings constitute the City Council’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City will implement these measures consistent with its decision to approve the Project.

MITIGATION MONITORING AND REPORTING PROGRAM

The mitigation measures identified in the Final EIR will apply to all Project-related activities occurring within the Project area. These measures, their timing, and the entities responsible for implementing them are set forth in a separate Mitigation Monitoring and Reporting Program (MMRP) that will be adopted for the Project.

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The FEIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project will cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects cannot be fully avoided by the adoption of feasible mitigation measures or alternatives, and are therefore considered significant and unavoidable.

SIGNIFICANT AND UNAVOIDABLE EFFECTS

AIR QUALITY

Impacts to emissions of criteria pollutants – operation

Impact 4.6-B: Project operation would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions or degrade air quality. This is a potentially significant impact.

Mitigation: Project-related emissions during operation are from mobile sources that would use the project as part of their trips. Reduction in emissions from these sources is not under the control of the City or this project. Reduction in mobile emissions would result from improved engine efficiency or less polluting fuel sources. Such changes would be the result of State or federal direction. The City does not have the authority to require such changes. Accordingly, there is no mitigation that can feasibly be included as part of the proposed project that would reduce these emissions.

Level of Significance After Mitigation: Significant and unavoidable. (DEIR, p. 95.)

Finding: Even with mitigation, the impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR.

Explanation: The project itself would not increase traffic or have a major effect on overall traffic speeds that would substantially affect local air pollutant emissions. The project would realign and remove portions of the off-ramp opposite the closest residences, which would move some of the traffic (i.e., emission sources) further from the residences. This would result in similar or slightly lower localized air pollutant concentrations. In reducing congestion and consequent vehicle idling, the project would also reduce emissions of criteria pollutants. The project would accommodate additional traffic, and project-generated emissions would not exceed MCAQMD significance thresholds. However, in general, the emission of criteria pollutants would not change enough to be measurable using the modeling methodology for calculating emissions. Though it could be several years until the emissions reached a level deemed significant, the threshold exceedance would nevertheless occur at some point before 2032. The indirect impact would remain **significant and unavoidable**.

Cumulative impacts

Impact 4.6-E: Project development, in conjunction with other projected development could result in cumulative air quality impacts. This is a potentially significant cumulative impact.

Mitigation: Project-related emissions during operation are from mobile sources that would use the project as part of their trips. Reduction in emissions from these sources is not under the control of the City or this project. Reduction in mobile emissions would result from improved engine efficiency or less polluting fuel sources. Such changes would be the result of State or federal direction. The City does not have the authority to require such changes. Accordingly, there is no mitigation that can feasibly be included as part of the proposed project that would reduce these emissions.

Level of Significance After Mitigation: Significant and unavoidable. (DEIR, p. 97.)

Finding: Even with mitigation, the impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR.

Explanation: The cumulative emissions would exceed MCAQMD significance thresholds for several pollutants. No feasible mitigation measures have been identified to avoid or substantially lessen this

impact. Accordingly, the indirect cumulatively considerable contribution to the cumulative impact would remain **significant and unavoidable**.

GLOBAL CLIMATE CHANGE

Impacts to emissions of greenhouse gases

Impact 4.12-A: Construction and use of the project would increase the emission of greenhouse gases. This impact would be potentially significant.

Mitigation: Project-related emissions during operation are from mobile sources that would use the project as part of their trips. Reduction in emissions from these sources is not under the control of the City or this project. Reduction in mobile emissions would result from improved engine efficiency or less polluting fuel sources. Such changes would be the result of State or federal direction. The City does not have the authority to require such changes. Accordingly, there is no mitigation that can feasibly be included as part of the proposed project that would reduce these emissions.

Level of Significance After Mitigation: Significant and unavoidable. (DEIR, p. 148.)

Finding: Even with mitigation, the impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR.

Explanation: Traffic would increase as the area is projected to grow. This growth to the year 2032 and the corresponding Caltrans-projected growth in trips would result in emissions of CO₂ with or without the project. Because the project would reduce area CO₂ emissions by 464 metric tons of CO₂ per year compared to emissions caused by area-wide projected traffic increases without the proposed project improvements, the project would be consistent with Caltrans Climate Action Plan and, therefore, with AB 32. Accordingly, the project would not make a significant contribution to global climate change. Though it could be several years until the emissions reach a level deemed significant, the exceedance of the threshold of 1,100 MT of CO₂e/yr would nevertheless occur at some point before 2032. No feasible mitigation measures have been identified to avoid or substantially lessen this impact. Accordingly, the indirect cumulatively considerable contribution to the cumulative impact would remain.

**POTENTIALLY SIGNIFICANT EFFECTS THAT CAN BE MITIGATED
TO A LESS-THAN SIGNIFICANT LEVEL**

GEOLOGY

Impacts of exposure to seismic events and unstable soil

Impact 4.1-A: The project could expose people to injury or structures to damage from potential rupture of a known earthquake fault, strong ground shaking, seismic-related ground failure, or landslides. This is a potentially significant impact.

Mitigation Measure 4.1-A.1: The final improvement plans shall incorporate all design and construction recommendations contained on pages 8-12 in the Limited Materials and Preliminary Geotechnical Report prepared by Rau and Associates dated May 2013 consistent with the standards identified in the California Building Code, Caltrans standard structural requirements, and Caltrans Standard Specifications (latest Edition) and pertaining to the following:

1. Reprocessing of Certain Subgrade Soils and Fill Soils, including unconsolidated subgrade soils for pavement support and Strip Foundation Support for Low Retaining Walls.
2. Grading and Site Preparation
3. Pavement Structural Sections
4. Retaining Wall Foundations
5. Pier Foundations for Signals or Street Lights
6. Surface and Subsurface Drainage

The Rau and Associates or other geotechnical engineer retained by the City shall review and sign the final plans and specifications for the project and approve them as conforming to their recommendations prior to grading. The project geotechnical engineer shall provide geotechnical observation during the grading and construction, which will allow the geotechnical engineer to compare the actual with the anticipated soil conditions and to check that the contractors' work conforms to the geotechnical aspects of the plans and specifications. The geotechnical engineer of record will prepare letters and as-built documents, to be submitted to the City, to document their observances during constructions and to document that the work performed is in accordance with the project plans and specifications.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 31.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: Earthquakes occurring on the nearby Maacama Fault Zone (approximately 1.7 miles east of the site) could cause damage or failure of the project. An earthquake on this fault is capable of generating a maximum magnitude 7.1 event which would cause significant groundshaking at the project site. Soils beneath the site are soft and loosely compacted to a depth of 20 feet, which could result in seismic-related ground failure and pavement failure if not properly conditioned. There are weak/unconsolidated soil layers underlying the existing compacted fills upon which the current paved structural section is situated. The construction of widened fills to increase the number of travel lanes, low retaining walls, and pier supports for signals and lighting will need to address these surface soil constraints. These existing conditions plus the

risk of earthquakes could cause failure of project improvements. Implementation of the design recommendations listed above will ensure that all new grading complies with Caltrans' standards, and soils will be conditioned to withstand seismic shaking. Similarly, the recommendations ensure that new pavement, retaining wall foundations, and pier foundations will be designed and constructed to withstand seismic shaking. These recommendations would reduce the impact to a less-than-significant level.

Impact 4.1-B: Construction of the project would involve grading and movement of earth, which could expose soils to erosion and result in the loss of topsoil. This is a potentially significant impact.

Mitigation Measure 4.1-B.1: The City shall prepare an Erosion and Sediment Control Plan consistent with all the general site and good housekeeping requirements, the listed erosion control requirements, and the sediment control requirements of Division 9, Chapter 7 of the City Code. The plan shall be prepared by a registered civil engineer, or other professional who is licensed and qualified. As required by the code, the plan shall include the following information and contain the following mandatory measures:

- A description and delineation of the vegetative measures to be taken to minimize erosion and sedimentation;
- A description and delineation of the proposed temporary and permanent measures to appropriately and effectively minimize soil erosion and sedimentation and to protect manufactured or disturbed slopes from erosion by mechanical means, such as with mulches, diversion dikes, etc.;
- Delineation of the proposed drainage control measures and temporary and permanent measures to be taken to retain sediment on the site;
- The extent and manner of the cutting of trees and the clearing of vegetation, and their disposal, and the measures proposed for the protection of undisturbed trees and vegetation;
- The proposed methods for the disposal of excess materials and for dust control;
- A description of the measures to maintain the devices shown on the plan during grading operations and construction on the site;
- The extent of disturbed ground that would exist, the streets that would be paved, and drainage devices that would be installed prior to the start of each rainy season;
- Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures;
- Use of the most recent version of the CASQA BMP handbook, section 3 as a guide as to what measures should be taken for any particular set of circumstances.
- Erosion Control Measures (Section 9703)
 - Complete soil stabilization within five days of clearing or inactivity in construction;
 - Design the Project as such to avoid disturbing land in sensitive areas and to preserve existing vegetation wherever possible;
 - Schedule major grading operations during dry months when practical, and allow adequate time before rainfall begins to stabilize the soil with erosion control materials;
 - Conduct seeding and mulching as soon as grading is complete;
 - If seeding or another vegetative erosion control method is used, establish the vegetative cover within a time frame approved by the city engineer, or the city engineer may require the site to be reseeded or a nonvegetative option employed;
 - Use special techniques that meet the design criteria outlined in the CASQA BMP handbook on steep slopes or in drainageways to ensure stabilization;
 - Stabilize soil stockpiles and/or securely cover at the end of each workday;

- In areas where permanent reseeding and planting is not established at the close of the construction season, use additional control measures, such as a heavy mulch layer or another method that does not require germination, to ensure soil stabilization at the site;
- Where runoff needs to be diverted from one area and conveyed to another, construct earth dikes, drainage swales, slope drains or other suitable practice in accordance with the design criteria set forth in the most recent version of the CASQA BMP handbook;
- Employ techniques to prevent the blowing of dust or sediment from the site and that deliver upland runoff past disturbed slopes shall be employed when determined necessary by the City engineer.
- Sediment Control Measures (Section 9703):
 - Place linear sediment barriers below the toe of exposed and erodible slopes, down slope of exposed soil areas, around soil stockpiles, and at other appropriate locations along the site perimeter;
 - Conduct street sweeping as needed to remove sediment from streets and roadways and to prevent the sediment from entering storm drains or receiving waters. Washing the street or use of cleaning fluids would not be allowed;
 - Protect every storm drain inlet with the potential to receive sediment laden runoff in accordance with the design criteria set forth in the most recent version of the CASQA BMP handbook. Inspect and maintain inlet protection frequently;
 - Install sediment basins or sediment traps where sediment-laden water may enter the drainage system or watercourses and in association with dikes, temporary channels, and pipes used to convey runoff from disturbed areas;
 - Protect adjacent properties by the use of a vegetated buffer strip in combination with other perimeter controls or other appropriate method, as described in the most recent version of the CASQA BMP handbook.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 34.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: Construction of the project would require earthmoving, backfilling, grading and compaction. These activities would expose areas that are currently covered with vegetation. The bared soils would be subject to wind and stormwater runoff that could erode the soils. This could lead to air pollution and/or discharging of sediment to the storm drain system that serves the freeway, the overcrossing, and Talmage Road. The erosion and sediment control requirements set forth in Division 9, Chapter 7 of the City Code are intended to ensure that erosion from grading and development is controlled to prevent the loss of topsoil and deposition of sediment in the storm drain system and the Russian River. These measures are mandatory, and as a result, all future development projects will provide erosion control measures to preclude siltation of the Russian River. Compliance with these requirements would reduce the loss of topsoil to a less-than-significant level.

Impact 4.1-C: The project would be located on soil that is unstable, or that would become unstable as a result of the project, and could potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse. This is a potentially significant impact.

Mitigation: Implement Mitigation Measure 4.1-A.1.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 34.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: There are weak/unconsolidated soil layers underlying the existing compacted fills upon which the current paved structural section is situated. The construction of widened fills to increase the number of traffic lanes will have to take those surface soils into account. Likewise, structures, such as low retaining walls and pier supports for signals and lighting will have to be planned with the knowledge that weak/unconsolidated surface soils exist. Otherwise, these improvements could fail and collapse, placing people and improvements at risk. Mitigation Measure 4.1-A.1 requires reprocessing of subgrade soils and some fill soils. These soils will be reprocessed to a standard that can support all proposed project improvements. Reprocessing of these soils in combination with the other geotechnical recommendations set forth in Mitigation Measure 4.1-A.1 will ensure that proposed improvements do not fail due to site soils.

Impact 4.1-D: The project could be located on expansive soil, which could cause the failure of project improvements. This is a potentially significant impact.

Mitigation: Implement Mitigation Measure 4.1-A.1.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 35.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: It is possible that local concentrations of more clayey soil may be encountered. If these soils are not properly conditioned, they could result in failure of components of the project. Mitigation Measure 4.1-A.1 requires potentially expansive clay soils, with a plasticity index of 20 or more, that are encountered during sub-excavation and reprocessing of site soils be replaced with approved materials having low expansion potential with a Plasticity Index less than 12 and R-Value of 20 (minimum), or those soils could be mixed with more granular material and used in the fill slope areas. These requirements would eliminate the risk of expansive soils affecting the project. The impact would be reduced to a less-than significant level.

Cumulative impacts

Impact 4.1-E: The project could make a cumulatively considerable contribution to cumulative effects associated with erosion, topsoil loss, or increased exposure to seismic or other geologic-related risks. This is a potentially significant impact.

Mitigation: Implement Mitigation Measure 4.1-B.1.

Level of Significance After Mitigation: Less than cumulatively considerable. (DEIR, p. 36.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than cumulatively considerable.

Explanation: Concurrent implementation of the proposed project and other cumulative projects could

result in erosion with consequent long-term impacts related to water quality. The City requires new development to comply with the erosion control and water quality protection requirements included in the City Code. This mitigation would reduce the project's effects on erosion to a less-than-significant level. In so doing, the mitigation would reduce the project's contribution to any significant cumulative impact on erosion and water quality to a less than cumulatively considerable level.

HYDROLOGY AND WATER QUALITY

Impacts to water quality

Impact 4.2-A: Project construction activities would disturb surface soils and could cause erosion, and the release of sediment and construction-related water quality pollutants to receiving waters. This is a potentially significant impact.

Mitigation: Implement Mitigation Measure 4.1-B.1.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 44.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: The project-generated erosion could adversely affect water quality. Additionally, spills of materials used to operate construction equipment plus runoff of residues of petrochemicals, grease, and heavy metals could wash off the site and adversely affect the water quality of receiving waterways and eventually the Russian River and the ocean. Implementing the required Erosion and Sediment Control Plan will ensure that toxic materials and construction-related residues are captured or treated on site before they can escape to the storm drain system. Implementation of the plan during construction would reduce the impact to a less-than-significant level.

Cumulative impacts

Impact 4.2-F: Project development, in conjunction with other foreseeable development in the City and portions of the county in the Russian River watershed could result in cumulative hydrology and water quality impacts. This is a potentially significant impact.

Mitigation: Implement Mitigation Measure 4.1-B.1.

Level of Significance After Mitigation: Less than cumulatively considerable. (DEIR, p. 48.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: Concurrent construction of the proposed project and other cumulative projects could result in: increased erosion and subsequent sedimentation, which could have a cumulative effect on the water quality of the receiving waters including the Russian River; an increase in the amount of impermeable surface in the watershed and could cause localized flooding in ditches or small tributaries; long-term impacts related to water quality; and long-term impacts related to groundwater resources. The mitigation would control erosion and transport of pollutants to the Russian River in compliance with City, State, and federal laws and regulations, thereby reducing any possible contribution of the project to a cumulative water quality impact to a less than cumulatively considerable level. Therefore, the proposed project would

not contribute to any significant adverse cumulative land use impacts when considered together with past, present, pending and reasonably foreseeable development.

BIOLOGICAL RESOURCES

Impacts to habitat

Impact 4.3-A: Project construction could damage habitat used by special-status species either directly due to nest disturbance in trees used by special status birds or indirectly by affecting water quality downstream in the Russian River. This is a potentially significant impact.

Mitigation:

Implement Mitigation Measure 4.1-B.1.

Mitigation Measure 4.3-A.1: Construction shall not cause nest abandonment of special-status species of birds or destruction of active nests of species protected by the Migratory Bird Treaty Act or Section 3503 of the Fish and Game Code (protection of nesting passerines). The following measures shall be implemented to avoid disturbing any special status species nesting above ground. Vegetation removal conducted during the nesting period shall require a pre-construction survey for active bird nests, conducted by a qualified biologist. No known active nests shall be disturbed without a permit or other authorization from USFWS and/or CDFW.

1. For earth-disturbing activities occurring during the breeding season (March 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all birds within 500 feet of earthmoving activities.
2. If active special status bird nests are found during pre-construction surveys 1) a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-foot buffer zone will be created around the nests of other special status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines; however, they may be modified in coordination with CDFW based on existing conditions at the project site.
3. If pre-construction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Shrubs and trees that have been determined to be unoccupied by special status birds or that are located 500 feet from active nests may be removed.
4. If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 56.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: While no special-status species of birds were observed during site surveys conducted for the biological report, it is possible that such species could use these trees in the future. Thus, while it is unlikely that the project would affect special-status species or active nests, this mitigation ensures that, if warranted, mitigation would be implemented to protect active nests. The potential impact would be reduced to a less-than-significant level. Mitigation Measure 4.1-B.1 also requires implementation of an

Erosion and Sediment Control Plan. Implementing the BMPs required for this plan will ensure that indirect runoff impacts to special-status species inhabiting the Russian River would be controlled to a level where the indirect impact would be less than significant.

Impacts to biological resources

Impact 4.3-C: The project without mitigation could be inconsistent with policies protecting biological resources. This impact is potentially significant.

Mitigation: Implement Mitigation Measures 4.1-B.1 and 4.3-A.1.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 58.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: It is possible that polluted runoff from the site could indirectly affect endangered or threatened species inhabiting the Russian River. Furthermore, the project could affect nesting birds, including possible nesting passerines and raptors. Mitigation Measures 4.1-B.1 and 4.3-A.1 would reduce potential impacts to water quality and nesting birds, respectively, to a less-than-significant level. With implementation of these mitigations, the project would be consistent with the FESA, CESA, Federal Migratory Bird Treaty Act, and Fish and Game Codes 3503 and 3503.5. Therefore, the project impact as regards policy consistency would be reduced to a less-than-significant level.

Cumulative impacts

Impact 4.3-D: Project development, in conjunction with other foreseeable development in the City and portions of the county in the Russian River watershed, could result in cumulative impacts to biological resources. This is a potentially significant impact.

Mitigation: Implement Mitigation Measures 4.1-B.1 and 4.3-A.1.

Level of Significance After Mitigation: Less than cumulatively considerable. (DEIR, p. 59.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than cumulatively considerable.

Explanation: The only potentially significant biological resource impacts that could result from the proposed project are impacts to nesting birds and indirect water quality-related effects on species inhabiting the Russian River, with a corresponding impact as regards consistency with policies aimed at protecting nesting species and river water quality. Other projects in the Russian River Valley watershed could have similar impacts to nesting species. Mitigation Measure 4.3-A.1 would reduce the project's impact to a less than significant level so that even if there were a cumulative impact on nesting birds, the project would not make a cumulatively considerable contribution to that impact. Mitigation Measure 4.1-B.1 controls erosion from the project and ensures that erosion from the project would not substantially affect water quality in the Russian River. Therefore, with implementation of the recommended mitigation, the project would not make a cumulatively considerable contribution to any significant cumulative biological impact.

CULTURAL RESOURCES

Impacts to archaeological or paleontological resources, or human remains

Impact 4.4-A: Project construction could damage or destroy archaeological and paleontological resources or disturb human remains. This is a potentially significant impact.

Mitigation Measure 4.4-A.1: If buried archaeological resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, work would stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.

Mitigation Measure 4.4-A.2: If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The county coroner has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin, the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98.

Or

- The NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

Mitigation Measure 4.4-A.3: If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within a 100-meter radius of the remains shall be halted immediately, and the Mendocino County coroner shall be notified immediately, according to Section 5097.98 of the state Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The City shall consult with the Most Likely Descendant, if any, identified by the NAHC regarding the treatment and disposition of the remains.

Mitigation Measure 4.4-A.4: Should paleontological resources be identified at any project construction site, the construction manager shall cease operation within a 100-meter radius of the discovery and immediately notify the City. The project proponent shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Level of Significance After Mitigation: Less than significant. (DEIR, p. 64.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: No archaeological or historic resources have been found on the site. Nevertheless, there is always the chance that such resources as well as previously unidentified human remains could be found during site grading. The recommended mitigation measures ensure that any cultural resources, paleontological resources, or human remains found during project construction will be treated, preserved, curated, and/or disposed of consistent with pertinent federal and State laws and regulations. Therefore, the impact would be reduced to a less-than-significant level.

Cumulative impacts

Impact 4.4-B: Project development, in conjunction with other foreseeable development in the City and portions of the county in the Russian River watershed could result in cumulative impacts to cultural and paleontological resources. This is a potentially significant impact.

Mitigation: Implement Mitigation Measures 4.4-A.1 through 4.4-A.4.

Level of Significance After Mitigation: Less than cumulatively considerable. (DEIR, p. 65.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations reduce the potentially significant environmental effect identified in the FEIR to a level of less than cumulatively considerable.

Explanation: There is the potential for ongoing and future development projects in the vicinity to disturb landscapes that may contain known or unknown cultural resources. The potential construction impacts of the proposed project, in combination with other projects in the area, could contribute to a cumulatively significant impact on cultural resources. There is also a potential for cumulative projects to contribute to the progressive loss of fossil remains, as-yet unrecorded fossil sites, associated geological and geographic data, and fossil bearing strata. With implementation of Mitigation Measures 4.4-A.1 through 4.4-A.3 the proposed project would not make a cumulatively considerable contribution to impacts to archaeological resources and human remains. Additionally, with the implementation of Mitigation Measure 4.4-A.4 the proposed project would not make a cumulatively considerable contribution to impacts to paleontological resources.

AIR QUALITY

Impacts to emissions of criteria pollutants – construction

Impact 4.6-A: Project construction would not generate significant amounts of emissions of criteria pollutants, and consequently the project would be consistent with MCAQMD's Particulate Matter Attainment Plan. This is a less-than-significant impact.

Mitigation Measure 4.6-A.1: The project shall be constructed to include all requirements set forth in the MCAQMD Rules 1-410 and 4-130. All Best Management Practices shall be included in the construction contracts.

Level of Significance Before and After Mitigation: Less than significant. (DEIR, p. 93.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which further avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations further reduce the less than significant environmental effect identified in the FEIR.

Explanation: Construction of the project has the potential to create air quality impacts through the use of heavy duty construction equipment and through vehicle trips generated by construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from site preparation and excavation activities. However, emissions from activities involved with project construction would be below MCAQMD's significance thresholds and therefore would not cause a violation of an air quality standard. The project would be consistent with MCAQMD's plans and regulations, including MCAQMD's Particulate Matter Attainment Plan. The project's particulate emissions will be further reduced through compliance with MCAQMD's applicable rules and best management practices. Thus, the impact will be less than significant.

NOISE

Impacts to noise levels – construction

Impact 4.7-A: Noise generated by construction activities could result in a substantial temporary noise increase at adjacent land uses, which could be inconsistent with acceptable noise levels established in the City Code. This impact would be less than significant.

Mitigation Measure 4.7-A.1: If nighttime work is necessary, as required by the City Code, the applicant shall obtain a permit from the Director of Public Works. The permit shall include the following: 1) allow construction noise between 7 P.M. and 7: A.M. for construction activities that Caltrans states needs to be done at night; 2) construction equipment idling shall be limited to five (5) minutes; 3) if nighttime work is to exceed one week, then temporary noise baffles would be installed between the noise source and sensitive receptors; 4) if nighttime work is to exceed one week, then provide hotel vouchers to occupants of the nearest sensitive receptors; and 5) any other noise-reducing measures the City considers warranted.

Mitigation Measure 4.7-A.2: During construction, the Project contractor shall 1) fit construction equipment with the best available noise control techniques wherever feasible; 2) require that impact tools be hydraulically or electrically powered, or, if not feasible, fitted with a muffler and jackets; 3) locate stationary noise sources as far from sensitive receptors as possible; and 4) forbid amplified music (boom boxes) at the job site.

Level of Significance Before and After Mitigation: Less than significant. (DEIR, p. 113.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which further avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations further reduce the potentially significant environmental effect identified in the FEIR to a level of less than significant.

Explanation: It is expected that nighttime construction would be infrequent and that the total length of time for construction of the project will be less than one year. The construction noise permit can identify what specific measures of the options presented in the mitigation measures will be taken to further reduce noise once a final construction schedule is developed. Additionally, the sensitive receptors are located adjacent to a freeway where residents are not used to low ambient noise levels. While nighttime construction noise may be noticeable, it would be far less of an impact than would occur in a regularly quiet neighborhood. This fact plus the expected infrequency of nighttime work and the noise reduction and other measures that will be provided by the required permit would ensure the construction noise impact will be less-than-significant.

ENERGY

Impacts to energy expenditure

Impact 4.13-A: The project would not result in a wasteful expenditure of energy. This impact would be less-than-significant.

Mitigation Measure 4.13-A: During project construction, the City shall require the following: 1) engines shall be maintained to meet manufacturers' recommended operating standards; and 2) construction equipment shall not be allowed to idle for longer than five (5) minutes. Caltrans shall encourage that the contractors' fleets include diesel engines meeting the most current State standards for new diesel engine performance and/or low-emission, energy-secure, alternatively-fueled vehicles. Caltrans shall require project contractors to maximize carpooling of their employees.

Mitigation Measure 4.13-B: Project design shall include: 1) LED lights for illumination and stoplights; and 2) to the degree possible, solar panels to power lighting.

Level of Significance Before and After Mitigation: Less than significant. (DEIR, p. 152.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which further avoid or substantially lessen the potentially significant environmental effect as identified in the FEIR. Such changes or alterations further reduce the already less than significant environmental effect identified in the FEIR.

Explanation: While the project would, without mitigation, have a less-than-significant impact on energy, two mitigation measures are recommended to further conserve energy. The two measures would reduce the energy used during both the construction and operational phases of the project. They would bolster the conclusion that the project would not result in a wasteful, inefficient, or unnecessary consumption of energy.

FINDINGS RELATED TO PROJECT ALTERNATIVES

As required by CEQA, a discussion of possible alternatives to the Talmage Interchange Project, including a “no-project” alternative, was included in the FEIR. The City concluded that Alternative 2 was the environmentally superior alternative, and makes the following findings to support its rejection of the other two alternatives. Other alternatives were considered and screened out of the range of alternatives analyzed in the EIR for the reasons discussed at pages 159-160 of the DEIR, which is hereby incorporated by reference.

Section 15091 (a)(3) of the State CEQA Guidelines describes that one of the findings that a lead agency can make concerning significant project impacts is that specific economic, legal, social, technological, or other considerations, make infeasible the project alternatives identified in the EIR. In the EIR, the alternatives were screened for technical, logistical, and financial feasibility, but the alternatives were not evaluated for all economic, legal, social or other considerations that make up the broader definition of “feasibility” in Section 15091 (a)(3). Thus, the use of the term “infeasible” in the findings below concerning the alternatives is more expansive than references to “feasible” in the EIR’s discussion of alternatives, which was limited to technical, logistical and financial feasibility. An alternative may have been determined to be technically, logistically, and financially “feasible” in the EIR and still ultimately be determined by the City to meet the definition of “infeasibility” per Section 15091 (a)(3) when all considerations are taken into account. The term “infeasible” in the findings below uses the broader definition in Section 15091 (a)(3), which is consistent with case law interpreting this provision of CEQA. The determination of infeasibility “involves a balancing of various ‘economic, environmental, social, and technological factors.’” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417). Where there are competing and conflicting interests to be resolved, the determination of infeasibility “is not a case of straightforward questions of legal or economic feasibility,” but rather, based on policy considerations. (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-02). “[A]n alternative that is impractical or undesirable from a policy standpoint may be rejected as infeasible.” (*Id.* at p. 1002, citing 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act, (Cont.Ed.Bar 2010) section 17.29, p. 824).

Consistent with CEQA, primary consideration was given to alternatives that could reduce significant impacts, while still meeting most of the basic project objectives. Any alternative that would have impacts identical to or more severe than the proposed project, and/or that would not meet any or most of the project objectives were dismissed from further consideration. Two alternatives were considered but dismissed from further analysis in this EIR:

- Interchange Alternatives
- Southbound Ramp Intersection Alternatives

The following alternatives were considered and evaluated in this EIR:

- No Project Alternative;
- Maintain Two Separate Southbound Off-Ramps Alternative
- Widen the Overcrossing Alternative

Each of the project alternatives are described in further detail below with analyses of each alternative’s impacts with regards to each environmental resources area.

ALTERNATIVE 1: No Project Alternative

Description

The No Project Alternative describes the environmental effects of not approving the proposed project. The existing southbound on-ramp and off-ramp would remain in their current locations, and no improvements would be made to Talmage Road. The No Project Alternative would eliminate or substantially reduce most impacts associated with the project. However, the No Project Alternative would not meet project objectives.

Impacts

Geology and Soils. No road improvement construction would occur under this alternative. The project's impacts regarding seismic hazard, soil constraints, and soil erosion would be eliminated. [Lesser]

Hydrology and Water Quality. No construction would occur, and no new impermeable surfaces would be added. The potential impacts to flooding, storm drains, and water quality would be eliminated. The existing drainage on the project site would continue. [Lesser]

Biological Resources. As there would be no construction activities, the potential impacts to nesting birds would be eliminated. Potential water quality impacts to special-status species inhabiting the Russian River would be eliminated. There would be no loss of grassland habitat. [Lesser]

Cultural Resources. As no construction would occur, the potential impact to currently unknown but possible cultural resources, human remains, and paleontological resources would be eliminated. [Lesser]

Traffic and Circulation. If the proposed interchange improvements project is not built, the existing congestion at the Talmage Road/Airport Park Boulevard would remain and over time get worse from increased traffic generated by new area development. While the Costco development may not open under this alternative, and, therefore, the traffic generated by that project would not travel through the project, other traffic from projected new development in other portions of the Ukiah Valley would still increase traffic through the interchange. Similarly, the unacceptable level of service for the right turn to westbound Talmage Road at the Talmage Road/Southbound Ramp intersection would remain and get worse over time. This congestion and unacceptable levels of service would result in increased risk of accidents at locations where crash rates are already high. Accordingly, the traffic impacts of this alternative would be greater than the proposed project. [Greater]

Air Quality. If the proposed interchange improvements are not built, traffic congestion will get worse over time. As congestion increases, drivers will spend more time idling and stopping and starting. Traffic congestion causes increased emission of criteria pollutants. The coordination of traffic signals alone can reduce emissions up to 50%, therefore, over time it is expected that there would be emission of more criteria pollutants under this alternative. [Greater]

Noise. As no construction would occur, noise impacts from that construction would be eliminated. Over time, noise generated by vehicles using the interchange would be similar to the proposed project. [Lesser]

Visual Resources. As no construction would occur, there would be no changes to the viewshed. Therefore, the alternative would have less impact than the proposed project. [Lesser]

Utilities and Public Services. As no construction would occur, there would be no demand on solid waste facilities, and like the proposed project no demand on other service providers. Therefore, the alternative would have less impact than the proposed project. [Lesser]

Hazards and Hazardous Materials. As no construction would occur, there would be no risk of spills of hazardous materials that would be used in building the project.

Therefore, the alternative would have less impact than the proposed project. [Lesser]

Land Use. Because improvements would not be made to the interchange, this alternative would be counter to the specific General Plan language that calls for upgrading the interchange. The project would also be counter to policies aimed at maintaining acceptable levels of services on roadways and minimizing risks to bicyclists and pedestrians. Therefore, the alternative would be less consistent with the City's General Plan. [Greater]

Global Climate Change. Because no construction would occur, there would be no emissions of GHG from construction equipment. Because the roadway improvements would not be built, there would, over time, be greater roadway congestion than would occur under the proposed project. Roadway congestion increases the emission of CO₂ with consequent greater impacts on the climate.¹⁸ [Greater]

Energy Use. As no construction would occur, there would be no expenditure of energy to construct improvements. Energy would continue to be used by vehicles using the project. As was the case for air quality and greenhouse gas emissions, over time increased congestion would result in less efficient energy use. It is estimated that future traffic would expend approximately 17% more energy per year than would be expended if the project were built. Therefore, the alternative would have greater impacts than the proposed project. [Greater]

Ability of the Alternative to Meet Project Objectives

This alternative would not meet the five project objectives aimed at reducing existing traffic congestion, accommodating increased traffic from projected growth over the next 20 years, improving traffic safety, improving pedestrian facilities within the project area, and, consistent with the City's General Plan, ensuring adequate access for development of the Airport Industrial Park.

The City Council rejects the No Project Alternative as infeasible because it would not achieve the objectives of the proposed project and would not achieve as many of the benefits of the proposed project. The No Project Alternative would result in greater impacts to traffic, air quality, climate change, land use, and energy use. For all of the foregoing reasons, and any of them individually, the No Project Alternative is determined to be infeasible.

ALTERNATIVE 2: Maintain Two Separate Southbound Off-Ramps Alternative

Description

As the EIR was being prepared, Caltrans suggested some design revisions to the original project that is assessed in Chapter 4 of the EIR. Under Alternative 2, the southbound Highway 101 off-ramp to westbound Talmage Road would remain in its approximate current location. It would be widened to include two right-turn lanes as it approached the Talmage Road intersection. This southbound off-ramp intersection with westbound Talmage Road would be signalized and realigned to the west to increase sight distance. The southbound Highway 101 off-ramp to eastbound Talmage Road would be realigned slightly to the west, and would remain only one lane. This intersection would be signalized with the signal controlling right turns if queues begin accumulating on either southbound off-ramps or along the left-turn lane onto the southbound Highway 101 on-ramp. As is the case for the proposed project, two dedicated left-turn lanes from Talmage Road to Airport Park Boulevard would be provided. This alternative would require grading to the west of the existing Southbound Off-ramp to provide the second off-ramp lane and

for the minor realignment of the ramp where it intersects Talmage Road. A minor amount of additional grading would also be required at the southbound off-ramp to eastbound Talmage Road, but this alternative would avoid expansion of this off-ramp from one lane to four. This alternative would require that additional right-of-way be purchased. Otherwise, other improvements that are part of the proposed project (e.g., new lighting, curbs, and gutters) would be included in this alternative.

Impacts

This alternative would have the following potentially significant impacts as compared to the project as proposed.

Geology and Soils. Similar to the proposed project, unless properly designed and constructed, project improvements could fail due to deficiencies in the underlying soils and/or geologic conditions or during an earthquake. The widening of the southbound off-ramp to westbound Talmage Road plus the minor realignment of the southbound off-ramp to eastbound Talmage Road would involve grading and construction in areas that are expected to be similar to those studied in the Preliminary Geotechnical Report prepared for the project. It is expected that all mitigations recommended in that report would also be required for this alternative and that these design mitigations would reduce the geologic and soil impacts for the alternative to a less-than-significant level. Though these geologic/soil impacts can be reduced to a less-than-significant level for both the project and this alternative, because the alternative would require slightly more grading than the project as proposed, it would have more geologic/soil impacts. [Greater]

Hydrology and Water Quality. The alternative would result in additional runoff due to an increase in impermeable surface from widening of the southbound off-ramp. It is estimated that the alternative would increase the developed site from 1.29 acres of impervious surface to 1.72 acres, or a 0.53-acre increase. This alternative would result in more runoff than the proposed project. According to the Stormwater Data Report prepared for the project (on file with the Ukiah Community Development Department), the existing storm drain system draining the site has capacity to drain this additional runoff, and no improvements to that system is required. Similar to the proposed project, erosion control Best Management Practices would be required to control erosion and protect water quality. The relatively small amount of new impermeable surface in the freeway right-of-way would not be expected to affect groundwater recharge. The improvements would not be subject to flooding. All hydrologic and water quality impacts can be reduced to less-than-significant levels by requiring compliance with existing City and Caltrans' requirements and regulations. [Greater]

Biological Resources. The alternative would add a second lane to the southern part of the southbound off-ramp to westbound Talmage Road. This expansion would remove grasses, forbs, and weedy vegetation in areas previously disturbed by freeway and off-ramp construction. Due to grading requirements, approximately 35 trees would need to be removed. This includes 32 live oaks, 2 redwoods, and one pine. Loss of these trees would be a new potentially significant impact for this alternative. Mitigation would be required for this loss of trees (see below). The area does not contain wetlands. Similar to the project, it is not expected that there would be special-status species in the area to be disturbed. Nevertheless, Caltrans may require additional surveys prior to final approval to confirm this conclusion. Similar to the project, the alternative could disturb nesting birds, and the same mitigation recommended for the project (Mitigation Measure 4.3-B.1) would apply. Biological impacts for this alternative will be reduced to a less-than-significant level through the implementation of Mitigation Measures 4.3-B.1 and PA 2-1, both of which are included in the MMRP. [Greater]

Mitigation Measure PA 2-1: A certified arborist or landscape architect shall develop a final tree plan for the project. The plan shall meet at least the following requirements unless the arborist can demonstrate that substitute measures would meet the targets listed at the end of this mitigation. At least 64 trees shall be planted. The trees shall be fertilized, irrigated, protected, and maintained

until they are five years old. Any trees dying within that period shall be replanted until there are 64 new live trees that have been alive for at least seven years. Compacted ground shall be broken to an area three times the diameter of the root ball prior to planting to allow root growth. Trees shall be watered weekly in weeks with no natural precipitation (usually April 15 through October 15 of each year), and for the first three years after planting they shall be watered three times per week when temperatures exceed 100° F. It is recommended that the trees be planted in the four open gaps west of the southbound off-ramp. The plan will be reviewed and approved by Caltrans. This mitigation would ensure replacement of trees at a 2:1 ratio. Because the coast live oaks are susceptible to SOD, over the long term the replacement trees may provide more biological benefits than the existing trees. By replanting the gaps to the south of where the trees would be removed, the mitigation would provide additional visual screening of the freeway from residences and other structures located to the west.

Cultural Resources. As is the case with the proposed project, no cultural resources are expected to be disturbed within the area by construction of this alternative. However, to ensure that is the case, construction will be halted if currently unidentified cultural resources are uncovered. It is expected that the same mitigations protecting cultural resources, human remains, and paleontological resources recommended for the project would be required for this alternative. Those mitigations plus compliance with Caltrans regulations for the protection of cultural resources would reduce any impact to these resources to a less-than-significant level. [Similar]

Traffic and Circulation. The widened and realigned southbound off-ramps and realignment of the ramps' intersections with Talmage Road would result in improved operating conditions as compared to existing conditions. The Traffic Impact Study contained in Appendix E assesses the impacts of this alternative (described therein as the Caltrans Alternative). Table 5.5-2, below, shows the calculated level of service at the time this alternative opens for use while Table 5.5.3 shows the 2032 level of service for the three study intersections for this alternative. Similar to the proposed project, the alternative would accommodate the projected increase in trips through 2032. When compared to the proposed project, the alternative would reduce the amount of delay at Intersections Nos. 1 and 2 while slightly increasing the delay at Intersection No. 3. The alternative would result in Intersection No. 2 operating at LOS A through C (depending on the turn movement—with the movement with the heaviest traffic operating at LOS A) as compared to LOS C for the entire intersection for the proposed project. The alternative would provide adequate queuing at the time the alternative began operations. In 2032, the results of the queuing analysis done for this alternative analysis (see Tables 17 to 19 in the appended Traffic Impact Study) show that for the future condition there is adequate storage length at all intersections, except under the 95th percentile congestion condition where the northbound left-turn lane at Intersection No. 1, the westbound turn at Intersection No. 2, and the northbound right turn at Intersection No. 3, are all about one car length short of the recommended queue storage length. There is generally less queuing under this alternative, plus the intersection of the southbound off-ramp with eastbound Talmage Road intersection would be signalized with the signal controlling right turns if queues begin accumulating on either southbound off-ramps or along the left-turn lane onto the southbound Highway 101 on-ramp. Accordingly, this alternative would result in less intersection congestion and queuing than the proposed project. [Lesser]

Air Quality. Project construction would be expected to have approximately the same emission of air pollutants as the proposed project. As is the case for the proposed project, compliance with dust control and other measures included in the MCAQMD's Rules 1-410 and 1-430 would reduce construction impacts to a less-than-significant level. Operationally, as is the case for the project as proposed, by reducing congestion and queuing, the alternative would reduce emissions from vehicles using the new interchange. Locally, sensitive receptors immediately west of the southbound off-ramp to westbound Talmage Road may be exposed to more emissions. This is because this ramp is closer to residences than the ramp that would be used as part of the proposed project (i.e., the southbound off-ramp that is adjacent to the freeway). However, the widened southbound ramp would at most be only 50 feet closer to the

nearest residences near the Henderson Lane/Munson Frontage Road intersection, and, in most cases, only 5-25 feet closer at the ramp's northern end. The potential increase in emissions exposure from this off-ramp realignment compared to the proposed project would be barely measurable, particularly given the large amount of emissions generated by vehicles and heavy trucks on the freeway. Any increase in emission exposure at these nearest receptors would be expected to be less than significant. However, as is the case for the proposed project, the emission of criteria pollutants by new trips accommodated by the alternative would exceed MCAQMD significance thresholds. This indirect project impact and the project's contribution to the cumulative air quality impact would remain significant and unavoidable for this alternative. [Similar]

Noise. Construction of the widened southbound off-ramp to westbound Talmage Road would result in new noise affecting residents living immediately west of this ramp. The noise modeling included in the full noise study in Appendix G of this EIR calculated that the construction noise would result in average hourly noise at these receptors of 67 to 76 dBA during the construction period. This is similar to the noise generated by construction of the proposed project. Because the City does not consider construction noise to be a significant impact, and because the increase would occur for less than one year, this construction noise impact would be less than significant. There would be less construction south of Talmage Road with a consequent decrease in construction noise in that area. The full noise study includes a quantitative assessment of noise caused by vehicle use for this alternative as shown on Table 5.5-4. When compared to Table 4.7-8 that shows future noise from the project as proposed, the two alternatives result in almost the same noise at the sensitive receptor measurement locations, with a range of 0.5 dBA Ldn less at one location for this alternative to 0.6 dBA Ldn less at one location for the project as proposed. The noise assessment also showed that this alternative would have the same less-than-significant impact regarding extension of the Discomfort Threshold Corridor as the proposed project. The noise impacts on sensitive receptors would be essentially the same for both alternatives and would be less than significant for both alternatives. [Similar]

Visual Resources. As described above under the discussion of biological resources, the alternative would require the removal of approximately 35 trees, mainly on the west side of the southbound off-ramp to westbound Talmage Road. The trees are mainly east of the commercial structure located near the east end of Munson Frontage Road. Residences to the north of this commercial building have vegetative screening at their eastern property line so the removal of trees further south would not be expected to open up new views of the freeway or freeway traffic. The two redwoods that need to be removed on the west side of the southbound on-ramp would not be expected to substantially change views of the Walmart store to the west. Though the visual impact would be less than significant, any mitigation to require planting new trees would further reduce any visual impact to residents living north of Munson Frontage Road. Three new light poles would be added—one on the north side of Talmage Road, one on the west side of the widened southbound off-ramp, and one on the east side of that same ramp. All three lights would be directed away from residences located north of Munson Frontage Road. The impact would be less than significant, and no mitigation would be required. [Greater]

Public Services. As with the proposed project, the interchange improvements would not require response from any public service responder nor require new facilities or utilities. [Similar]

Hazards and Hazardous Materials. As with the proposed project, construction of this alternative would not result in the release of hazardous materials or exposure of individuals to hazardous materials. The new facilities would not result in any hazardous conditions involving the airport. [Similar]

Land Use and Planning. As with the proposed project, the alternative would not affect agricultural soils nor divide a community. The alternative would be consistent with goals and policies of the Ukiah General Plan. [Similar]

Global Climate Change. Construction and use of the project alternative would result in emission of greenhouse gas. The emission of GHGs from construction would be expected to be relatively the same as the proposed project (i.e., about 200 MT of CO₂e). Emissions from vehicles using the project would be approximately the same as the proposed project. The indirect emission of CO₂e from new traffic accommodated by the project would exceed the MCAQMD significance threshold. This cumulative impact on the global climate would remain significant and unavoidable for this alternative. [Similar]

Energy. Similar to the proposed project, construction of the improvements would require the expenditure of energy. As described in Appendix H of this EIR, this alternative (described therein as the Caltrans Alternative) would reduce the direct energy expenditures of future traffic using the interchange by approximately 680 MTBU per year (less than 1% reduction). This alternative would reduce construction expenditures by 17,024 MTBU (a 50% reduction). Like the proposed project, this alternative would reduce expenditure of energy by projected traffic using the interchange. [Lesser]

Ability of the Alternative to Meet Project Objectives

This alternative would meet all project objectives and is preferred by Caltrans.

The City determines that Alternative 2 is the environmentally superior alternative and adopts this alternative.

ALTERNATIVE 3: Widen the Overcrossing Alternative

Description

Alternative 3 would modify the entire interchange to a “tight diamond” configuration (Caltrans Type L-1 interchange) as shown in Figure 4 of Appendix E of this EIR. Such a configuration would have a southbound off-ramp exiting the freeway and intersecting with Talmage Road at approximately 90 degrees at a four-way intersection allowing left and right turns as well as including the southbound on-ramp. Similarly, on the east side of the freeway, the northbound on-ramp and off-ramp would meet at a single intersection with Talmage Road. The two four-way intersections would be signalized and coordinated with the existing traffic signal at Talmage Road/Airport Park Boulevard. This alternative would require that additional right-of-way be purchased. This alternative is identified as Option 1 in the Route 101 Corridor Interchange Study in Mendocino County (MCOG 2005).

Impacts

Geology and Soils. Construction of the new on/off-ramps would require substantially more grading and paving than the proposed project. However, it is not expected that the soils and underlying geology for the areas north and south of Talmage Road where these ramps would be constructed would pose any significant constraints. Additional fill would need to be placed to develop the two intersections. New piles would need to be driven to support a widened overcrossing. It is likely that additional retaining walls would also be needed. Given required geotechnical review of the site and the future proposed design, it is expected that all these improvements could be constructed to maintain the integrity of the interchange if the recommendations of that geotechnical review are implemented. To summarize, this alternative would have more potential geological impacts than the proposed project due to the more extensive improvements that would be needed. However, in both cases, it is expected that the impacts could be reduced to a less-than-significant level. [Greater]

Hydrology and Water Quality. This alternative would require more grading with the potential for soil erosion. New areas would be covered with impermeable surfaces. However, the amount of impermeable surface for the interchange as a whole would probably be less than what currently exists (if the existing

ramps are decommissioned). Alternative project construction would need to abide by all City requirements for erosion control and control of pollutants as established in City Code Division 4, Chapter 8 (Stormwater Discharge), Division 9, Chapter 6 (Floodplain Management), and Division 9, Chapter 7 (Erosion and Sediment Control). Compliance with these mandatory requirements and the Best Management Practices they require would be expected to reduce water quality impacts to a less-than-significant level. New or expanded storm drains may be needed to drain the widened overcrossing and/or the realigned ramps. However, there is no evidence that such drainage improvements would cause a significant impact on the environment, as Caltrans would require adequate drainage of improvements within the State right-of-way. To summarize, the alternative would change drainage patterns and increase the risk of soil erosion. However, for both the project as proposed and this alternative, the hydrologic and water quality impacts could be reduced to a less-than-significant level. [Greater]

Biological Resources. The new ramps would likely require removal of more than 100 trees currently within the freeway right-of-way. Though it is unlikely that special-status species of plants or animals occupy or use the area that would be developed for the new ramps and overcrossing widening, this would need to be confirmed at the time a project application is filed. Similar to the project as proposed, the ramp areas do not provide a good wildlife travel corridor due to their proximity to the freeway. It is possible that there are wetlands within the proposed ramp alignments, particularly to the north of Talmage Road. If there are wetlands that would be filled, then compensatory mitigation would be required. To summarize, this alternative would have more substantial potential biological impacts than the proposed project. Though it is expected that in both cases the impacts could be reduced to a less-than-significant level, the mitigations for this alternative (tree replacement and wetland compensation) would be substantially greater than for the proposed project. [Greater]

Cultural Resources. As is the case for the proposed project, it is unlikely there are cultural or paleontological resources in the area near the freeway that would be affected by this alternative. However, it is possible that such resources do occur, and the area of disturbance is substantially larger than for the proposed project. Mitigation similar to that required for the proposed project would also be required for this alternative. It is expected that for both this alternative and the proposed project the cultural resource impacts could be reduced to a less-than-significant level. [Greater]

Traffic. As is the case for the proposed project, this alternative would accommodate projected growth in vehicle travel. This alternative would improve the level of service at all interchange intersections and reduce queuing impacts. By aligning the on/off-ramps to intersect Talmage Road at two signalized intersections and by providing additional queuing storage capacity, this alternative would best meet long-term area circulation needs and improve traffic safety on the ramps and Talmage Road. This alternative would provide the optimal long-term solution for traffic at this interchange. [Lesser]

Air Quality. The alternative would require more grading and construction than the proposed project with a corresponding increase in the construction-generated emission of dust and criteria pollutants. However, it is expected that these emissions could be reduced to a less-than-significant level. Operationally, the alternative would emit approximately the same amount of criteria air pollutants as the proposed project. In both cases the impact would be significant and unavoidable. [Greater]

Noise. The new ramp alignments north of Talmage Road would move the ramps closer to residential receptors. However, as is the case for Alternative 2, the reduction of buffer between the ramp and sensitive receptors would be relatively small. The alternative would require more construction than the proposed project with a corresponding increase in construction noise. This alternative would have more potential noise impacts on sensitive receptors than the proposed project, though it is expected that in both cases the impact would be less than significant. [Greater]

Visual Resources. The alternative would require more grading and disturbance than the proposed project.

However, the visual changes in this freeway view corridor would not be expected to be substantially more significant than the project as proposed, and in both cases would be less than significant. [Similar]

Public Services. As with the proposed project, the interchange improvements would not require response from any public service responder, nor require new facilities or utilities. [Similar]

Hazards and Hazardous Materials. As with the proposed project, construction of this alternative would not result in the release of hazardous materials or exposure of individuals to hazardous materials. The new facilities would not result in any hazardous conditions involving the airport. [Similar]

Land Use and Planning. As with the proposed project, the alternative would not affect agricultural soils nor divide a community. The alternative would be consistent with goals and policies of the Ukiah General Plan. [Similar]

Global Climate Change. Since more grading and construction using heavy equipment would be required, there would be greater emission of GHG. Operationally, the vehicles using this alternative would generate approximately the same GHG as the proposed project. For both this alternative and the project as proposed, the impacts would be significant and unavoidable. [Greater]

Energy. Since more grading and construction using heavy equipment would be required, there would be greater use of energy to construct the alternative. Operationally, the vehicles using this alternative would use approximately the same energy as the proposed project. For both this alternative and the project as proposed, the impacts would be less than significant. [Greater]

Ability of the Alternative to Meet Project Objectives

This alternative would meet all project objectives but not as well as the proposed project.

The City Council rejects Alternative 3 as infeasible because it would not achieve the objectives of the proposed project as well as the proposed project or Alternative 2 and would not achieve as many of the benefits of the proposed project and Alternative 2. Alternative 3 would result in greater impacts to geology and soils, hydrology and water quality, biological resources, cultural resources, air quality, noise, global climate change, and energy. For all of the foregoing reasons, and any of them individually, Alternative 3 is determined to be infeasible.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines require the EIR to identify the environmentally superior alternative. Alternative 1 (No Project) would eliminate all project impacts. It is expected that the three significant and unavoidable indirect impacts resulting from the proposed project would be reduced to a less-than-significant level for the No Project alternative. However, existing traffic congestion and safety impacts at the Talmage Road/Airport Park Boulevard intersection and the Southbound Off-ramp Ramp intersection with Talmage Road would remain unaddressed by this alternative. Over the next 20 years, given Caltrans-projected traffic volume increases, this alternative would result in more energy use than the project as proposed. Nevertheless, the elimination of all other impacts would make this alternative the environmentally superior alternative.

As discussed earlier, if the no project alternative is identified as the environmentally superior option, then one of the other remaining alternatives must be identified as environmentally superior. This is particularly the case because the No Project alternative completely impedes the City's objectives to improve operations of the interchange to address existing operational shortcomings.

Among the remaining alternatives, Alternative 2 (Maintain Two Separate Southbound Off-ramps) would have reduced energy impacts. Otherwise, impacts would be similar but, slightly greater than the proposed project, though any additional potentially significant impacts can likely be mitigated to a less-than-significant level. Furthermore, Alternative 2 has definite traffic operational benefits. Accordingly, Caltrans recommended that it be assessed as an alternative in this EIR and has indicated its preference for this design. Alternative 3 (Widen the Overcrossing) would have greater impacts on most resources than the project as proposed with the exception that it improves intersection levels of service. Therefore, Alternative 2 would be the environmentally superior alternative after the No Project alternative.

STATEMENT OF OVERRIDING CONSIDERATIONS

In determining whether to approve a project, CEQA requires all public agencies to balance the benefits of a project against its unavoidable environmental impacts. The FEIR and the associated appendices identify and discuss unavoidable significant effects that would occur as a result of approval and development of the Talmage Interchange Project, in addition to addressing comments received on the DEIR. With implementation of the Mitigation Monitoring and Reporting Program adopted by the City to mitigate, avoid or substantially lessen the significant impacts on the environment, most of the environmental impacts of the project can be reduced to a less-than-significant level. Nevertheless, the FEIR determined that the project is expected to result in significant and unavoidable impacts as discussed above.

As set forth in the preceding sections, the City Council's approval of Talmage Interchange Project will result in significant adverse environmental effects that cannot be avoided, even with the adoption of all feasible mitigation measures. The Project will have these significant effects notwithstanding adoption of Alternative 2, except for those effects mitigated by Alternative 2's additional Mitigation Measure, PA 2-1. Despite the occurrence of these effects, however, the City Council chooses to approve the Alternative 2 because it finds and determines that the economic, social and other benefits that Alternative 2 will produce outweigh the unavoidable adverse environmental effects, and therefore considers the adverse environmental effects acceptable.

Pursuant to PRC Section 21081 and Section 15093 of the State CEQA Guidelines, the City of Ukiah adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental impacts.

In light of the environmental, social, economic, and other considerations identified in the findings above, and the considerations set forth below related to this project, this City chooses to approve Alternative 2 because it finds and determines that the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the City's judgment, the benefits of Alternative 2 outweigh the significant and unavoidable impacts. The substantial evidence supporting the enumerated benefits of Alternative 2 can be found in the preceding findings; in the project application; and in the documents found in the Record of Proceedings, all of which are incorporated by reference into this section. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of Alternative 2 outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that Alternative 2, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

1. **Alleviate existing traffic congestion.** Alternative 2 will alleviate traffic congestion at the Talmage Road/Highway 101 interchange, specifically on the southbound on and off-ramps. The Talmage Road interchange improvements are required to alleviate existing and future congestion and

improve traffic operations and safety for the southbound on- and off-ramps and along the Talmage Road corridor.

2. **Accommodate planned future growth.** Alternative 2 will improve the Talmage Road/Highway 101 interchange so that it will have capacity to successfully accommodate vehicle and pedestrian traffic resulting from planned future local and regional traffic growth for a 20-year planning horizon and design life. By providing additional capacity at the interchange, Alternative 2 alleviates existing and future traffic congestion, which any significant new development in the Redwood Business Park and the Airport Business Park (together, the Airport Industrial Park or “AIP”) could otherwise exacerbate. Undeveloped properties in the AIP that may benefit from the traffic congestion relief resulting from the project include the property where a Costco store has been approved. The traffic associated with regional growth, which includes traffic associated with the proposed Costco project, is included in the future traffic volume estimates used in the analysis.
3. **Reduce greenhouse gas emissions.** Growth to the year 2032 and the corresponding Caltrans-projected growth in trips would result in emissions of CO₂ with or without the project. Because the project would reduce area CO₂ emissions by 464 metric tons of CO₂ per year compared to emissions caused by area-wide projected traffic increases without the proposed project improvements, it would have a beneficial effect on global climate change.
4. **Improve traffic and pedestrian safety.** Alternative 2 will improve traffic safety and pedestrian safety at the Talmage Road/Highway 101 interchange. The southbound Highway 101 off-ramp to westbound Talmage Road would remain in its approximate current location, but it would be widened to include two right-turn lanes as it approached the Talmage Road intersection. This southbound offramp intersection with westbound Talmage Road would be signalized and realigned to the west to increase sight distance. The southbound Highway 101 off-ramp to eastbound Talmage Road would be realigned slightly to the west, and would remain only one lane. This intersection would be signalized with the signal controlling right turns if queues begin accumulating on either southbound off-ramp or along the left-turn lane onto the southbound Highway 101 on-ramp. Two dedicated left-turn lanes from Talmage Road to Airport Park Boulevard would be provided. This alternative would avoid the expansion of the existing southbound off-ramp from one lane to four. New lighting, curbs, and gutters would be included in this alternative.
5. **Satisfy the General Plan.** This alternative will satisfy the General Plan Circulation and Transportation Element goal to construct improvements to the interchange of U.S. 101 and Talmage Road as part of the Airport Industrial Park off Talmage Road. The need for the interchange improvements has been discussed in the Circulation and Transportation Element of the General Plan since 1995. The improvements, by decreasing congestion at intersections and along roadways, and improving intersection levels of service, would be consistent with City General Plan policies aimed at decreasing congestion on the roadway system.
6. **Improve energy usage.** This alternative includes energy-conserving elements, such as the use of LED lighting and improving bike and pedestrian safety (thereby promoting use of these alternate transportation methods). These LED lights would replace the halide lights currently used, resulting in reduced energy usage and promotion of additional energy conservation. The Project would be expected to result in energy conservation within 1-2 years.

CHAPTER 5

MITIGATION MONITORING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring program when approving a project or changes to a project, in order to mitigate or avoid significant effects on the environment (Public Resources Code section 21081.6). The program is based on the findings and the required mitigation measures presented in an Environmental Impact Report (EIR) that has been prepared on the project and certified by the lead agency. The reporting program must be designed to ensure compliance during project implementation.

Pursuant to the CEQA Guidelines, a Mitigation Monitoring Program (MMP) must cover the following:

- The MMP must identify the entity that is responsible for each monitoring and reporting task, be it the City of Ukiah (as lead agency), other agency (responsible or trustee agency), or a private entity (i.e., the project sponsor).
- The MMP must be based on the project description and the required mitigation measures presented in the environmental document prepared for the project and certified by the lead agency.
- The MMP must be approved by the lead agency at the same time of project entitlement action or approvals.

MMPs are typically designed in chart and checklist format for ease of monitoring.

PURPOSE AND USE OF THE MONITORING PROGRAM

The purpose of the monitoring program is to provide the City of Ukiah with a simple guideline of procedures to ensure that the mitigation measures required under the Final EIR are implemented properly.

Since each required mitigation measure must be implemented, a monitoring chart was created, which is attached to this report. This chart provides the following information and direction for use.

1. The required mitigation measures are listed in the first column, corresponding to the list of measures provided in the Draft and Final EIR.
2. The second column lists the agency or entity responsible for implementing the mitigation measure.
3. The third column describes when the mitigation will be implemented and the monitoring period.

4. The fourth column provides a location for the monitor to sign-off that the mitigation has been successfully implemented.

Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Monitoring Responsibility	Timing	Sign Off
Geology and Soils			
4.1-A.1 The final improvement plans shall incorporate all design and construction recommendations contained on pages 8-12 in the <i>Limited Materials and Preliminary Geotechnical Report</i> prepared by Rau and Associates dated May 2013 consistent with the standards identified in the California Building Code, Caltrans standard structural requirements, and Caltrans Standard Specifications (latest Edition) and pertaining to the following: 1. Reprocessing of Certain Subgrade Soils and Fill Soils, including unconsolidated subgrade soils for pavement support and Strip Foundation Support for Low Retaining Walls. 2. Grading and Site Preparation 3. Pavement Structural Sections 4. Retaining Wall Foundations 5. Pier Foundations for Signals or Street Lights 6. Surface and Subsurface Drainage The Rau and Associates or other geotechnical engineer retained by the City shall review and sign the final plans and specifications for the project and approve them as conforming to their recommendations prior to grading. The project geotechnical engineer shall provide geotechnical observation during the grading and construction, which will allow the geotechnical engineer to compare the actual with the anticipated soil conditions and to check that the contractors' work conforms to the geotechnical aspects of the plans	City of Ukiah Planning and Community Development Department, City Building Services Division	Plans and specifications approved prior to issuance of encroachment permit.	

2-3

Mitigation Monitoring and Reporting Program Table

	and specifications. The geotechnical engineer of record will prepare letters and as-built documents, to be submitted to the City, to document their observances during constructions and to document that the work performed is in accordance with the project plans and specifications.			
4.1-B.1	The City shall prepare an Erosion and Sediment Control Plan consistent with all the general site and good housekeeping requirements, the listed erosion control requirements, and the sediment control requirements of Division 9, Chapter 7 of the City Code. The plan shall be prepared by a registered civil engineer, or other professional who is licensed and qualified. As required by the code, the plan shall include the following information and contain the following mandatory measures: • A description and delineation of the vegetative measures to be taken to minimize erosion and sedimentation; • A description and delineation of the proposed temporary and permanent measures to appropriately and effectively minimize soil erosion and sedimentation and to protect manufactured or disturbed slopes from erosion by mechanical means, such as with mulches, diversion dikes, etc.; • Delineation of the proposed drainage control measures and temporary and permanent measures to be taken to retain sediment on the site; • The extent and manner of the cutting of trees and the clearing of vegetation, and their disposal, and the measures proposed for the protection of undisturbed trees and vegetation;	City of Ukiah Planning and Community Development Department	Plan approved prior to issuance of encroachment permit. Monitoring ongoing during construction.	

Mitigation Monitoring and Reporting Program Table

• The proposed methods for the disposal of excess materials and for dust control; • A description of the measures to maintain the devices shown on the plan during grading operations and construction on the site; • The extent of disturbed ground that would exist, the streets that would be paved, and drainage devices that would be installed prior to the start of each rainy season; • Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures; • Use of the most recent version of the CASQA BMP handbook, section 3 as a guide as to what measures should be taken for any particular set of circumstances. • Erosion Control Measures (Section 9703) ○ Complete soil stabilization within five days of clearing or inactivity in construction; ○ Design the Project as such to avoid disturbing land in sensitive areas and to preserve existing vegetation wherever possible; ○ Schedule major grading operations during dry months when practical, and allow adequate time before rainfall begins to stabilize the soil with erosion control materials; ○ Conduct seeding and mulching as soon as grading is complete;			
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2-5

Mitigation Monitoring and Reporting Program Table

○ If seeding or another vegetative erosion control method is used, establish the vegetative cover within a time frame approved by the city engineer, or the city engineer may require the site to be reseeded or a nonvegetative option employed; ○ Use special techniques that meet the design criteria outlined in the CASQA BMP handbook on steep slopes or in drainageways to ensure stabilization; ○ Stabilize soil stockpiles and/or securely cover at the end of each workday; ○ In areas where permanent reseeding and planting is not established at the close of the construction season, use additional control measures, such as a heavy mulch layer or another method that does not require germination, to ensure soil stabilization at the site; ○ Where runoff needs to be diverted from one area and conveyed to another, construct earth dikes, drainage swales, slope drains or other suitable practice in accordance with the design criteria set forth in the most recent version of the CASQA BMP handbook; ○ Employ techniques to prevent the blowing of dust or sediment from the site and that deliver upland runoff past disturbed slopes shall be employed when determined necessary by the City engineer. • Sediment Control Measures (Section 9703):			
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9-2

Mitigation Monitoring and Reporting Program Table

○ Place linear sediment barriers below the toe of exposed and erodible slopes, down slope of exposed soil areas, around soil stockpiles, and at other appropriate locations along the site perimeter; ○ Conduct street sweeping as needed to remove sediment from streets and roadways and to prevent the sediment from entering storm drains or receiving waters. Washing the street or use of cleaning fluids would not be allowed; ○ Protect every storm drain inlet with the potential to receive sediment laden runoff in accordance with the design criteria set forth in the most recent version of the CASQA BMP handbook. Inspect and maintain inlet protection frequently; ○ Install sediment basins or sediment traps where sediment-laden water may enter the drainage system or watercourses and in association with dikes, temporary channels, and pipes used to convey runoff from disturbed areas; ○ Protect adjacent properties by the use of a vegetated buffer strip in combination with other perimeter controls or other appropriate method, as described in the most recent version of the CASQA BMP handbook			
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Biological Resources

4.3-A.1 Construction shall not cause nest abandonment of	City of Ukiah Planning	Surveys conducted for work	
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Talmage Road/Southbound U.S. 101 On-Off Ramp Realignment Project MMRP
City of Ukiah

2-7

Mitigation Monitoring and Reporting Program Table

special-status species of birds or destruction of active nests of species protected by the Migratory Bird Treaty Act or Section 3503 of the Fish and Game Code (protection of nesting passerines). The following measures shall be implemented to avoid disturbing any special status species nesting above ground. Vegetation removal conducted during the nesting period shall require a pre-construction survey for active bird nests, conducted by a qualified biologist. No known active nests shall be disturbed without a permit or other authorization from USFWS and/or CDFW. 1. For earth-disturbing activities occurring during the breeding season (March 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all birds within 500 feet of earthmoving activities. 2. If active special status bird nests are found during pre-construction surveys 1) a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-foot buffer zone will be created around the nests of other special status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines; however, they may be modified in coordination with CDFW based on existing conditions at the project site. 3. If pre-construction surveys indicate that nests are inactive or potential habitat is unoccupied	and Community Development Department	during breeding season March 1 through September 1) within 2 weeks of any vegetation removal or earth-disturbing activities. If active nest found, monitoring ongoing during construction in the breeding season.	
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2-2
8-8

Mitigation Monitoring and Reporting Program Table

during the construction period, no further mitigation is required. Shrubs and trees that have been determined to be unoccupied by special status birds or that are located 500 feet from active nests may be removed. 4. If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.			
Cultural Resources			
4.4-A.1 If buried archeological resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, work would stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies. 4.4-A.2 If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: The county coroner has been informed and has determined that no investigation of the cause of	City of Ukiah Planning and Community Development Department	If mitigation is needed, the measures will be implemented as described.	

6-2

Mitigation Monitoring and Reporting Program Table

death is required; and - If the remains are of Native American origin, the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98 Or - The NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the commission. 4.4-A.3 If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within a 100-meter radius of the remains shall be halted immediately, and the Mendocino County coroner shall be notified immediately, according to Section 5097.98 of the state Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The City shall consult with the Most Likely Descendant, if any, identified by the NAHC regarding the treatment and disposition of the			
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Mitigation Monitoring and Reporting Program Table

remains.			
4.4-A.4 Should paleontological resources be identified at any project construction site, the construction manager shall cease operation within a 100-meter radius of the discovery and immediately notify the City. The project proponent shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.			
Traffic			
4.5-B.1 Signage will be posted on northbound Airport Road notifying large trucks that only left turns are permitted onto Talmage Road."	City of Ukiah Planning and Community Development Department	Signage will be installed prior to completion of the Project	
Air Quality			
4.6-A.1 The project shall be constructed to include all requirements set forth in the MCAQMD Rules 1-410 and 4-130. All Best Management Practices shall be included in the construction contracts.	City of Ukiah Planning and Community Development Department	Best Management Practices will be finalized prior to issuance of encroachment permit. Monitoring ongoing during construction.	

11-2

Mitigation Monitoring and Reporting Program Table

Noise			
4.7-A.1	If nighttime work is necessary, as required by the City Code, the applicant shall obtain a permit from the Director of Public Works. The permit shall include the following: 1) allow construction noise between 7 P.M. and 7: A.M. for construction activities that Caltrans states needs to be done at night; 2) construction equipment idling shall be limited to five (5) minutes; 3) if nighttime work is to exceed one week, then temporary noise baffles would be installed between the noise source and sensitive receptors; 4) if nighttime work is to exceed one week, then provide hotel vouchers to occupants of the nearest sensitive receptors; and 5) any other noise-reducing measures the City considers warranted.	City of Ukiah Planning and Community Development Department, Building Services Division	Permit approved prior to issuance of encroachment permit. Ongoing monitoring for compliance during the construction period.
4.7-A.2	The Project contractor will 1) fit construction equipment with the best available noise control techniques wherever feasible; 2) require that impact tools be hydraulically or electrically powered, or, if not feasible, fitted with a muffler and jackets; 3) locate stationary noise sources as far from sensitive receptors as possible; and 4) forbid amplified music (boom boxes) at the job site.	City of Ukiah Planning and Community Development Department, Building Services Division	The mitigation will be included as required conditions in the Project contract. Ongoing monitoring for compliance during the construction period.
Energy			
4.13-A	During project construction, the City shall require the following: 1) engines shall be maintained to meet manufacturers' recommended operating standards; and 2) construction equipment shall not be allowed to idle for longer than five (5) minutes. Caltrans shall encourage that the contractors' fleets include diesel engines meeting the most current State standards for new diesel engine performance and/or	City of Ukiah Planning and Community Development Department, Building Services Division	The mitigations will be included as required conditions in the Project contract. Ongoing monitoring for compliance during the construction period.

2-12

Mitigation Monitoring and Reporting Program Table

	low-emission, energy-secure, alternatively-fueled vehicles. Caltrans shall require project contractors to maximize carpooling of their employees.			
4.13-B	Project design shall include: 1) LED lights for illumination and stoplights; and 2) to the degree possible, solar panels to power lighting.			

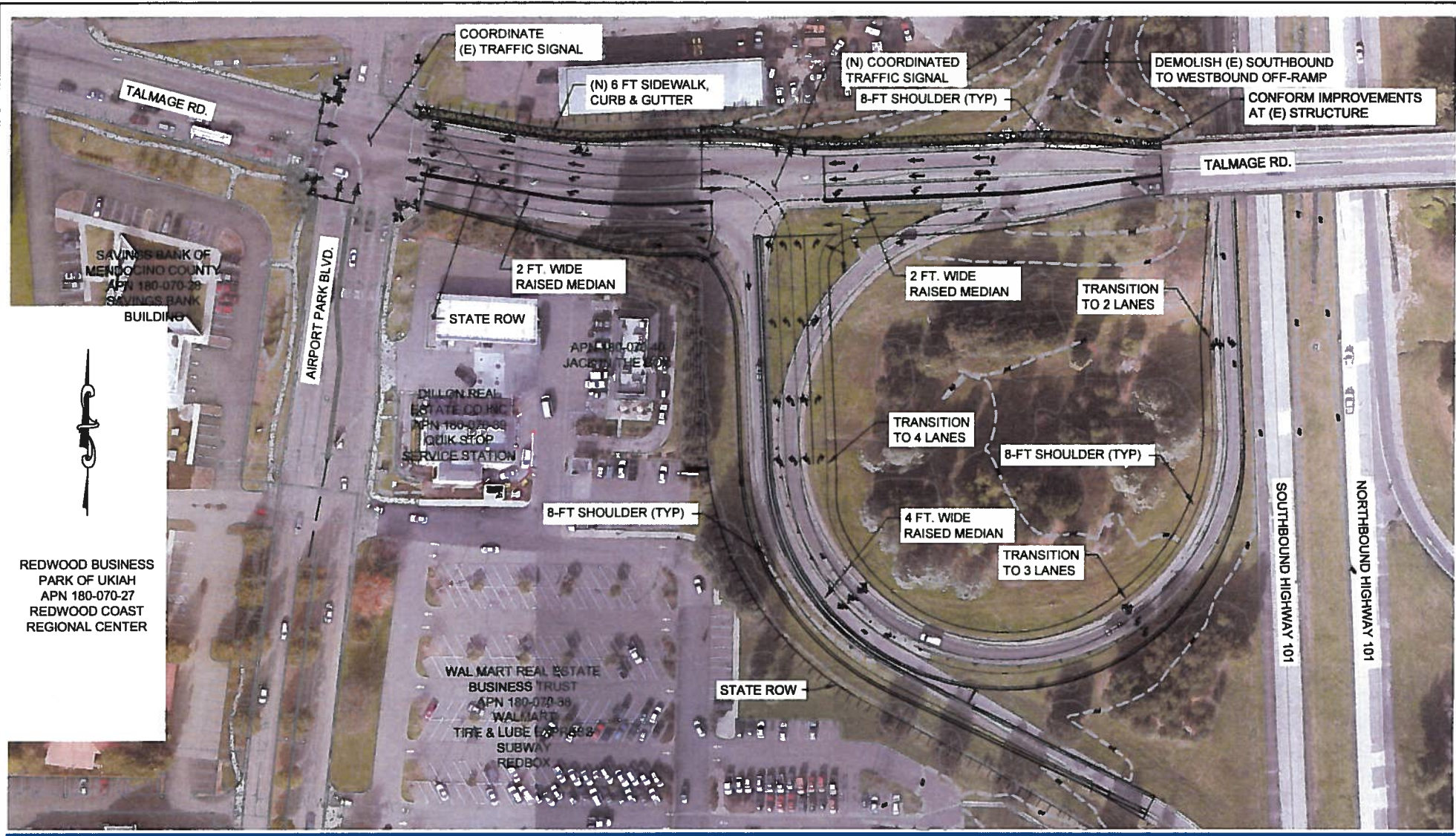
2-13

ATTACHMENT NO. 2

FINAL ENVIRONMENTAL IMPACT REPORT

REPORT HAS BEEN PLACED AT A SEPARATE ONLINE LOCATION DUE TO THE VOLUME OF MATERIAL. THE REPORT CAN BE VIEWED AT THE FOLLOWING LINK:

<https://cityofukiah.box.com/talmage-rd>



Plot Date: 26 April 2013 - 12:30 PM Cadd File No: 0102502 City of Ukiah\02502-8410035 Talmage Interchange\06 CAD\Figures\Exhibits\Interchange Option A - Signal - Alt_2 - Triple Left.dwg



City of Ukiah
Talmage Interchange

PROPOSED INTERCHANGE RECONSTRUCTION
US 101 SB RAMPS INTERSECTION
(SIGNALIZED - TRIPLE LEFT)

Job Number 8410035
Revision

Date Apr 2013

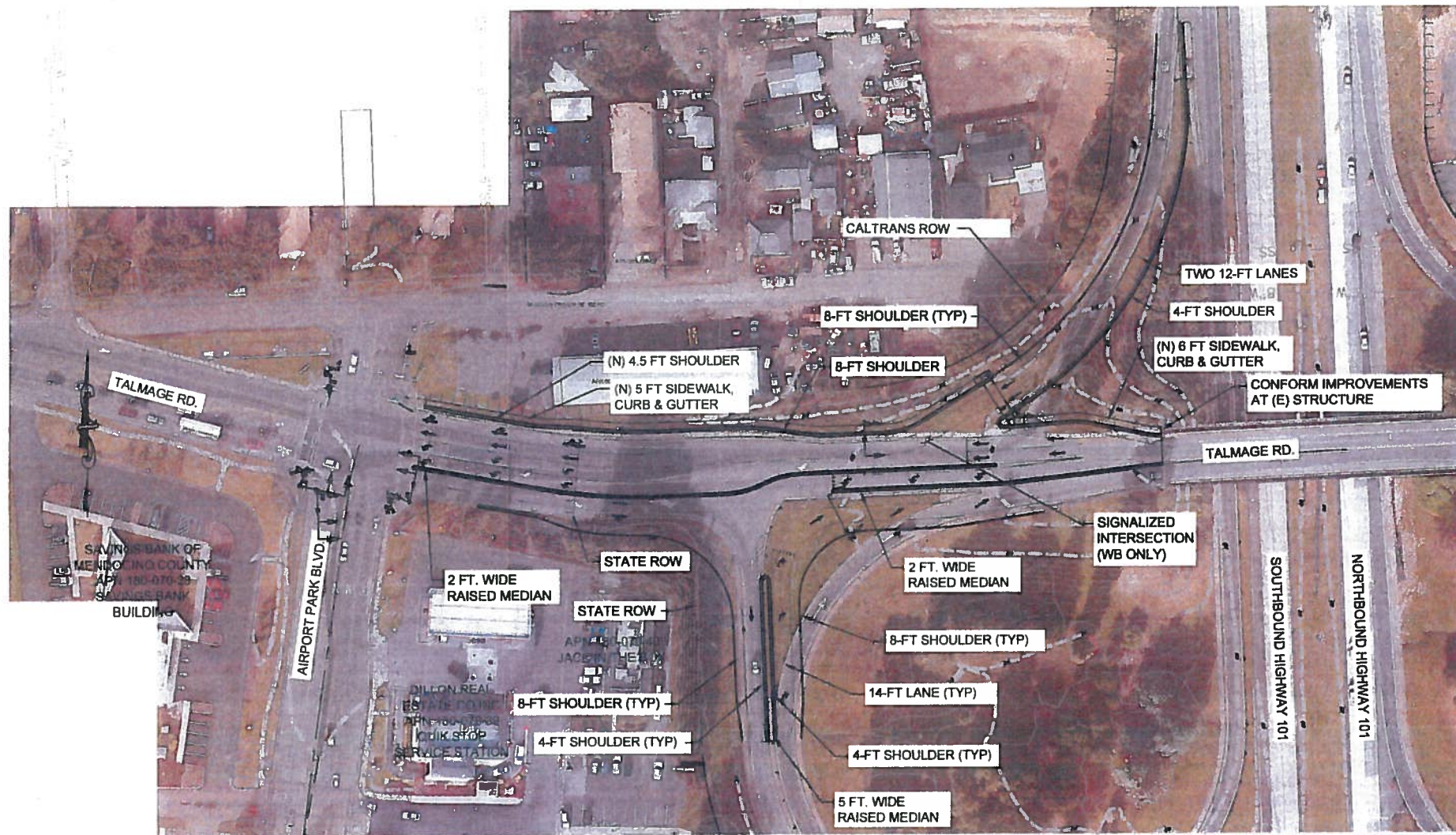
Figure 2

2235 Mercury Way Suite 150 Santa Rosa California 95407 USA T 1 707 523 1010 F 1 707 527 8679 W www.ghd.com

Figure 3.1-3: Proposed Project Intersection

Attachment #

3-1



City of Ukiah
Talmage Southbound Interchange
Realignment Project
INTERSECTION ALTERNATIVE
CALTRANS ALTERNATIVE

Job Number | 8410035
Revision | A
Date | Feb 2014
Figure 10

2235 Mercury Way Suite 150 Santa Rosa California 95407 USA T 1 707 523 1010 F 1 707 527 8679 W www.ghd.com

Plot Date: 14 February 2014 10:43 AM Civil File No: G102562 City of Ukiah/02562 8410035 Talmage Interchange/06 CAD Figure/Final/Interchange/Figure 10.dwg

Alternative 2 Environmentally Superior Alternative

Attachment #

3-2



ITEM NO.: 12b

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: DISCUSSION, DIRECTION, AND APPROVAL OF BUDGET AMENDMENT REGARDING PEDESTRIAN FACILITIES FOR THE CROSSWALK ON NORTH STATE STREET AT REDWOOD EMPIRE FAIRGROUNDS

Summary: Council will discuss options for improving pedestrian facilities at the crosswalk on North State Street near the Redwood Empire Fairgrounds.

Background: On June 17, 2015, the City Council was presented recommendations from the May 12, 2015 Traffic Engineering Committee (TEC) regarding the crosswalk referenced. The Council discussion was twofold, with the Council having interest in both some immediate solutions that would serve as an upgrade as well as some long term solutions that would substantially enhance the intersection for pedestrians. The City Council wanted some more in-depth analysis of the actual budget impacts of both categories of solutions.

At the existing layout on North State Street at the main entrance driveway to the Redwood Empire Fairgrounds, there is an existing yellow school crosswalk with diagonal yellow crosswalk markings. Please refer to Attachment #1 for a layout map. For southbound traffic, there is an existing 25 mph school zone sign on the west side of State Street north of Garrett Drive. There is a school crossing sign also on the west side of N. State Street located between Garrett Drive and the crosswalk. For northbound traffic, on the east side of N. State Street adjacent to Pacific Outfitters there is an existing 25 mph school zone sign. A school crossing sign is located on the east side of N. State Street just south of the intersection of N. State Street and the main entrance driveway to the Redwood Empire Fairgrounds.

As presented to Council at the June 17th meeting, the TEC discussed several options for improving pedestrian facilities at this crosswalk. The TEC recommended installation of the following:

Continued on Page 2

RECOMMENDED ACTION(S): Provide direction to staff and approve budget amendment regarding funding and construction of pedestrian facilities for the North State Street crosswalk at the Redwood Empire Fairgrounds.

ALTERNATIVES: Provide staff with other direction.

Citizens advised:	Elna Gordon and Selah Sawyer, Charter Academy; James Switzer, Redwood Academy; and Jennifer Seward, Redwood Empire Fairgrounds
Requested by:	Tim Eriksen, Director of Public Works / City Engineer
Prepared by:	Tim Eriksen, Director of Public Works / City Engineer
Coordinated with:	Sage Sangiacomo, City Manager
Presenters:	Tim Eriksen, Director of Public Works / City Engineer
Attachments:	1. Layout map 2. Temporary and Immediate Crosswalk Upgrade Options Cost 3. Lighted Crosswalk 4. Location 1 5. a & b – Location 2 6. Permanent Pedestrian Crosswalk Upgrade Options Cost

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

- advanced yield shark teeth lines;
- rapid flashing LED beacons on both sides of the street;
- north and south bound radar speed signs; and
- arrows on the pavement to identify the merge lane.

Discussion: Staff has prepared estimates for the suggestions that Council requested, both immediate and long term. For this report, the solutions that are classified as “immediate” are temporary and for the most part portable and the items classified as “long term” are permanent with a goal for construction prior to the start of the school year in the Fall. The temporary solutions do not address ADA Compliance improvements that will need to be considered with the permanent improvements.

Temporary Solution

The immediate solutions could be installed quickly with the only lag time being the procurement of the equipment. The price for this installation is reflected in Attachment 2. It is important to remember that all the items included in the option are portable and could be reused in other areas. One thing that was discovered in planning the layout was that the advance yield lines could not be used at the location of the existing crosswalk at the north edge of the Fairgrounds driveway (location #1). The spacing across this intersection for the north bound traffic on North State Street would be nearly 100 feet from the existing cross walk, which is significantly out of compliance with the State standards. So the applications that are recommended for the temporary solutions are the rectangular rapid flashing beacon (RRFB) sign assembly, the solar powered radar speed signs, along with the merge lane arrows. The total cost of this is estimated at \$25,450 with all the equipment immediately reusable.

Permanent Solution

The Council directed staff to provide estimates for several other pedestrian enhancement options. These options included the items that the TEC recommended as well as some added items that the Council thought would add benefits to the overall project. The two additional items that were discussed were a light system embedded in the crosswalk as well as the possibility of raising the crosswalk for visibility by vehicular traffic. These items are included in Attachment 3 and proposed at the existing location (location #1) as shown on Attachment 4. An additional item that would be required as part of these solutions would be accessibility amenities as required by the Americans with Disabilities Act (ADA).

During the analysis of these options the Engineering Department staff identified an alternate solution to the overall concerns for pedestrians in this area. The alternate recommendation is to move all pedestrian facilities north of the Fairgrounds driveway to the next intersection which is Garrett Drive (Attachment 5a). The alternate location (location #2) has several benefits including:

1. This option serves the majority of the pedestrian population residing west of State Street who walk down Garrett Drive. Also with a small investment the school could open up a pedestrian access within 10 feet of the eastern side of the walk.
2. This option would remove most of the pedestrians from the Fairground’s driveway which would eliminate pedestrian – vehicle conflict. This solution would be beneficial for both the school population as well as the Fair patrons.
3. This option is illuminated on both sides by street lights and does not have the shading problem that location #1 has with the vegetation on the eastern side.

The proposal for this intersection would include bulb outs, a pedestrian refuge island which would limit the pedestrian movement to 24 feet prior to a safe area in either direction. The Existing Location (Location #1) requires pedestrians to negotiate over 80 feet which is more than three times the distance as compared to location #2. See Attachment 5a for a layout of the enhanced pedestrian facilities as well as Attachment 5b for a simulated street level view of what these enhancements would look like at the alternate location. Existing speed limit signs will be adjusted as appropriate.

In review of the cost estimates in Attachment 6, the Garrett Drive option is more expensive but the Engineering Department finds it superior. The cost differences are fairly minimal compared to the benefits that this option provides.

Staff will present these options at the Council meeting. The different options that the Council chooses will require staff to calculate the requested budget amendment on the fly. Possible accounts for these expenditures are: the Public Benefits Fund, Gas Tax, and the General Fund. Staff is seeking direction regarding the scope of permanent improvements and funding for this work since it is not included in the budget.

FISCAL IMPACT:			
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
TBD	Public Benefit	80626500.80230	Yes ☒ No ☐
TBD	Gas Tax Fund 2107	50124220.80230	Yes ☒ No ☐
TBD	General Fund	10024221.80230	Yes ☒ No ☐

ATTACHMENT #1
EXISTING CONDITIONS



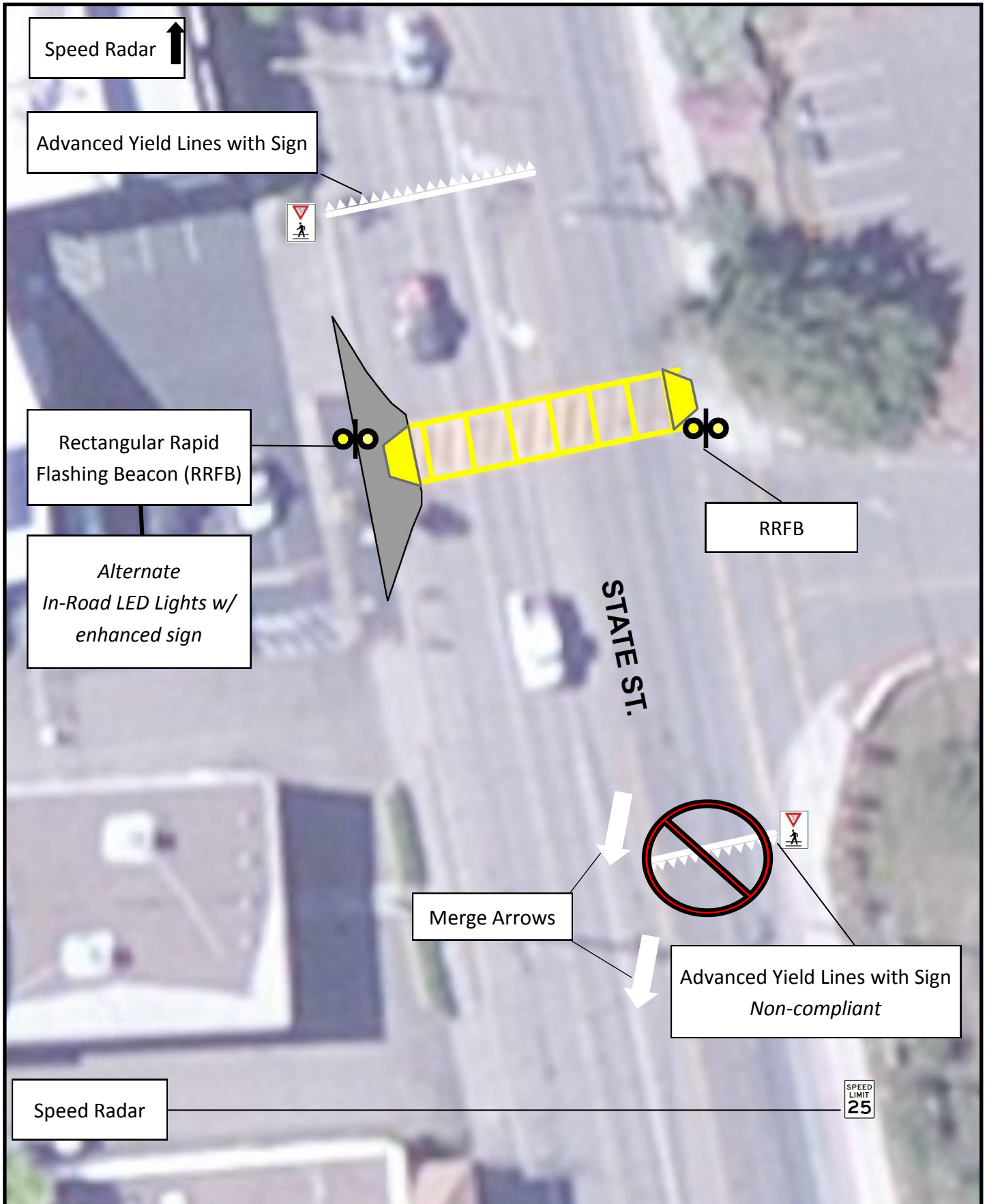
Attchment 2-Temporary and Immediate Crosswalk Upgrade Options

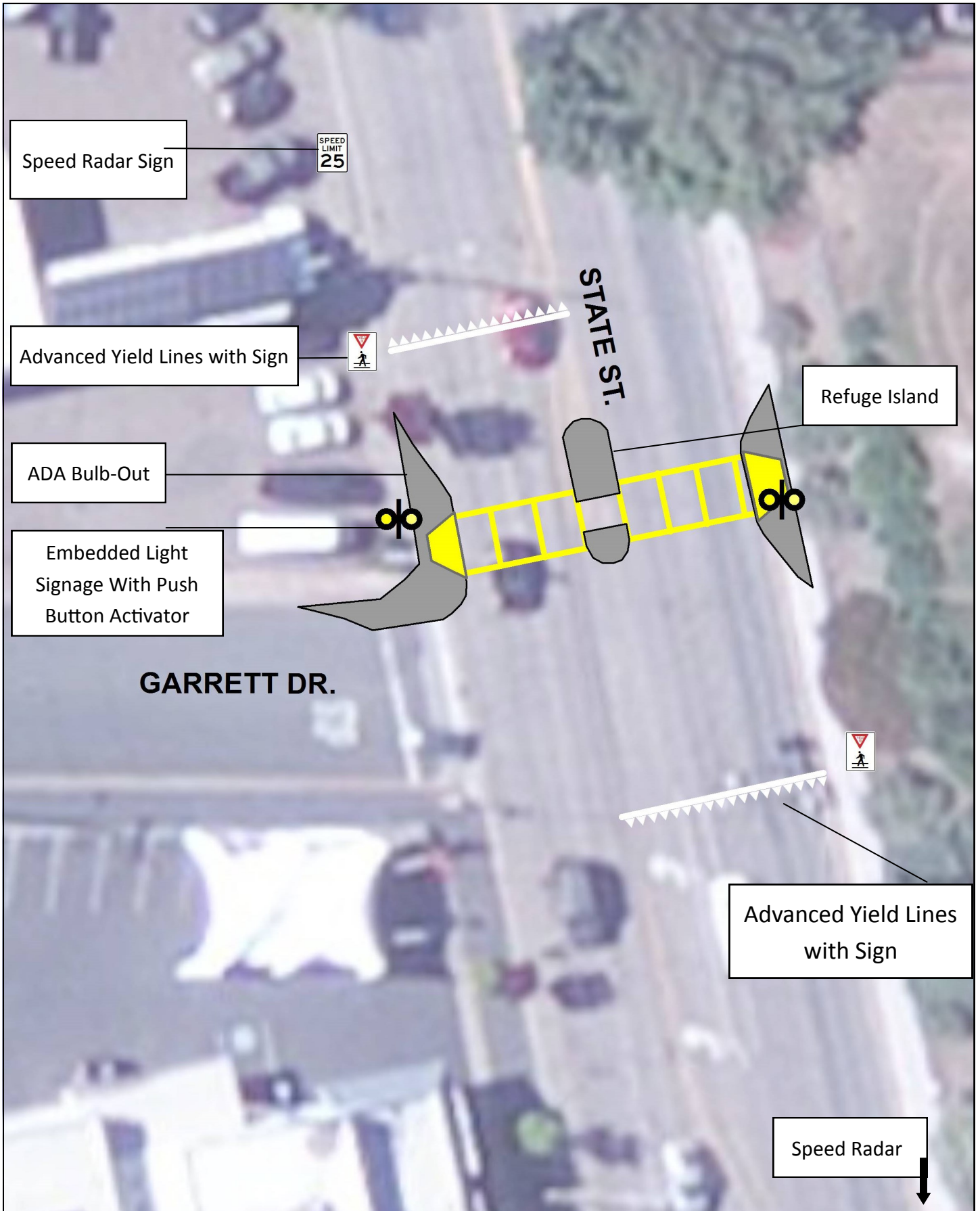
Option 1- Upgrade Existing Crosswalk	Cost
2 Portable Radar Signs	\$15,000
2 RRFB Signs w/ pole	\$10,000
Advanced Yield Lines- Will be Non-Compliant	N/A
Signs for Advanced Yield Line and Pole	N/A
Arrows for Merge Lane	\$450
Total	\$25,450

ATTACHMENT #3
Lighted Crosswalk



EXISTING LOCATION







Attachment 6- Permanent Pedestrian Crosswalk Upgrade Options

Option 1- Upgrade Existing Crosswalk	Cost		Option 1A- Upgrade Existing Crosswalk with Lighted Crosswalk	Cost
			2 inches asphalt for width of crosswalk	\$2,000
2 Portable Radar Signs	\$15,000		2 Portable Radar Signs	\$15,000
2 RRFB Signs w/ pole	\$10,000			
ADA Ramp- East	\$5,000		ADA Ramp- East	\$5,000
ADA Ramp- West with Bulb Out	\$10,000		ADA Ramp- West with Bulb out	\$10,000
Advanced Yield Lines- Will be Non-Compliant	N/A		Advanced Yield Lines- Will be Non-Compliant	N/A
Signs for Advanced Yield Line and Pole	N/A		Poles for Advanced Yield Signs (Signs are included with Lighted Crosswalk Package)	\$300
			Lighted Crosswalk Package	\$20,450
Installation (20%)	\$8,000		Installation (20%)	\$10,550
Total (Estimated)	\$48,000		Total (Estimated)	\$63,300
Option 2- Move Crosswalk to North Intersection of Garrett Drive	Cost		Option 2a- Move Crosswalk to North Intersection of Garrett Drive with Lighted Crosswalk	Cost
2 inches asphalt for width of crosswalk	\$2,000		2 inches asphalt for width of crosswalk	\$2,000
2 Portable Radar Signs	\$15,000		2 Portable Radar Signs	\$15,000
2 RRFB Signs w/ pole	\$10,000			
ADA Ramp- East	\$10,000		ADA Ramp- East	\$10,000
ADA Ramp- West with Bulb Out	\$10,000		ADA Ramp- West with Bulb out	\$10,000
Advanced Yield Lines	\$700		Advanced Yield Lines	\$700
Crosswalk Thermoplastic- Ladder Type	\$1,500		Crosswalk Thermoplastic- Ladder Type	\$1,500
Grind Existing Crosswalk Lines	\$200		Grind Existing Crosswalk Lines	\$200
			Poles for Advanced Yield Signs (Signs are included with Lighted Crosswalk Package)	\$300
Signs for Advanced Yield Line and Pole	\$350		Signs for Advanced Yield Line and Pole	\$350
Pedestrian Island	\$5,000		Pedestrian Island	\$5,000
			Lighted Crosswalk Package	\$20,450
Installation (20%)	\$11,010		Installation (20%)	\$13,100
2 Pedestrian Barrier and Sign	\$300		2 Pedestrian Barrier and Sign	\$300
Total (Estimated)	\$66,060		Total (Estimated)	\$78,900
Optional Item for all Scenarios	Cost			
4 inches to raise Crosswalk	\$6,000			



ITEM NO.: 12c

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: AWARD PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$119,750 TO GREEN VALLEY CONSULTING ENGINEERS FOR PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATE FOR SUMMER 2015 STREET RECONSTRUCTION PROJECT AND APPROVE BUDGET AMENDMENT

Summary: This report will recommend award of a professional services agreement for preparation of plans, specifications, and estimate for the Summer 2015 Street Reconstruction Project.

Background: On June 17, 2015 City Staff presented this item with the existing recommendation of award of contract to Green Valley Consulting Engineers. After the selection of Green Valley was made by City staff, one of the proposers identified a portion of scope missing from the Green Valley Proposal. Staff addressed this issue with Green Valley which led to a supplemental proposal resulting in a cost adjustment for a total of \$119,750. City Council wanted to review the proposals prior to award of a contract. Staff made the proposals and related documents available on Wednesday, June 24, 2015 (<https://cityofukiah.box.com/streetreconstructionproposals>)

City Council has previously identified funding for reconstruction of Luce Ave. (Helen Ave. to S. State St.), Observatory Ave. (Helen Ave. to S. State St.), and Washington Ave. (S. Dora St. to S. State St.) During the course of evaluating these streets for reconstruction, staff determined that water lines and sewer mains also needed to be upgraded on the respective streets. City staff will bring the issue regarding replacement of private sewer laterals to the City Council at a future meeting so that the sewer laterals can be incorporated with the design of the replacement sewer mains.

Discussion: Staff prepared and issued a request for proposals (RFP) for the Summer 2015 Street Reconstruction Project. Staff distributed the RFP to 10 firms. Three firms submitted proposals to the City. Proposals were provided by Crawford & Associates, Inc., Ukiah, CA, \$185,705; NorthStar Engineering, Chico, CA \$206,049.75; and Green Valley Consulting Engineers, Santa Rosa, CA, \$86,260. As was stated above the Green Valley proposal was later revised to an amount of \$119,750 to reflect a scope of work that was originally missed by the consultant. The proposals were reviewed and evaluated by a consultant selection committee comprised of Public Works staff. The consultant selection committee evaluated and ranked each proposal. The committee recommended Green Valley Consulting Engineers

RECOMMENDED ACTION(S): Award professional services agreement in the amount of \$119,750 to Green Valley Consulting Engineers for preparation of plans, specifications and estimate for Summer 2015 Street Reconstruction Project, and approve budget amendment.

ALTERNATIVES: Provide staff with other direction.

Citizens advised: N/A
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Prepared by: Tim Eriksen, Director of Public Works / City Engineer and Jarod Thiele, Public Works Project Analyst
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works / City Engineer
Attachments: Can be viewed at: <https://cityofukiah.box.com/streetreconstructionproposals>

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

for the project. After the June 17, 2015 staff reviewed the proposals again and determined that all the proposals met the requirements of the RFP. Staff therefore continues to recommend award of a professional services agreement in the amount of \$119,750 to Green Valley Consulting Engineers for this work. This cost is \$65,955 less than the next qualifying proposal.

FISCAL IMPACT:			
Budget Amendment Amount	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
\$83,825	Special Projects Reserve	25124221.80230	Yes ☒ No ☐
\$21,555	Water	82224413.80230	Yes ☒ No ☐
\$14,370	Sewer	84424422.80233	Yes ☒ No ☐



ITEM NO.: 13a
MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 30 - OCTOBER 2, 2015

The League of California Cities 2015 Annual Conference is scheduled for September 30 – October 2, 2015 in San Jose. On Friday, October 2, 12:00 p.m., the League holds its Annual Business meeting where membership considers and takes action on resolutions that establish League policy. The League is requesting the City Council designate a voting delegate and, if desired, up to two voting delegate alternates to participate in this meeting. Councilmember Mulheren is currently assigned to the League and plans to attend the conference.

Staff is requesting Council designate a voting delegate and alternate(s) for the 2015 League Annual Conference, if desired, and authorize the City Clerk to submit the Voting Delegate/Alternate Form (Attachment 1) on their behalf.

Fiscal Impact:

☐ Budgeted FY 15/16 ☐ New Appropriation ☒ Not Applicable ☐ Budget Amendment Required

Recommended Action(s): Designate a voting delegate, who will represent the City of Ukiah, and alternate(s) for the 2015 League Annual Conference and authorize the City Clerk to submit the Voting Delegate/Alternate Form (Attachment 1) on their behalf.

Alternative Council Option(s): Take no action.

Citizens advised: N/A
Requested by: League of California Cities
Prepared by: Kristine Lawler, City Clerk
Coordinated with: Sage Sangiacomo, City Manager
Attachments: 1. Letter from League of California Cities dated May 29, 2015, and Voting Procedures for 2015; 2. Voting Delegate/Alternates Form

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____
RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Approved: 
Sage Sangiacomo, City Manager



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2015
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May 29, 2015

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 30 – October 2, San Jose

The League's 2015 Annual Conference is scheduled for September 30 – October 2 in San Jose. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, October 2, at the San Jose Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 18, 2015. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

-over-

Annual Conference Voting Procedures

2015 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2015 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, September 18, 2015. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail: _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 18, 2015

League of California Cities
ATTN: **Kayla Gibson**
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247



ITEM NO.: 13b

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: DISCUSSION AND DIRECTION TO STAFF REGARDING THE DEVELOPMENT OF A DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM INCLUDING THE POSSIBLE APPOINTMENT OF A CITY COUNCIL AD HOC

Summary: In order to help stimulate and facilitate economic development, the City of Ukiah is considering developing an impact fee deferral program for new construction projects. Rather than requiring developers to pay all development impact fees at the time a building permit is issued, they would be able to request approval to defer the payment of select fees. It would not be a waiver of fees; rather, it would be intended to help "bridge" the financing for projects that help meet the City's economic goals.

Background: Various cities in California have considered deferral of impact fees as a way to encourage economic development, housing, and job creation during the economic downturn. These programs vary significantly in their implementation. There are many factors, outlined below, to be considered.

Discussion:

Would the deferral program be temporary or ongoing?

Some cities have initiated temporary deferral programs to stimulate economic growth during the sluggish economy:

- Suggestion: Two-year trial period, after which the program's performance is evaluated.

What type(s) of project would the program be applied to?

Would the development impact fee deferral program be open to all types of projects or targeted to meet specific economic development goals? Following are some of the categories of development that might be considered:

- Commercial/industrial projects
- Affordable housing
- Multi-family housing (market rate)
- Single-family housing (market rate)
- Projects within specific boundaries, i.e. the downtown
- Projects that create a minimum of number of jobs

Continued on Page 2

RECOMMENDED ACTION(S): Discuss the possible development and implementation of a development impact fee deferral program and appoint an ad hoc committee to further explore the matter.

ALTERNATIVES: 1. Direct Staff to draft a development impact fee deferral program for consideration.
2. Discuss and determine that no action should be taken at this time.

Citizens advised: n/a
Requested by: City Council
Prepared by: Shannon Riley, Program and Grant Administrator and Kevin Thompson, Principal Planner
Coordinated with: Sage Sangiacomo, City Manager and David Rapport, City Attorney
Presenters: Shannon Riley, Program and Grant Administrator
Attachments: 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

Which fees might be deferred?

- Sewer, electric and water connection fees
- Planning permit fees
- Note: cannot defer fees to other districts (fire, etc.)

How long would the fees be deferred?

Most cities defer fees only until final inspection or issuance of temporary or final certificate of occupancy; others defer for longer (varying) lengths of time. If fees are deferred longer, the City must be a lien holder on the property(ies); would also need to determine whether interest would be charged and, if so, how much. One example is Elk Grove, which will allow deferrals up to five years. The first three years are interest free.

Some possible alternatives to payment at final inspection/certificate of occupancy are:

- One year (or some other agreed-upon time frame) from the date the application is approved.
- Close of escrow (for residential)
- Close of permanent loan financing (for affordable housing projects)

Would there be a processing fee?

If the fees are only deferred until final inspection or occupancy permit, the application process would be fairly simple. If the deferral is extended and the City must secure that "loan", the process is more involved, which should be reflected in a processing fee related to the recovery of staff time and resources.

Other requirements?

There are other miscellaneous considerations, such as:

- Should the City Manager, City Council, or some other authority figure sign off on each application?
- All outstanding City invoices, fees and taxes must be paid in full.
- For long-term deferrals, business must own property.

Program Alternative/Supplement

The Statewide Communities Infrastructure Program (SCIP) offers the financing of development impact fees through property assessments and is administered by the California Statewide Communities Development Authority (CSCDA.) The City is eligible to participate in this program because we are a member of CSCDA; there is no fee for the City. CSCDA provides a draft resolution that would need to be adopted by Council, which would authorize CSCDA to act as the issuer and administrator for the program. There is no risk or costs associated with the City's participation in this program; however, there is a \$1,500 application fee from the landowner. This program may be utilized either in conjunction with or in place of an in-house program.

Important considerations

Due to the preliminary nature of this report, Council should be aware that there may be financial and/or legal implications to some of the options presented above that will need to be explored further. For example, depending on the type and duration of deferrals, there could be delays to capital improvement infrastructure projects and implications regarding certain bond payments.

At this time, Staff is inviting discussion and direction from Council on this matter. Should Council advise to do so, an ad hoc committee may be appointed and/or Staff will further explore the recommended items and return to Council with a draft policy and additional information.

FISCAL IMPACT:			
Budgeted Amount in 14-15 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
n/a	n/a	n/a	Yes ☐ No ☒



ITEM NO.: 13c
MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: UPDATE ON HYDRO ELECTRIC BONDS AND POTENTIAL TO REFUND 2005 WATER BONDS

Summary: Staff is requesting City Council to give direction on whether or not to proceed with the refinancing of the 2005 water bonds.

Background: At the June 17th Council meeting, staff gave a verbal update on the 1992 Electric bonds (also known as the Hydro-electric bonds). At the meeting, I stated that the bond could be called and that I would check into calling the bonds. In further review, I found that the bonds are not callable and no additional savings can come from refinancing the electric bonds.

I was able to gather information working on refunding the 2005 Water Bonds for a potential savings. The City's Independent Registered Municipal Advisor, NHA Advisors, LLC was tasked to provide an analysis regarding the refinancing of the City's 2005 Water Bonds (\$11,845,000 outstanding). NHA Advisors has reviewed this opportunity and provided an analysis and preliminary schedule which are provided as attachments. The schedule is very condensed and time sensitive. Documents would need to be approved by Council on July 15th in order to meet the September deadline for refunding or would need to wait until March 2016 when the market could change.

Discussion: Based on current market conditions, the potential to refinance the 2005 Water Bonds appears to be economically advantageous to the City and its rate payers. Through a refinancing, the City is anticipated to save approximately \$50,000 per year from lower interest rates through the final maturity in 2035.

Due to terms of the outstanding 2005 Bonds, if a refinancing is to occur before the end of the year, an expedited process to document and sell to investors would need to be pursued. Based upon the volatility in the financial markets, City Staff believes that this is the preferred path to avoid the risk, to the extent possible, of interest rates rising during the latter part of this year. To that end, City Staff has requested that NHA coordinate the City's Bond Counsel, Jones Hall, to begin its review and development of the documentation necessary. Additionally, City Staff has directed NHA to embark upon a Request for Qualifications process for underwriting services.

Recommended Action(s):

1. Provide direction to staff on whether or not to proceed with the refinancing of the 2005 water bonds.

Alternative Council Option(s):

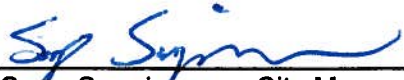
Citizens advised:

Requested by:

Prepared by: Karen Scalabrini, Finance Director

Coordinated with:

- Attachments:
1. Preliminary Financing Schedule
 2. Preliminary Refunding Analysis

Approved: 
Sage Sangiacomo, City Manager

Next steps required for this expedited process to occur will be to select an underwriter, develop the necessary financing and investor disclosure documentation and proceed towards presenting the credit of the water enterprise to Standard & Poor's. As outlined upon the attached schedule, resolutions, financing and investor disclosure documentation would be brought to the City Council for approval at its July 15th meeting. Assuming City Council approval, the bond issuance would be finalized and bonds would be marketed to investors. Once acceptable rates, terms and conditions are secured, and a bond purchase agreement signed between the City and underwriter, a notice of redemption will be sent to the 2005 Bonds' bondholders notifying them of intent to redeem. This redemption notice must occur prior to August 2nd (since this is a Sunday, notice can be no later than Friday, July 31st). At this point the bonds issue would be finalized with an expected closing on or about August 20, 2015.

Through a refinancing, the City's water enterprise is anticipated to save approximately \$50,000 annually through 2035 from lower interest rates. This represents present value savings of approximately \$738,000. The savings will improve the City's water bond coverage ratio and improve the annual cash flow for additional capital projects. As all costs related to a refinancing are contingent upon a successful closing, with the exception of a credit rating review by Standard & Poor's, no financial risk will accrue should refinancing meeting the City's requirements not occur.

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

CITY OF UKIAH
2015 WATER REVENUE REFUNDING BONDS
(2005 ABAG WATER BONDS)

PROPOSED FINANCING SCHEDULE
(CITY COUNCIL MEETS 1ST & 3RD WEDNESDAYS)
JUNE 19, 2015

Issuer: City of Ukiah (CITY)
Municipal Advisor: NHA Advisors, LLC (MA)
Bond / Disclosure Counsel: Jones Hall (BC/DC)
Trustee/Escrow Agent: TBD (TR)
Underwriters / Placement Agent: TBD (UW/PA)
Water Consultant: The Reed Group (WC)

Date	Activity	Participants
F, 6/19	Underwriter Request for Qualifications Distributed	MA
M, 6/22	All Hands "Kick-Off" Meeting Agenda: Plan of Finance Parameters, Required Due Diligence, Schedule and Key Participants (Time: TBD / Dial up: TBD)	CITY, BC, MA
M, 6/22	Commence Due Diligence Review, Preliminary Credit, and Legal Analysis and Documentation	MA, BC, UW, ENG
Th, 6/25	Credit Data and Tables Distributed	MA, WC
F, 6/26	Draft Financing Documents Circulated	BC
	Underwriter Statement of Qualifications Due/Received	MA
M, 6/29	Underwriter Selected	CITY, MA
Tu, 6/30	Comments Due on Draft Financing Documents All Hands Meeting/Conference Call to Review Financing Documents (Time: TBD / Dial up: TBD)	ALL

June 2015						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2015						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2015						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2015						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Date	Activity	Participants
Th, 7/2	Revised Financing Documents Circulated	BC
	Draft Preliminary Official Statement (“POS”) Circulated	DC
	Review Credit Package (Time: TBD / Dial up: TBD)	MA, UW
M, 7/6	Submit Credit Package to Rating Agency and Bond Insurers	MA, UW
M, 7/6	Comments Due on Revised Financing Documents and POS	ALL
Tu, 7/7	Financing Documents and POS Distributed for Comments	BC, DC
	Credit Presentation Sent to Rating Agency	ALL
W, 7/8	Agenda Deadline for July 15 th City Council (Staff Report, Resolutions, Financing Documents, and POS)	ALL
Week of 7/13	Credit Rating Call with Rating Agency	CITY, MA, UW, BC, DC
M, 7/13	Underwriter Due Diligence Preparation/Review	CITY, MA, BC, DC
	Underwriter Due Diligence Call with Issuer	UW, UC, CITY, BC, DC, MA
W, 7/15	City Council Review and Approval of Refinancing Plan of Finance, Financing Documents, and POS	CITY
M, 7/20	Receive Credit Rating and Bond Insurer Bid	ALL
Tu, 7/21	Finalize POS and Release to Underwriter	ALL
W, 7/22 –	Marketing of Bonds to Investors	UW
Tu, 7/28		
W, 7/29	Pre-Pricing Call	CITY, MA, UW
Th, 7/30	Price Bonds	UW
	Same Day, Execute Bond Purchase Contract	CITY, UW
	Conditional/Rescindable Call Notice to Investors	CITY, BC, TR
Tu, 8/4	Finalize Final Official Statement and Release to Underwriter	DC
F, 8/14	Finalize Financing Documents, Prepare for Closing	BC, ALL
W, 8/19	Pre-Close Financing	ALL
Th, 8/20	Closing (3 week close)	ALL
Tu, 9/1	Redeem 2005 Bonds	EA, TR

SOURCES AND USES OF FUNDS

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Dated Date	08/18/2015
Delivery Date	08/18/2015

Sources:

Bond Proceeds:	
Par Amount	10,710,000.00
Net Premium	1,131,152.90
	<u>11,841,152.90</u>

Other Sources of Funds:	
9/1/15 Debt Service Payment	618,686.25
	<u>12,459,839.15</u>

Uses:

Refunding Escrow Deposits:	
Cash Deposit	12,103,686.25

Delivery Date Expenses:	
Cost of Issuance	170,000.00
Underwriter's Discount	85,680.00
Bond Insurance Premium (0.4%)	66,137.01
Surety Bond Premium (4%)	33,312.00
	<u>355,129.01</u>

Other Uses of Funds:	
Additional Proceeds	1,023.89
	<u>12,459,839.15</u>

SUMMARY OF REFUNDING RESULTS

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Dated Date	08/18/2015
Delivery Date	08/18/2015
Arbitrage yield	3.404341%
Escrow yield	
Bond Par Amount	10,710,000.00
True Interest Cost	3.481005%
Net Interest Cost	3.679047%
Average Coupon	4.483927%
Average Life	12.128
Par amount of refunded bonds	11,845,000.00
Average coupon of refunded bonds	4.441029%
Average life of refunded bonds	11.598
PV of prior debt to 08/18/2015 @ 3.404341%	13,195,641.44
Net PV Savings	739,649.66
Percentage savings of refunded bonds	6.244404%
Percentage savings of refunding bonds	6.906159%

SUMMARY OF BONDS REFUNDED

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
2005 Water and Wastewater Revenue Bonds, Series A, 2005:					
SERIAL	09/01/2015	4.100%	360,000.00		
SERIAL	09/01/2016	4.100%	375,000.00	09/01/2015	100.000
SERIAL	09/01/2017	4.100%	390,000.00	09/01/2015	100.000
SERIAL	09/01/2018	4.100%	405,000.00	09/01/2015	100.000
SERIAL	09/01/2019	4.100%	425,000.00	09/01/2015	100.000
SERIAL	09/01/2020	4.200%	435,000.00	09/01/2015	100.000
SERIAL	09/01/2021	4.250%	455,000.00	09/01/2015	100.000
SERIAL	09/01/2022	4.250%	475,000.00	09/01/2015	100.000
SERIAL	09/01/2023	4.250%	495,000.00	09/01/2015	100.000
SERIAL	09/01/2024	4.375%	520,000.00	09/01/2015	100.000
SERIAL	09/01/2025	4.400%	540,000.00	09/01/2015	100.000
SERIAL	09/01/2026	4.400%	565,000.00	09/01/2015	100.000
SERIAL	09/01/2027	4.400%	590,000.00	09/01/2015	100.000
SERIAL	09/01/2028	4.400%	620,000.00	09/01/2015	100.000
SERIAL	09/01/2029	4.500%	645,000.00	09/01/2015	100.000
2035TERM	09/01/2030	4.500%	675,000.00	09/01/2015	100.000
2035TERM	09/01/2031	4.500%	705,000.00	09/01/2015	100.000
2035TERM	09/01/2032	4.500%	740,000.00	09/01/2015	100.000
2035TERM	09/01/2033	4.500%	775,000.00	09/01/2015	100.000
2035TERM	09/01/2034	4.500%	810,000.00	09/01/2015	100.000
2035TERM	09/01/2035	4.500%	845,000.00	09/01/2015	100.000
			11,845,000.00		

SAVINGS

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Date	Prior Debt Service	Prior Receipts	Prior Net Cash Flow	Refunding Debt Service	Savings	Present Value to 08/18/2015 @ 3.4043413%
09/01/2015	618,686.25	618,686.25				(753.72)
09/01/2016	877,612.50		877,612.50	826,501.39	51,111.11	49,092.27
09/01/2017	877,237.50		877,237.50	823,000.00	54,237.50	50,668.50
09/01/2018	876,247.50		876,247.50	826,000.00	50,247.50	45,393.07
09/01/2019	879,642.50		879,642.50	828,000.00	51,642.50	45,113.99
09/01/2020	872,217.50		872,217.50	819,000.00	53,217.50	44,956.57
09/01/2021	873,947.50		873,947.50	824,500.00	49,447.50	40,397.82
09/01/2022	874,610.00		874,610.00	823,750.00	50,860.00	40,180.23
09/01/2023	874,422.50		874,422.50	822,000.00	52,422.50	40,047.90
09/01/2024	878,385.00		878,385.00	824,250.00	54,135.00	39,991.60
09/01/2025	875,635.00		875,635.00	825,250.00	50,385.00	35,999.34
09/01/2026	876,875.00		876,875.00	825,000.00	51,875.00	35,839.71
09/01/2027	877,015.00		877,015.00	823,500.00	53,515.00	35,751.78
09/01/2028	881,055.00		881,055.00	830,750.00	50,305.00	32,507.63
09/01/2029	878,775.00		878,775.00	826,250.00	52,525.00	32,822.57
09/01/2030	879,750.00		879,750.00	830,500.00	49,250.00	29,770.51
09/01/2031	879,375.00		879,375.00	828,000.00	51,375.00	30,029.55
09/01/2032	882,650.00		882,650.00	830,800.00	51,850.00	29,278.35
09/01/2033	884,350.00		884,350.00	832,400.00	51,950.00	28,338.21
09/01/2034	884,475.00		884,475.00	832,800.00	51,675.00	27,229.33
09/01/2035	883,025.00		883,025.00	832,000.00	51,025.00	25,970.54
	18,185,988.75	618,686.25	17,567,302.50	16,534,251.39	1,033,051.11	738,625.77

Savings Summary

PV of savings from cash flow	738,625.77
Plus: Refunding funds on hand	1,023.89
Net PV Savings	739,649.66

BOND SUMMARY STATISTICS

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Dated Date	08/18/2015
Delivery Date	08/18/2015
Last Maturity	09/01/2035
Arbitrage Yield	3.404341%
True Interest Cost (TIC)	3.481005%
Net Interest Cost (NIC)	3.679047%
All-In TIC	3.735781%
Average Coupon	4.483927%
Average Life (years)	12.128
Duration of Issue (years)	9.307
Par Amount	10,710,000.00
Bond Proceeds	11,841,152.90
Total Interest	5,824,251.39
Net Interest	4,778,778.49
Total Debt Service	16,534,251.39
Maximum Annual Debt Service	832,800.00
Average Annual Debt Service	825,222.58
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	8.000000
Total Underwriter's Discount	8.000000
Bid Price	109.761652

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bonds	10,710,000.00	110.562	4.484%	12.128
	10,710,000.00			12.128

	TIC	All-In TIC	Arbitrage Yield
Par Value	10,710,000.00	10,710,000.00	10,710,000.00
+ Accrued Interest			
+ Premium (Discount)	1,131,152.90	1,131,152.90	1,131,152.90
- Underwriter's Discount	(85,680.00)	(85,680.00)	
- Cost of Issuance Expense		(170,000.00)	
- Other Amounts		(99,449.01)	(99,449.01)
Target Value	11,755,472.90	11,486,023.89	11,741,703.89
Target Date	08/18/2015	08/18/2015	08/18/2015
Yield	3.481005%	3.735781%	3.404341%

BOND PRICING

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Call Date	Call Price	Premium (-Discount)
Serial Bonds:								
	09/01/2016	310,000	5.000%	0.520%	104.623			14,331.30
	09/01/2017	340,000	5.000%	0.910%	108.232			27,988.80
	09/01/2018	360,000	5.000%	1.300%	110.979			39,524.40
	09/01/2019	380,000	5.000%	1.520%	113.572			51,573.60
	09/01/2020	390,000	5.000%	1.730%	115.705			61,249.50
	09/01/2021	415,000	5.000%	1.980%	117.101			70,969.15
	09/01/2022	435,000	5.000%	2.150%	118.516			80,544.60
	09/01/2023	455,000	5.000%	2.300%	119.706			89,662.30
	09/01/2024	480,000	5.000%	2.480%	120.286			97,372.80
	09/01/2025	505,000	5.000%	2.650%	120.589			103,974.45
	09/01/2026	530,000	5.000%	2.830%	118.842 C	09/01/2025	100.000	99,862.60
	09/01/2027	555,000	5.000%	2.950%	117.694 C	09/01/2025	100.000	98,201.70
	09/01/2028	590,000	5.000%	3.070%	116.560 C	09/01/2025	100.000	97,704.00
	09/01/2029	615,000	5.000%	3.160%	115.718 C	09/01/2025	100.000	96,665.70
	09/01/2030	650,000	5.000%	3.250%	114.883 C	09/01/2025	100.000	96,739.50
	09/01/2031	680,000	4.000%	3.820%	101.487 C	09/01/2025	100.000	10,111.60
	09/01/2032	710,000	4.000%	3.880%	100.988 C	09/01/2025	100.000	7,014.80
	09/01/2033	740,000	4.000%	3.930%	100.574 C	09/01/2025	100.000	4,247.60
	09/01/2034	770,000	4.000%	3.970%	100.245 C	09/01/2025	100.000	1,886.50
	09/01/2035	800,000	4.000%	4.171%	97.691			(18,472.00)
10,710,000								1,131,152.90

BOND PRICING

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Dated Date	08/18/2015	
Delivery Date	08/18/2015	
First Coupon	03/01/2016	
Par Amount	10,710,000.00	
Premium	1,131,152.90	
Production	11,841,152.90	110.561652%
Underwriter's Discount	(85,680.00)	(0.800000)
Purchase Price	11,755,472.90	109.761652%
Accrued Interest		
Net Proceeds	11,755,472.90	

BOND DEBT SERVICE

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Period Ending	Principal	Coupon	Interest	Debt Service
09/01/2015				
09/01/2016	310,000	5.000%	516,501.39	826,501.39
09/01/2017	340,000	5.000%	483,000.00	823,000.00
09/01/2018	360,000	5.000%	466,000.00	826,000.00
09/01/2019	380,000	5.000%	448,000.00	828,000.00
09/01/2020	390,000	5.000%	429,000.00	819,000.00
09/01/2021	415,000	5.000%	409,500.00	824,500.00
09/01/2022	435,000	5.000%	388,750.00	823,750.00
09/01/2023	455,000	5.000%	367,000.00	822,000.00
09/01/2024	480,000	5.000%	344,250.00	824,250.00
09/01/2025	505,000	5.000%	320,250.00	825,250.00
09/01/2026	530,000	5.000%	295,000.00	825,000.00
09/01/2027	555,000	5.000%	268,500.00	823,500.00
09/01/2028	590,000	5.000%	240,750.00	830,750.00
09/01/2029	615,000	5.000%	211,250.00	826,250.00
09/01/2030	650,000	5.000%	180,500.00	830,500.00
09/01/2031	680,000	4.000%	148,000.00	828,000.00
09/01/2032	710,000	4.000%	120,800.00	830,800.00
09/01/2033	740,000	4.000%	92,400.00	832,400.00
09/01/2034	770,000	4.000%	62,800.00	832,800.00
09/01/2035	800,000	4.000%	32,000.00	832,000.00
	10,710,000		5,824,251.39	16,534,251.39

BOND DEBT SERVICE

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
08/18/2015					
03/01/2016			267,251.39	267,251.39	
09/01/2016	310,000	5.000%	249,250.00	559,250.00	826,501.39
03/01/2017			241,500.00	241,500.00	
09/01/2017	340,000	5.000%	241,500.00	581,500.00	823,000.00
03/01/2018			233,000.00	233,000.00	
09/01/2018	360,000	5.000%	233,000.00	593,000.00	826,000.00
03/01/2019			224,000.00	224,000.00	
09/01/2019	380,000	5.000%	224,000.00	604,000.00	828,000.00
03/01/2020			214,500.00	214,500.00	
09/01/2020	390,000	5.000%	214,500.00	604,500.00	819,000.00
03/01/2021			204,750.00	204,750.00	
09/01/2021	415,000	5.000%	204,750.00	619,750.00	824,500.00
03/01/2022			194,375.00	194,375.00	
09/01/2022	435,000	5.000%	194,375.00	629,375.00	823,750.00
03/01/2023			183,500.00	183,500.00	
09/01/2023	455,000	5.000%	183,500.00	638,500.00	822,000.00
03/01/2024			172,125.00	172,125.00	
09/01/2024	480,000	5.000%	172,125.00	652,125.00	824,250.00
03/01/2025			160,125.00	160,125.00	
09/01/2025	505,000	5.000%	160,125.00	665,125.00	825,250.00
03/01/2026			147,500.00	147,500.00	
09/01/2026	530,000	5.000%	147,500.00	677,500.00	825,000.00
03/01/2027			134,250.00	134,250.00	
09/01/2027	555,000	5.000%	134,250.00	689,250.00	823,500.00
03/01/2028			120,375.00	120,375.00	
09/01/2028	590,000	5.000%	120,375.00	710,375.00	830,750.00
03/01/2029			105,625.00	105,625.00	
09/01/2029	615,000	5.000%	105,625.00	720,625.00	826,250.00
03/01/2030			90,250.00	90,250.00	
09/01/2030	650,000	5.000%	90,250.00	740,250.00	830,500.00
03/01/2031			74,000.00	74,000.00	
09/01/2031	680,000	4.000%	74,000.00	754,000.00	828,000.00
03/01/2032			60,400.00	60,400.00	
09/01/2032	710,000	4.000%	60,400.00	770,400.00	830,800.00
03/01/2033			46,200.00	46,200.00	
09/01/2033	740,000	4.000%	46,200.00	786,200.00	832,400.00
03/01/2034			31,400.00	31,400.00	
09/01/2034	770,000	4.000%	31,400.00	801,400.00	832,800.00
03/01/2035			16,000.00	16,000.00	
09/01/2035	800,000	4.000%	16,000.00	816,000.00	832,000.00
	10,710,000		5,824,251.39	16,534,251.39	16,534,251.39

ESCROW REQUIREMENTS

City of Ukiah
2015 Water Revenue Refunding Bonds
(Refunding of Ukiah's Share of 2005 Water & WW Revenue Bonds)

Public Offering

Period Ending	Principal	Interest	Principal Redeemed	Total
09/01/2015	360,000.00	258,686.25	11,485,000.00	12,103,686.25
	360,000.00	258,686.25	11,485,000.00	12,103,686.25



ITEM NO.: 13d

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT**SUBJECT: CONSIDERATION, DISCUSSION, AND POSSIBLE APPOINTMENT OF AN AD-HOC COMMITTEE ON MARIJUANA LEGISLATION AND POLICY.**

Summary: Councilmember Mulheren requests the City Council consider establishing an ad-hoc committee of the Ukiah City Council to provide representation at the State and Local level on marijuana policy and legislation.

Background and Discussion: Legislative and policy discussions regarding marijuana reform are occurring at a local and State level. In order to ensure Ukiah is participating in the discussion, Councilmember Mulheren requests the City Council consider appointing an ad-hoc committee of the Ukiah City Council. Chief Dewey has been appointed by the California Police Chief's Association to serve on the League of California Cities Public Safety Committee and this committee is currently reviewing and making recommendations for marijuana reform within California.

Reference Information:

Attachment #1: Background information from the League of California Cities related to the statewide legislative discussion on marijuana reform.

Attachment #2: As part of a recent regional discussion on marijuana, a North Coast Counties Marijuana Policy Statement was developed by Supervisors, CAOs and other stakeholders from 6 counties including Humboldt, Mendocino, Sonoma, Del Norte, Lake and Trinity.

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

RECOMMENDED ACTION(S): Appointment of an ad-hoc committee of the Ukiah City Council on marijuana policy and legislation.

ALTERNATIVES: N/A

Citizens advised:

Requested by: Councilmember Mulheren
Prepared by: Sage Sangiacomo, City Manager
Coordinated with: Councilmember Mulheren and Chris Dewey, Police Chief
Presenters: Sage Sangiacomo, City Manager
Attachments: #1: League of CA Cities information on legislation related to marijuana
#2: North Coast Counties Marijuana Policy Statement

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

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

Approved: 
Sage Sangiacomo, City Manager



February 10, 2015

Dear League of California Cities Members:

The League of California Cities and the California Police Chiefs Association are once again collaborating on a medical marijuana bill, this time with veteran legislator and former mayor of the City of Rancho Cordova, Assemblyman Ken Cooley, as the author. The bill has bi-partisan support, with Assemblyman Tom Lackey, a Republican from Palmdale, as a co-author.

In gearing up to sponsor marijuana legislation for a second time, the League and the Police Chiefs Association are continuing the effort begun in 2014 to craft a regulatory framework for medical marijuana that will protect the interests of cities and law enforcement while ensuring patient access and safety. Much of the marijuana legislation of recent years has been geared toward state pre-emption of local ordinances, or otherwise sought to limit local government authority. Last year, both organizations recognized the need to be proactive in helping to craft marijuana policy and took the unprecedented step of sponsoring our own bill, SB 1262, after years of opposing such legislation.

Recent events in the medical marijuana arena compelled both the California Police Chiefs Association and the League of California Cities to re-evaluate our longstanding respective positions of unconditional opposition to legislation on this issue. In 2013, our organizations joined forces to defeat no fewer than four bills in the California Legislature that sought to regulate medical marijuana. We opposed each of the bills over concerns they would have preempted local control, ignored significant public safety concerns, and failed to address important health and safety issues. While each measure was defeated, those victories were hard-won and achieved with increasingly slender margins.

We could also not ignore that the political landscape on this issue was shifting. In August 2013, the U.S. Department of Justice issued a memorandum stating that it would refrain from enforcing the federal Controlled Substances Act as it applied to medical marijuana, so long as dispensary operators were in compliance with state and local laws, and were not selling to or facilitating transfers to minors. In the fall of 2013, the Public Policy Institute of California released a poll indicating that 60 percent of likely California voters supported legalization. These developments indicate a changing attitude toward marijuana on the part of the federal government and California's voting public.

Our two organizations independently came to realize that although we remain strongly opposed to marijuana use, it is increasingly likely that in the near future some statewide regulatory structure for medical marijuana could be enacted. We also realized that without our proactive intervention it could take a form that was severely damaging to our interests. Although there is a strong possibility of a legalization measure on the California ballot in 2016, some of the likely backers have signaled a preference to write a measure that builds on a regulatory structure enacted by the Legislature, rather

than seeking to sweep such a structure away. With that news, the sponsors of the Cooley legislation have reason to redouble our efforts.

This proposal provides what California has lacked since the passage of Proposition 215 in 1996: a reasonable public safety and health-based approach to implementing this proposition in a state with great size and diversity.

We look forward to working this year to obtain needed improvements in medical marijuana regulation.

Sincerely,

A handwritten signature in cursive script that reads "Chris McKenzie". The signature is written in dark ink and is positioned above the printed name and title.

Chris McKenzie
Executive Director
League of California Cities



February 10, 2015

The Honorable Ken Cooley
California State Assembly
State Capitol, Room 3146
Sacramento, CA 95814

Dear Assemblyman Cooley:

Assembly Bill 266 is co-sponsored by the California Police Chiefs Association and the League of California Cities. The policy underlying this bill is the need for substantial reform of California's medical marijuana program as defined by the Compassionate Use Act of 1996 (Proposition 215) and SB 420 (Chapter 875, Statutes of 2003). There is also a pressing need for a robust regulatory and enforcement framework in the wake of clear signals from the U.S. Department of Justice that such a framework be established in any state allowing medical marijuana. Although initially presented to voters as another medical remedy for patients in need, the implementation of Proposition 215 has been marked by chaos, defined by no statewide regulatory framework in the nearly twenty years since, and period litigation on the meaning of the initiative and the extent of local control.

Among the most troublesome issues with Proposition 215 are the non-existent quality controls for consumers with respect to potency and the presence of carcinogenic pesticides or other contaminants; and retail outlets and cultivation sites that often become potential magnets for criminal activity and the ability of virtually anyone to obtain a medical marijuana recommendation from a compliant doctor.

Assembly Bill 266 establishes an improved regulatory structure to ensure that Prop. 215 works as originally envisioned to assist patients with legitimate medical needs, in a manner that comports with the needs of law enforcement, local governments, patient advocates, local community organizations, and medical professionals.

As police chiefs and local government leaders, we believe it is time to address the flaws associated with Proposition 215 implementation in a responsible, realistic and health-based fashion while also protecting the needs of legitimate medical patients. Both the California Police Chiefs and the League of California Cities commend you for introducing this legislation, which seeks to build upon SB 1262 (Correa, 2014) and to benefit from the lessons learned as a result of that effort.

Specifically, Assembly Bill 266 does the following:

1. Protects local control providing that the state will issue a conditional license only after running a background check and establishing proof of the applicants' residency; the actual permit to operate will be issued by local governments.
2. Requires the existence of a doctor-patient relationship in connection with medical marijuana recommendations, and prohibits physicians from having a financial interest in any marijuana business.
3. Provides that all medical marijuana sold in California shall be subject to the uniform health and safety standards, requiring regular, mandatory random sample testing.
4. Provides for state-certified testing laboratories to be the only entities authorized to perform the testing, and provides a standard for state certification.
5. Provides that all medical marijuana facilities, and all forms of commercial transport of marijuana shall be subject to security standards, including mandatory inventory procedures which will include non-diversion protocols.
6. Ends the cooperative and collective model by establishing sourcing requirements, under which all medical marijuana facilities must obtain marijuana only from licensed cultivation sites using licensed transporting entities.
7. Ensures patient access by providing for staggered implementation dates for the sourcing requirements.
8. Incorporates a labor peace agreement allowing organization of marijuana facility employees in return for no-strike agreements, and establishes an apprenticeship program.
9. Absolutely protects the local regulatory protocol reflected by Measure D in Los Angeles.
10. Opens up a revenue stream for environmental enforcement at cultivation sites, by earmarking a portion of cultivation license fees for that purpose.

The provisions contained in AB 266 are the result of many months of painstaking crafting and re-crafting of language arising from both the evolution of last year's SB 1262 and the lessons learned since. Input was obtained from individual law enforcement professionals, municipal law attorneys, medical professionals, patient advocates, marijuana advocacy organizations, testing labs, community-based organizations, as well Cal Chiefs and the League of Cities both making exhaustive examination into best practices from across the United States.

Sincerely,



Chris McKenzie
Executive Director
League of California Cities



Chief Christopher Boyd
President
California Police Chiefs Association

Assembly Bill 266 (Cooley)

Medical Marijuana Regulation

ISSUE

Since the approval by voters in 1996 of the Compassionate Use Act (Proposition 215), state law has allowed Californians access to marijuana for medical purposes, and prohibited punitive action against physicians for making medical marijuana recommendations. SB 420 (2003), allowed patients and primary caregivers to cultivate marijuana for personal use and established in the Department of Public Health a medical marijuana card program for patients to use on a voluntary basis.

In the intervening 11 years, no broader, feasible regulatory structure has been established, and the implementation of the Compassionate Use Act has been marked by conflicting authorities, regulatory chaos, intermittent federal enforcement action, and a series of lawsuits which have tested the limits of the Act, and focused on the extent of the authority of local government.

Nearly all attempts at medical marijuana legislation in California have been geared toward state pre-emption, and sought to limit the authority of local government. None have been health-based, despite the medical rationale that spawned Prop. 215. Few have sought to impose any health and safety standards, despite the fact that the regulatory structure they tried to establish would have exercised oversight over what is known to be a psychotropic substance. Finally, no legislation has squarely addressed the many public safety concerns triggered by such a regulatory scheme.

EXISTING LAW

Proposition 215, or the Compassionate Use Act (CUA), decriminalizes the use of marijuana for medical purposes, provides for patient access to medical marijuana, and prevents doctors from being penalized for making medical marijuana recommendations. SB 420 (2003), the Medical Marijuana Program Act (MMPA), clarifies some implementation aspects of the CUA, including issuance of identification cards for qualified patients, and allowed patients and their primary caregivers to collectively or cooperatively cultivate medical marijuana, granting them immunity from nuisance abatement actions for this activity. More recently, California law has decriminalized marijuana possession so long as the amount does not indicate possession for sale.

THIS BILL

AB 266 will:

- 1) Protect local control by providing that the state may issue a conditional license only; the actual license to operate would be issued by the local government;
- 2) Protect public safety by establishing detailed security measures and inventorying procedures for transport to prevent diversion.
- 3) Protect public health by establishing uniform health and safety standards, including quality assurance (testing) standards promulgated by the Department of Consumer Affairs, and

enforced by local code enforcement offices.

RECENT LEGISLATION

SB 1262 (Correa, 2014) Similar to AB 266, this bill sought to protect local control with by making state licensing dependent on local approval. Included anti-diversion provisions and health and safety standards. Held in the Assembly Appropriations Committee August 2014.

AB 1894 (Ammiano, 2014) Similar to the current AB 26 (Jones-Sawyer), sought to set up a regulatory scheme of mandatory commercial registration for marijuana businesses that would have pre-empted local ordinances. Failed passage on the Assembly Floor May 29, 2014.

AB 473 (Ammiano, 2013) sought to establish a mandatory statewide commercial registration scheme for marijuana dispensaries. Failed passage on Assembly Floor 5/31/2013

SB 439 (Steinberg, 2013) sought to exempt marijuana collectives and cooperatives from various forms of criminal prosecution under the California Health & Safety Code, as well as from local nuisance abatement actions under Health & Safety Code Section 11570. Hearing in Assembly Health Committee cancelled at request of author.

AB 604 (Ammiano, 2013) Similar to AB 1894. Sought to establish for-profit sales of marijuana by commercial operators, and significantly restrict municipal zoning powers and local law enforcement authority. Failed passage on Senate Floor 9/11/2013

SUPPORT

- California Police Chiefs Association (Co-Sponsor)
- League of California Cities (Co-sponsor)

OPPOSITION

- None on File

FOR MORE INFORMATION

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STATUS

Alcoholic Beverage Licensing Reform Proposal

In advocating for what we believe to be an appropriate regulatory structure for medical marijuana, the League of California Cities has had reason to examine the enforcement track record of the Department of Alcoholic Beverage Control (ABC). This was primarily due to the fact that it was designated as the lead regulatory entity in at least four major pieces of legislation in the past two years: AB 473 and AB 604 (Ammiano, 2013); AB 1894 (Ammiano, 2014); and until recently, AB 34 (Bonta, 2014).

In the course of its research, the League discovered that there was a problem with timely enforcement against non-compliant businesses, specifically stand-alone liquor stores that had a history of violations such as alcohol sales to minors. In 2014, the League and the California Police Chiefs Association (Chiefs) alerted the Legislature to the case of Times Square Liquor, a non-compliant business in South Los Angeles whose license was revoked by ABC four years after complaints were filed.

Subsequent research after the introduction of AB 34 (Bonta) revealed that the Times Square Liquor case was not an isolated incident. This has given rise to the League's call for a fundamentally different regulatory model, involving two key changes:

- A different lead regulatory entity;
- Local enforcement, up to and including local empowerment to unilaterally revoke an operator's license.

California's Model

The dispute over the Department of Alcoholic Beverage Control is not the central issue, but the department became a focal point due to its designated role in multiple pieces of legislation. The dispute over ABC is really a dispute over the proper regulatory framework for medical marijuana. AB 34 and other bills assumed that the model for marijuana regulation would follow the model for alcoholic beverage licensing. The League and the Chiefs objected to this, based on the following factors:

ABC's regulatory model is pre-emptive in nature. Liquor stores are sited pursuant to local ordinances, but once that is done, the real regulatory powers shift to the state.

ABC is the sole entity that can suspend or revoke an operator's license once granted.

Local jurisdictions have limited regulatory authority over an alcoholic beverage licensee in California, in part because they have no control over the license once it is issued. In Los Angeles at one point, locals made very effective use of a conditional use permit as a tool to bring non-compliant liquor stores into full compliance with both state law and local ordinances. But this tool had a few flaws: It was linked to land use, rather than the operator's actual license. And it required the consistent commitment of local authorities to enforce it.

In other jurisdictions, local governments have employed the tool of a separate, locally issued license to sell alcohol, and in one extreme case in Ventura County, the Planning Commission stepped in to revoke such a license when it appeared that state enforcement would not be timely. Most jurisdictions are unaware of their ability to use such a tool, and operate under the assumption that state law pre-empts the issuance of local permits to sell alcohol.

Colorado's Model: Dual Licensing

Colorado also sought to base its regulation and licensing of marijuana dispensaries on its regulation of the sale of alcoholic beverages. However, in Colorado, they employ a dual licensing model. Under Colorado law, both a state and a local license are required to operate a liquor store. Once issued, either the state or the local government can suspend or revoke their license if circumstances warrant it, and revocation of either the state or the local license has the legal effect of terminating the business' ability to operate. This is the model that is in place in Colorado for marijuana dispensaries. It is this model that is now one of the key local control provisions of the newly amended version of AB 266.

Opportunity

Due to the League's lobbying activity in opposition to AB 34, the Governor's Office has solicited the League's input on potential reform of alcoholic beverage licensing in California. Staff now submit for the Committee's consideration the following principles for that potential reform.

A key point that the League has emphasized in discussions with the Governor's Office on this topic is the need for unilateral local enforcement, due to the League's conclusion, supported by research, that state-only enforcement is not sufficiently effective in the case of non-compliant businesses with a history of repeat violations. In fairness, there is an argument to be made that no state agency, acting alone, can effectively regulate the estimated 89,000 businesses currently holding a liquor license in California. As a matter of policy, both state and local enforcement are favored by the League, with locals either in the forefront or having parallel regulatory powers vis-à-vis the state.

Alcoholic Beverage Licensing Reform Proposal

- Require in statute local as well as state licensing for the sale of alcoholic beverages.
- Include a provision in law that both licenses are required to operate legally within the state; this will require a companion provision to the effect that revocation of either license will terminate the ability of the business to operate within California.
- Expressly authorize local governments to issue licenses for the sale of alcoholic beverages, and to exercise full enforcement powers in the regulation of those licenses, up to and including suspension and revocation.
- If such authorization does not currently exist, authorize the Department of Alcoholic Beverage Control to work with local regulatory and enforcement authorities in developing a complementary local regulatory structure.
- Authorize local governments to levy reasonable fees to cover their related regulatory and enforcement costs.

Staff Recommendation:

Discuss whether the Committee could support such a proposal, with or without changes, based in part on enforcement experiences in your city with respect to liquor stores.



FLOOR ALERT

Item #43

AB 266 (Bonta, Cooley, and Jones-Sawyer) Medical Cannabis SUPPORT

- The League of California Cities and the California Police Chiefs Association have reviewed this measure in detail, and support moving the bill to the Senate when it comes to the Assembly Floor.
- We acknowledge that much work remains to be done, but the language in AB 266 contains a number of provisions that are important to our respective membership and are consistent with our broad objectives in this policy area: preserving local control, protecting public safety, ensuring patient access, and advancing patient safety and public health.
- Much has changed in this bill in recent days. In the coming weeks, the League and the Police Chiefs will continue to update their respective policy committees and leadership on changes in the bill, and respond to additional direction provided as this measure advances. We also anticipate working with the authors on additional refinements to the language in this newly re-drafted measure.
- The League and the Police Chiefs would like to express their sincere thanks to Assembly Member Cooley and Assembly Members Bonta and Jones-Sawyer for their collaborative efforts to craft a workable and effective framework for marijuana regulation.

Key Differences: SB 1262 (Correa) vs. New Cooley Legislation

	SB 1262 (Correa)	AB 266 (Cooley)
Licensing Scheme	• Applicants secured local permits first • Then secured license from state agency • State agency controlled suspension and revocation of licenses • Required complex interaction between state agency and local governments	Dual licensing: • State agency issues conditional license only ○ Criminal background check ○ Residency requirement check ○ Payment of state fee • License to operate will be issued by local governments according to local ordinances • Locals retain control over suspension and revocation of licenses
Labor Policy	Silent on labor issues	Includes labor peace agreement: • Employers agree to allow labor to organize & represent employees without interference • Labor agrees not to strike or engage in work stoppages • Establishment of apprenticeship program for employees
Measure D (Los Angeles)	Statement of Non-interference with Measure D	Stand-alone regulatory provisions specific to Los Angeles to leave Measure D intact (but require compliance with Uniform Standards below)
Uniform Standards	• Uniform health and safety standards (incl. testing standards) • Uniform security standards for dispensaries and transport	• Uniform health and safety standards (incl. testing standards) • Uniform health and safety standards for dispensaries and transport
Implementation and Maintaining Patient Access	Provisional licensing period requiring locals to certify to state agency which applicants are in compliance with local ordinances	No provisional licensing, and staggered implementation dates: • Bill to take effect January 1, 2016 • Dispensaries to obtain marijuana only from licensed cultivation sites via licensed transporters, effective January 1, 2017
Environmental Enforcement	Silent on environmental enforcement	Creates earmarked revenue stream from state's conditional license fee for cultivation – portion of fee to go to Special Fund for Environmental Enforcement



North Coast Counties Marijuana Policy Statement

Preamble

North Coast Counties have unique insight into the significant problems and opportunities posed by statewide regulation and potential legalization of adult recreational use of marijuana. Inconsistent State and Federal laws and existing ambiguities in State law have caused significant economic, environmental, and public safety impacts to North Coast Counties related to the cultivation and distribution of marijuana. We strongly encourage the adoption of comprehensive State marijuana policies that will protect local communities and governments and also respect local control.

There is a need for certain and uniform state regulation while at the same time allowing local governments the flexibility to address individual community needs. State regulation should set clear minimum guidelines and should expressly not preempt local government control. State law and policy should reflect the basic reality that economic effects, environmental impacts, and community sensitivity vary widely from rural to urban areas and from one area to another, and have a direct impact on local quality of life. It is imperative that counties retain local control to address impacts appropriately from rural to urban communities.

Policy Statements

I. Local Control

- State leadership is critical to provide a comprehensive regulatory framework which clearly delineates the roles of local and state government.
- Minimum statewide standards on a range of issues including licensing, safety, accounting, state taxation, cultivation standards, distribution and consumer standards should be developed with local input.
- A statewide regulatory program must explicitly preserve the right of local jurisdictions to regulate items of local concern including authority to: issue business licenses and impose local taxes to produce funding streams to fully cover local costs; to enact land use regulations; and to enact other restrictions applicable to the cultivation, distribution, and sale of marijuana based on a local governing body's determination of local needs.
- Existing local authority to regulate or prohibit the indoor or outdoor cultivation of marijuana and the establishment of dispensaries in certain areas must be explicitly preserved.
- The right of local jurisdictions to provide for the health, safety and welfare of their constituents must be respected within an overall state regulatory framework.

II. Revenue & Taxation

- Counties must have the ability to impose fees and fines to recover direct costs of local regulation and code enforcement with respect to all aspects of marijuana cultivation, sales and distribution.
- Counties must have the option to adopt local excise and sales taxes to recover enforcement, environmental and other costs, subject to uniform statewide tax cap limits.

- State and local marijuana related excise and sales tax limits must be set at a level that does not discourage transition to a regulated market.
- Counties must be granted flexibility to further incentivize the transition to a regulated market, for instance, by deferring full imposition of the adopted local tax structure.
- Marijuana, no matter its use (medical or recreational), must be subject to state and local taxation in the same manner and at the same level in order to provide regulatory certainty and avoid the difficulties inherent in establishing a dual system of administration.

III. **Environmental Protection**

- Environmental protection and remediation shall be paramount in any regulatory and/or funding framework.
- Best management practices must be developed and adopted.
- Current environmental enforcement should remain the responsibility of existing regulatory agencies.
- Adequate and flexible enforcement tools must be available to local jurisdictions, including the availability of incentives to encourage responsible environmental practices.
- Counties must receive adequate funding from the state to compensate for local environmental enforcement and remediation including legacy impacts.

IV. **Economics**

- Legalization of marijuana for adult recreational use will have economic implications for North Coast Counties. To mitigate negative effects, the state must allocate a portion of state revenue to assist counties.
- A statewide regulatory program must provide economic development assistance including job training to help North Coast counties of origin successfully rebuild their traditional resource based economies while transitioning to a fully regulated legalized marijuana industry.
- State leadership is also necessary to address larger education and research programs beyond the purview of individual counties. Much like tobacco, the state must allocate funds to implement research, education and prevention programs, particularly for youth, to mitigate marijuana abuse and dependence.
- To ensure that counties can differentiate their products in the marketplace a statewide chain of custody certification program is needed to allow local branding that highlights regional strains, sustainable environmental practices, responsible processing, and ethical business behavior. Chain of custody certification will increase value to local producers and encourage consumers to make responsible purchasing decisions.

Conclusion

North Coast Counties support a comprehensive state regulatory framework that explicitly preserves existing local control, while protecting the environment, local economies and quality of life. We welcome the opportunity to provide additional language and information that supports these policy concepts.



ITEM NO.: 13e

MEETING DATE: July 1, 2015

AGENDA SUMMARY REPORT

SUBJECT: CONSIDERATION OF INITIAL REORGANIZATION PLAN FOR THE NEW CITY MANAGER TRANSITION AND APPROVE THE CORRESPONDING BUDGET ADJUSTMENTS TO BE INCORPORATED INTO THE FISCAL YEAR 15/16 BUDGET.

Summary: With the recent appointment of Sage Sangiacomo from Assistant City Manager to City Manager, it is necessary to address the workload and staffing resources impacted as a result of the transition. Rather than simply backfilling the Assistant City Manager position, it is prudent to consider a reorganization of positions to focus resources to adequately address workload and achieve a higher level of efficiency.

Background: On June 15, Sage Sangiacomo was promoted from Assistant City Manager to City Manager. In addition to a number of special project assignments, the Assistant City Manager position directed a number of departments including: General Government Buildings, Parks, Recreation, Golf, Museum, Conference Center, Information Technology, Economic Development, Visit Ukiah, and RDA Successor Agency. Over the years, the City has made significant progress to empower Departments with a greater level of management autonomy. The result includes supervisors and team members taking a higher level of responsibility for the operations of their respective departments.

Discussion: Given the higher level of management independence and decision making authority among division/department level supervisors and lead workers, the City is afforded the opportunity to refocus and reassign staffing resources with a greater degree of flexibility. The following recommendations and re-assignments are made for Council's consideration in place of recruiting for an Assistant City Manager:

1. Part-time Community Services Supervisor (approximately 20hrs per week) would be assigned to manage the Community Services Department.

Note: As an interim measure, Maya Simerson has already been reassigned from a part-time Project Analyst role with the Community Services Department to the interim Community Services Supervisor.

2. Vacate the 32-hour Project and Grant Administrator Position and add a Senior Management Analyst position to the City Manager's Office

Continued on Page 2

RECOMMENDED ACTION(S): Consideration of initial reorganization plan for the new City Manager transition and approve the corresponding budget adjustments to be incorporated into the Fiscal Year 15/16 Budget.

ALTERNATIVES: Provide additional direction to the City Manager regarding the requested reorganization.

Citizens advised:

Requested by: Sage Sangiacomo, City Manager

Prepared by: Sage Sangiacomo, City Manager

Coordinated with: Melody Harris, Director of Human Resources and Sheri Mannion, Senior Management Analyst

Presenters: Sage Sangiacomo, City Manager

Attachments: 1. Draft Job Description for Senior Management Analyst to the City Manager's Office
2. Draft Job Description for Deputy City Clerk/Administrative Assistant

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

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

Approved: 
Sage Sangiacomo, City Manager

Note: The Project and Grant Administrator is currently assigned to the Business, Economic, Grant and Housing Services Department. The Senior Management Analyst would replace this position, but continue to provide similar team support and supervision with regard to economic development and tourism programs. In addition, the position would provide direct support on projects and programs undertaken through the City Manager's Office previously supported by the Assistant City Manager position. The Senior Management Analyst title is an existing classification currently utilized in the Human/Risk Management Department. In this case, the classification would have a specialized focus relevant to the City Manager's Office. A draft job description is included as Attachment #1 for review.

3. Add a full-time Deputy City Clerk/Administrative Assistant position. The position would add the needed support to allow the City Clerk's office to provide executive level assistance to the City Manager's Office and City Council. Furthermore, the position would provide supplemental and backup coverage for the City Clerk. A draft job description is included as Attachment #2 for review.

Fiscal Impact:				
	Reorganized Position	Reorganization Costs	Eliminated Position	Eliminated Costs
			Assistant City Manager	\$202,500
Item #1	PT Community Services Supervisor	\$57,581	Project Analyst	\$48,270
Item #2	FT Senior Management Analyst to the CM	\$144,321	32hr Project & Grant Administrator	\$97,665
Item #3	Deputy City Clerk/Administrative Assistant	\$83,804		
	Total:	\$285,706	Total:	\$348,435

For the purpose of evaluating fiscal impacts, costs are calculated at the top step within each range and are fully loaded including wages and benefits. Distribution of costs/savings will be adjusted based upon the final approved Fiscal Year 15/16 Budget.

In addition, Phase II of the transitional plan will likely need to include additional support to the Business, Economic, Grant and Housing Services Department including a specialty focus on Community Development Block Grant and HOME Program administration. This could include a combination of part-time and contract support. Staff would be exploring potential shared staffing partnerships with other local agencies for future consideration by Council. Note: the total savings associated with this reorganization will not fully be recognized until this future phase is considered.



JOB DESCRIPTION

SENIOR MANAGEMENT ANALYST TO THE CITY MANAGER

(Exempt, Management Position)

DEFINITION

Performs highly complex administrative and analytical work in support of the City Manager, including coordination of and support for the City's economic development programs, various grant activities, housing projects, and tourism programs; assists the City Manager on special projects and policy formulation; performs work as assigned by the City Manager. The incumbent exercises independent judgment for duties related to the City Manager's Office and the economic development of the City's private and public sector economy. Work involves responsibility for the application of professional knowledge and skills to effect research, analysis, planning, and the implementation of economic development programs and requires frequent use of independent judgment. This position will serve as the public information officer and the primary liaison between the City and the businesses community.

DUTIES AND RESPONSIBILITIES:

(These examples are intended only as illustrations of the various types of work performed. The examples of work performed are neither restricted to nor all-encompassing of the duties to be performed under this job title.)
E= Essential Duty; M= Major Portion of Time.

- Provides responsible and professional staff assistance to the City Manager, including participating in the development, planning, and implementation of City goals, objectives, policies, and priorities, as assigned. (E-M)
- Manages, plans, supervises, and coordinates a comprehensive program of housing and economic development activities, including planning, community involvement/acceptance, and implementation. (E-M)
- Acts as the City Manager's liaison with the Ukiah Main Street Program, Chamber of Commerce, and the business community.
- Facilitates, leads, and/or participates in meetings and committees; represents the City Manager's office and/or the City at meetings and conferences; serves as liaison between departments, external organizations, the general public, and other agencies. (E-M)
- Identify community redevelopment, housing, and economic needs by evaluating and analyzing data with the assistance of community groups such as business organizations, developers, governmental agencies and departments. (E-M)
- Develops and implements programs for business enhancement, business retention and business expansion and improve the quality and mix of uses of the downtown area; develops directories and publications to assist companies. (E-M)
- Research economic development challenges and solutions, and prepare a variety of comprehensive reports and statistical tabulations for goals, objectives, and policy development (E-M)
- Compiles and maintains website information containing inventory of economic resources, and other information relating to factors of business locations.
- Serves as Public Relations Officer; works with and responds to citizen concerns and requests for information. (E)
- Composes various reports, correspondence, memos, flyers and other documents related to specific program needs; May prepare staff reports as assigned for City Council agenda. (E)
- Responsible for management and operations of the Downtown Parking District.

- Coordinate activities with other City departments and divisions, community groups, and outside agencies. (E)
- Makes presentations to business and community groups; maintains liaison with other County departments, State agencies, cities and community groups; advises and/or participates in various workshops, public hearings, advisory committees, and/or public meetings; and may represent the City Manager in meetings. (E, M)

Knowledge of:

- Principles and practices of economic community development, redevelopment, and housing and of public administration including budgeting and program management;
- Public and private sector considerations in making business expansion or location decisions; principles, practices and techniques related to business financing, employment development and related programs;
- Working knowledge of community agencies and resources in order to effectively assist interested individuals in locating or relocating in the City or County;
- Techniques of marketing and promotion as related to tourism and economic development activities;
- Community characteristics including planning, zoning, schools, budgets, recreational facilities and civic attractions;
- City operations, rules, policies, and methods;
- Principles and practices of public relations and public information, program development and administrations, and public/private negotiations;
- Organization and management practices as applied to the analysis and evaluation of programs, policies, and operational needs;
- Research techniques and methods of report presentation;
- Principles of supervision, training, and performance evaluation;
- Applicable Federal, State, and local laws, regulations, ordinances, and policies;

Ability To:

- Communicate well with all sectors of the community and make effective public presentations;
- Effectively represent the City with individual citizens, community groups, and other governmental agencies;
- Establish and maintain effective and cooperative working relationships with those contacted in the course of work;
- Communicate and present ideas clearly and concisely, orally and in writing;
- Properly interpret and make decisions in accordance with laws, regulations, and policies;
- Evaluate extensive data effectively and objectively, and prepare oral and written reports and recommendations clearly, logically, and concisely;
- Analyze administrative issues and situations and develop effective resolutions;
- Comprehend various aspects of local governmental operations;
- Work successfully with a wide range of people, including members of the community, City staff, elected officials, and outside public agencies and private companies.
- Perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Exercise integrity, ingenuity, confidentiality, and creativity in the performance of assigned tasks.
- Work flexible hours, when necessary.

Education and Experience:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain these qualifications would be: through courses leading to a bachelor's degree from an accredited college or university in business administration, public administration or a related field, and four years of increasingly responsible experience involving public administration and economic development activities.

Necessary Special Requirement:

Possession of a valid Class C California Driver's License.

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DRAFT



JOB DESCRIPTION

DEPUTY CITY CLERK/ADMINISTRATIVE ASSISTANT

DEFINITION

The Deputy City Clerk/Administrative Assistant position is responsible for performing a variety of complex and confidential administrative, programmatic, analytical, and technical functions in support of the operations of the City Clerk and, in cooperation with the City Clerk's office, provides administrative and clerical support to the City Manager.

EXAMPLES OF DUTIES: These examples are intended only as illustrations of the various types of work performed. The examples of work performed are neither restricted to nor all-encompassing of the duties to be performed under this job title.) **(E=Essential Duty; M=Major Portion of Time)**

- Acts as occasional back up to City Clerk in taking and transcribing minutes of City Council meetings on the first and third Wednesday evenings of each month, beginning at 6:00 p.m. and continuing until the completion of the agenda items (sometimes as late as midnight). (E)
- Acts as occasional back up to City Clerk in taking and transcribing meeting minutes of the Successor Agency to the Redevelopment Agency and Oversight Board meetings. (E)
- Assists with preparation and distribution of the City Council agenda for regular and special meetings. (E)
- Proofs department documents for grammar, spelling, and punctuation. (E,M)
- Serves as liaison between the public, city council, city manager, city departments, and other public officials. (E)
- Assists with and produces a variety of projects, staff reports, correspondence, databases, public notices. (E,M)
- Schedules meetings between city staff, councilmembers, and/or other agencies. (E,M)
- Operates a variety of computer applications. (E,M)
- Handles and maintains security of confidential information. (E,M)
- Processes mail for City Clerk, City Council, City Manager, Treasurer, and City Attorney. (E)
- Handles filing and City-wide Records Management Program maintenance and retention, including maneuvering and lifting of file boxes. (E)
- Assists in re-organization of city records, requiring tedious and meticulous attention to detail (E,M)
- Prepares and processes Public Notices in accordance with legal requirements. (E)
- Receives, processes and distributes documents addressed to the City Council and City Manager. (E)
- Maintains custody of official City records, including certifying copies; responds to requests for information in accordance with the Public Records Act. (E,M)
- Assists in maintenance of City Boards and Commissions database and appointive documents. (E)
- Attests and processes official records such as ordinances, resolutions, notice of completions, and other approved documents. (E)
- Performs election-related duties, including accepting campaign disclosure forms, statements of economic interest, and various petitions. (E)
- Assists in government mandated process of economic disclosure. (E)
- Receives and processes liability claims for damages; receives subpoenas served upon City/city employees. (E)
- Assists in maintenance of the Qualified Contractors list and files; receives and opens bids. (E)
- Answers citizen inquiries made by mail, telephone, or in person. (E,M)
- Assists in maintaining and updating the Municipal Code.
- Assists in facilitating mobile home park rent stabilization.
- Assists in maintaining departmental information services systems including administering customized records management and Internet web pages. (E)
- Performs City Clerk functions in the absence of City Clerk, as assigned. (E)
- Assists City Manager and other administrative departments, as assigned. (E,M)
- Performs other duties as required, in cooperation with the City Clerk/Administrative Assistant position.
- Works flexible hours. (E)

QUALIFICATIONS

State statutes establish certain qualifications for the City Clerk position, however, the following are useful knowledge and skills necessary to perform the office effectively:

Knowledge of:

- English usage, grammar, spelling, punctuation, and vocabulary; modern office methods, procedures, equipment and business letter writing.
- Computer Programs: Advanced ability in Word, Excel, PowerPoint, and ability to learn new programs quickly and efficiently.
- Organization, procedures and operating details of a municipal government; procedures, legal requirements, and methods of disseminating public information.
- Brown Act regulations, election laws, Public Records Act, informal bidding requirements for public works, Fair Political Practices Act, and public official disclosure requirements.
- Record keeping principles and procedures.

Ability to:

- Read, understand, and analyze statutes, regulations, and City ordinances.
- Handle confidential material in an effective manner.
- Work cooperatively with other employees, departments, City Officials, and outside agencies.
- Interpret and apply administrative and departmental policies, laws, and rules.
- Communicate effectively, both orally and in writing.
- Organize work, set priorities, meet critical deadlines, and follow up on assignments with minimum direction.
- Analyze administrative problems and situations.
- Understand and carry out written and oral instructions, giving close attention to detail and accuracy.
- Use tact, discretion, initiative and independent judgment.
- Maneuver and multi-task with multiple computer applications quickly and efficiently.
- Use various methods and techniques of research, statistical analysis, procedures and protocol.
- Interact and collaborate with a variety of high-level individuals, both internally and within the community.
- Take and transcribe meeting minutes accurately and rapidly.
- Operate a computer system for a major portion of the workday requiring manual dexterity.
- Type accurately from clear copy and audio recordings at a speed of not less than 45 words per minute.
- Spell correctly and use correct English grammar.
- Compose general correspondence and letters.
- Monitor various deadlines and legal requirements for compliance with regulations.
- Be comfortable in front of an audience, on Television, and on live-streaming audio/video internet.
- Sit for long periods of time, possibly up to 5 hours; use hands to finger; handle or feel objects; reach with hands and arms; speak and hear; lift, carry, push pull, and/or move objects weighing up to 20lbs.

Education and Experience:

High school diploma or GED equivalent; supplemented by two years of college or technical school course work of a business/executive nature with knowledge of administrative skills; AND three years of progressively responsible related administrative or governmental experience that includes typing, filing, developing reports, transcribing information, answering telephones, and routine administrative duties; or equivalent combination of training and education. Experience in a City Clerk or Clerk of the Board's office preferred.

Necessary Special Requirements:

- Possession of a valid Class C California Driver's License
- Current typing certificate of 45 wpm to be submitted at time of application.