

**CITY OF UKIAH
CITY COUNCIL AGENDA
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
November 16, 2016
6:00 p.m.**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

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

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

- a. Minutes of November 2, 2016, a Regular Meeting.
- b. Minutes of November 4, 2016, a Special Meeting.
- c. Minutes of November 8, 2016, a Special Meeting.

6. RIGHT TO APPEAL DECISION

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

7. CONSENT CALENDAR

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

- a. Report of Disbursements for the Month of October.
- b. Notification to City Council of the Purchase of SCADA Maintenance Services at the Wastewater Treatment Plant (WWTP) from Telstar Instruments for a Total Not to Exceed \$10,735.71.
- c. Adopt the Ordinance Amending Portions of Ukiah City Code (UCC) Division 3, Chapters 1 and 2 Pertaining to the Adoption of the Building Codes and Amendments Thereof.
- d. Authorize Execution of Amendment to the Agreement with Rau and Associates, Inc. in an Amount Not to Exceed \$9,930 for Additional Design Work for the Smith Street Rehabilitation Project and Approve Budget Amendment.

- e. Approval of Amendment with SHN Consulting Engineers and Geologists for Construction Management and Inspection Services for the North State Street Sewer Main Improvement Project in the Amount of \$4,146 and Approval of Corresponding Budget Amendment.
- f. Adoption of Ordinance Amending Division 6, Chapter 3, Articles 1, 2, and 3 of the Ukiah City Code and Adopting the 2016 California Fire Code.
- g. Authorize Execution of Amendment to the Agreement with SHN in an Amount Not to Exceed \$25,266 for Additional Services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project and Approve Budget Amendment.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

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

9. COUNCIL REPORTS

10. CITY MANAGER/CITY CLERK REPORTS

11. PUBLIC HEARINGS (6:15 PM)

- a. Resolution and Urgency Ordinance, Setting Aside the Costco Wholesale Project's EIR, EIR Addendum, Site Development Permit and Airport Industrial Park Land Use Map Amendment.
- b. Discussion and Direction on Proposed Marijuana Dispensary Ordinance and Negative Declaration and if Appropriate, Continue the Corresponding Public Hearing to a Date Certain to Consider Adoption.
- c. 1) Prop 218 Public Hearing: Adjustments to Rates, Fees, and Charges for Residential Solid Waste Curbside Collection; and 2) Receive "City Manager's Report" on Recommendation of Adjustments to Solid Waste Rates, Fees, and Charges for Residential and Commercial Curbside Collection and Transfer Station Tipping Fee, and Schedule a Second Public Hearing.

12. UNFINISHED BUSINESS

- a. Authorize Execution of Amendment to the Agreement with GHD in an Amount Not to Exceed \$130,746 for Supplemental Design Services for the Redwood Business Park Transportation Improvements and the Talmage Interchange Projects and Approve Budget Amendment.
- b. Approval of Amendment No. 2 to GHD, Inc. in the Amount of \$102,938 for Engineering Design and Construction Oversight Services for Wells #4 and #9 and Corresponding Budget Amendment.
- c. Award of Contract to SMB Environmental for the Preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project in the Amount of \$147,977 and Approval of Corresponding Budget Amendment.

13. NEW BUSINESS

- a. Introduction of the Ordinance Amending Section 2000.3 in Chapter 12 in Division 1 of the Ukiah City Code, Entitled "Ukiah Skate Park Rules And Regulations" Pertaining to Hours of Skate Park Operations.

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

a. Conference with Legal Counsel – Anticipated Litigation

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

b. Conference with Legal Counsel – Existing Litigation

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

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

c. Conference with Legal Counsel – Existing Litigation

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

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

d. Conference with Legal Counsel – Existing Litigation

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

Name of case: *County of Mendocino v. Solid Waste System, Inc. et al., Mendocino County Superior*

Court, Case No. SCUK-CVG-11-59459

e. Conference with Legal Counsel – Existing Litigation

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

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

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: 429 South Dora St. Ukiah, CA 95482

Negotiator: Sage Sangiacomo, City Manager

Negotiating Parties: City of Ukiah and Ukiah Unified School District

Under Negotiation: Price & Terms of Payment

15. ADJOURNMENT

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

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

Dated this 10th day of November, 2016.

Kristine Lawler, City Clerk



ITEM NO.: 3a

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

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

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

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

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

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

On September 21, 2016, the City Council received a presentation (*UVSD Litigation Update Box File #3*) from staff that explained the relationship between the two agencies and provided responses to some of

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

ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: City Council (Councilmembers Crane and Doble)
Prepared by: Sage Sangiacomo, City Manager and Sean White, Director of Water and Sewer
Coordinated with: David Rapport, City Attorney and Tim Eriksen, Director of Public Works
Presenters: Sage Sangiacomo, City Manager
Attachments: UVSD Litigation Update Box Files located at:
<https://cityofukiah.box.com/v/UVSDlitigationUpdates>

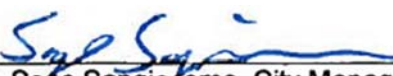
Attachments:

10. October 27, 2016 Letter from the City Manager re: recycled water project
11. November 4, 2016 Letter from the City Council re: negotiations
12. November 8, 2016 Letter from the UVSD re: negotiations
13. November 4, 2016 Letter from District Manager re: recycled water project
14. November 15, 2016 Letter from the City Manager re: recycled water project

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

the most frequently asked questions about this matter to better inform the public about the consequences of the litigation. This information along with a video link to the September 21st presentation/discussion are accessible at <http://www.cityofukiah.com/projects/uvsd-vs-cou/>.

The UVSD submitted a letter dated September 20, 2016 (*UVSD Litigation Update Box File #4*) which inaccurately asserts that the City's request is for the District to drop the lawsuit until after the recycled water project funding is received. In fact, the City's request is for the District to dismiss its lawsuit and that the City and District devote their time, money and resources to solving the costly issues confronting the sewer system and improving their working relationship. The City's goal is to eliminate the lawsuit altogether. The City has offered to include terms that would allow the District to refile the lawsuit, if the parties fail to reach agreement, but the City never suggested that the District would simply refile the lawsuit once state funding was obtained. Also, the City never suggested that dismissing the lawsuit is all that would be necessary to obtain State funding. In addition to dismissal of the lawsuit, there would have to be an agreement between the City and the District regarding the recycled water project that would satisfy the State Water Resources Control Board.

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

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

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

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

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

Discussion: On November 2nd and 4th, the City Council considered the District's confidentiality condition on the ad hoc discussions and approved a letter (Attachment #11) that confirmed agreement to the condition if the District Board would agree to either stay further proceedings in the lawsuit or dismiss the lawsuit without prejudice. The City's proposal, if accepted, would halt the costly litigation fees currently being incurred by both agencies, but would not preclude the District from terminating the stay or refiling the lawsuit if the District wasn't satisfied with the discussions/negotiations. The District issued a response to the City's proposal on November 8, 2016 (Attachment #12) that continues to impose a confidentiality condition on the joint ad hoc meetings. The District further states "the lawsuit needs to otherwise remain in motion" except to provide a limitation on any discovery requests for a period of 4 weeks.

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

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

At the November 16th City Council meeting, Staff will provide the latest status report on the Ukiah Valley Sanitation District's Litigation against the City of Ukiah related to the operation of the sanitary sewer system including the most recent correspondence from the District.

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



October 27, 2016

Frank McMichael, District Manager
Ukiah Valley Sanitation District
151 Laws Avenue
Ukiah, CA 95482

SENT BY EMAIL (dm@uvsd.org) AND REGULAR MAIL

Re: Questions regarding recycled water project funding

Dear Frank:

I am responding to your letter because the City Council will not meet until November 2, 2016, and I want to respond to your questions as quickly as possible. I welcome your questions and hope to continue this discussion in an open and transparent manner so that the ratepayers in the District and the City have an opportunity to be informed about these decisions that will have a major impact on them and their sewer rates.

I have seen the letters written by the District's lawyers offering to meet and discuss possible solutions to the barrier the District's lawsuit has created, jeopardizing the receipt of the low interest loan and grant which has been reserved for the City's four phased recycled water project ("Project"). The City appreciates the District's apparent willingness to discuss the problem. The City does anticipate that this would be a first order of business for the City and District ad hoc committees, once they agree on the terms for conducting negotiations. However, the City's request that the District dismiss its lawsuit and focus, instead, on attempting to resolve its disagreements with the City through negotiations, was not proposed primarily because of the lawsuit's impact on the Project. That is certainly an important and unfortunate consequence of the litigation, but the City never proposed that the District dismiss its lawsuit until the loan was finalized and, then, refile it. Instead, the City proposed dismissing the lawsuit to focus the time and expense consumed by the litigation on resolving the District's disputes with the City. Since neither City nor District ratepayers were consulted before the District filed the lawsuit or about the District's long-term plans for providing sewer service in the Ukiah Valley, the City Council believes those negotiations should be open to the public and should produce frequent reports to City and District ratepayers on their progress.

Your letter suggests that the District Board has been ignored and not kept informed as the Project was developed. However, the City has included the District since the project's inception. The District participated in the preparation of the original RFP for the master plan of the system, helped select the

current engineering consultant, and has received staff presentations at major milestones, including the recent acknowledgement of the City's eligibility for Proposition 1A funding.

To clarify the status of the City's application for Project funding, the City has expended over \$1 million of City funds to obtain the engineered plans for the Project, certified a mitigated negative declaration under CEQA and submitted its application for \$25,564,000 from the Clean Water State Revolving Loan Fund (CWSRF) and \$9,996,000 in grants from the Water Recycling Funding Program (WRFP) to construct Phases 1-3 of the Recycled Water Project.

According to the Program Manager for the CWSRF loan and WRFP grant programs, the WRCB has received a complete funding package from Ukiah as shown on the Table.¹ Ukiah's Project qualifies for 1% financing and is also eligible for Prop 1 grant funding. Both funds, however, are obligated at time of contract. The District's lawsuit currently prohibits WRCB from completing its Legal and Financial Reviews. Both of these reviews are at a point that they need this issue to be resolved to complete their assessment. Once the sewer fund is secure without the burden of the lawsuit, WRCB has the numbers it needs to finalize its financial review. Its legal staff will also need to complete its review. With financial and legal approval, management will likely authorize preparation of the contract. In summary, the lawsuit has WRCB on hold.

As currently submitted to WRCB, the Project is proposed as a wastewater treatment rather than a water project to be funded by the wastewater system. Based on several communications on behalf of the District Board, the City assumed that the District would not approve participating in the funding. As a result, it adopted a Pledge Resolution as part of its application to the WRCB which only pledged to repay the loan funds in Account No. 830, which is a City-only wastewater system capital project fund. However, since the District's lawsuit will prevent finalizing the loan unless the City and the District can reach an agreement satisfactory to the WRCB, the City would like to include in those negotiations a discussion of District participation in the repayment of the loan. The Project clearly benefits both City and District ratepayers.

As a matter of law, the City owns the recycled water produced by the WWTP, but if recycled water is produced by the WWTP and financed jointly by the City and the District, any revenue produced from the sale of recycled water would be credited to the sewer system and shared by the City and the District. When Rick Kennedy was the District Manager, the District Board understood that the recycled water system is unlikely to produce significant revenue in comparison to Project costs and that the primary benefit of the system is to the wastewater system by providing an alternative to direct discharge to the Russian River. (See below answering your questions concerning how the Project will avoid these discharges.)

¹WRCB posts on its website all of the recycled water applications it has received and the requested funding amount and sources. One application allows WRCB to provide available funding from multiple loan and grant sources. The Table is posted at http://www.waterboards.ca.gov/water_issues/programs/grants_loans/docs/appstatusweb.pdf.

At your April 16th meeting Mr. White explained how the City is proposing to deal with all of the issues raised in Question 4 (UVSD video @ minutes 26-35). At that time, he explained that the proportionality of discharge, percolation, and reclamation as well as storage requirements were yet to be determined. He stated that these calculations were the subject of a forthcoming "water balance study" that was to be conducted by Carollo Engineers. Since that time, the water balance has been completed and Mr. White has offered to present its results to the Board at a subsequent meeting, but the UVSD Board declined his offer. Staff remains available to present and discuss at the request of the District.

The completed water balance shows that Phases 1-3 of the recycled water system will reduce the need for river discharge by 60%, and the addition of Phase 4 will reduce the need to discharge approximately an additional 20% for a total reduction of nearly 80%. The City plans to seek funding for Phase 4 as Phases 1-3 are being constructed. Mr. White also explained that the City's approach for handling the remaining 20% will be to reduce the amount of inflow to the plant by addressing Infiltration and Inflow (I&I) (see UVSD video @ 27:11). In regards to disparity in the timing between inflow and irrigation demand, Mr. White explained that a major component of the project is the creation of storage (see UVSD video @ 25:40 and 31:58). Implementation of Phases 1-3 will require the construction of 66 MG of additional storage.

Item 6 in your letter asks three questions: (1) why Mr. White didn't tell the District Board about the impact of the litigation on the Project loan as part of his presentation to the Board in April 2016, (2) why the City waited a year to indicate that an agreement with the District was a loan requirement, and (3) what type of agreement is acceptable.

The short answers are (1) the City was not told definitively by WRCB staff until June 28, 2016, that the WRCB could not enter a loan agreement as long as the District's lawsuit was pending and specifically its cause of action to rescind the Participation Agreement and the Financing Agreement, (2) the City didn't know it would need an agreement with the District until after June 28, 2016, and (3) a City/District agreement must provide assurances to the WRCB that the District lawsuit will not jeopardize the City's financial ability to repay the loan.

Given your questions concerning how promptly the City has alerted the District to the impact of the lawsuit on the Project funding, I would also note parenthetically that according to your letter, the District learned of this problem from the City's cross-complaint, filed on June 30, 2016, but the District did not offer to seek a resolution of this problem until Don McMullen wrote his letter to the City Council on September 20, 2016. I would urge the District to begin focusing on solving problems in the future rather than devoting so much effort to assigning blame for decisions that were made in the past.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sage Sangiacomo".

Sage Sangiacomo, City Manager



November 4, 2016

Honorable Chairman James Ronco and Board Members
Ukiah Valley Sanitation District
150 Laws Avenue
Ukiah, CA 95482

Re: Negotiations

Dear Chairman Ronco and Board Members:

In this letter the City Council responds to the District's proposal that the ad hoc committees appointed by the District Board and the City Council conduct their negotiations subject to a confidentiality agreement last presented on October 28, 2016, which would prevent disclosure of any discussions or information exchanged in those meetings. In our September 14, 2016, letter, we requested the District to dismiss its lawsuit without prejudice so the City and the District could devote their time, money and resources to negotiating a resolution of their disputes in an open and transparent manner rather than continuing to incur additional attorneys' fees and litigation expenses that will be unnecessary, if the parties negotiate a satisfactory agreement.

We continue to believe that it will benefit the ratepayers in the District and the City if the lawsuit is either stayed or dismissed without prejudice, while the ad hoc committees commit themselves to serious and diligent negotiations to resolve all of the outstanding disputes between the City and the District. As we said in our September 14, 2016, letter the City is committed to engaging in timely, serious, open minded and good faith negotiations.

While reluctant to conduct the negotiations outside public view, given the importance to our respective ratepayers of providing efficient cost-effective sewer service in compliance with the ever more stringent regulations imposed by the Regional Water Quality Control Board, the City Council will agree to a modified confidentiality agreement, if the District Board agrees to either stay further proceedings in the lawsuit or dismiss the lawsuit without prejudice. Of course, if the parties fail to reach a resolution satisfactory to the District or the District concludes that further negotiations will not be productive, it could terminate the stay or refile the lawsuit.

Our attorney is simultaneously sending a revised version of the confidentiality agreement proposed by the District to its attorney for review. That revised confidentiality agreement would allow open and public consideration of any proposed agreement resulting from the work of the ad hoc committees.

We would appreciate the Board's response to this proposal. We will consider any alternatives the District proposes, but we genuinely believe that it benefits both parties to delay further expenditures on the litigation to allow the District and the City to devote their time and resources to negotiations.

Sincerely,


Stephen G. Scalmanini
Mayor


Jim O. Brown
Vice Mayor


Kevin Doble
Councilmember


Maureen Mulheren
Councilmember


Douglas F. Crane
Councilmember

FRANK MCMICHAEL
District Manager/Clerk

UKIAH VALLEY SANITATION DISTRICT
151 Laws Avenue
Ukiah, California 95482
TELEPHONE AND FAX: (707) 462-4429
EMAIL ADDRESS: DM@UVSD.ORG

WEB SITE
www.uvsvd.org

November 8, 2016

Council Members
City of Ukiah
300 Seminary Avenue,
Ukiah CA 95482

Re: *Ukiah Valley Sanitation District v. City of Ukiah*

Dear City Council Members,

In response to your letter dated November 4, 2016, the Ukiah Valley Sanitation District Board of Directors is glad to know that the City of Ukiah is willing to make informal efforts to resolve the pending lawsuit. Some time ago, the District requested the City enter into settlement negotiations in an effort to resolve the lawsuit. We did not, however, place conditions on the settlement negotiations.

By their very nature, and by definition, settlement negotiations are privileged and confidential. There is good reason for that. Offers are made and concessions are explored during these processes. That cannot be done in a non-privileged environment since if settlement fails the offers and concessions could be used as evidence during trial against the offering or conceding party. The reasoning and purpose is similar to that behind a public agency's need for closed sessions to discuss litigation, at least two of which the City recently had concerning this very lawsuit.

Settlement negotiations of pending lawsuits are normal and customary, even when the lawsuit is between two public agencies. As noted, the District's offer to undertake settlement negotiations have been mischaracterized as "conditioned" on privilege and confidentiality, when, in fact, that is what they are in the first place. The District has never sought to impose any condition on customary settlement negotiations, let alone use that process to hide matters from the public, as claimed by the City.

We cannot recall the last time, if ever, the City had "non-confidential" settlement negotiations with an adversary in a pending lawsuit. After all, to do so would undermine the process in the first instance and would be exceptionally abnormal.

Yet, instead of openly accepting the District's offer to engage standard settlement negotiations, the City has placed conditions on its willingness to partake in the effort. The City states it will only participate if the District stays or dismisses its lawsuit. Such a condition is unnecessary. The City should be willing to sit down with the District as part of the conventional settlement negotiation process without attempting to impose conditions.

The District repeatedly tried to informally resolve many of the issues that are part of the lawsuit without litigation. But, the District's requests for information were largely ignored by the City, which forced the District to file the lawsuit. It is only because of the lawsuit that the City states it is willing to consider resolving the disputes. Dismissing it at this point would make no sense. Similarly, putting the lawsuit on hold, or "staying" it, also makes no sense. The sooner the dispute is settled or decided by the court the better. A stay does not further that end and only serves to permit even more delay. If the lawsuit cannot settle, it needs to proceed to conclusion.

BOARD OF DIRECTORS

ROBERT PAGE
DIRECTOR

JAMES RONCO
CHAIR

KENNETH MARSHALL
VICE-CHAIR

TRAVIS FORRESTER
DIRECTOR

THERESA MCNERLIN
DIRECTOR

In this regard, the City's proposed condition of a stay appears to contradict its statements concerning conditions necessary to obtain the City's recycled water loan. According to the City, the proposed lender requires: (1) a dismissal or resolution of the lawsuit by the years' end; and, (2) a City-District agreement regarding operation of the proposed recycled water program. Since a stay does not resolve the lawsuit, we fail to see how it would be of any value to the loan process as the first condition imposed by the lender would not be satisfied. Nevertheless, the District is focused on resolving, not delaying, the lawsuit.

It is apparent that the recent recycled water issues have acted as catalyst, prompting the City to now make efforts to resolve the lawsuit. We want to be clear that the District is willing to work with the City to solve all issues. This obviously requires cooperation. The City's lender informed us that there are other concerns they have about funding the loan. And, despite our requests, we have not been given access to the process by the City so the lender may provide us with particulars nor have we received the actual proposed loan materials as promised.

We want to take this opportunity to remind the City that we openly sought to work with you and the lender to arrive at terms that are satisfactory to all. Our attorneys spoke with the lender's representative, expressing the District's willingness to work toward a resolution of the issues. Our attorney was told that the City, as the loan applicant, would need to permit the District to be part of those discussions. Therefore, at our request, District representatives wrote to you, again asking that the City allow us to be part of the process. Additional letters and several conversations followed in which we made the same request. (For example, see our attorney's 9/20/2016 letter and our manager's 10/21/2016 letter to the City Council.)

Those overtures have been met with inaction on the part of the City. Loan materials have not been provided and the City has not permitted the District access to the process. The District can't be expected to write a blank check, so to speak, and allow its rate payers to assume additional, but unspecified, assessments and costs.

Here, again, we ask the City to allow us to be part of that process and, so we may understand what is and what is not acceptable to the lender:

1. Allow open communication with the lender; and,
2. Provide us with all related documentation, including the application, proposed terms and conditions, and communications and other materials.

Only then may the District assess how the process will affect it and its ratepayers and make decisions accordingly.

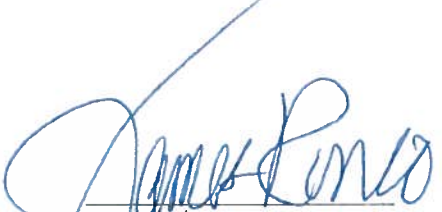
It must also be remembered that the lawsuit includes the City's pending appeal from one of multiple motions filed by the City and denied by the trial court and a cross-complaint against the District. The City has not dismissed its appeal or cross-complaint, even though it has the power to do so. While all briefs have been filed in the appeal, the oral proceedings have not been scheduled and the matter has not been submitted for final decision.

Finally, it is uncertain whether the trial court, or court of appeal, would even permit a stay. Either way, finding out would unnecessarily waste more time. The point again is that if the lawsuit cannot settle, it needs to stay and track and proceed to conclusion as quickly as possible.

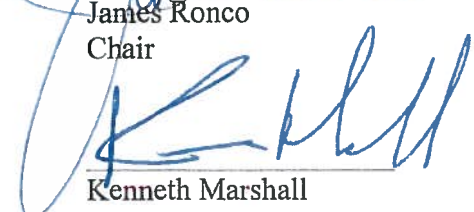
Therefore, as a good faith gesture, the District will reluctantly agree to both parties staying any future discovery requests for a period of four (4) weeks if the City agrees to undertake mediation with a mutually-agreeable full-time professional mediator with Judicial Arbitration and Mediation Service (J.A.M.S.), which is a well-regarded alternative dispute resolution service that maintains high success rates. The four (4) week time period will begin on the first mediation date. This type of stay may be done without court intervention or approval. The lawsuit needs to otherwise remain in motion to ensure prompt conclusion if a settlement is not reached.

We believe this process is likely to produce the quickest and best result at this stage. It is the District's position that this is the only way this lawsuit will be resolved. Public posturing is not conducive to resolution and serves only to alienate our respective agencies. We wish to move past that and seek to work through differences in a civilized manner.

Please let us know as soon as possible if this is acceptable to the City. We have been willing to undertake settlement negotiations for a couple months now without making any real headway. Since your letter desires a timely commencement of this process and the draft confidentiality agreement you recently submitted speaks to mediation before a neutral third party, we don't anticipate this being a problem. If the City is truly willing to resolve these disputes and create a path for the future, the time to act is now.



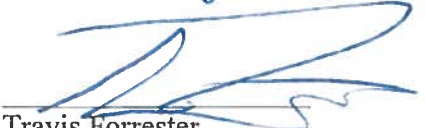
James Ronco
Chair



Kenneth Marshall
Director



Robert Page
Vice Chair



Travis Forrester
Director



Theresa Mcnerlin
Director

FRANK MCMICHAEL
District Manager/Clerk

UKIAH VALLEY SANITATION DISTRICT

151 Laws Avenue
Ukiah, California 95482
TELEPHONE AND FAX: (707) 462-4429
EMAIL ADDRESS: DM@UVSD.ORG

WEB SITE
www.uvsd.org

November 4, 2016

Sage Sangiacomo
City Manager
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Dear Sage,

Thank you for your letter of October 27, 2016 responding to my letter of October 21, 2016 to the City Council.

I will begin by addressing the last line in your letter whereby you "urge the District to begin focusing on solving problems in the future rather than devoting so much effort to assigning blame for decisions that were made in the past." My intent in writing that letter was to gather information and understanding about the recycle water issue so that I could better advise the Board for that purpose, not blame pointing. If we, the District and the City, are to find an agreement on this issue, then complete knowledge and understanding has to occur. If I have overlooked past information provided by the City, I apologize and would be pleased to either have that information received again or to have you point to communications that contained that information.

Regarding the questions in my letter, while you answered some, not all were addressed. If the two agencies are to find agreement on this issue, complete understanding must be obtained by my Board as to all of the plans, details, costs and commitments required by the District.

It is my sincere hope that the two agencies can find a resolution to this issue "in the future" but I am unable to see how that can be until both agencies have the same level of knowledge and understanding about this important issue.

Sincerely,



Frank McMichael
District Manager

BOARD OF DIRECTORS

ROBERT PAGE
VICE-CHAIR

JAMES RONCO
CHAIR

KENNETH MARSHALL
DIRECTOR

TRAVIS FORRESTER
DIRECTOR

THERESA MCNERLIN
DIRECTOR



November 15, 2016

Ukiah Valley Sanitation District
Frank McMichael, District Manager
151 Laws Avenue,
Ukiah CA, 95482

Dear Frank,

As stated in my response dated October 27, 2016, I welcome your questions related to the recycled water system ("Project") and as such provided a detailed response to your most recent inquiry. As in the past, the City will continue to engage with the District as this Project hopefully moves forward. As you know, the final contract approval from the State for funding of Phase I-III is on hold due to the District's lawsuit and the funds will be lost if resolution is not achieved.

In your most recent correspondence dated November 4, 2016, you indicate there may be information you have overlooked and there are some questions you still have that were not addressed in my response. However, you do not indicate what questions haven't been addressed. Please provide me with a list of those questions, and I will work to provide you with answers. In addition, City staff has uploaded relevant documents related to the Project to the following BOX link: <https://cityofukiah.box.com/v/uvsdpointsofinterest> (under the "Recycled Water Project" folder). Most, if not all, of the information and/or documents have already been provided to the District. In addition, the District Board received a full presentation that covered plans, details, and costs. Furthermore, Sean White, Director of Water and Sewer, and other City staff regularly attend District Board meetings in a continued effort to be available for questions and discussion. The District's continued assertions that information has not been provided or questions have not answered without detailing the specific information the District is seeking is not productive and does not improve the working relationship between the City and the District.

As I explained in the October 27, 2016 letter, the City assumed that the District would not approve participating in the funding when the City submitted its application to the Water Resources Control Board (WRCB). As a result, the City adopted a Pledge Resolution as part of its application to the WRCB which only pledged funds in Account No. 830 to repay the loan. Account 830 is a City only wastewater system capital project fund. However, the City has concluded that the Project benefits the entire sewer system by providing an environmentally and fiscally superior alternative for disposing of treated wastewater.

The City would like to know whether the District Board agrees with that conclusion. If the Board wants additional information to make that determination, please let me know with as much detail as possible what additional information it needs. Mr. White is prepared to make another presentation to the District Board on the substantial progress that has been made since April. If the Board were to agree with the City as to the benefits, the City continues to be interested in working cooperatively with the District to share the costs and revenues of the recycled water project. Let me know if a presentation from Mr. White would be helpful to the Board.

We continue to consult with the WRCB on ways to address the impact of the lawsuit. Of course, a dismissal of the lawsuit with prejudice would remove the current barrier to the City's ability to receive the loan and grant funds. Since that does not appear to be an option, we are continuing to consult the WRCB to see if there are other alternatives.

Sincerely, 

Sage Sangiacomo
City Manager

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
November 2, 2016
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on October 19, 2016, having been legally noticed on October 13, 2016. Mayor Scalmanini called the meeting to order at 6:03 p.m. Roll was taken with the following **Councilmembers Present:** Douglas F. Crane, Maureen Mulheren, Kevin Doble, Jim O. Brown, and Stephen G. Scalmanini. **Councilmembers Absent:** None. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Ashley Cocco, Deputy City Clerk.

MAYOR SCALMANINI PRESIDING.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

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

Presenter: Sage Sangiacomo, City Manager.

Report was received.

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

- a. Minutes of August 15, 2016, a Special Meeting.
- b. Minutes of October 19, 2016, a Regular Meeting.

Motion/Second: Doble/Mulheren to approve Minutes of August 15, 2016, a Special Meeting and Minutes of October 19, 2016, as submitted. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

- a. **Consideration and Possible Approval to Authorize City Manager to Renew Lease Agreement (COU No. 1617-136) for Office and Warehouse Space Located at 185 Mason Street for Park Operations Facility – Community Services.**
- b. **Reporting Contract with Code Publishing, Inc. for Legal Publishing Services in the Amount of \$10,583.05, and Requesting Authorization to Amend the Contract (COU No. 1213-187-A1) for Additional Services as Needed – City Clerk.**
- c. **Report of Acquisition of Professional Services from Alpha Analytical Laboratories, Inc. for Quarterly Water Sampling and Completion of Chemical Examination Reports for the Ukiah Landfill – Public Works.**

- d. **Approve Resolution (Resolution No. 2016-59) Authorizing the Submittal of an Application, Acceptance of Allocation of Funds, and Execution of a Grant Agreement with the California Department of Transportation for an Airport Matching Grant to Complete Airport Pavement Management Program (APMP) Study with Pavement Classification Number (PCN Calculation) – Airport.**
- e. **Authorize the City Manager to Negotiate and Execute an Agreement (COU No. 1617-137) with Emmett Jones for Professional Consulting Services Related to All Solid Waste Matters and Other Management Advisory Services on an as Needed Basis – Public Works.**

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

8. **AUDIENCE COMMENTS ON NON-AGENDA ITEMS**

9. **COUNCIL REPORTS**

Presenters: Councilmember Mulheren, Vice Mayor Brown, and Mayor Scalmanini.

10. **CITY MANAGER/CITY CLERK REPORTS**

Presenter: Sage Sangiacomo, City Manager.

11. **PUBLIC HEARINGS (6:15 PM)**

12. **UNFINISHED BUSINESS**

- a. **Status Report on the Ukiah Airport Runway/Taxiway Rehabilitation/Realignment Project and Approve Resolution Authorizing the Submittal of an Application, Acceptance of Allocation of Funds, and Execution of a Grant Agreement with the California Department of Transportation for an Airport Matching Grant to Complete Runway 15-33 Pavement Rehabilitation and Taxiway Realignment Design.**

Presenter: Greg Owen, Airport Manager.

Motion/Second: Crane/Mulheren to receive status report and approve by resolution (Resolution No. 2016-60) the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the California Department of Transportation, for an Airport Improvement Program (AIP) matching grant. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

13. **NEW BUSINESS**

- a. **Discussion and Introduction of an Ordinance by Title Only, Amending Division 6, Chapter 3, Articles 1, 2, and 3 of the Ukiah City Code and Adopting the 2016 California Fire Code; and Adoption of a Resolution Establishing Findings of Fact and Need for Modifications to the State Building Standards Code Because of Local Conditions.**

Presenter: Kevin P. Jennings, Division Chief / Prevention Officer.

Motion/Second: Doble/Brown to introduce ordinance by title only, amending Division 6, Chapter 3, Articles 1, 2, and 3 and adopting the 2016 California Fire Code. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

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

Motion/Second: Doble/Brown to adopt resolution (Resolution No. 2016-61) establishing findings of fact and need for modifications to the State Building Standards Code. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

b. Discussion and Possible Introduction of Ordinance by Title Only Amending Portions of Ukiah City Code (UCC) Division 3, Chapters 1 and 2 Pertaining to the Adoption of the Building Codes and Amendments Thereof.

Presenter: David Willoughby, Building Official and Kevin Thompson, Interim Director of Planning.

Motion/Second: Crane/Doble to introduce ordinance, by title only, amending portions of the Ukiah City Code (UCC) Division 3, Chapters 1 and 2 pertaining to the building regulations. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

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

c. Authorize the City Manager to Negotiate and Execute an Amendment No. 1 to the Existing Agreement with Syblon Reid, General Engineering Contractors, for Conducting Critical Repairs to the Lake Mendocino Hydroelectric Plant Turbines Discharge Gates in an Amount up to \$210,000 and Authorize a Budget Amendment in the Amount of \$50,000.

Presenter: Mel Grandi, Electric Utility Director.

Motion/Second: Doble/Crane to authorize the City Manager to negotiate and execute an amendment no. 1 (COU No. 1516-210-A1) to the existing agreement with Syblon Reid, General Engineering Contractors, for conducting critical repairs to the Lake Mendocino Hydroelectric Plant turbines discharge gates in an amount up to \$210,000 and authorize a budget amendment in the amount of \$50,000. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 7:04 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

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

b. Conference with Legal Counsel – Existing Litigation

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

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

c. Conference with Legal Counsel – Existing Litigation

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

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

d. Conference with Legal Counsel – Existing Litigation

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

Name of case: County of Mendocino v. Solid Waste System, Inc. et al., Mendocino County Superior

Court, Case No. SCUK-CVG-11-59459

e. Conference with Legal Counsel – Existing Litigation

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

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

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: 429 South Dora St. Ukiah, CA 95482

Negotiator: Sage Sangiacomo, City Manager

Negotiating Parties: City of Ukiah and Ukiah Unified School District

Under Negotiation: Price & Terms of Payment

THE CITY COUNCIL RECONVENED IN OPEN SESSION AT 9:31 P.M.

No report out of Closed Session. The City Council will hold a Special Meeting, Friday, November 9, 2016, beginning at 9:00 a.m.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 p.m.

Ashley Cocco, Deputy City Clerk

**CITY OF UKIAH
CITY COUNCIL MINUTES
Special Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482**

**November 4, 2016
9:00 a.m.**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Ukiah City Council met at a Special Meeting on November 4, 2016, having been legally noticed on November 3, 2016. Mayor Scalmanini called the meeting to order at 9:03 a.m. Roll was taken with the following **Councilmembers Present:** Douglas F. Crane, Maureen Mulheren, Kevin Doble, Vice Mayor Jim O. Brown, and Mayor Stephen G. Scalmanini. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR SCALMANINI PRESIDING.

2. PUBLIC COMMENT

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:05 A.M.

4. CLOSED SESSION

a. Conference with Legal Counsel – Existing Litigation

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

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

CITY COUNCIL RECONVENED IN OPEN SESSION AT 9:59 A.M.

Report Out of Closed Session: Mayor Scalmanini reported that the Council had agreed to a draft letter to the Ukiah Valley Sanitation District regarding how to progress with negotiations.

3. UNFINISHED BUSINESS

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

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Brown/Doble to approve the letter and to send it to the Sanitation District. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

No public comment was received.

5. ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 a.m.

**CITY OF UKIAH
CITY COUNCIL MINUTES
Special Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
November 8, 2016
5:30 p.m.**

JOINT MEETING WITH THE UKIAH VALLEY SANITATION DISTRICT

1 & 2. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Ukiah City Council met for a Special Meeting on November 8, 2016, which was legally noticed on November 4, 2016, Mayor Scalmanini called the meeting to order at 5:34 p.m. Roll was taken with the following **Staff Present**:

- o **City Councilmembers Present:** Douglas F. Crane, Maureen Mulheren, Kevin Doble, Vice Mayor Jim O. Brown, and Mayor Stephen G. Scalmanini.
- o **City Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; Tim Eriksen Public Works Director/City Engineer; and Kristine Lawler, City Clerk.
- o **Ukiah Valley Sanitation District (UVSD) Directors Present:** Travis Forrester, Director; Theresa McNerlin, Director; Ken Marshall, Director; Vice-Chair Robert Page; and Chair James Ronco.
- o **Sanitation District Staff Present:** Frank McMichael, District Manager and Douglas Losak, Ukiah Valley Sanitation District Attorney.

MAYOR SCALMANINI AND CHAIR RONCO PRESIDING.

3. PUBLIC EXPRESSION OF NON-AGENDIZED ITEMS

Presenters: Benj Thomas, Ingo Wagner, Donald Crawford, Lois Eriksen, Julie Bawcom, Ross Liberty, and Zachary Schat.

4. NEW BUSINESS

a. Discuss and Consider a Possible Award of Contract to Western Water Constructors, Inc. in the Amount of \$185,000 for the Installation of the Barscreen at the Waste Water Treatment Plant, Specification No. 16-09 and Approval of Corresponding Budget Amendment in the Same Amount.

Presenters: Frank McMichael, UVSD General Manager and Tim Eriksen, Public Works Director/City Engineer.

No public comment was received for this item.

Motion/Second: Crane/Brown to reject bids and re-bid the project. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

The Ukiah Valley Sanitation District Board of Directors took the same action: Motion by Board Member McNerlin, seconded by Board Member Marshall, and carried unanimously.

Board and Council Direction for staff from both agencies to meet, analyze, potentially modify the bid specifications, and decide a timeline that will be conducive and competitive for potential bid contractors; and further directs staff to move forward with re-bidding the documents and provide status updates to their respective agencies.

THE UKIAH VALLEY SANITATION DISTRICT BOARD OF DIRECTORS ADJOURNED TO CLOSED SESSION TO BE HELD AT 151 LAWS AVENUE.

5. **ADJOURNMENT**

There being no further business, the City Council meeting adjourned at 6:13 p.m.

Kristine Lawler, City Clerk



ITEM NO.: 7a

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: REPORT OF DISBURSEMENTS FOR THE MONTH OF OCTOBER**Summary:**

Payments made during the month of OCTOBER 2016, are summarized on the Report of Disbursements. Further detail is supplied on the Schedule of Bills, representing the four (4) individual payment cycles within the month.

Background:

Accounts Payable check numbers: 3018822 – 3018906, 3018907 – 3019007,
3019008 – 3019117, 3019118 - 3019200

Accounts Payable Wire Transfer numbers:

Payroll Check numbers: 504334 – 504364, 504365 - 504400

Payroll Manual check numbers:

Void check numbers: 3018314, 3018920

Discussion: This report is submitted in accordance with Ukiah City Code Division 1, Chapter 7, Article 1.

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

RECOMMENDED ACTION(S): Approve the Report of Disbursements for the month of October 2016**ALTERNATIVES:** N/A

Citizens advised: N/A
Requested by: City Manager
Prepared by: Management Analyst – Finance Department
Coordinated with: Finance Director and City Manager
Presenters:
Attachments: Report of Disbursements

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
REPORT OF DISBURSEMENTS
REGISTER OF PAYROLL AND DEMAND PAYMENTS
FOR THE MONTH OF OCTOBER**

FUNDS:

100 General Fund	\$330,940.99	700 Sanitary Disposal Site Fund	\$7,065.27
105 Measure S General Fund	\$62,123.77	701 Landfill Corrective Fund	
110 Special General Fund	\$3,737.90	702 Disposal Closure Reserve Fund	
201 Worker's Comp Fund	\$88,805.20	704 Post Closure Fund - Solid Waste	\$0.00
202 Liability Fund	\$21,779.77	720 Golf Fund	\$1.20
203 Garage Fund	\$5,783.16	730 Conference Center Fund	\$4,852.94
204 Purchasing Fund	\$8,530.98	750 Visit Ukiah	\$0.00
205 Billing & Collections Fund	\$17,113.42	777 Airport Fund	\$30,555.13
206 Public Safety Dispatch Fund	\$1,964.70	778 Airport Capital Improvement Fund	
207 Payroll Posting Fund	\$225,919.73	779 Special Aviation Fund	\$48,024.02
208 Building Maintenance/Corp Yard Fund	\$18,452.60	800 Electric Fund	\$703,411.52
209 IT Fund	\$68,639.78	801 Electric Capital Reserve Fund	\$55,084.48
220 Equipment Reserve Fund	\$123,061.95	803 Lake Mendocino Bond Reserve	
250 Special Revenue Fund	\$1,019.65	805 Street Lighting Fund	\$12,240.29
251 Special Projects Reserve Fund	\$10,611.81	806 Public Benefits Fund	\$9,249.03
300 Park Development Fund		820 Water Fund	\$60,312.53
301 Anton Stadium Fund	\$0.00	822 Water Capital Improvement Fund	\$39,469.41
302 Observatory Park Fund		840 City/District Sewer Fund	\$76,746.04
304 Swimming Pool Fund	\$0.00	841 Sewer Contruction Fund	
305 Riverside Park Fund	\$0.00	843 Sewer Capital Fund	
306 Skate Park Fund	\$0.00	900 Special Deposit Trust	\$26,476.92
310 Museum Grants	\$2,868.55	901 General Service (Accts Recv)	\$1,675.89
311 Alex Rorbaugh Recreation Center Fund	\$3,180.51	902 U.S.W. Billing & Collection	\$23,781.52
312 Downtown Business Improvement Fund		903 Public Safety - AB 109	\$0.00
500 2106 Gas Tax Fund		905 Federal Emergency Shelter Grant	
501 2107 Gas Tax Fund		905 Mendocino Emergency Service Authority	
503 2105 Gas Tax Fund		911 Russian River Watershed Association	
505 Signalization Fund		940 Sanitation District Special Fund	
506 Bridge Fund		943 Sanitation District Capital Improvement Fund	
507 1998 STIP Augmentation Fund		952 REDIP Sewer Enterprise Fund	
508 SB325 Reimbursement Fund		960 Community Redevelopment Agency	
509 S.T.P. Fund	\$32,380.00	961 RDA Housing Pass-Through	
510 Trans-Traffic Congest Relief Fund	\$16,815.20	962 Redevelopment Housing Fund	
600 Community Development Block Grant		963 Housing Debt	
601 EDBG 94-333 Revolving Loan		964 RDA Capital Pass-Through	
602 Community Development Fund		965 Redevelopment Capital Improvement Fund	
603 08-HOME-4688		966 Redevelopment Debt Service	
604 CDBG Grant 09-STBG-6417		967 Housing Bond Proceeds	
605 11-HOME-7654 Fund	\$0.00	968 Non-Housing Bond Proceeds	
606 CDBG Grant 10-EDEF-7261		969 RDA Obligation Retirement Fund	
607 Prop 84 Grant Fund		844/944 Sewer Capital Projects Fund	\$177,304.30
609 13-CDBG-8940	\$33,397.57		
610 City RDA Projects Fund		Retainage Withheld	\$1,350.00
630 Asset Seizure Fund	\$4,526.39		
631 Asset Seizure Fund (Drug/Alcohol)			
633 H & S Education 11489(B)(2)(A1)			
634 Federal Asset Seizure Grants			
635 SUP Law Enforcement Service Fund	\$1,250.00		
637 Local Law Enforcement Block Grant			
638 Asset Forfeiture 11470.2 H & S			
639 Special Revenue - Police	\$0.00		
640 Parking District Fund	\$719.20		
691 Museum Fund	\$2,847.88		

PAYROLL CHECK NUMBERS: 504334 - 504364
DIRECT DEPOSIT NUMBERS: 78798 - 78991
PAYROLL PERIOD: 09/25/16 - 10/08/16
PAYROLL CHECK NUMBERS: 504365 - 504400
DIRECT DEPOSIT NUMBERS: 78992 - 79185
PAYROLL PERIOD: 10/09/16 - 10/22/16
PAYROLL CHECK NUMBERS:
DIRECT DEPOSIT NUMBERS:
PAYROLL PERIOD:

TOTAL DEMAND PAYMENTS- A/P CHECKS \$2,364,071.20
TOTAL DEMAND PAYMENTS-WIRES* & EFT's \$360.00
TOTAL PAYROLL CHECKS & DIRECT DEPOSITS \$719,171.07
TOTAL PAYROLL EFT's (TAXES, PERS, VENDORS) \$600,231.32
* vendor name(if applicable)

VOID CHECK NUMBERS:
3018314, 3018920

TOTAL PAYMENTS \$3,683,833.59

MANUAL CHECK NUMBERS:

WIRE TRANSFER NUMBERS:

CERTIFICATION OF CITY CLERK

This register of Payroll and Demand Payments was duly approved by the City Council on _____.

City Clerk

APPROVAL OF CITY MANAGER

I have examined this Register and approve same.

City Manager

CERTIFICATION OF DIRECTOR OF FINANCE

I have audited this Register and approve for accuracy and available funds.

Director of Finance

Account Code Summary

10000000	General Fund	20526430	Electric Department - Meter Readers
10010000	City Council	20620231	Ukiah Dispatch
10011100	City Clerk	20620232	Ft Bragg Dispatch
10011300	Elections	20700000	Payroll Posting Fund
10012100	City Manager	20822500	Building Maintenance
10012200	Administrative Support	20824300	Corporation Yard
10012400	Miscellaneous General Government	20922900	IT Fund
10013400	Finance Department	22013300	FA Replace - Finance UB
10014000	City Attorney	22020200	FA Replace - Police Operations
10015100	Treasury Management	22021210	FA Replace - Fire Administration
10016100	Human Resources	22022900	FA Replace - Information Technology
10017100	Economic Development	22024100	FA Replace - Garage
10018000	Community Outreach	22024220	FA Replace - Streets
10020217	Animal Control	22024413	FA Replace - Water Distribution Cap
10022100	Parks	22024414	FA Replace - Water Distribution O&M
10022300	Aquatics	22024421	FA Replace - City Wastewater
10022800	Recreation	25024210	Engineering Reserve
10022810	Recreation Administration	25024300	Corporation Yard Reserve
10022821	Adult Basketball	25122900	CIP - IT
10022822	Adult Softball	25123100	CIP - Planning
10022824	Co-Ed Volleyball	25124210	CIP - Engineering
10022831	Youth Basketball	25124220	CIP - Streets
10022832	Youth Softball	25124410	CIP - Water
10022840	Day Camp	25124421	CIP - City Wastewater
10022850	Classes & Clinics	25126410	CIP - Electric
10022860	Special Activities	30022200	Park Development
10023100	Community Planning	30122210	Anton Stadium
10023320	Building Inspection	30222220	Observatory Park
10024210	Engineering	30522250	Riverside Park
10024214	Traffic Signals	30622260	Skate Park
10024220	Streets	30822280	Project Planning
10024224	Storm Drains	31022700	Museum Grant
10514000	Police - City Attorney	31122870	Alex Rorabaugh Recreation Center
10520210	Patrol	31217100	Downtown Business Improvement District
10520214	Police Reserves	50524210	Engineering - Signalization Fund
10520216	COPS Grant	50624210	Capital Engineering
10520218	Police - CSO	50824210	SB325 - Engineering
10520224	Police - Major Crimes Task Force	50824220	SB325 - Streets
10521210	Fire Administration	50924210	STP - Engineering
10521312	Fire Volunteer Station	50924220	STP - Streets
20112400	Worker's Compensation Fund	51024220	Trans - Traffic Slurry Seal
20212400	Liability Fund	510X9999	Trans -Traffic Project
20324100	Garage Fund	60217441	Grant - CDBG 602
20413500	Purchasing Fund	60317442	Grant - HOME 603
20513300	Billing and Collections	60417441	Grant - CDBG 604
20514000	Billing and Collections - City Attorney	60517442	Grant - HOME 605
20524412	Water Department - Meter Readers	60517461	First Time Homebuyer Program

Account Code Summary

60517462	FTHB Activity Delivery	80026130	Electric Substation
60517467	FTHB - PIR	80026140	Reimbursable Work for Others
60600000	CDBG Grant 10-EDEF-7261 Fund	80026200	Electric Metering
60617441	Grant - CDBG 606	80026300	Electric Generation
60617451	General Administration	80026312	Mendocino Hydro
60617452	AD ED Direct Financial Assistance	80026330	Hydro Electric
60617453	ED Direct Financial Assistance	80026400	Electric Administration
60717443	Grant Prop 84	80026410	Electric General Administration
60724413	Prop 84 Water Distribution Cap	80026430	Interdepartmental Charges
60900000	13-CDBG-8940	80326330	Hydro Plant
60917458	13-CDBG-8940	80526610	Street Lighting
63020210	Asset Seizure Expenditure	80626500	Public Benefit
63120210	Drug & Alcohol Education	82024410	Water
63320210	H&S Asset Seizure Expenditure	82024411	Water - Production O&M
63420250	Fed Asset Seizure Expenditure	82024413	Water - Distribution Capital
63520210	SLESF	82024414	Water - Distribution O&M
63820210	Asset Forfeiture 11470	82024415	Water - Production Capital
64020213	Parking Enforcement	82224413	Water - Distribution Capital
69122700	Museum	84024420	Wastewater
70024500	Landfill 700	84024421	Wastewater City - O&M
70224500	Landfill Closure	84024422	Wastewater City - Capital
70424500	Landfill Post closure	84024425	Wastewater Treatment - O&M
72022400	Golf	84124426	Wastewater Treatment - Capital
73022600	Conference Center	84224420	Wastewater
75017110	Visit Ukiah	84324422	Wastewater City - Capital
77725200	Airport Operations	84424421	Wastewater City Capital - O&M
77817411	FAA Grant	84424422	Wastewater City - Capital
80026100	Electric Administration	90000000	Special Deposit Trust Fund
80026110	Electric Overhead	91190100	Russian River Watershed Assoc
80026120	Electric Underground	96900000	Successor Agency

Object Code Summary

12102	INVENTORY OF SUPPLIES	52526	FRAUD INVEST. ASSESSMENT
12103	STORES PURCHASES	52527	A.D.P. PREMIUM & DEDUCTIBLE
12104	INVENTORY - PURCHASES	52528	LIABILITY INSURANCE
12105	STORES ISSUES	52529	EARTHQUAKE & FLOOD PREMIUMS
51211	PERS UNFUNDED LIABILITY	52530	POLLUTION-ENVIRON INS PREMIUM
51280	OVERTIME/CALLOUT MEALS	52531	UMEMPLOY. INS EXPENSE
51285	CALLOUT MILEAGE REIMBURSEMENTS	52532	SAFETY & TRAINING SUPPORT
52100	CONTRACTED SERVICES	52600	RENT
52107	CONTRACTED SERVICES-EIR	52841	SUCCESSOR AGENCY ADMIN
52108	CONTRACT SERVICES-GPU	54100	SUPPLIES
52110	AMBULANCE BILLING	54101	POSTAGE
52111	MAINT. CONTRCTS - DEFIBRULATOR	54102	SMALL TOOLS
52112	M. S. OVERSIGHT	54105	PHOTOGRAPHIC EXPENSE
52113	PLANNING STUDIES	54106	SPECIALTY SUPPLIES
52114	COMPLIANCE STUDIES	54120	PW - SPECIAL SUPPLIES
52120	LABOR CHARGES FROM OTHER DEPAR	54121	PW - ASPHALT CONCRETE
52130	EDUCATIONAL & MARKETING MATL'S	54122	PW - AGGREGATE BASE
52131	ASSISTANCE TO SENIORS	54123	PW - CRACK SEALANT
52132	EMERGENCY ASSISTANCE	54124	PW - CONCRETE/SUPPLIES
52133	MONTHLY DISCOUNT PROGRAM	54125	PW - TRAFFIC PAINT
52134	CONTRACT ADMINISTRATION	54126	PW-PREMARKS
52135	ENERGY CONSERVATION PROGRAM	54127	PW - SIGN POSTS/SHEETING
52136	PHOTOVOLTAIC RATES/INCENTIVE	54128	PW - COLD PATCH MATERIAL
52137	PUBLIC BENEFITS PROGRAM MGMT	54129	PW - TACK OIL
52138	NCPA PUBLIC BENEFITS PROGRAM	54130	PW - SAFETY
52139	RESEARCH, DEVELOPMENT & DEMO	54131	PW - BARRICADES & CONES
52140	LITIGATION EXPENSES	54160	HR - CITY LIABILITY & CONTRACT
52145	DETACHMENT-SEWER-UVSD	54161	HR - BACKGROUND & PHYSICALS
52150	LEGAL SERVICES/EXPENSES	54162	HR - ADVERTISING
52151	AFLAC & PERS INSUR ADMIN FEES	54163	HR - INTERVIEW SUPPLIES
52170	UKIAH WASTE SOLUTIONS	54164	HR - FORMS & OTHER DIV. EXP.
52171	RESIDENTIAL BILLING CHARGE	54165	HR - NEW EMPLOYEE FINGERPRINT
52172	COMMERCIAL OVERSIGHT FEE	54166	HR - DOT TESTING PROGRAM
52180	SECURITY SERVICES	54167	HR - EMPLOYEE DEVELOPMENT
52301	PROPERTY TAX ADMIN FEE	54168	HR - REMIF SAFETY TRNG & SUPPO
52302	AMBULANCE FEES	54201	PRISONER EXPENSE
52303	REHIT SUPPORT	54202	MAJOR CRIME INVETIGATIONS
52304	LAFCO FEES AND PROP TAX EXP	54320	SOFTWARE
52500	TRUSTEE FEES	55100	TELEPHONE
52510	ADVERTISING & PROMOTION	55200	PG&E
52515	ADVERTISING & PUBLICATION	55210	UTILITIES
52521	LIABILITY INSURANCE PREMIUM	56100	VEHICLE & EQUIPMENT MAINT. & R
52522	LIABILITY INSURANCE DEDUCT	56110	CITY GARAGE - PARTS
52523	BOILER/MACHINERY PREMIUMS	56111	CITY GARAGE - LABOR
52524	PROPERTY INSURANCE	56112	EQUIPMENT PARTS FOR RESALE
52525	WORKER'S COMP. EXPENSE	56120	EQUIPMENT MAINTENANCE & REPAIR

56121 R & M RADIO EQUIPMENT
56122 R & M NON-AUTO EMS EQUIPMENT
56123 R & M COMPUTERS
56124 MAINT CONTRACT DEFIBULATORS
56130 EXTERNAL SERVICES
56210 FUEL & FLUIDS
56300 BUILDING MAINT. & REPAIR
56410 EQUIPMENT RENTAL - PRIVATE
56504 FACILITY MAINTENANCE & REPAIR
56600 AIRFIELD MAINTENANCE & REPAIR
56700 LANDFILL CLOSURE EXPENSE
57100 CONFERENCE & TRAINING
57101 CONF & TRAINING-AQUATICS
57102 CONF & TRAINING-PARKS STAFF
57200 MEETINGS
57300 MEMBERSHIPS & SUBSCRIPTIONS
58101 NCPA PLANT GENERATION
58102 NCPA POWER PURCHASES
58103 NCPA TRANSMISSION
58104 NCPA MANAGEMENT SERVICES
58105 NCPA THIRD PARTY SALES
58106 NCPA PASS THROUGH COSTS
58107 NCPA COMMITMENTS ACTIVITY
58201 WATER PURCHASES
58202 WATER TREATMENT PLANT CHEMICAL
58401 AVIATION FUEL
58410 GARAGE LUBRICANTS & PARTS
58510 REIMBRABLE JOBS
59100 PROPERTY TAXES PAID
59101 FEES
59102 FRANCHISE FEES
59350 PURCHASE DISCOUNTS TAKEN
59400 OTHER EXPENSES
70101 LOAN PAYMENTS MADE
70102 BOND INTEREST PAYMENTS
70110 BOND ISSUANCE COSTS
70201 LOAN PRINCIPAL PAYMENTS
70202 BOND PRINCIPAL PAYMENTS
80100 MACHINERY & EQUIPMENT
80200 BUILDINGS ACQUISITION
80210 LAND ACQUISITION
80220 BUILDING IMPROVEMENTS
80230 INFRASTRUCTURE
80231 RECYCLING STUDY 50% GRANT MATC
80232 LINE REPLACEMENTS
80233 MAIN REPLACEMENTS
80234 INFLOW/INFILTRATION

80235 SYSTEM MAINTENANCE
80236 EMERGENCY/CONTINGENCY
90100 LOAN PROCEEDS
90101 LOAN PAYMENT RECEIVED
90301 LOAN REPAYMENT
90410 BOND PROCEEDS

List of Checks Presented for Approval on 10/6/2016

The following list of bills payable was reviewed and approved for payment.

 10-8-16 
Signature

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ADAMSON POLICE PRODUCTS	INV223888	PARTS	\$19.77	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.02)
				20324100-56130	EXTERNAL SERVICES	\$0.02
				20324100-56130	EXTERNAL SERVICES	\$19.77
				Vendor Total:		\$19.77
ADVANCED COLLISION REPAIR INC	44439	Body and Frame Work (Including	\$1,370.21	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$6.48)
				10520210-56130	EXTERNAL SERVICES	\$6.48
				10520210-56130	EXTERNAL SERVICES	\$1,370.21
	SF-19459	REPAIR DRIVER'S DOOR MOLDING	\$96.00	10520210-56130	EXTERNAL SERVICES	\$96.00
				Vendor Total:		\$1,466.21
AIMEE SHIELDS	OCT 16	TRANSCRIPTION SERVICES FOR POL	\$1,250.00	63520210-52100	CONTRACTED SERVICES	\$1,250.00
				Vendor Total:		\$1,250.00
ALL-GUARD ALARM SYSTEMS INC	A09566	MONTHLY MONITORING OF WWTP	\$74.00	84024425-52180	SECURITY SERVICES	\$74.00
				Vendor Total:		\$74.00
ANIXTER	3236603-00	ELECTRICAL EQUIPMENT AND SUPPL	\$6,973.98	80000000-12104	INVENTORY - PURCHASES	\$6,973.98
				Vendor Total:		\$6,973.98

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
AT&T	SEPT16	911 SYSTEM	\$223.51	20620231-52100	CONTRACTED SERVICES	\$223.51
					Vendor Total:	\$223.51
BOUTIN JONES INC	95728	LEGAL RETAINER FOR UVSD LITIGA	\$1,378.20	84424422-52100	CONTRACTED SERVICES	\$1,378.20
					Vendor Total:	\$1,378.20
CAMILLE VILLAVICENCIO	DV092716	PUMPKINFEST PERFORMANCE	\$600.00	90000000-23219	PUMPKINFEST	\$600.00
					Vendor Total:	\$600.00
CHRIS MCMAHAN	DV092916	BOOT ALLOWANCE	\$91.90	10022100-54100	SUPPLIES	\$91.90
					Vendor Total:	\$91.90
CLIPPER CONTROL INC	10409	SUNSHADES	\$719.11	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$719.11
					Vendor Total:	\$719.11
COMMUNITY DEVELOPMENT COMMISSION OF MENDOCINO	6-2016	CDBG-8940 GRANT ADMINISTRATION	\$4,395.00	60917458-52100	CONTRACTED SERVICES	\$4,395.00
	7-2016	CDBG-8940 GRANT ADMINISTRATION	\$11,137.50	60917458-52100	CONTRACTED SERVICES	\$11,137.50
					Vendor Total:	\$15,532.50
COMPUTER OPTIONS INC	BILL41310	IT SERVICES	\$10,350.00	20922900-52100	CONTRACTED SERVICES	\$10,350.00
					Vendor Total:	\$10,350.00
COUNTY OF MENDOCINO	OCT 16	SPANISH MTN SUBLEASE MO RENT-N	\$50.00	20620231-52100	CONTRACTED SERVICES	\$50.00
					Vendor Total:	\$50.00
CUMMINS PACIFIC LLC	027-87328	PARTS	\$200.83	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.70)
				84024421-56130	EXTERNAL SERVICES	\$0.70

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
CUMMINS PACIFIC LLC	027-87328	PARTS	\$200.83	84024421-56130	EXTERNAL SERVICES	\$200.83
Vendor Total:						\$200.83
DANIEL STEEL & MACHINE INC	13677	PRESSURE WAND AND SPACERS	\$175.16	84024421-56130	EXTERNAL SERVICES	\$175.16
Vendor Total:						\$175.16
DAVID KIRCH	TA 10/17 - 10/19/16	TRAVEL ADVANCE	\$392.22	20324100-57100	CONFERENCE & TRAINING	\$392.22
Vendor Total:						\$392.22
DC ELECTRIC GROUP INC	26514	PUBLIC WORKS AND RELATED SERVI	\$1,975.00	10024214-52100	CONTRACTED SERVICES	\$1,975.00
	26509	EQUIPMENT MAINT, REPAIR, AND R	\$3,246.57	10024214-52100	CONTRACTED SERVICES	\$3,246.57
Vendor Total:						\$5,221.57
DELL MARKETING LP	XK16M84N3	Software Maintenance/Support	\$9,367.03	20922900-56120	EQUIPMENT MAINTENANCE & REPAIR	\$9,367.03
Vendor Total:						\$9,367.03
DEPT OF FORESTRY & FIRE PROT	137905	HAND CREWS AT WWTP & AIRPORT	\$2,741.76	77725200-56600	AIRFIELD MAINTENANCE & REPAIR	\$1,827.84
				84024425-52100	CONTRACTED SERVICES	\$913.92
Vendor Total:						\$2,741.76
DEPT OF TOXIC SUBSTANCES CONTROL	VQ201621895	ANNUAL MANIFEST FEE VERIFICATION	\$215.00	20324100-59101	FEES	\$215.00
Vendor Total:						\$215.00
DOUGLAS MUELLER	OCT 18-19	CUMMINS DIESEL TRAINING CLASS	\$400.00	20324100-57100	CONFERENCE & TRAINING	\$400.00
	4014	TRAINING	\$400.00	20324100-57100	CONFERENCE & TRAINING	\$400.00
Vendor Total:						\$800.00

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
E & M ELECTRIC & MACHINERY, INC	291609	ELECTRIC MOTOR REPAIR	\$2,024.30	82024411-56120	EQUIPMENT MAINTENANCE & REPAIR	\$2,024.30
Vendor Total:						\$2,024.30
EBA ENGINEERING	29882	PROFESSIONAL CONSULTING SERVIC	\$1,094.25	20824300-52100	CONTRACTED SERVICES	\$1,094.25
Vendor Total:						\$1,094.25
ERNEST WIPF	39044	PUBLIC WORKS AND RELATED SERVI	\$1,080.00	80026110-80230	INFRASTRUCTURE	\$1,080.00
Vendor Total:						\$1,080.00
FISHER WIRELESS SVCS INC	227150	COMMUNICATION EQUIP & MISC REP	\$164.35	10520210-56130	EXTERNAL SERVICES	\$164.35
Vendor Total:						\$164.35
FORD STREET PROJECT	DV092316	REFUND DEPOSIT	\$300.00	10022100-46350	PLAZA RENTAL	\$300.00
Vendor Total:						\$300.00
FRANK ROMANO	UPD09302016	ANNUAL K9 TRAINING	\$375.00	10520210-54100	SUPPLIES	\$375.00
Vendor Total:						\$375.00
FRED PRYOR SEMINARS	20621505	PAYROLL TRAINING	\$149.00	10013400-57100	CONFERENCE & TRAINING	\$149.00
Vendor Total:						\$149.00
GENEVIEVE SHOUFF	DV093016	INSTRUCTOR	\$77.00	10022850-52100	CONTRACTED SERVICES	\$77.00
Vendor Total:						\$77.00
GHD INC	65963	TRANSPORTATION IMPROVEMENTS RE	\$990.00	25024210-80230	INFRASTRUCTURE	\$990.00
Vendor Total:						\$990.00
GINA GRECO	DV093016	INSTRUCTOR	\$1,382.50	10022850-52100	CONTRACTED SERVICES	\$1,382.50
Vendor Total:						\$1,382.50

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
GRAPHIC ENTERPRISES INC	56677	BUSINESS CARDS	\$118.67	10520210-54100	SUPPLIES	\$118.67
					Vendor Total:	\$118.67
H&H ENGINEERING & SUPPLY CO	2945	LIGHTWEIGHT SHIM SET	\$254.71	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$254.71
					Vendor Total:	\$254.71
INTEGRITY SHRED	62414	DOCUMENT SHREDDING	\$57.00	10520210-54100	SUPPLIES	\$28.50
				20620231-54100	SUPPLIES	\$28.50
					Vendor Total:	\$57.00
ITRON INC	425263	Software Maintenance/Support	\$1,127.92	20524412-56120	EQUIPMENT MAINTENANCE & REPAIR	\$569.49
				20526430-56120	EQUIPMENT MAINTENANCE & REPAIR	\$558.43
					Vendor Total:	\$1,127.92
JAKE BURGESS - PETTY CASH	DV092616	PUMPKINFEST ANNUAL WEIGH-OFF	\$1,500.00	90000000-23219	PUMPKINFEST	\$1,500.00
					Vendor Total:	\$1,500.00
JUDY CHAN	OCT 16	185 MASON ST RENT	\$1,365.00	10022100-52600	RENT	\$1,365.00
					Vendor Total:	\$1,365.00
KIMBALL MIDWEST	5156355	DRILL BIT	\$12.20	20324100-54102	SMALL TOOLS	\$12.20
	5147803	S & D DRILL SET	\$852.03	20324100-54100	SUPPLIES	\$852.03
					Vendor Total:	\$864.23
LARRY WAYNE PUTERBAUGHF	DV092616	PUMPKINFEST PERFORMANCE	\$250.00	90000000-23219	PUMPKINFEST	\$250.00
					Vendor Total:	\$250.00

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
LAWRENCE & ASSOCIATES	23847	2016 SAMPLING GAS EXTRACTION	\$4,375.50	70024500-52100	CONTRACTED SERVICES	\$4,375.50
Vendor Total:						\$4,375.50
LINCOLN EQUIPMENT INC	SI301421	WATER AND WASTEWATER TREATING	\$5,391.18	10022300-54106	SPECIALTY SUPPLIES	\$5,391.18
Vendor Total:						\$5,391.18
MARK CLEMENTI PHD	9-21-16	CRITICAL INCIDENT DEBRIEFING	\$265.00	10520210-52100	CONTRACTED SERVICES	\$265.00
Vendor Total:						\$265.00
MCMASTER-CARR SUPPLY CO	80370020	CONTORL POWER TRANSFORMER	\$159.49	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$159.49
Vendor Total:						\$159.49
MENDOCINO COUNTY	FP 2016-0010	MAP FEE FOR FLOOD PLAIN DEV PERMIT	\$50.00	82224413-80230	INFRASTRUCTURE	\$50.00
Vendor Total:						\$50.00
MENDOCINO COUNTY FARM SUPPLY	429841	MISCELLANEOUS PURCHASES AS REQ	\$68.11	82024411-54100	SUPPLIES	\$68.11
Vendor Total:						\$68.11
MENDOCINO COUNTY YOUTH PROJECT	DV092716	REFUND DEPOSIT	\$300.00	10022100-46350	PLAZA RENTAL	\$300.00
Vendor Total:						\$300.00
MICROBIOLOGICS INC	703504	WWTP SUPPLIES	\$617.20	84024425-54100	SUPPLIES	\$617.20
Vendor Total:						\$617.20
MJ DONOVAN ENT INC	109520	ELECTRIC UTILITY DECAL	\$173.00	80026400-54100	SUPPLIES	\$173.00
Vendor Total:						\$173.00
MOIRS	133814	MISCELLANEOUS POOL SUPPLIES AS	\$302.45	82024411-58202	WATER TREATMENT PLANT CHEMICAL	\$302.45

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
MOIRS	134071	MISCELLANEOUS POOL SUPPLIES AS	\$345.66	82024411-58202	WATER TREATMENT PLANT CHEMICAL	\$345.66
					Vendor Total:	\$648.11
NATIONAL METER & AUTOMATION	SI075179.001	WATER SUPPLY, GROUNDWATER, SEW	\$1,659.18	82000000-12104	INVENTORY - PURCHASES	\$1,659.18
	SI075023.001	WATER SUPPLY, GROUNDWATER, SEW	\$3,935.50	82000000-12104	INVENTORY - PURCHASES	\$3,935.50
					Vendor Total:	\$5,594.68
NFP NATIONAL ACCOUNT SERVICES	OCT-16	NFP INSURANCE	\$2,734.52	20700000-20523	P/R DEDUCT-LTD	\$2,417.27
				20700000-20512	REMIF LIFE	\$35.25
				20700000-20512	REMIF LIFE	\$282.00
					Vendor Total:	\$2,734.52
NORTHWEST INSURANCE AGENCY INC	101	PUMPKINFEST EVENT INSURANCE	\$3,633.00	90000000-23219	PUMPKINFEST	\$3,633.00
					Vendor Total:	\$3,633.00
ONE TIME PAY VENDOR	112980-8	ENERGY REBATE	\$50.00	80626500-52135	ENERGY CONSERVATION PROGRAM	\$50.00
	50926-5	ENERGY REBATE	\$100.00	80626500-52135	ENERGY CONSERVATION PROGRAM	\$100.00
	16238-8.16	ENERGY REBATE	\$885.00	80626500-52135	ENERGY CONSERVATION PROGRAM	\$885.00
	111805-8	ENERGY REBATE	\$1,000.00	80626500-52135	ENERGY CONSERVATION PROGRAM	\$1,000.00
	114014-4	UTILITY REFUND	\$77.49	90100000-10421	UTILITY RECEIVABLES CLEARING	\$77.49
					Vendor Total:	\$2,112.49
ONESOURCE DISTRIBUTORS LLC	S5266992.001	INSULATED ENTRANCE SLEEVE	\$80.82	80000000-12104	INVENTORY - PURCHASES	\$80.82
	S5210209.003	ELECTRICAL EQUIPMENT AND SUPPL	\$1,167.36	80000000-12104	INVENTORY - PURCHASES	\$1,167.36
	S5254073.001	ELECTRICAL EQUIPMENT AND SUPPL	\$1,976.28	80000000-12104	INVENTORY - PURCHASES	\$1,976.28

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ONESOURCE DISTRIBUTORS LLC	S5234302.002	DOUBLE ARMING BOLTS	\$204.68	80026110-54100	SUPPLIES	\$204.68
Vendor Total:						\$3,429.14
OREILLY AUTO PARTS	2707-261580	PARTS RETURN	(\$376.78)	10520210-56130	EXTERNAL SERVICES	(\$376.78)
	2707-261115	POLICE STOCK	\$784.04	10520210-56130	EXTERNAL SERVICES	\$784.04
Vendor Total:						\$407.26
OREN THOMPSON	01-021335-02	MISC PARTY RENTALS & SUPPLIES	\$56.77	90000000-23219	PUMPKINFEST	\$56.77
Vendor Total:						\$56.77
PACE SUPPLY CORPORATION	023500093	MISCELLANEOUS ITEMS AS NEEDED	\$10.98	82024411-56300	BUILDING MAINT. & REPAIR	\$0.06
				82024411-56300	BUILDING MAINT. & REPAIR	\$10.98
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.06)
	023499001	MISCELLANEOUS ITEMS AS NEEDED	\$40.05	82024411-56300	BUILDING MAINT. & REPAIR	\$0.19
				82024411-56300	BUILDING MAINT. & REPAIR	\$40.05
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.19)
	023447538	MISCELLANEOUS ITEMS AS NEEDED	\$463.53	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$2.20)
				82024414-54100	SUPPLIES	\$2.20
				82024414-54100	SUPPLIES	\$463.53
	023500743	MISCELLANEOUS ITEMS AS NEEDED	\$597.72	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$2.78)
				82024414-54100	SUPPLIES	\$2.78
				82024414-54100	SUPPLIES	\$597.72
	023484933	MISCELLANEOUS ITEMS AS NEEDED	\$241.04	82024414-54100	SUPPLIES	\$241.04

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
PACE SUPPLY CORPORATION	023486313	MISCELLANEOUS ITEMS AS NEEDED	\$272.88	82024414-54100	SUPPLIES	\$136.45
				84024421-54100	SUPPLIES	\$136.43
				Vendor Total:		\$1,626.20
PETERSON TRUCKS INC	38308P	PARTS	\$19.93	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$19.93
				Vendor Total:		\$19.93
PITNEY BOWES INC	1001241758	POSTAGE MACHINE LEASE & SUPPLI	\$162.19	20513300-56120	EQUIPMENT MAINTENANCE & REPAIR	\$162.19
				Vendor Total:		\$162.19
PORTOLA SYSTEMS INC	33843	COMPUTER HARDWARE AND PERIPHER	\$2,500.00	20922900-80100	MACHINERY & EQUIPMENT	\$2,500.00
				Vendor Total:		\$2,500.00
POWER INDUSTRIES INC	717621	ELBOW PART	\$10.84	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$10.84
	717805	STOCK PARTS	\$128.21	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$128.21
	Vendor Total:		\$139.05			
PRECISION GENERAL CONTRACTORS, INC.	DV081816	CREEKSIDE VILLAGE REHAB PROJECT	\$17,865.07	60917458-52100	CONTRACTED SERVICES	\$17,865.07
				Vendor Total:		\$17,865.07
PUBLIC SAFETY TRAINING INSTITUTE	DV092216	CSO SYMPOSIUM	\$370.00	10520210-57100	CONFERENCE & TRAINING	\$370.00
				Vendor Total:		\$370.00
REDWOOD EMPIRE AIKIKAI	DV093016	INSTRUCTOR	\$480.00	10022850-52100	CONTRACTED SERVICES	\$480.00
				Vendor Total:		\$480.00
REDWOOD EMPIRE MUNICIPAL INSURANCE FUND	DV092516	LIABILITY, PROPERTY, AUTO DEDUCTIBLES	\$21,779.77	20212400-52522	LIABILITY INSURANCE DEDUCT	\$21,779.77
	OCT-16	INSURANCE PREMIUMS	\$211,051.40	20700000-20524	NON-EMPLOYEE HEALTH INS.PREM	\$491.40

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
REDWOOD EMPIRE MUNICIPAL INSURANCE FUND	OCT-16	INSURANCE PREMIUMS	\$211,051.40	20700000-20524	NON-EMPLOYEE HEALTH INS.PREM	\$2,296.00
				20700000-20524	NON-EMPLOYEE HEALTH INS.PREM	\$10,216.00
				20700000-20520	P/R DEDUCT.- MEDICAL INS	\$182,007.00
				20700000-20510	REMIF DENTAL	\$13,402.00
				20700000-20511	REMIF VISION	\$2,639.00
	DV092516.1	WORKER'S COMP DEDUCTIBLE	\$88,323.76	20112400-52525	WORKER'S COMP. EXPENSE	\$88,323.76
	Vendor Total:					\$321,154.93
REGAL PACIFIC CONTRACTING AND COMPLIANCE INC	150259	REMOVE EXISTING FUEL PUMP SYST	\$1,905.47	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.71)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$2.84)
				77900000-80100	MACHINERY & EQUIPMENT	\$3.55
				77900000-80100	MACHINERY & EQUIPMENT	\$1,905.47
	150258	REMOVE EXISTING FUEL PUMP SYST	\$31,790.00	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$5.00)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$20.00)
				77900000-80100	MACHINERY & EQUIPMENT	\$325.00
				77900000-80100	MACHINERY & EQUIPMENT	\$31,790.00
				90000000-23013	STATE USE TAX LIABILITY	(\$300.00)
				Vendor Total:		\$33,695.47
REGIONAL GOVERNMENT SERVICES AUTHORITY	6269	FINANCIAL ADVISORY SERVICES	\$16,125.00	10013400-52100	CONTRACTED SERVICES	\$16,125.00
						Vendor Total:
REMY MOOSE MANLEY LLP	104037	RETAIN TO REP CITY IN LAWSUIT	\$868.00	90000000-21111	PLANNING PERMIT ESCROW	\$868.00
Vendor Total:					\$868.00	

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
RICHARD SEANOR	TR /28/16	REIMBURSE TRAVEL EXPENSE	\$77.64	10024210-57100	CONFERENCE & TRAINING	\$77.64
					Vendor Total:	\$77.64
RICHARD THORNTON DBA TELECOM	8316	TELECOMMUNICATION EQUIPMENT, A	\$9,107.29	22022900-54100	SUPPLIES	\$9,107.29
					Vendor Total:	\$9,107.29
SEBASTOPOL BEARING & HYDRAULIC CO INC	IS65710	MACHINERY AND HARDWARE, INDUST	\$3,307.65	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$3,307.65
					Vendor Total:	\$3,307.65
SHN CONSULTING ENGINEERS & GEOLOGISTS INC	89161	ENG SVCS FOR LOW GAP/N STATE	\$24,111.25	50924220-80230	INFRASTRUCTURE	\$24,111.25
	89510	ENG SVCS FOR LOW GAP/N STATE	\$25,083.95	50924220-80230	INFRASTRUCTURE	\$8,268.75
				51024220-80230	INFRASTRUCTURE	\$16,815.20
					Vendor Total:	\$49,195.20
SOLAR ELECTRIC SUPPLY INC	19159	ELECTRICAL EQUIPMENT AND SUPPL	\$4,316.29	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$4,316.29
					Vendor Total:	\$4,316.29
THE PEAVEY CORPORATION	322813	NARCOTICS POUCH KITS	\$212.30	10520210-54201	PRISONER EXPENSE	\$212.30
					Vendor Total:	\$212.30
TIM POMA	DV092716	SPONSOR PHOTOS	\$32.59	10022810-54100	SUPPLIES	\$32.59
					Vendor Total:	\$32.59
UKIAH PAPER SUPPLY	1461515	JANITORIAL SUPPLIES, MISC AS N	\$444.34	31122870-56120	EQUIPMENT MAINTENANCE & REPAIR	\$444.34
	1461746	JANITORIAL SUPPLIES, MISC AS N	\$349.56	10022100-54100	SUPPLIES	\$349.56
	1461545	JANITORIAL SUPPLIES, MISC AS N	\$64.23	20822500-54100	SUPPLIES	\$64.23
	1461049	JANITORIAL SUPPLIES, MISC AS N	\$84.05	20822500-54100	SUPPLIES	\$84.05

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
UKIAH PAPER SUPPLY	I462013	JANITORIAL SUPPLIES, MISC AS N	\$364.25	73022600-54100	SUPPLIES	\$364.25
	I461552	JANITORIAL SUPPLIES, MISC AS N	\$246.57	77725200-54100	SUPPLIES	\$246.57
	I460970	JANITORIAL SUPPLIES, MISC AS N	\$240.08	80026400-54100	SUPPLIES	\$240.08
	I461074	JANITORIAL SUPPLIES, MISC AS N	\$75.58	84024425-54100	SUPPLIES	\$75.58
Vendor Total:						\$1,868.66
UKIAH VALLEY MEDICAL CENTER	DEC 15.1	PRE-EMPLOYMENT AND EMPLOYEE EXAMS	\$43.22	10520210-52100	CONTRACTED SERVICES	\$43.22
	DEC 15	PRE-EMPLOYMENT AND EMPLOYEE EXAMS	\$283.20	10520210-52100	CONTRACTED SERVICES	\$150.80
				10016100-54161	HR - BACKGROUND & PHYSICALS	\$132.40
	JUNE 16	PRE-EMPLOYMENT AND EMPLOYEE EXAMS	\$3,012.22	10520210-52100	CONTRACTED SERVICES	\$1,257.02
				10016100-54161	HR - BACKGROUND & PHYSICALS	\$1,755.20
	JULY 16	PRE-EMPLOYMENT AND EMPLOYEE EXAMS	\$3,923.82	10520210-52100	CONTRACTED SERVICES	\$1,223.95
				10016100-54161	HR - BACKGROUND & PHYSICALS	\$2,564.87
				10024220-54120	PW - SPECIAL SUPPLIES	\$135.00
	AUG 16	PRE-EMPLOYMENT AND EMPLOYEE EXAMS	\$1,146.86	80026400-52100	CONTRACTED SERVICES	\$135.00
				10016100-54161	HR - BACKGROUND & PHYSICALS	\$876.86
Vendor Total:						\$8,409.32
UNITED SITE SERVICES	114-1132534	PORTABLE TOILET RENTAL	\$166.78	10022100-52100	CONTRACTED SERVICES	\$166.78
	114-4432533	PORTABLE TOILET RENTAL	\$166.78	10022100-52100	CONTRACTED SERVICES	\$166.78
	114-4432535	PORTABLE TOILET RENTAL	\$166.78	10022100-52100	CONTRACTED SERVICES	\$166.78

List of Checks Presented for Approval on 10/6/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
UNITED SITE SERVICES	114-4432536	PORTABLE TOILET RENTAL	\$166.78	10022100-52100	CONTRACTED SERVICES	\$166.78
	114-4432784	PORTABLE TOILET RENTAL	\$249.19	10022100-52100	CONTRACTED SERVICES	\$249.19
	114-4432538	PORTABLE TOILET RENTAL	\$136.29	80026330-52100	CONTRACTED SERVICES	\$136.29
	Vendor Total:					\$1,052.60
US POST OFFICE	092016	PERMIT 243	\$215.00	20513300-52100	CONTRACTED SERVICES	\$215.00
	Vendor Total:					\$215.00
USA BLUEBOOK	064109	VARIABLE PERISTALTIC PUMP	\$906.46	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$906.46
	066443	COMFORT FLOW MATTING	\$257.90	84024425-54100	SUPPLIES	\$257.90
	Vendor Total:					\$1,164.36
WYATT IRRIGATION CO	222811	PARTS & MISC SUPPLIES AS NEEDED	\$33.67	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.16)
				10022300-54100	SUPPLIES	\$0.16
				10022300-54100	SUPPLIES	\$33.67
	222679	PARTS & MISC SUPPLIES AS NEEDED	\$119.16	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.56)
				10022100-54100	SUPPLIES	\$0.56
				10022100-54100	SUPPLIES	\$119.16
Vendor Total:					\$152.83	
INVOICE TOTAL:					\$575,149.70	

List of Checks Presented for Approval on 10/13/2016

The following list of bills payable was reviewed and approved for payment.

 11-9-16
Signature

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ACME RIGGING & SUPPLY CO	280657	MISC RENTAL & SUPPLIES AS NEED	\$482.22	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$482.22
	280700	MISC RENTAL & SUPPLIES AS NEED	\$642.01	20324100-54100	SUPPLIES	\$642.01
	280649	MISC RENTAL & SUPPLIES AS NEED	\$227.00	84024421-54100	SUPPLIES	\$227.00
Vendor Total:						\$1,351.23
AFLAC	107649	CANCER, LIFE, ACC INSURANCE	\$6,756.52	20700000-20527	SECTION 125 (CANCER & LIFE)	\$6,756.52
	Vendor Total:					\$6,756.52
ALSCO-AMERICAN LINEN DIVISION	LSR0931721	LAUNDRY AND LINEN SERICES	\$204.74	20324100-52100	CONTRACTED SERVICES	\$204.74
	LSR0934848	LAUNDRY AND LINEN SERVICES	\$204.74	20324100-52100	CONTRACTED SERVICES	\$204.74
Vendor Total:						\$409.48
ANIXTER	3352020-00	ELECTRICAL EQUIPMENT AND SUPPL	\$215.17	80000000-12104	INVENTORY - PURCHASES	\$215.17
	3279038-00	ELECTRICAL EQUIPMENT AND SUPPL	\$10,352.43	80100000-80100	MACHINERY & EQUIPMENT	\$10,352.43
Vendor Total:						\$10,567.60
ANTHONY DELAPO JR	TA 10/30 - 11/4/16	TRAVEL ADVANCE	\$787.70	10520210-57100	CONFERENCE & TRAINING	\$787.70
	Vendor Total:					\$787.70
BELKORP AG	297344	SPRAY TIP	\$34.45	10024220-54120	PW - SPECIAL SUPPLIES	\$34.45
Vendor Total:						\$34.45

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
CA BUILDING STANDARDS	JUL-SEPT 16	QUARTERLY REPORT FOR BSA	\$218.00	90000000-23027	BUILDING STDS ADMIN SPEC FD	\$242.00
				10000000-48110	MISCELLANEOUS RECEIPTS	(\$24.00)
					Vendor Total:	\$218.00
CA CLETS USERS GROUP	DV100316	ANNUAL AGENCY MEMBERSHIP 2017	\$75.00	20620231-57100	CONFERENCE & TRAINING	\$75.00
					Vendor Total:	\$75.00
CA PEACE OFFICERS ASSOC	201617	MEMBERSHIP DUES	\$1,150.00	10520210-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$1,150.00
					Vendor Total:	\$1,150.00
CA SOCIETY OF MUNICIPAL FINANCE OFFICERS	171471	REGISTRATION	\$150.00	10013400-57100	CONFERENCE & TRAINING	\$150.00
					Vendor Total:	\$150.00
CATHLEEN PANTTAJA	DV100316	INSTRUCTOR	\$924.00	10022850-52100	CONTRACTED SERVICES	\$924.00
					Vendor Total:	\$924.00
CEDRIC CROOK	TA 11/2 - 11/5/16	TRAVEL ADVANCE	\$568.25	10520210-57100	CONFERENCE & TRAINING	\$568.25
					Vendor Total:	\$568.25
CITY CLERKS ASSOC	DV100316	REGISTRATION	\$80.00	10011100-57100	CONFERENCE & TRAINING	\$80.00
					Vendor Total:	\$80.00
COLE GOWAN	TA 11/2/16	TRAVEL ADVANCE	\$45.00	10022100-57100	CONFERENCE & TRAINING	\$45.00
					Vendor Total:	\$45.00
COOPER COMPLIANCE CORPORATION	1452	COMPLIANCE RPT SVCS TO MEET FE	\$2,666.67	80026400-52100	CONTRACTED SERVICES	\$2,666.67
					Vendor Total:	\$2,666.67
COTA COLE LLP	22436	RETAINER AGRMT - PALACE HOTEL	\$1,150.00	10014000-52100	CONTRACTED SERVICES	\$1,150.00

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Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
[1] COTA COLE LLP	22098	RETAINER AGRMT - PALACE HOTEL	\$1,163.51	10014000-52100	CONTRACTED SERVICES	\$1,163.51
	22246	RETAINER AGRMT - PALACE HOTEL	\$2,025.00	10014000-52100	CONTRACTED SERVICES	\$2,025.00
	21744	RETAINER AGRMT - PALACE HOTEL	\$2,133.50	10014000-52100	CONTRACTED SERVICES	\$2,133.50
	22575	RETAINER AGRMT - PALACE HOTEL	\$3,675.00	10014000-52100	CONTRACTED SERVICES	\$3,675.00
	20266	RETAINER AGRMT - PALACE HOTEL	\$4,225.00	10014000-52100	CONTRACTED SERVICES	\$4,225.00
	21560	RETAINER AGRMT - PALACE HOTEL	\$4,405.00	10014000-52100	CONTRACTED SERVICES	\$4,405.00
	21561	RETAINER AGRMT - PALACE HOTEL	\$4,918.63	10014000-52100	CONTRACTED SERVICES	\$4,918.63
	21743	RETAINER AGRMT - PALACE HOTEL	\$5,847.01	10014000-52100	CONTRACTED SERVICES	\$5,847.01
	21058	RETAINER AGRMT - PALACE HOTEL	\$6,004.08	10014000-52100	CONTRACTED SERVICES	\$6,004.08
	21885	RETAINER AGRMT - PALACE HOTEL	\$6,051.94	10014000-52100	CONTRACTED SERVICES	\$6,051.94
	20725	RETAINER AGRMT - PALACE HOTEL	\$7,350.35	10014000-52100	CONTRACTED SERVICES	\$7,350.35
	21382	RETAINER AGRMT - PALACE HOTEL	\$10,547.44	10014000-52100	CONTRACTED SERVICES	\$10,547.44
	20891	RETAINER AGRMT - PALACE HOTEL	\$15,982.71	10014000-52100	CONTRACTED SERVICES	\$15,982.71
	21218	RETAINER AGRMT - PALACE HOTEL	\$16,856.36	10014000-52100	CONTRACTED SERVICES	\$16,856.36
Vendor Total:						\$92,335.53
DAPHINE HARRIS	TR 9/16/16	REIMBURSE TRAVEL EXPENSE	\$153.24	10013400-57100	CONFERENCE & TRAINING	\$153.24
Vendor Total:						\$153.24
DC CUSTOMS INC	182948	FLOOR MATTS AND SEAT COVER	\$592.03	20324100-56130	EXTERNAL SERVICES	(\$2.76)
				20324100-56130	EXTERNAL SERVICES	\$2.76

[1] Cota Cole had a billing issue in fiscal year 2015/2016. The City was invoiced for 15 months, in which the invoices were paid in this check run.

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
DC CUSTOMS INC	182948	FLOOR MATTS AND SEAT COVER	\$592.03	20324100-56130	EXTERNAL SERVICES	\$592.03
					Vendor Total:	\$592.03
DEEP VALLEY SECURITY	301190	Video and Audio Systems, Acces	\$1,592.10	10520210-54202	MAJOR CRIME INVETIGATIONS	\$1,592.10
	301739.1	SECURITY SYSTEM AT OBSERVATORY	\$39.95	10022100-52180	SECURITY SERVICES	\$39.95
	301739	ALARM SERVICES AS REQUIRED	\$481.35	10022100-52180	SECURITY SERVICES	\$56.90
				10022822-52180	SECURITY SERVICES	\$22.95
				20822500-52180	SECURITY SERVICES	\$42.95
				20824300-52180	SECURITY SERVICES	\$27.25
				69122700-52180	SECURITY SERVICES	\$85.90
				73022600-52180	SECURITY SERVICES	\$41.90
				73022600-52180	SECURITY SERVICES	\$74.90
				80026400-52180	SECURITY SERVICES	\$24.50
				82024411-52180	SECURITY SERVICES	\$44.95
				82024414-52180	SECURITY SERVICES	\$29.57
				84024421-52180	SECURITY SERVICES	\$29.58
					Vendor Total:	\$2,113.40
DEPT OF CONSERVATION	JUL-SEPT 16	QUARTERLY TAX RETURN	\$875.30	90000000-23006	STRONG MOTION ED. SET ASIDE	(\$46.07)
				90000000-23005	STRONG MOTION INSTR. PROG.	\$921.37
					Vendor Total:	\$875.30
DIVISION OF THE STATE ARCHITECT	Q3 2016	Q3 2016 SB 1186-DISABILITY ACCESS & EDUCATION FEE	\$26.70	90000000-23012	STATE \$1 BUS. LIC. SET ASIDE	(\$62.30)

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
DIVISION OF THE STATE ARCHITECT	Q3 2016	Q3 2016 SB 1186-DISABILITY ACCESS & EDUCATION FEE	\$26.70	90000000-23002	STATE \$1 BUSINESS LICENSE FEE	\$89.00
					Vendor Total:	\$26.70
DON O'HARA	TA 11/2/16	TRAVEL ADVANCE	\$45.00	10022100-57100	CONFERENCE & TRAINING	\$45.00
					Vendor Total:	\$45.00
DOUGLAS CRANE	DV100516	REIMBURSE TRAVEL EXPENSE	\$253.28	80026400-57100	CONFERENCE & TRAINING	\$20.00
				80026400-57100	CONFERENCE & TRAINING	\$233.28
					Vendor Total:	\$253.28
ELLIES MUTT HUT	698736	INTERVIEW PANEL LUNCH	\$49.40	10016100-54163	HR - INTERVIEW SUPPLIES	\$49.40
					Vendor Total:	\$49.40
EPIC AVIATION LLC	6905789	JET FUEL	\$14,706.59	77725200-58401	AVIATION FUEL	\$14,706.59
					Vendor Total:	\$14,706.59
GCS ENVIRONMENTAL EQUIP SRVS	14326	PARTS & SUPPLIES AS NEEDED	\$254.61	10024220-56130	EXTERNAL SERVICES	\$254.61
					Vendor Total:	\$254.61
GRAINGER INC	9238472063	DC MOTOR	\$421.18	82024411-56120	EQUIPMENT MAINTENANCE & REPAIR	\$421.18
					Vendor Total:	\$421.18
GRANITE CONSTRUCTION COMPANY	1055685	MISC ROCK & ROAD PATCH MATERIA	\$90.15	82024414-54100	SUPPLIES	\$90.15
	1053757	MISC ROCK & ROAD PATCH MATERIA	\$322.50	82024414-54100	SUPPLIES	\$234.33
				84024421-54100	SUPPLIES	\$88.17
	1049530	MISC ROCK & ROAD PATCH MATERIA	\$107.93	84024421-54100	SUPPLIES	\$107.93
					Vendor Total:	\$520.58

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
HDR ENGINEERING INC	00484501-H	LAKE MENDO HYDRO ELECTRIC PLAN	\$727.11	80100000-52100	CONTRACTED SERVICES	\$727.11
					Vendor Total:	\$727.11
INDUSTRIAL SAFETY SUPPLY	1038998	GAS MIX	\$282.89	84024425-54100	SUPPLIES	\$282.89
					Vendor Total:	\$282.89
INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS	DV100316	MEMBERSHIP FEES AND ANNUAL DUES	\$250.00	10011100-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$250.00
					Vendor Total:	\$250.00
JAMES O'BRIEN	DV100516	REIMBURSE WORKING LUNCH EXPENSE	\$53.03	80026400-54100	SUPPLIES	\$53.03
					Vendor Total:	\$53.03
JAROD THIELE	TR 9/16 - 9/17/16	REIMBURSE TRAVEL EXPENSE	\$10.00	82024410-57100	CONFERENCE & TRAINING	\$10.00
					Vendor Total:	\$10.00
JARROD MEYER	TA 11/2/16	TRAVEL ADVANCE	\$45.00	10022100-57100	CONFERENCE & TRAINING	\$45.00
					Vendor Total:	\$45.00
JENNIFER COURSEY	1186	DRUG ED COLUMN/PRFM RPT CARD	\$862.50	63020210-52100	CONTRACTED SERVICES	\$862.50
					Vendor Total:	\$862.50
JENSEN PRECAST CORP	NC74559	BOLT, SPRINGS, AND NUTS	\$125.88	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.59)
				80026120-54100	SUPPLIES	\$0.59
				80026120-54100	SUPPLIES	\$125.88
					Vendor Total:	\$125.88
JIM THOMSEN	TA 11/2/16	TRAVEL ADVANCE	\$45.00	10022100-57100	CONFERENCE & TRAINING	\$45.00
					Vendor Total:	\$45.00

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
KARIN RONK	TA 11/2 - 11/3/16	TRAVEL ADVANCE	\$162.30	20620231-57100	CONFERENCE & TRAINING	\$162.30
					Vendor Total:	\$162.30
KENNETH STEELY	DV100716	DJ AND ENTERTAINMENT FOR PUMPKINFEST	\$2,750.00	90000000-23219	PUMPKINFEST	\$2,750.00
					Vendor Total:	\$2,750.00
KEOUGH'S LANDSCAPING INC	15976	LANDSCAPE MAINT.-ORCHARD SUBST	\$500.00	80026130-52100	CONTRACTED SERVICES	\$500.00
					Vendor Total:	\$500.00
KIMBALL MIDWEST	5168322	DRILL BITS	\$523.65	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$334.18
				20324100-54102	SMALL TOOLS	\$189.47
					Vendor Total:	\$523.65
LES SCHWAB TIRE CENTER	64000257335	MISCELLANEOUS TIRE SERVICES AS	\$1,072.94	77725200-56130	EXTERNAL SERVICES	\$1,072.94
	64000255670	MISCELLANEOUS TIRE SERVICES AS	\$37.84	84024421-56130	EXTERNAL SERVICES	\$37.84
					Vendor Total:	\$1,110.78
MATHESON TRI-GAS INC	14176868	OXYGEN & MISCELLANEOUS AS NEED	\$44.46	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$44.46
					Vendor Total:	\$44.46
MEL GRANDI	SEPT 16	REIMBURSE MILEAGE	\$211.68	80026400-57100	CONFERENCE & TRAINING	\$211.68
	TR 9/21 - 9/23/16	REIMBURSE TRAVEL EXPENSE	\$2,808.80	80026400-57100	CONFERENCE & TRAINING	\$2,808.80
					Vendor Total:	\$3,020.48
MENDOCINO COUNTY AUDITOR-CONTROLLER	SEPT 16	REVENUE FROM PARKING CITATIONS	\$112.50	90000000-23070	COUNTY SURCHG, PKG ENFORCE	\$27.00
				90000000-23070	COUNTY SURCHG, PKG ENFORCE	\$85.50
					Vendor Total:	\$112.50

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
MENDOCINO COUNTY FARM SUPPLY	429923	MISCELLANEOUS PURCHASES AS REQ	\$89.74	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$89.74
	430315	MISCELLANEOUS PURCHASES AS REQ	\$24.17	20824300-56210	FUEL & FLUIDS	\$24.17
					Vendor Total:	\$113.91
MENDOCINO RUGBY CLUB	DV100716	SECURITY DONATION FOR PUMPKINFEST	\$1,170.00	90000000-23219	PUMPKINFEST	\$1,170.00
					Vendor Total:	\$1,170.00
MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY	10395	HAZARDOUS MATERIAL DISPOSAL	\$27.00	84024425-59101	FEES	\$27.00
					Vendor Total:	\$27.00
MICHAEL TUFTS	2016-286	POLYGRAPH AND INVESTIGATION SERVICES	\$650.00	10520214-52100	CONTRACTED SERVICES	\$650.00
					Vendor Total:	\$650.00
MUNICIPAL MAINTENANCE EQUIPMENT	0113515-IN	MISCELLANEOUS PARTS AS NEEDED	\$201.05	84024421-56130	EXTERNAL SERVICES	\$201.05
	0113476-IN	MISCELLANEOUS PARTS AS NEEDED	\$633.10	84024421-56130	EXTERNAL SERVICES	\$633.10
					Vendor Total:	\$834.15
NCPA	006102-1016020	NCPA - OCTOBER 2016	\$619,397.00	80026300-58104	NCPA MANAGEMENT SERVICES	\$69,649.00
				80026300-58101	NCPA PLANT GENERATION	\$135,686.00
				80026300-58102	NCPA POWER PURCHASES	\$353,391.00
				80026300-58105	NCPA THIRD PARTY SALES	(\$42,101.00)
				80026300-58103	NCPA TRANSMISSION	\$102,772.00
					Vendor Total:	\$619,397.00
NORTHERN TOOL & EQUIPMENT	36092831	DEWATERING PUMP	\$957.02	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$1.20)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$4.79)
				84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$77.77

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
NORTHERN TOOL & EQUIPMENT	36092831	DEWATERING PUMP	\$957.02	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$957.02
				90000000-23013	STATE USE TAX LIABILITY	(\$71.78)
				Vendor Total:		\$957.02
ONE TIME PAY VENDOR	DV100616	REFUND APPLICATION FEES	\$15.19	90000000-23027	BUILDING STDS ADMIN SPEC FD	\$2.00
				90000000-23005	STRONG MOTION INSTR. PROG.	\$13.19
	DV100716	REFUND DEPOSIT	\$1,000.00	10022100-46360	PARKS RENTAL	\$1,000.00
	111350-5	UTILITY REFUND	\$23.62	90100000-10421	UTILITY RECEIVABLES CLEARING	\$23.62
	114670-3	UTILITY REFUND	\$49.32	90100000-10421	UTILITY RECEIVABLES CLEARING	\$49.32
	115862-5	UTILITY REFUND	\$61.98	90100000-10421	UTILITY RECEIVABLES CLEARING	\$61.98
	114384-1	UTILITY REFUND	\$70.13	90100000-10421	UTILITY RECEIVABLES CLEARING	\$70.13
	114849-3	UTILITY REFUND	\$80.69	90100000-10421	UTILITY RECEIVABLES CLEARING	\$80.69
	15371-8	UTILITY REFUND	\$128.92	90100000-10421	UTILITY RECEIVABLES CLEARING	\$128.92
	112611-9	UTILITY REFUND	\$143.98	90100000-10421	UTILITY RECEIVABLES CLEARING	\$143.98
	112883-4	UTILITY REFUND	\$861.79	90100000-10421	UTILITY RECEIVABLES CLEARING	\$861.79
				Vendor Total:		\$2,435.62
ONLINE INFORMATION SRVS INC	740199	UTILITY EXCHANGE REPORTING FY	\$259.50	20513300-52100	CONTRACTED SERVICES	\$259.50
				Vendor Total:		\$259.50
OPERATING ENGINEER PUBLIC& MISC EMPLOYEES	86138 OCT 2016	HEALTH INSURANCE	\$3,256.00	20700000-20524	NON-EMPLOYEE HEALTH INS.PREM	\$3,256.00
				Vendor Total:		\$3,256.00

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
OWEN EQUIPMENT SALES	SF-D19457	TRAINING	\$796.00	82024414-57100	CONFERENCE & TRAINING	\$398.00
				84024421-57100	CONFERENCE & TRAINING	\$398.00
	00037223	CARTRIDGE	\$306.13	84024421-56130	EXTERNAL SERVICES	\$306.13
				Vendor Total: -----		\$1,102.13
PACE SUPPLY CORPORATION	023511987	MISCELLANEOUS ITEMS AS NEEDED	\$134.22	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.69)
				84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$0.69
				84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$134.22
				Vendor Total: -----		\$134.22
PG&E CO	SEPT-16	GAS AND ELECTRIC SERVICES	\$2,284.98	31122870-55210	UTILITIES	\$2,284.98
				Vendor Total: -----		\$2,284.98
POLLARDWATER.COM	0054529	SUPPLIES	\$1,084.83	82024414-54102	SMALL TOOLS	\$696.20
				82024414-54100	SUPPLIES	\$173.99
				84024421-54100	SUPPLIES	\$214.64
				Vendor Total: -----		\$1,084.83
POWER INDUSTRIES INC	717965	PARTS	\$6.94	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$6.94
				Vendor Total: -----		\$6.94
PUBLIC FINANCIAL MANAGEMENT	PFM-69535	FINANCIAL ADVISORY SERVICES	\$5,398.62	10015100-52100	CONTRACTED SERVICES	\$5,398.62
				Vendor Total: -----		\$5,398.62
PUBLIC SERVICE DEPARTMENT	SEPT-16	UTILITY SERVICES	\$113,704.77	80626500-52133	MONTHLY DISCOUNT PROGRAM	\$125.91
				10012400-55210	UTILITIES	\$298.31
				10022100-55210	UTILITIES	\$26,965.77

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
PUBLIC SERVICE DEPARTMENT	SEPT-16	UTILITY SERVICES	\$113,704.77	10022300-55210	UTILITIES	\$3,367.48
				10024210-55210	UTILITIES	\$43.93
				10024214-55210	UTILITIES	\$591.54
				10024220-55210	UTILITIES	\$416.98
				20620231-55210	UTILITIES	\$72.13
				20822500-55210	UTILITIES	\$8,255.30
				20824300-55210	UTILITIES	\$846.92
				25024300-55210	UTILITIES	\$29.65
				64020213-55210	UTILITIES	\$680.77
				69122700-55210	UTILITIES	\$2,460.24
				73022600-55210	UTILITIES	\$3,159.44
				77725200-55210	UTILITIES	\$2,480.99
				80026400-55210	UTILITIES	\$1,327.74
				80526610-55210	UTILITIES	\$12,240.29
				82024411-55210	UTILITIES	\$26,706.81
				82024414-55210	UTILITIES	\$345.49
				84024421-55210	UTILITIES	\$60.09
				84024425-55210	UTILITIES	\$23,228.99
				31122870-55210	UTILITIES	\$164.73
	SEPT 16	SEWER SERVICE	\$164.73	31122870-55210	UTILITIES	\$164.73
Vendor Total:						\$113,869.50
RAINBOW AGRICULTURAL SERVICES	5348073-00	PARTS & MISC SUPPLIES AS NEEDE	\$1,070.33	10022100-54102	SMALL TOOLS	\$1,070.33
	5348542-00	PARTS & MISC SUPPLIES AS NEEDE	\$28.09	10022100-54100	SUPPLIES	\$28.09

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
RAINBOW AGRICULTURAL SERVICES	5352196-00	PARTS & MISC SUPPLIES AS NEEDE	\$35.13	10022100-54100	SUPPLIES	\$35.13
	5347344-00	PARTS & MISC SUPPLIES AS NEEDE	\$35.66	10520210-54100	SUPPLIES	\$35.66
	5351409-00	PARTS & MISC SUPPLIES AS NEEDE	\$86.48	10520210-54100	SUPPLIES	\$86.48
	Vendor Total:					\$1,255.69
RAU & ASSOCIATES INC	201600181	PHASE 2 ENG FOR RAILROAD CENTE	\$791.81	25124210-52100	CONTRACTED SERVICES	\$791.81
	Vendor Total:					\$791.81
REDWOOD COAST FUELS	0614240	CARDLOCK FUEL PURCHASES	\$107.94	82024411-56210	FUEL & FLUIDS	\$107.94
	1806621	CARDLOCK FUEL PURCHASES	\$126.40	84024425-56210	FUEL & FLUIDS	\$126.40
	1804252	CARDLOCK FUEL PURCHASES	\$34.97	20324100-58410	GARAGE LUBRICANTS & PARTS	\$34.97
	1803287	CARDLOCK FUEL PURCHASES	\$132.84	20324100-58410	GARAGE LUBRICANTS & PARTS	\$132.84
	1803288	CARDLOCK FUEL PURCHASES	\$817.10	20324100-58410	GARAGE LUBRICANTS & PARTS	\$817.10
	Vendor Total:					\$1,219.25
RESERVE ACCOUNT	OCT 16	PRE-PAID POSTAGE FOR METER	\$6,500.00	10000000-10301	PRE-PAID POSTAGE	\$6,500.00
	Vendor Total:					\$6,500.00
REXA INC	RI6635885	CPU BOARD	\$915.52	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$1.13)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$4.50)
				84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$73.13
				84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$915.52
				90000000-23013	STATE USE TAX LIABILITY	(\$67.50)
				Vendor Total:		

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
RICHARD ANDERSON	2016-1002-1	AGREEMENT FOR PROF.SVC'S FOR W	\$1,800.00	20922900-52100	CONTRACTED SERVICES	\$1,800.00
					Vendor Total:	\$1,800.00
RICHARD SEANOR	TR 10/5/16	REIMBURSE TRAVEL EXPENSE	\$15.00	10024210-57100	CONFERENCE & TRAINING	\$15.00
					Vendor Total:	\$15.00
RICK & JANE CUPPLES	DV100816	REFUND APPLICATION FEES	\$586.81	10023300-42210	BUILDING PERMITS	\$289.70
				90000000-23027	BUILDING STDS ADMIN SPEC FD	\$1.00
				90000000-23234	GENERAL PLAN UPDATE FEES	\$71.71
				10023300-44170	PLAN CHECK FEES	\$188.31
				90000000-23005	STRONG MOTION INSTR. PROG.	\$2.63
				10023300-42212	TECH & RECORDS SURCHARGE	\$14.34
				10023300-42211	TRAIN & CERTIFICATION SURCHRG	\$19.12
					Vendor Total:	\$586.81
RINO PACIFIC	CL15788	FUEL AS NEEDED	\$304.69	82024414-56210	FUEL & FLUIDS	\$164.54
				84024421-56210	FUEL & FLUIDS	\$140.15
	CL15609	FUEL AS NEEDED	\$342.05	82024414-56210	FUEL & FLUIDS	\$184.71
				84024421-56210	FUEL & FLUIDS	\$157.34
					Vendor Total:	\$646.74
SAGE SANGIACOMO	TR 9/25 - 9/28/16	REIMBURSE TRAVEL EXPENSE	\$1,345.96	10012100-57100	CONFERENCE & TRAINING	\$1,345.96
					Vendor Total:	\$1,345.96

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
SANTA ROSA JUNIOR COLLEGE	AR17-00452	Instructor-led, Classroom Trai	\$8,066.00	10520210-57100	CONFERENCE & TRAINING	\$8,066.00
					Vendor Total:	\$8,066.00
SEAN WHITE	TR 6/26 - 6/30/16	REIMBURSE TRAVEL EXPENSE	\$30.24	82024410-57100	CONFERENCE & TRAINING	\$30.24
	TR 5/20 - 5/21/16	REIMBURSE TRAVEL EXPENSE	\$31.42	82024410-57100	CONFERENCE & TRAINING	\$31.42
	TR 11/20 - 11/21/15	REIMBURSE TRAVEL EXPENSE	\$66.14	82024410-57100	CONFERENCE & TRAINING	\$66.14
	TR 4/25 - 4/29/16	REIMBURSE TRAVEL EXPENSE	\$120.00	82024410-57100	CONFERENCE & TRAINING	\$120.00
					Vendor Total:	\$247.80
SHAPIRO, GALVIN, SHAPIRO & MORAN	22728	LEGAL REPRESENTATION IN PERSON	\$2,217.63	10016100-52100	CONTRACTED SERVICES	\$2,217.63
					Vendor Total:	\$2,217.63
SHARON WEDEGAERTNER	DV100316	INSTRUCTOR	\$1,211.00	10022850-52100	CONTRACTED SERVICES	\$1,211.00
					Vendor Total:	\$1,211.00
SLAM DUNK PIZZA	DV100316	MEAL VOUCHERS - CONCERTS & MOVIES 2016	\$227.00	90000000-23226	CONCERT SERIES	\$189.00
				90000000-23235	MOVIES IN THE PLAZA	\$38.00
					Vendor Total:	\$227.00
SPORT & CYCLE INC	204654	SOFTBALLS	\$970.33	10022822-54100	SUPPLIES	\$970.33
					Vendor Total:	\$970.33
STRATEGIC INSIGHTS INC	16PLAN-IT-180	PLAN-IT CAPITAL PLANNING SOFTWARE	\$675.00	10024210-54100	SUPPLIES	\$225.00
				82024410-54100	SUPPLIES	\$225.00
				84024420-54100	SUPPLIES	\$225.00
					Vendor Total:	\$675.00

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
TABITHA OLSON	DV100516	REIMBURSE PUMPKINFEST SUPPLIES	\$23.72	90000000-23219	PUMPKINFEST	\$23.72
	DV100316	REIMBURSE PUMPKINFEST SUPPLIES	\$135.66	90000000-23219	PUMPKINFEST	\$64.81
				90000000-23219	PUMPKINFEST	\$70.85
				Vendor Total:		\$159.38
TIFFANY BREECE	TA 11/2 - 11/3/16	TRAVEL ADVANCE	\$162.30	20620231-57100	CONFERENCE & TRAINING	\$162.30
					Vendor Total:	
TOWNE FORD SALES	71478	TRUCKS (INCLUDING, DIESEL, GAS	\$113,954.66	22024100-80100	MACHINERY & EQUIPMENT	\$113,954.66
	71479	TRUCKS (INCLUDING, DIESEL, GAS	\$43,924.92	80100000-80100	MACHINERY & EQUIPMENT	\$43,924.92
	Vendor Total:		\$157,879.58			
TRAINING FOR SAFETY	20110232	EDUCATIONAL/TRAINING SERVICES	\$3,090.00	63020210-57100	CONFERENCE & TRAINING	\$3,090.00
					Vendor Total:	
UKIAH AUTO PARTS	958569	AUTO & MACHINE PARTS & MATERIA	\$11.63	80026400-56120	EQUIPMENT MAINTENANCE & REPAIR	\$11.63
	962447	AUTO & MACHINE PARTS & MATERIA	\$14.05	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$14.05
	960054	AUTO & MACHINE PARTS & MATERIA	\$6.80	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$6.80
	96005	AUTO & MACHINE PARTS & MATERIA	\$7.88	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$7.88
	958728	AUTO & MACHINE PARTS & MATERIA	\$47.49	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$47.49
	961937	AUTO & MACHINE PARTS & MATERIA	\$8.26	10024220-56130	EXTERNAL SERVICES	\$8.26
	961325	AUTO & MACHINE PARTS & MATERIA	\$32.42	10520210-56130	EXTERNAL SERVICES	\$32.42
	959793	AUTO & MACHINE PARTS & MATERIA	\$81.76	10520210-56130	EXTERNAL SERVICES	\$81.76
	962347	AUTO & MACHINE PARTS & MATERIA	\$20.52	10520224-56130	EXTERNAL SERVICES	\$20.52

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
UKIAH AUTO PARTS	958514	AUTO & MACHINE PARTS & MATERIA	\$45.09	10521210-56130	EXTERNAL SERVICES	\$45.09
	961195	AUTO & MACHINE PARTS & MATERIA	\$14.47	20324100-56130	EXTERNAL SERVICES	\$14.47
	960958	AUTO & MACHINE PARTS & MATERIA	\$8.59	80026400-56130	EXTERNAL SERVICES	\$8.59
	961335	AUTO & MACHINE PARTS & MATERIA	\$152.26	82024414-56130	EXTERNAL SERVICES	\$152.26
	961269	AUTO & MACHINE PARTS & MATERIA	\$14.06	84024421-56130	EXTERNAL SERVICES	\$14.06
	960984	AUTO & MACHINE PARTS & MATERIA	\$7.38	84024425-56130	EXTERNAL SERVICES	\$7.38
	960265	AUTO & MACHINE PARTS & MATERIA	\$65.39	20324100-54102	SMALL TOOLS	\$65.39
	960649	AUTO & MACHINE PARTS & MATERIA	\$38.60	84024425-54102	SMALL TOOLS	\$38.60
	960056	AUTO & MACHINE PARTS & MATERIA	\$18.90	20324100-54100	SUPPLIES	\$18.90
	958806	AUTO & MACHINE PARTS & MATERIA	\$3.98	80026400-54100	SUPPLIES	\$3.98
Vendor Total: -----						\$599.53
UKIAH CAR CENTER LLC	121401	PARTS & SERVICE REPAIRS AS NEE	\$67.09	10022100-56130	EXTERNAL SERVICES	\$67.09
	121648	PARTS & SERVICE REPAIRS AS NEE	\$29.13	10520210-56130	EXTERNAL SERVICES	\$29.13
	121450	PARTS & SERVICE REPAIRS AS NEE	\$33.10	10520210-56130	EXTERNAL SERVICES	\$33.10
	121488	PARTS & SERVICE REPAIRS AS NEE	\$34.81	10520210-56130	EXTERNAL SERVICES	\$34.81
	121644	PARTS & SERVICE REPAIRS AS NEE	\$38.67	10520210-56130	EXTERNAL SERVICES	\$38.67
	121388	PARTS & SERVICE REPAIRS AS NEE	\$97.23	10520210-56130	EXTERNAL SERVICES	\$97.23
	121627	PARTS & SERVICE REPAIRS AS NEE	\$187.58	10520210-56130	EXTERNAL SERVICES	\$187.58
	121640	PARTS & SERVICE REPAIRS AS NEE	\$208.97	10520210-56130	EXTERNAL SERVICES	\$208.97

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
UKIAH CAR CENTER LLC	121598	PARTS & SERVICE REPAIRS AS NEE	\$17.26	20324100-56130	EXTERNAL SERVICES	\$17.26
	121440	PARTS & SERVICE REPAIRS AS NEE	\$91.76	20324100-56130	EXTERNAL SERVICES	\$91.76
	121473	PARTS & SERVICE REPAIRS AS NEE	\$308.93	20324100-56130	EXTERNAL SERVICES	\$308.93
Vendor Total:						\$1,114.53
UKIAH TROPHIES & GIFTS	138624	EMBROIDERED	\$422.23	10022100-54100	SUPPLIES	\$422.23
	Vendor Total:					\$422.23
UKIAH VALLEY ASSOCIATION FOR HABILITATION INC	IN18406	JANITORIAL SVCS-WWTP FY 16/17	\$800.00	84024425-52100	CONTRACTED SERVICES	\$800.00
	Vendor Total:					\$800.00
UNIVAR USA INC	SJ772512	SODIUM BISULFITE	\$4,376.88	84024425-58202	WATER TREATMENT PLANT CHEMICAL	\$4,376.88
	Vendor Total:					\$4,376.88
USA BLUEBOOK	073503	FLOWMETERS	\$368.12	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$368.12
	059069	HYDRANT DIFFUSER	\$661.71	82024414-54100	SUPPLIES	\$661.71
	Vendor Total:					\$1,029.83
WESTERN WATER CONSTRUCTORS INC	2	SPEC 16-02 SITE DEVELOPMENT WE	\$27,000.00	82224413-80230	INFRASTRUCTURE	\$11,500.00
				82224413-80230	INFRASTRUCTURE	\$15,500.00
	Vendor Total:					\$27,000.00
WILLOW COUNTY WATER DIST	OCT.16	WATER SERVICES	\$71.18	84024425-58201	WATER PURCHASES	\$71.18
	Vendor Total:					\$71.18
XEROX CORP	086461266	COPIER LEASE-SEE ADD'L DESCRIP	\$998.63	20822500-52100	CONTRACTED SERVICES	\$998.63
	086461271	COPIER LEASE-SEE ADD'L DESCRIP	\$2,455.34	20822500-52100	CONTRACTED SERVICES	\$2,455.34
	086461270	COPIER LEASE-SEE ADD'L DESCRIP	\$188.30	69122700-52100	CONTRACTED SERVICES	\$188.30

List of Checks Presented for Approval on 10/13/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
XEROX CORP	086461269	COPIER LEASE-SEE ADD'L DESCRIP	\$343.98	73022600-52100	CONTRACTED SERVICES	\$343.98
	086461268	COPIER LEASE-SEE ADD'L DESCRIP	\$244.01	10520210-94500	LEASE PAYMENTS	\$134.21
				10521210-94500	LEASE PAYMENTS	\$85.41
				20620231-94500	LEASE PAYMENTS	\$12.20
				64020213-94500	LEASE PAYMENTS	\$12.19
	086461267	COPIER LEASE-SEE ADD'L DESCRIP	\$477.26	10520210-94500	LEASE PAYMENTS	\$262.50
				10521210-94500	LEASE PAYMENTS	\$167.05
				20620231-94500	LEASE PAYMENTS	\$23.87
				64020213-94500	LEASE PAYMENTS	\$23.84
	Vendor Total:					\$4,707.52
INVOICE TOTAL:					\$1,131,842.24	

List of Checks Presented for Approval on 10/20/2016

The following list of bills payable was reviewed and approved for payment.

 10-31-16  
Signature

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
3SI SERURITY SYSTEMS INC	0000453558	32010300 NEXTGEN3 ESO HC RT (4)	\$1,406.13	10520210-54100	SUPPLIES	\$1,406.13
Vendor Total:						\$1,406.13
ACCOUNTEMPS	46741372	GRANT ADMINISTRATION & IMPLEME	\$1,080.00	10013400-52100	CONTRACTED SERVICES	\$540.00
				20413500-52100	CONTRACTED SERVICES	\$540.00
	46775143	TEMPORARY SERVICES - PURCHASIN	\$1,080.00	10013400-52100	CONTRACTED SERVICES	\$540.00
				20413500-52100	CONTRACTED SERVICES	\$540.00
Vendor Total:						\$2,160.00
ACCURATE FORKLIFT INC	011042264	STARTER SWITCH	\$93.32	80026400-56130	EXTERNAL SERVICES	\$93.32
Vendor Total:						\$93.32
ALHAMBRA NATIONAL WATER	5109554 100616	DRINKING WATER SERVICES	\$126.14	69122700-54100	SUPPLIES	\$8.65
				77725200-54100	SUPPLIES	\$17.55
				84024425-54100	SUPPLIES	\$99.94
Vendor Total:						\$126.14
ALL-GUARD ALARM SYSTEMS INC	S-75954	SECURITY SERVICE CALL	\$85.00	84024425-52180	SECURITY SERVICES	\$85.00
Vendor Total:						\$85.00
ALPHA ANALYTICAL LABORATORIES INC	6093441-UKIAH	MISCELLANEOUS LABORATORY WORK	\$70.00	82024411-52100	CONTRACTED SERVICES	\$70.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ALPHA ANALYTICAL LABORATORIES INC	6092066-UKIAH	MISCELLANEOUS LABORATORY WORK	\$170.00	82024411-52100	CONTRACTED SERVICES	\$170.00
	6092546- UKIAHSTP	MISCELLANEOUS LABORATORY WORK	\$193.00	84024425-52100	CONTRACTED SERVICES	\$193.00
	6092306- UKIAHSTP	MISCELLANEOUS LABORATORY WORK	\$377.00	84024425-52100	CONTRACTED SERVICES	\$377.00
	6091674-UKIAH	MISCELLANEOUS LABORATORY WORK	\$60.00	82224413-80230	INFRASTRUCTURE	\$60.00
	6091914-UKIAH	MISCELLANEOUS LABORATORY WORK	\$60.00	82224413-80230	INFRASTRUCTURE	\$60.00
Vendor Total:						\$930.00
AMERICAN HEALTH EDUCATION INC	DV101016	REGISTRATION	\$345.00	10521210-57100	CONFERENCE & TRAINING	\$345.00
	Vendor Total:					\$345.00
ANIXTER	3352020-01	ELECTRICAL EQUIPMENT AND SUPPL	\$82.61	80000000-12104	INVENTORY - PURCHASES	\$82.61
	3352020-02	ELECTRICAL EQUIPMENT AND SUPPL	\$1,063.95	80000000-12104	INVENTORY - PURCHASES	\$1,063.95
Vendor Total:						\$1,146.56
AT&T MOBILITY	832118877X101 42016	DATA & VOICE	\$156.08	10022300-55100	TELEPHONE	\$49.66
				20620231-55100	TELEPHONE	\$12.68
				77725200-55100	TELEPHONE	\$30.08
				82024410-55100	TELEPHONE	\$12.68
				82024411-55100	TELEPHONE	\$12.68
				82024411-55100	TELEPHONE	\$12.94
				84024421-55100	TELEPHONE	\$25.36
	8320566361X10 142016	POLICE MODEMS	\$499.80	10520210-55100	TELEPHONE	\$499.80
	875108535X101 42016	VOICE & DATA	\$63.40	82024411-55100	TELEPHONE	\$25.36

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
AT&T MOBILITY	875108535X101 42016	VOICE & DATA	\$63.40	84024421-55100	TELEPHONE	\$38.04
Vendor Total:						\$719.28
B & B INDUSTRIAL SUPPLY INC	181884	MISCELLANEOUS MATERIALS AS NEE	\$27.53	20822500-56300	BUILDING MAINT. & REPAIR	\$27.53
	181727	MISCELLANEOUS MATERIALS AS NEE	\$91.80	20822500-56300	BUILDING MAINT. & REPAIR	\$91.80
	181611	MISCELLANEOUS MATERIALS AS NEE	\$14.15	82224413-80230	INFRASTRUCTURE	\$14.15
	182102	MISCELLANEOUS MATERIALS AS NEE	\$183.68	82024414-54102	SMALL TOOLS	\$183.68
	181855	MISCELLANEOUS MATERIALS AS NEE	\$100.97	80026400-54100	SUPPLIES	\$100.97
	181752	MISCELLANEOUS MATERIALS AS NEE	\$148.90	84024421-54100	SUPPLIES	\$148.90
Vendor Total:						\$567.03
BELKORP AG	299235	FILTERS	\$51.49	10022100-56130	EXTERNAL SERVICES	\$51.49
	299006	STARTER RELAY	\$35.09	10024220-56130	EXTERNAL SERVICES	\$35.09
Vendor Total:						\$86.58
BENNIE FILLMORE	DV101216	PUMPKINFEST WEIGH-OFF	\$1,614.00	90000000-23219	PUMPKINFEST	\$1,614.00
Vendor Total:						\$1,614.00
BJ'S EMBROIDERY	12398	EMBROIDERY SERVICES	\$420.61	20822500-56300	BUILDING MAINT. & REPAIR	\$420.61
	12389	EMBROIDERY SERVICES	\$139.28	20524412-54100	SUPPLIES	\$139.28
	12391	EMBROIDERY SERVICES	\$140.27	20524412-54100	SUPPLIES	\$140.27
	12390	EMBROIDERY SERVICES	\$146.76	20524412-54100	SUPPLIES	\$146.76
Vendor Total:						\$846.92

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
BRENNTAG PACIFIC INC	BPI665665	SODIUM HYDROXIDE 30%	\$3,924.42	82024411-58202	WATER TREATMENT PLANT CHEMICAL	\$3,924.42
					Vendor Total:	\$3,924.42
BRETT CHAPMAN	TA 11/3 - 11/4/16	TRAVEL ADVANCE	\$30.00	10520210-57100	CONFERENCE & TRAINING	\$30.00
					Vendor Total:	\$30.00
BROADCAST MUSIC INC	28689186	2017 CONCERT IN THE PARK SERIES LICENSE	\$336.00	90000000-23226	CONCERT SERIES	\$336.00
					Vendor Total:	\$336.00
CA STATE UNIVERSITY SACRAMENTO	719233	WTP OPERATION & MAINTENANCE MANUAL	\$117.35	82024411-57100	CONFERENCE & TRAINING	\$117.35
					Vendor Total:	\$117.35
CANTEEN SERVICE	5975:000218	WATER FILTRATION SERVICE POLIC	\$45.00	10520210-54100	SUPPLIES	\$22.50
				20620231-54100	SUPPLIES	\$22.50
					Vendor Total:	\$45.00
CAROLLO ENGINEERS INC	0152358	DESIGN PHASES I&II RECYCLED WA	\$75,738.62	84424422-80230	INFRASTRUCTURE	\$75,738.62
					Vendor Total:	\$75,738.62
CASEY DILL	DV101216	BOOT ALLOWANCE	\$150.00	10024220-54120	PW - SPECIAL SUPPLIES	\$150.00
					Vendor Total:	\$150.00
CHEVRON AND TEXACO BUSINESS CARD SVCS	48631499	FUEL AS NEEDED	\$532.27	10520210-56210	FUEL & FLUIDS	\$532.27
					Vendor Total:	\$532.27
CLARK PEST CONTROL	18874048	PEST CONTROL SVCS	\$74.00	80026330-52100	CONTRACTED SERVICES	\$74.00
					Vendor Total:	\$74.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
CLIPPER CONTROL INC	10389	SUNSHADE	\$1,072.43	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$1,072.43
Vendor Total:						\$1,072.43
CODE PUBLISHING COMPANY	54582	CODIFICATION SERVICES AS PER A	\$664.95	10011100-52100	CONTRACTED SERVICES	\$664.95
Vendor Total:						\$664.95
COMCAST	OCT16	INTERNET SERVICE	\$147.24	31122870-52100	CONTRACTED SERVICES	\$147.24
	OCT-16	INTERNET SERVICE	\$252.31	10011100-55100	TELEPHONE	\$2.40
				10012100-55100	TELEPHONE	\$9.61
				10012200-55100	TELEPHONE	\$7.21
				10013400-55100	TELEPHONE	\$10.81
				10016100-55100	TELEPHONE	\$4.81
				10017100-55100	TELEPHONE	\$2.42
				10022100-55100	TELEPHONE	\$1.20
				10022810-55100	TELEPHONE	\$7.21
				10023100-55100	TELEPHONE	\$9.61
				10023320-55100	TELEPHONE	\$2.40
				10024210-55100	TELEPHONE	\$9.61
				10024220-55100	TELEPHONE	\$2.40
				10520210-55100	TELEPHONE	\$60.07
				10521210-55100	TELEPHONE	\$26.43
				20413500-55100	TELEPHONE	\$2.40
				20513300-55100	TELEPHONE	\$22.83
				20620231-55100	TELEPHONE	\$7.21

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
COMCAST	OCT-16	INTERNET SERVICE	\$252.31	20922900-55100	TELEPHONE	\$9.61
				64020213-55100	TELEPHONE	\$2.40
				69122700-55100	TELEPHONE	\$7.21
				70024500-55100	TELEPHONE	\$2.40
				72022400-55100	TELEPHONE	\$1.20
				73022600-55100	TELEPHONE	\$4.81
				77725200-55100	TELEPHONE	\$4.81
				80026400-55100	TELEPHONE	\$16.82
				82024410-55100	TELEPHONE	\$7.21
				82024411-55100	TELEPHONE	\$4.81
				84024425-55100	TELEPHONE	\$2.40
				Vendor Total:		
CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	8821-497157	MISCELLANEOUS ELECTRICAL SUPPLIES	\$160.64	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.75)
				80026330-54100	SUPPLIES	\$0.75
				80026330-54100	SUPPLIES	\$160.64
Vendor Total:					\$160.64	
CONVERGENT COMPUTING	BILL41507	IT SERVICES	\$3,825.00	20922900-52100	CONTRACTED SERVICES	\$3,825.00
	BILL41411	IT SERVICES	\$5,850.00	20922900-52100	CONTRACTED SERVICES	\$5,850.00
Vendor Total:					\$9,675.00	
COTA COLE LLP	22436.1	RETAINER AGRMT - PALACE HOTEL	\$1,150.00	10014000-52100	CONTRACTED SERVICES	\$1,150.00
	22098.1	RETAINER AGRMT - PALACE HOTEL	\$1,163.51	10014000-52100	CONTRACTED SERVICES	\$1,163.51
	22246.1	RETAINER AGRMT - PALACE HOTEL	\$2,025.00	10014000-52100	CONTRACTED SERVICES	\$2,025.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
[1] COTA COLE LLP	21744.1	RETAINER AGRMT - PALACE HOTEL	\$2,133.50	10014000-52100	CONTRACTED SERVICES	\$2,133.50
	22575.1	RETAINER AGRMT-PALACE HOTEL RE	\$3,675.00	10014000-52100	CONTRACTED SERVICES	\$3,675.00
	20266.1	RETAINER AGRMT - PALACE HOTEL	\$4,225.00	10014000-52100	CONTRACTED SERVICES	\$4,225.00
	21560.1	RETAINER AGRMT - PALACE HOTEL	\$4,405.00	10014000-52100	CONTRACTED SERVICES	\$4,405.00
	21561.1	RETAINER AGRMT - PALACE HOTEL	\$4,918.63	10014000-52100	CONTRACTED SERVICES	\$4,918.63
	21743.1	RETAINER AGRMT - PALACE HOTEL	\$5,847.01	10014000-52100	CONTRACTED SERVICES	\$5,847.01
	21058.1	RETAINER AGRMT - PALACE HOTEL	\$6,004.08	10014000-52100	CONTRACTED SERVICES	\$6,004.08
	21885.1	RETAINER AGRMT - PALACE HOTEL	\$6,051.94	10014000-52100	CONTRACTED SERVICES	\$6,051.94
	20725.1	RETAINER AGRMT - PALACE HOTEL	\$7,350.35	10014000-52100	CONTRACTED SERVICES	\$7,350.35
	21382.1	RETAINER AGRMT - PALACE HOTEL	\$10,547.44	10014000-52100	CONTRACTED SERVICES	\$10,547.44
	20891.1	RETAINER AGRMT - PALACE HOTEL	\$15,982.71	10014000-52100	CONTRACTED SERVICES	\$15,982.71
	21218.1	RETAINER AGRMT - PALACE HOTEL	\$16,856.36	10014000-52100	CONTRACTED SERVICES	\$16,856.36
Vendor Total:						\$92,335.53
COUNTY OF MENDOCINO	20167-4	SLA AGREEMENT	\$525.00	20620231-52100	CONTRACTED SERVICES	\$525.00
	20168-4	SLA AGREEMENT	\$525.00	20620231-52100	CONTRACTED SERVICES	\$525.00
Vendor Total:						\$1,050.00
CROSSFIT MENDOCINO	CFM102016	EDUCATIONAL/TRAINING SERVICES	\$333.33	10521210-57100	CONFERENCE & TRAINING	\$333.33
Vendor Total:						\$333.33
DAN QUARLES	TA 11/7 - 11/10/16	TRAVEL ADVANCE	\$1,504.15	80026400-57100	CONFERENCE & TRAINING	\$1,504.15
Vendor Total:						\$1,504.15

[1] There was a data entry error for Cota Cole from the 10/13/16 check run. The check had to be voided and was reissued in this check run.

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
DAVID RAPPORT	6478	LEGAL SERVICES FOR FY 16/17	\$31,261.20	10014000-52100	CONTRACTED SERVICES	\$534.26
				84424422-52100	CONTRACTED SERVICES	\$12,954.65
				10014000-52150	LEGAL SERVICES/EXPENSES	\$1,198.60
				10014000-52150	LEGAL SERVICES/EXPENSES	\$9,046.65
				10514000-52150	LEGAL SERVICES/EXPENSES	\$4,084.54
				20414000-52150	LEGAL SERVICES/EXPENSES	\$471.54
				70014000-52150	LEGAL SERVICES/EXPENSES	\$343.79
				80014000-52150	LEGAL SERVICES/EXPENSES	\$355.40
				82014000-52150	LEGAL SERVICES/EXPENSES	\$357.72
				84014000-52150	LEGAL SERVICES/EXPENSES	\$127.76
				90214000-52150	LEGAL SERVICES/EXPENSES	\$1,607.43
				90214000-52140	LITIGATION EXPENSES	\$178.86
				Vendor Total:		\$31,261.20
DC CUSTOMS INC	183020	TOW AND STOW HITCH AND BALL	\$309.10	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$1.45)
				20324100-56130	EXTERNAL SERVICES	\$1.45
				20324100-56130	EXTERNAL SERVICES	\$309.10
				Vendor Total:		\$309.10
DELL MARKETING LP	XK1W85389	Microcomputers, Desktop or Tow	\$10,527.34	20922900-56120	EQUIPMENT MAINTENANCE & REPAIR	\$10,527.34
				Vendor Total:		\$10,527.34
DEPT OF JUSTICE	191359	FINGERPRINTING	\$1,067.00	10020000-44420	FINGERPRINT FEES	\$1,067.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
DEPT OF JUSTICE	191493	FINGERPRINTING AND LIVESCAN REPORTS	\$64.00	10016100-54165	HR - NEW EMPLOYEE FINGERPRINT	\$64.00
Vendor Total:						\$1,131.00
EFFICIENCY SERVICES GROUP LLC	1248	ADMIN OF EUD PUBLIC BENEFITS P	\$3,618.12	80626500-52137	PUBLIC BENEFITS PROGRAM MGMT	\$3,618.12
Vendor Total:						\$3,618.12
ENVIRO SUPPLY & SERVICE INC	1-535681	AIR MONITOR	\$827.16	10521210-54100	SUPPLIES	\$827.16
Vendor Total:						\$827.16
EPIC AVIATION LLC	6908910	JET FUEL	\$9,109.36	77725200-58401	AVIATION FUEL	\$9,109.36
Vendor Total:						\$9,109.36
EUREKA OXYGEN CO	432082	EQUIPMENT MAINTENANCE	\$90.40	20822500-56300	BUILDING MAINT. & REPAIR	\$0.42
				20822500-56300	BUILDING MAINT. & REPAIR	\$90.40
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.42)
	429785	EQUIPMENT MAINTENANCE	\$673.99	82024411-52100	CONTRACTED SERVICES	\$673.99
Vendor Total:						\$764.39
FASTENAL	CAUKA23143	PARTS	\$140.43	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$140.43
Vendor Total:						\$140.43
FRIEDMANS HOME IMPROVEMENT	35658574	MISC ITEMS AS NEEDED	\$14.05	20822500-56300	BUILDING MAINT. & REPAIR	\$14.05
	35689194	MISC ITEMS AS NEEDED	\$19.57	20822500-56300	BUILDING MAINT. & REPAIR	\$19.57
	35675019	MISC ITEMS AS NEEDED	\$54.24	20822500-56300	BUILDING MAINT. & REPAIR	\$17.74
				20822500-54100	SUPPLIES	\$36.50
	35680326	MISC ITEMS AS NEEDED	\$67.44	20822500-56300	BUILDING MAINT. & REPAIR	\$67.44

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
FRIEDMANS HOME IMPROVEMENT	35690314	MISC ITEMS AS NEEDED	\$88.08	20822500-56300	BUILDING MAINT. & REPAIR	\$88.08
	35688247	MISC ITEMS AS NEEDED	\$101.76	20822500-56300	BUILDING MAINT. & REPAIR	\$101.76
	35674408	MISC ITEMS AS NEEDED	\$107.82	20822500-56300	BUILDING MAINT. & REPAIR	\$107.82
	35685450	MISC ITEMS AS NEEDED	\$123.84	20822500-56300	BUILDING MAINT. & REPAIR	\$123.84
	35665125	MISC ITEMS AS NEEDED	\$165.05	20822500-56300	BUILDING MAINT. & REPAIR	\$165.05
	35671495	MISC ITEMS AS NEEDED	\$185.29	20822500-56300	BUILDING MAINT. & REPAIR	\$185.29
	35685470	MISC ITEMS AS NEEDED	\$485.73	20822500-56300	BUILDING MAINT. & REPAIR	\$485.73
	35680346	MISC ITEMS AS NEEDED	\$99.13	77725200-56300	BUILDING MAINT. & REPAIR	\$99.13
	35679260	MISC ITEMS AS NEEDED	\$144.25	77725200-56300	BUILDING MAINT. & REPAIR	\$144.25
	35665957	MISC ITEMS AS NEEDED	\$339.82	77725200-56300	BUILDING MAINT. & REPAIR	\$339.82
	35672104	MISC ITEMS AS NEEDED	\$8.40	82024411-56300	BUILDING MAINT. & REPAIR	\$8.40
	35669051	MISC ITEMS AS NEEDED	\$23.72	82024411-56300	BUILDING MAINT. & REPAIR	\$23.72
	35676796	MISC ITEMS AS NEEDED	\$7.51	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$7.51
	35673262	MISC ITEMS AS NEEDED	\$242.37	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$242.37
	35677755	MISC ITEMS AS NEEDED	\$11.48	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$11.48
	35671687	MISC ITEMS AS NEEDED	\$26.25	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$26.25
	35673935	MISC ITEMS AS NEEDED	\$51.54	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$51.54
	35672137	MISC ITEMS AS NEEDED	\$80.02	80100000-80230	INFRASTRUCTURE	\$80.02
	35681116	MISC ITEMS AS NEEDED	\$17.28	10022100-59400	OTHER EXPENSES	\$17.28

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
FRIEDMANS HOME IMPROVEMENT	35663024	MISC ITEMS AS NEEDED	\$51.58	10022100-59400	OTHER EXPENSES	\$51.58
	35688231	MISC ITEMS AS NEEDED	\$29.19	90000000-23219	PUMPKINFEST	\$29.19
	35678779	MISC ITEMS AS NEEDED	\$236.50	90000000-23219	PUMPKINFEST	\$236.50
	35688212	MISC ITEMS AS NEEDED	\$313.11	90000000-23219	PUMPKINFEST	\$313.11
	35663846	MISC ITEMS AS NEEDED	\$11.87	10024220-54120	PW - SPECIAL SUPPLIES	\$11.87
	35664053	MISC ITEMS AS NEEDED	\$12.85	10024220-54120	PW - SPECIAL SUPPLIES	\$12.85
	35672008	MISC ITEMS AS NEEDED	\$17.47	10024220-54120	PW - SPECIAL SUPPLIES	\$17.47
	35688453	MISC ITEMS AS NEEDED	\$35.44	10024220-54120	PW - SPECIAL SUPPLIES	\$35.44
	35686991	MISC ITEMS AS NEEDED	\$38.10	10024220-54120	PW - SPECIAL SUPPLIES	\$38.10
	35672491	MISC ITEMS AS NEEDED	\$45.64	10024220-54120	PW - SPECIAL SUPPLIES	\$45.64
	35663205	MISC ITEMS AS NEEDED	\$171.84	20822500-54102	SMALL TOOLS	\$74.65
				20822500-54100	SUPPLIES	\$97.19
	35687110	MISC ITEMS AS NEEDED	\$638.86	84024421-54102	SMALL TOOLS	\$638.86
	35658281	MISC ITEMS AS NEEDED	\$44.88	84024425-54102	SMALL TOOLS	\$44.88
	35665635	MISC ITEMS AS NEEDED	\$63.90	84024425-54102	SMALL TOOLS	\$63.90
	35676747	MISC ITEMS AS NEEDED	\$100.86	84024425-54102	SMALL TOOLS	\$100.86
	35690490	MISC ITEMS AS NEEDED	\$25.04	10022100-54100	SUPPLIES	\$25.04
	35670793	MISC ITEMS AS NEEDED	\$26.75	10022100-54100	SUPPLIES	\$26.75
	35669790	MISC ITEMS AS NEEDED	\$47.55	10022100-54100	SUPPLIES	\$47.55

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
FRIEDMANS HOME IMPROVEMENT	35674441	MISC ITEMS AS NEEDED	\$118.47	10022100-54100	SUPPLIES	\$118.47
	35672285	MISC ITEMS AS NEEDED	\$13.13	20324100-54100	SUPPLIES	\$13.13
	35672511	MISC ITEMS AS NEEDED	\$94.50	20324100-54100	SUPPLIES	\$94.50
	35669558	MISC ITEMS AS NEEDED	\$197.74	20822500-54100	SUPPLIES	\$197.74
	35689512	MISC ITEMS AS NEEDED	\$72.55	80026110-54100	SUPPLIES	\$72.55
	35688390	MISC ITEMS AS NEEDED	\$83.67	80026110-54100	SUPPLIES	\$83.67
	35679865	MISC ITEMS AS NEEDED	\$10.51	80026120-54100	SUPPLIES	\$10.51
	35671189	MISC ITEMS AS NEEDED	\$13.55	80026130-54100	SUPPLIES	\$13.55
	35673819	MISC ITEMS AS NEEDED	\$28.91	80026130-54100	SUPPLIES	\$28.91
	35677767	MISC ITEMS AS NEEDED	\$37.76	80026130-54100	SUPPLIES	\$37.76
	35670325	MISC ITEMS AS NEEDED	\$131.32	80026130-54100	SUPPLIES	\$131.32
	35671911	MISC ITEMS AS NEEDED	\$166.56	80026130-54100	SUPPLIES	\$166.56
	35666983	MISC ITEMS AS NEEDED	\$4.84	80026330-54100	SUPPLIES	\$4.84
	35686621	MISC ITEMS AS NEEDED	\$59.38	80026330-54100	SUPPLIES	\$59.38
	35672549	MISC ITEMS AS NEEDED	\$3.10	80026400-54100	SUPPLIES	\$3.10
	35665902	MISC ITEMS AS NEEDED	\$13.23	80026400-54100	SUPPLIES	\$13.23
	35682516	MISC ITEMS AS NEEDED	\$14.13	80026400-54100	SUPPLIES	\$14.13
	35687328	MISC ITEMS AS NEEDED	\$35.27	80026400-54100	SUPPLIES	\$35.27
	35669791	MISC ITEMS AS NEEDED	\$278.96	82024410-54100	SUPPLIES	\$278.96

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Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
FRIEDMANS HOME IMPROVEMENT	35663235	MISC ITEMS AS NEEDED	(\$32.22)	82024414-54100	SUPPLIES	(\$32.22)
	35663147	MISC ITEMS AS NEEDED	\$24.39	82024414-54100	SUPPLIES	\$24.39
	35669575	MISC ITEMS AS NEEDED	\$49.74	82024414-54100	SUPPLIES	\$49.74
	35663190	MISC ITEMS AS NEEDED	\$73.40	82024414-54100	SUPPLIES	\$73.40
	35673158	MISC ITEMS AS NEEDED	\$99.48	82024414-54100	SUPPLIES	\$99.48
	35687814	MISC ITEMS AS NEEDED	\$121.95	82024414-54100	SUPPLIES	\$121.95
	35681078	MISC ITEMS AS NEEDED	\$284.89	82024414-54100	SUPPLIES	\$284.89
	35679441	MISC ITEMS AS NEEDED	\$26.69	84024421-54100	SUPPLIES	\$26.69
	35670294	MISC ITEMS AS NEEDED	\$111.30	84024421-54100	SUPPLIES	\$111.30
	35690849	MISC ITEMS AS NEEDED	\$31.42	84024425-54100	SUPPLIES	\$31.42
Vendor Total:						\$6,544.69
GCR	851-34528	TIRES, TUBES, REPAIRS & LABOR	\$18.00	10022100-56120	EQUIPMENT MAINTENANCE & REPAIR	\$18.00
	851-34607	TIRES, TUBES, REPAIRS & LABOR	\$20.00	10022100-56120	EQUIPMENT MAINTENANCE & REPAIR	\$20.00
	851-34619	TIRES, TUBES, REPAIRS & LABOR	\$20.00	10022100-56120	EQUIPMENT MAINTENANCE & REPAIR	\$20.00
	851-34880	TIRES, TUBES, REPAIRS & LABOR	\$1,010.93	10022100-56120	EQUIPMENT MAINTENANCE & REPAIR	\$1,010.93
	851-34742	TIRES, TUBES, REPAIRS & LABOR	\$720.32	10024220-56130	EXTERNAL SERVICES	\$720.32
	851-34690	TIRES, TUBES, REPAIRS & LABOR	\$31.94	10520210-56130	EXTERNAL SERVICES	\$31.94
	851-34810	TIRES, TUBES, REPAIRS & LABOR	\$63.84	10520210-56130	EXTERNAL SERVICES	\$63.84
	851-34689	TIRES, TUBES, REPAIRS & LABOR	\$95.83	10520210-56130	EXTERNAL SERVICES	\$95.83

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Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
GCR	851-34692	TIRES, TUBES, REPAIRS & LABOR	\$134.13	10520210-56130	EXTERNAL SERVICES	\$134.13
	851-34853	TIRES, TUBES, REPAIRS & LABOR	\$215.92	10520210-56130	EXTERNAL SERVICES	\$215.92
	851-34693	TIRES, TUBES, REPAIRS & LABOR	\$402.38	10520210-56130	EXTERNAL SERVICES	\$402.38
	851-34535	TIRES, TUBES, REPAIRS & LABOR	\$590.57	10520210-56130	EXTERNAL SERVICES	\$590.57
	851-34625	TIRES, TUBES, REPAIRS & LABOR	\$962.09	80026400-56130	EXTERNAL SERVICES	\$962.09
	851-34598	TIRES, TUBES, REPAIRS & LABOR	\$783.25	82024411-56130	EXTERNAL SERVICES	\$783.25
	851-34839	TIRES, TUBES, REPAIRS & LABOR	\$929.62	84024421-56130	EXTERNAL SERVICES	\$929.62
Vendor Total:						\$5,998.82
GI JOES ARMY-NAVY	124853	MISCELLANEOUS ITEMS AS NEEDED	\$97.30	20524412-54100	SUPPLIES	\$97.30
						Vendor Total:
GREATER UKIAH CHAMBER OF COMMERCE	7924	ANNUAL MEMBERSHIP	\$2,500.00	10012400-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$2,500.00
						Vendor Total:
HACH COMPANY	10140160	WWTP TREATMENT SUPPLIES	\$954.86	84024425-54100	SUPPLIES	\$954.86
						Vendor Total:
HERC RENTALS INC	28883703-001	RENTAL OR PURCHASE OF MISC EQU	\$628.39	82024414-56130	EXTERNAL SERVICES	\$314.19
				84024421-56130	EXTERNAL SERVICES	\$314.20
				Vendor Total:		\$628.39
INLAND WATER & POWER COMM	2016.1	ANNUAL DUES	\$2,000.00	82024410-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$2,000.00
						Vendor Total:
INTEGRITY SHRED	62832	DOCUMENT SHREDDING	\$57.00	10520210-54100	SUPPLIES	\$28.50

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
INTEGRITY SHRED	62832	DOCUMENT SHREDDING	\$57.00	20620231-54100	SUPPLIES	\$28.50
					Vendor Total:	\$57.00
INTERNATIONAL ASSOC OF FIRE CHIEFS	55767 16/17	MEMBERSHIP DUES	\$229.00	10521210-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$229.00
					Vendor Total:	\$229.00
INTERSTATE BATTERIES	353948	BATTERIES	\$67.26	82024411-56130	EXTERNAL SERVICES	\$67.26
					Vendor Total:	\$67.26
J & M LOCK	32964	DUPLICATE KEYS, REPAIRS & MISC	\$64.77	20822500-56300	BUILDING MAINT. & REPAIR	\$64.77
					Vendor Total:	\$64.77
JASON CHAPMAN	TR 10/3 - 10/7/16	REIMBURSE TRAVEL EXPENSE	\$69.98	10520210-57100	CONFERENCE & TRAINING	\$69.98
	TA 11/1 - 11/3/16	TRAVEL ADVANCE	\$326.70	10520210-57100	CONFERENCE & TRAINING	\$326.70
					Vendor Total:	\$396.68
KELLY-MOORE PAINT COMPANY INC	91-000000248999	MISCELLANEOUS PURCHASES AS REQ	\$8.00	82024411-56300	BUILDING MAINT. & REPAIR	\$8.00
					Vendor Total:	\$8.00
KEVIN JENNINGS	138641	REIMBURSE SUPPLIES	\$14.00	10521210-54100	SUPPLIES	\$14.00
					Vendor Total:	\$14.00
LACAL EQUIPMENT	0245253-IN	LM02961779 LIFT CYLINDER	\$1,787.20	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$2.24)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$8.94)
				10024220-56130	EXTERNAL SERVICES	\$145.22
				10024220-56130	EXTERNAL SERVICES	\$1,787.20

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
LACAL EQUIPMENT	0245253-IN	LM02961779 LIFT CYLINDER	\$1,787.20	90000000-23013	STATE USE TAX LIABILITY	(\$134.04)
						Vendor Total: \$1,787.20
LEXIS NEXIS RISK SOLUTIONS	1410964-20160930	LEXIS NEXIS LE PLUS SEARCHING	\$99.90	10520210-54202	MAJOR CRIME INVETIGATIONS	\$99.90
						Vendor Total: \$99.90
LIFE ASSIST	767561	MISCELLANEOUS EMS SUPPLIES AS	\$127.58	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.15)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.60)
				10520210-54100	SUPPLIES	\$0.75
				10520210-54100	SUPPLIES	\$127.58
						Vendor Total: \$127.58
MATTHEW SCOTT EDWARDS	TA 11/01 - 11/03/16	TRAVEL ADVANCE	\$326.70	10520210-57100	CONFERENCE & TRAINING	\$326.70
						Vendor Total: \$326.70
MAYA SIMERSON	16-15077	REIMBURSE DEED RESTRICTION RECORDING FEE	\$75.00	69122700-54100	SUPPLIES	\$75.00
						Vendor Total: \$75.00
MCMaster-CARR SUPPLY CO	82744605	SHAFT ADAPTER AND COUPLING	\$313.70	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$313.70
				82598634	EQUIPMENT PARTS	\$995.48
						Vendor Total: \$1,309.18
MENDOCINO COLLEGE	DV101816	DONATION FOR PUMPKINFEST PARADE TRAFFIC CONTROL	\$1,000.00	90000000-23219	PUMPKINFEST	\$1,000.00
						Vendor Total: \$1,000.00
MENDOCINO COUNTY	DV101316	ENCROACHMENT PERMIT FOR WELL #9	\$300.00	82224413-80230	INFRASTRUCTURE	\$300.00
						Vendor Total: \$300.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY	10008	FLAMMABLES DISPOSAL	\$90.00	20824300-52100	CONTRACTED SERVICES	\$90.00
Vendor Total:						\$90.00
MICROFLEX CORP #774353	IN1698265	EXAM GLOVES	\$451.96	10520210-54201	PRISONER EXPENSE	\$451.96
Vendor Total:						\$451.96
NORTHWEST PUBLIC POWER ASSOC	18637	REGISTRATION	\$600.00	80026130-57100	CONFERENCE & TRAINING	\$600.00
Vendor Total:						\$600.00
OFFICE DEPOT	868641770001	OFFICE SUPPLIES, MISCELLANEOUS	\$42.23	10012200-54100	SUPPLIES	\$42.23
	862179436001	OFFICE SUPPLIES, MISCELLANEOUS	\$60.85	10012200-54100	SUPPLIES	\$60.85
	861759384001	OFFICE SUPPLIES, MISCELLANEOUS	\$250.72	10012200-54100	SUPPLIES	\$30.62
				10024210-54100	SUPPLIES	\$34.05
				84024425-54100	SUPPLIES	\$186.05
	863032601001	OFFICE SUPPLIES, MISCELLANEOUS	\$53.88	10013400-54100	SUPPLIES	\$53.88
	864235646001	OFFICE SUPPLIES, MISCELLANEOUS	\$5.76	10520210-54100	SUPPLIES	\$5.76
	866644931001	OFFICE SUPPLIES, MISCELLANEOUS	\$15.76	10520210-54100	SUPPLIES	\$15.76
	866644783001	OFFICE SUPPLIES, MISCELLANEOUS	\$18.59	10520210-54100	SUPPLIES	\$18.59
	864235392001	OFFICE SUPPLIES, MISCELLANEOUS	\$38.74	10520210-54100	SUPPLIES	\$38.74
	868668607001	OFFICE SUPPLIES, MISCELLANEOUS	\$121.09	10520210-54100	SUPPLIES	\$121.09
	866744849001	OFFICE SUPPLIES, MISCELLANEOUS	\$125.07	10520210-54100	SUPPLIES	\$125.07
	861918862001	OFFICE SUPPLIES, MISCELLANEOUS	\$142.05	10520210-54100	SUPPLIES	\$142.05

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Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
OFFICE DEPOT	868668724001	OFFICE SUPPLIES, MISCELLANEOUS	\$168.99	10520210-54100	SUPPLIES	\$168.99
	865204970001	OFFICE SUPPLIES, MISCELLANEOUS	\$183.16	10520210-54100	SUPPLIES	\$183.16
	861673596001	OFFICE SUPPLIES, MISCELLANEOUS	\$99.23	80026400-54100	SUPPLIES	\$99.23
Vendor Total:						\$1,326.12
ONE TIME PAY VENDOR	APP #2194	REFUND FEES	\$57.07	10023300-42210	BUILDING PERMITS	\$46.62
				90000000-23234	GENERAL PLAN UPDATE FEES	\$6.99
				90000000-23005	STRONG MOTION INSTR. PROG.	\$0.20
				10023300-42212	TECH & RECORDS SURCHARGE	\$1.40
				10023300-42211	TRAIN & CERTIFICATION SURCHRG	\$1.86
	111768-8	ENERGY REBATE	\$1,735.00	80626500-52135	ENERGY CONSERVATION PROGRAM	\$1,735.00
Vendor Total:						\$1,792.07
OPPERMAN & SON INC	1262640012	MISCELLANEOUS PARTS AS NEEDED	\$62.68	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$62.68
	1262580008	MISCELLANEOUS PARTS AS NEEDED	\$51.87	10022100-56130	EXTERNAL SERVICES	\$4.46
				10520210-56130	EXTERNAL SERVICES	\$3.80
				10520210-56130	EXTERNAL SERVICES	\$3.83
				10520210-56130	EXTERNAL SERVICES	\$7.24
				10520210-56130	EXTERNAL SERVICES	\$8.91
				80026400-56130	EXTERNAL SERVICES	\$11.66
				82024411-56130	EXTERNAL SERVICES	\$4.73
				82024411-56130	EXTERNAL SERVICES	\$7.24
	1262740020	MISCELLANEOUS PARTS AS NEEDED	\$32.57	10024220-56130	EXTERNAL SERVICES	\$32.57

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
OPPERMAN & SON INC	1262730049	MISCELLANEOUS PARTS AS NEEDED	\$7.18	10520210-56130	EXTERNAL SERVICES	\$7.18
	1262730055	MISCELLANEOUS PARTS AS NEEDED	\$108.55	10520210-56130	EXTERNAL SERVICES	\$108.55
	1262520001	MISCELLANEOUS PARTS AS NEEDED	\$10.49	10521210-56130	EXTERNAL SERVICES	\$10.49
	1262740051	MISCELLANEOUS PARTS AS NEEDED	\$74.54	10521210-56130	EXTERNAL SERVICES	\$74.54
	1262560001	MISCELLANEOUS PARTS AS NEEDED	\$82.84	10521210-56130	EXTERNAL SERVICES	\$82.84
	1262510024	AUTOMOTIVE ACCESSORIES FOR AUT	\$3,129.65	10521210-56130	EXTERNAL SERVICES	\$3,129.65
	1262730047	MISCELLANEOUS PARTS AS NEEDED	\$4.58	20822500-56130	EXTERNAL SERVICES	\$4.58
	1262740001	MISCELLANEOUS PARTS AS NEEDED	\$353.91	80026400-56130	EXTERNAL SERVICES	\$353.91
	1262630005	MISCELLANEOUS PARTS AS NEEDED	\$5.71	82024414-56130	EXTERNAL SERVICES	\$5.71
	1262710003	MISCELLANEOUS PARTS AS NEEDED	\$21.95	82024414-56130	EXTERNAL SERVICES	\$21.95
	1262720041	MISCELLANEOUS PARTS AS NEEDED	\$2.78	84024421-56130	EXTERNAL SERVICES	\$2.78
	1262640003	MISCELLANEOUS PARTS AS NEEDED	\$18.50	20324100-58510	REIMBRSABLE JOBS	\$18.50
	1262510014	MISCELLANEOUS PARTS AS NEEDED	\$28.22	20324100-58510	REIMBRSABLE JOBS	\$28.22
	1262640058	MISCELLANEOUS PARTS AS NEEDED	\$30.04	20324100-58510	REIMBRSABLE JOBS	\$30.04
	1262640039	MISCELLANEOUS PARTS AS NEEDED	\$31.22	20324100-58510	REIMBRSABLE JOBS	\$31.22
	1262450014	MISCELLANEOUS PARTS AS NEEDED	\$74.08	20324100-58510	REIMBRSABLE JOBS	\$74.08
	1262670048	MISCELLANEOUS PARTS AS NEEDED	\$110.83	20324100-58510	REIMBRSABLE JOBS	\$110.83
Vendor Total:						\$4,242.19
OWEN EQUIPMENT SALES	00037401	PIN ASSEMBLY	\$48.17	84024421-56130	EXTERNAL SERVICES	\$48.17

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
OWEN EQUIPMENT SALES	00037355	PIN ASSEMBLY	\$51.03	84024421-56130	EXTERNAL SERVICES	\$51.03
					Vendor Total:	\$99.20
PACE SUPPLY CORPORATION	023498734	MISCELLANEOUS ITEMS AS NEEDED	\$19.54	82024411-56300	BUILDING MAINT. & REPAIR	\$0.09
				82024411-56300	BUILDING MAINT. & REPAIR	\$19.54
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.09)
	023520306	MISCELLANEOUS ITEMS AS NEEDED	\$36.32	82024411-56300	BUILDING MAINT. & REPAIR	\$0.17
				82024411-56300	BUILDING MAINT. & REPAIR	\$36.32
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.17)
	023524992	MISCELLANEOUS ITEMS AS NEEDED	\$42.15	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.20)
				82024414-54100	SUPPLIES	\$0.20
				82024414-54100	SUPPLIES	\$42.15
	023498975	MISCELLANEOUS ITEMS AS NEEDED	\$90.24	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.43)
				84024421-54100	SUPPLIES	\$0.43
				84024421-54100	SUPPLIES	\$90.24
	023500743-1	MISCELLANEOUS ITEMS AS NEEDED	\$597.72	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$2.78)
				82024414-54100	SUPPLIES	\$2.78
				82024414-54100	SUPPLIES	\$597.72
	023512825	MISCELLANEOUS ITEMS AS NEEDED	\$81.95	82000000-12104	INVENTORY - PURCHASES	\$81.95
					Vendor Total:	\$867.92
PAYMENTUS GROUP INC	US16090032	CREDIT CARD PROCESSING SERVICE	\$1,855.00	20513300-52100	CONTRACTED SERVICES	\$1,855.00
					Vendor Total:	\$1,855.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
PG&E CO	OCT 16	GAS AND ELECTRIC SERVICE	\$5,035.32	10024220-56210	FUEL & FLUIDS	\$8.65
				84024425-55200	PG&E	\$752.69
				10022100-55210	UTILITIES	\$11.82
				10022300-55210	UTILITIES	\$46.36
				20822500-55210	UTILITIES	\$129.33
				69122700-55210	UTILITIES	\$8.65
				70024500-55210	UTILITIES	\$423.58
				73022600-55210	UTILITIES	\$28.57
				73022600-55210	UTILITIES	\$46.36
				77725200-55210	UTILITIES	\$49.41
				82024411-55210	UTILITIES	\$3,454.50
				84024421-55210	UTILITIES	\$75.40
				Vendor Total:		
PINNACLE TACTICAL SOLUTIONS	1051	REGISTRATION	\$600.00	10520210-57100	CONFERENCE & TRAINING	\$600.00
Vendor Total:					\$600.00	
PLEASANT VIEW DAIRY	5020058577	PROVIDE MISC GOODS AS NEEDED	\$15.44	73022600-54100	SUPPLIES	\$15.44
Vendor Total:					\$15.44	
R EMMETT JONES	SEPT 16	MANAGEMENT ADVISORY SERVICES 2	\$697.50	70024500-52100	CONTRACTED SERVICES	\$697.50
Vendor Total:					\$697.50	
RAINFOREST FANTASY	14093	PEER SUPPORT	\$56.77	10520210-54100	SUPPLIES	\$56.77
Vendor Total:					\$56.77	

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
REDWOOD EMPIRE TITLE COMPANY	DV101816	EASEMENT AND ESCROW FEE	\$9,820.00	25124210-80230	INFRASTRUCTURE	\$9,820.00
Vendor Total:						\$9,820.00
REDWOOD TOXICOLOGY LAB INC	00169820169	DRUG SCREENING TESTING	\$155.04	10520210-52100	CONTRACTED SERVICES	\$155.04
Vendor Total:						\$155.04
REGIONAL GOVERNMENT SERVICES AUTHORITY	6322	FINANCIAL ADVISORY SERVICES	\$1,566.00	10013400-52100	CONTRACTED SERVICES	\$1,566.00
Vendor Total:						\$1,566.00
RICHARD SEANOR	TR 10/11/16	REIMBURSE TRAVEL EXPENSE	\$15.00	10024224-57100	CONFERENCE & TRAINING	\$15.00
Vendor Total:						\$15.00
RICHARD THORNTON DBA TELECOM	8342	TELEPHONE PRODUCTS & SERVICES	\$105.00	20922900-52100	CONTRACTED SERVICES	\$105.00
	8439	TELEPHONE PRODUCTS & SERVICES	\$105.00	20922900-52100	CONTRACTED SERVICES	\$105.00
	8366	TELEPHONE PRODUCTS & SERVICES	\$196.88	20922900-52100	CONTRACTED SERVICES	\$196.88
	8403	TELEPHONE PRODUCTS & SERVICES	\$197.98	20922900-52100	CONTRACTED SERVICES	\$197.98
	8391	TELEPHONE PRODUCTS & SERVICES	\$793.06	20922900-52100	CONTRACTED SERVICES	\$793.06
	8375	TELEPHONE PRODUCTS & SERVICES	\$948.34	20922900-52100	CONTRACTED SERVICES	\$948.34
Vendor Total:						\$2,346.26
RINO PACIFIC	CL15062	FUEL AS NEEDED	\$227.84	82024414-56210	FUEL & FLUIDS	\$123.04
				84024421-56210	FUEL & FLUIDS	\$104.80
Vendor Total:						\$227.84
RONALD DONOHUE	TA 11/14 - 11/18/16	TRAVEL ADVANCE	\$75.00	10520210-57100	CONFERENCE & TRAINING	\$75.00
Vendor Total:						\$75.00

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Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
SAFEWAY INC	802128-081416	MISCELLANEOUS PURCHASES AS REQ	\$15.68	90000000-23226	CONCERT SERIES	\$15.68
	434820-081216	MISCELLANEOUS PURCHASES AS REQ	\$30.29	90000000-23226	CONCERT SERIES	\$30.29
	721642-081216	MISCELLANEOUS PURCHASES AS REQ	\$38.04	90000000-23226	CONCERT SERIES	\$38.04
	801141-081116	MISCELLANEOUS PURCHASES AS REQ	\$122.85	90000000-23226	CONCERT SERIES	\$122.85
	430934-082516	MISCELLANEOUS PURCHASES AS REQ	\$15.00	82024411-57100	CONFERENCE & TRAINING	\$15.00
	807582-081816	MISCELLANEOUS PURCHASES AS REQ	\$44.97	10016100-54167	HR - EMPLOYEE DEVELOPMENT	\$44.97
	801719-091516	MISCELLANEOUS PURCHASES AS REQ	\$64.64	10016100-54167	HR - EMPLOYEE DEVELOPMENT	\$64.64
	438252-081916	MISCELLANEOUS PURCHASES AS REQ	\$14.11	90000000-23235	MOVIES IN THE PLAZA	\$14.11
	806346-100816	MISCELLANEOUS PURCHASES AS REQ	\$6.48	90000000-23219	PUMPKINFEST	\$6.48
	807488-100816	MISCELLANEOUS PURCHASES AS REQ	\$16.83	90000000-23219	PUMPKINFEST	\$16.83
	806341-100816	MISCELLANEOUS PURCHASES AS REQ	\$32.15	90000000-23219	PUMPKINFEST	\$32.15
	726245-091416	MISCELLANEOUS PURCHASES AS REQ	\$30.18	10012100-54100	SUPPLIES	\$30.18
	723066-090716	MISCELLANEOUS PURCHASES AS REQ	\$45.24	10520214-54100	SUPPLIES	\$45.24
	729014-082916	MISCELLANEOUS PURCHASES AS REQ	\$13.93	69122700-54100	SUPPLIES	\$13.93
	432679-092816	MISCELLANEOUS PURCHASES AS REQ	\$6.99	73022600-54100	SUPPLIES	\$6.99
	803309-090816	MISCELLANEOUS PURCHASES AS REQ	\$50.50	73022600-54100	SUPPLIES	\$50.50
	437785-090716	MISCELLANEOUS PURCHASES AS REQ	\$56.26	73022600-54100	SUPPLIES	\$56.26
	802881-092916	MISCELLANEOUS PURCHASES AS REQ	\$56.94	73022600-54100	SUPPLIES	\$56.94
	727071-091516	MISCELLANEOUS PURCHASES AS REQ	\$71.96	73022600-54100	SUPPLIES	\$71.96

List of Checks Presented for Approval on 10/20/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
SAFEWAY INC	436444-081616	MISCELLANEOUS PURCHASES AS REQ	\$129.33	73022600-54100	SUPPLIES	\$129.33
	800847-092216	MISCELLANEOUS PURCHASES AS REQ	\$39.99	77725200-54100	SUPPLIES	\$39.99
	430421-082416	MISCELLANEOUS PURCHASES AS REQ	\$59.31	82024411-54100	SUPPLIES	\$59.31
					Vendor Total:	\$961.67
SALLIE PALMER	dv101316	INSTRUCTOR	\$1,645.00	10022850-52100	CONTRACTED SERVICES	\$462.00
				10022850-52100	CONTRACTED SERVICES	\$1,183.00
					Vendor Total:	\$1,645.00
SBOE EXCISE TAX DIVISION	3rd QTR 2016	3RD QTR 2016 ELECTRIC ENERGY SURCHARGE RETURN	\$9,243.00	90000000-23009	ELECTRIC SURCHARGE TRUST	\$9,243.00
SOUTHWIRE C/O YOUNG & COMPANY	90963305	ELECTRICAL CABLES AND WIRES (N	\$9,279.32	80000000-12104	INVENTORY - PURCHASES	\$9,279.32
STAPLES CREDIT PLAN	3317143998	OFFICE SUPPLIES, MISC AS NEEDE	(\$23.86)	10012200-54100	SUPPLIES	(\$23.86)
	3317143997	OFFICE SUPPLIES, MISC AS NEEDE	\$56.26	10012200-54100	SUPPLIES	\$56.26
	3317144001	OFFICE SUPPLIES, MISC AS NEEDE	\$60.84	10012200-54100	SUPPLIES	\$60.84
	3317144002	OFFICE SUPPLIES, MISC AS NEEDE	\$119.25	10012200-54100	SUPPLIES	\$119.25
	3317144003	OFFICE SUPPLIES, MISC AS NEEDE	\$143.55	10012200-54100	SUPPLIES	\$143.55
	3317143999	OFFICE SUPPLIES, MISC AS NEEDE	\$354.97	10012200-54100	SUPPLIES	\$354.97
	3317143995	OFFICE SUPPLIES, MISC AS NEEDE	\$406.61	20413500-54100	SUPPLIES	\$406.61
	3317143996	OFFICE SUPPLIES, MISC AS NEEDE	\$32.42	20513300-54100	SUPPLIES	\$32.42
					Vendor Total:	\$1,150.04

List of Checks Presented for Approval on 10/20/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
STATE WATER RESOURCES CONTROL BOARD	DV101116	CERTIFICATION RENEWAL	\$300.00	84024425-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$300.00
					Vendor Total:	\$300.00
STERLING WATER TECHNOLOGIES LLC	5683	LIQUID POLYMER EMULSION	\$4,159.68	84024425-58202	WATER TREATMENT PLANT CHEMICAL	\$4,159.68
					Vendor Total:	\$4,159.68
TABITHA OLSON	DV101416.1	REIMBURSE PUMPKINFEST SUPPLIES	\$35.40	90000000-23219	PUMPKINFEST	\$35.40
	DV101416	REIMBURSE PUMPKINFEST SUPPLIES	\$33.77	90000000-23220	PUMPKINFEST (CC VENDOR PYTS)	\$33.77
					Vendor Total:	\$69.17
THANKSGIVING COFFEE COMPANY	377189	MISC COFFEE SUPPLIES AS NEEDED	\$50.75	73022600-54100	SUPPLIES	\$50.75
	377528	MISC COFFEE SUPPLIES AS NEEDED	\$50.75	73022600-54100	SUPPLIES	\$50.75
					Vendor Total:	\$101.50
THE LABOR COMPLIANCE MANAGERS	IWD003	LABOR COMPLIANCE OVERSIGHT WEL	\$3,000.00	82224413-80230	INFRASTRUCTURE	\$1,500.00
				82224413-80230	INFRASTRUCTURE	\$1,500.00
					Vendor Total:	\$3,000.00
THE RADAR SHOP INC	8434	POWER PLUG REPLACEMENT	\$374.50	10520210-52100	CONTRACTED SERVICES	\$374.50
					Vendor Total:	\$374.50
TIM POMA	dv101016	REIMBURSE PUMPKINFEST SUPPLIES	\$44.62	90000000-23219	PUMPKINFEST	\$21.37
				90000000-23219	PUMPKINFEST	\$23.25
					Vendor Total:	\$44.62
TIM SANTO	TR 9/28 - 10/2/15	REIMBURSE TRAVEL EXPENSE	\$41.60	80026110-57100	CONFERENCE & TRAINING	\$41.60
					Vendor Total:	\$41.60

List of Checks Presented for Approval on 10/20/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
TRAINING OFFICERS' SYMPOSIUM	M7NRP8PH2ZF	REGISTRATION	\$495.00	10521210-57100	CONFERENCE & TRAINING	\$495.00
					Vendor Total:	\$495.00
TYLER TECHNOLOGIES INC	045-168629	DATA PROCESSING, COMPUTER, PRO	\$13,407.66	10013400-52100	CONTRACTED SERVICES	\$6,703.82
				10016100-52100	CONTRACTED SERVICES	\$536.31
				10023100-52100	CONTRACTED SERVICES	\$1,206.69
				20413500-52100	CONTRACTED SERVICES	\$1,608.92
				20513300-52100	CONTRACTED SERVICES	\$3,351.92
	045-171860	TYLER PAYROLL CHECK FORM CHANGE	\$150.00	10013400-54100	SUPPLIES	\$150.00
					Vendor Total:	\$13,557.66
UKIAH TROPHIES & GIFTS	938604	SOFTBALL SUPPLIES	\$118.07	10022822-54100	SUPPLIES	\$118.07
				Vendor Total:	\$118.07	
UPS	E19R54386	SHIPPING CHARGES	\$16.40	80026400-52100	CONTRACTED SERVICES	\$16.40
	E19R54406	SHIPPING CHARGES	\$42.61	10023320-54101	POSTAGE	\$42.61
					Vendor Total:	\$59.01
US CELLULAR	0158409868	CELLULAR PHONES	\$163.72	80026400-55100	TELEPHONE	\$43.12
				80026400-55100	TELEPHONE	\$45.71
				82024410-55100	TELEPHONE	\$20.47
				84024421-55100	TELEPHONE	\$20.47
				84024425-55100	TELEPHONE	\$33.95
				Vendor Total:	\$163.72	

List of Checks Presented for Approval on 10/20/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
US POST OFFICE	DV101116	WINTER/SPRING RECREATION GUIDE POSTAGE	\$2,500.00	10022850-54100	SUPPLIES	\$2,500.00
					Vendor Total:	\$2,500.00
WECO INDUSTRIES LLC	0037415-IN	GREASE RELEASE	\$1,046.38	84024421-54100	SUPPLIES	\$1,046.38
	0037177-IN	WATER AND WASTEWATER TREATING	\$2,306.11	84024421-54100	SUPPLIES	\$393.61
				84024421-54100	SUPPLIES	\$1,912.50
					Vendor Total:	\$3,352.49
WESTERN WATER CONSTRUCTORS INC	42584	Contract 1516202 retainage 10/13/2016 to	\$1,350.00	82200000-20150	AP CONTRACT RETAINAGE	\$575.00
				82200000-20150	AP CONTRACT RETAINAGE	\$775.00
					Vendor Total:	\$1,350.00
WYATT IRRIGATION CO	223245 00	PARTS & MISC SUPPLIES AS NEEDE	\$23.95	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.12)
				84024421-54100	SUPPLIES	\$0.12
				84024421-54100	SUPPLIES	\$23.95
					Vendor Total:	\$23.95
WYVERN RESTAURANTS INC	02-4749	PUMPKINFEST SET UP	\$48.63	90000000-23219	PUMPKINFEST	\$48.63
					Vendor Total:	\$48.63
XEROX CORP	144515368	WASTE TONER AND FREIGHT	\$8.63	10520210-54100	SUPPLIES	\$8.63
					Vendor Total:	\$8.63
ZAB ENTERPRISES INC	CH338980	PROVIDE MISCELLANEOUS FOOD DISH	\$493.50	10024210-57100	CONFERENCE & TRAINING	\$78.96
				10024220-57100	CONFERENCE & TRAINING	\$108.57
				20324100-57100	CONFERENCE & TRAINING	\$39.48
				82024411-57100	CONFERENCE & TRAINING	\$54.28

List of Checks Presented for Approval on 10/20/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ZAB ENTERPRISES INC	CH338980	PROVIDE MISCELLANOUS FOOD DISH	\$493.50	82024414-57100	CONFERENCE & TRAINING	\$59.22
				84024421-57100	CONFERENCE & TRAINING	\$59.22
				84024425-57100	CONFERENCE & TRAINING	\$93.77
				Vendor Total: -----		\$493.50
				INVOICE TOTAL:		\$365,019.02

List of Checks Presented for Approval on 10/28/2016

The following list of bills payable was reviewed and approved for payment.

 10-31-16  
Signature

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
AMADOU CAMARA	DV 101916	INSTRUCTOR	\$145.60	10022850-52100	CONTRACTED SERVICES	\$145.60
Vendor Total:						\$145.60
AMERICAN SOCIETY OF CIVILENGINEERS	DV101916	ANNUAL MEMBERSHIP- BEN KAGEYAMA	\$240.00	10024210-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$240.00
	DV 101916	ANNUAL MEMBERSHIP-RICHARD SEANOR	\$280.00	10024210-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$280.00
Vendor Total:						\$520.00
ANIXTER	3302411-00	ELECTRICAL EQUIPMENT AND SUPPL	\$29,930.08	80000000-12104	INVENTORY - PURCHASES	\$29,930.08
Vendor Total:						\$29,930.08
ARAMARK UNIFORM SERVICES	702960315	MAT & TOWEL SERVICE	\$93.75	20822500-56300	BUILDING MAINT. & REPAIR	\$93.75
	702980881	MAT & TOWEL SERVICE	\$93.75	20822500-56300	BUILDING MAINT. & REPAIR	\$93.75
	702946960	MAT & TOWEL SERVICE	\$69.61	31122870-56300	BUILDING MAINT. & REPAIR	\$69.61
	702967613	MAT & TOWEL SERVICE	\$69.61	31122870-56300	BUILDING MAINT. & REPAIR	\$69.61
	702960314	MAT & TOWEL SERVICE	\$73.75	73022600-56300	BUILDING MAINT. & REPAIR	\$73.75
	702980880	MAT & TOWEL SERVICE	\$73.75	73022600-56300	BUILDING MAINT. & REPAIR	\$73.75
	702948913	MAT & TOWEL SERVICE	\$334.62	10022300-54100	SUPPLIES	\$334.62
	702969546	MAT & TOWEL SERVICE	\$334.62	10022300-54100	SUPPLIES	\$334.62

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ARAMARK UNIFORM SERVICES	702957240	UNIFORM SVC-AIRPORT	\$65.63	77725200-54100	SUPPLIES	\$65.63
	702967628	UNIFORM SVC-AIRPORT	\$65.63	77725200-54100	SUPPLIES	\$65.63
	702977838	UNIFORM SVC-AIRPORT	\$65.63	77725200-54100	SUPPLIES	\$65.63
	702946975	UNIFORM SVC-AIRPORT	\$91.55	77725200-54100	SUPPLIES	\$91.55
				Vendor Total:		\$1,431.90
BLR	17558813 &17544761	ANNUAL SUBSCRIPTION RENEWAL	\$858.00	10016100-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$429.00
				10016100-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$429.00
				Vendor Total:		\$858.00
BORIS PROKOP	UKIAH-2016-05	ASSIST EUD WITH REGULATORY & M	\$4,290.00	80026400-52100	CONTRACTED SERVICES	\$4,290.00
				Vendor Total:		\$4,290.00
BRIAN WEBB	TA 11/8 - 11/10/16	TRAVEL ADVANCE	\$376.56	10520210-57100	CONFERENCE & TRAINING	\$376.56
				Vendor Total:		\$376.56
BUSINESS CARD	SF-20106	PURCHASING CREDIT CARD, MISC.	\$176.25	10018000-52510	ADVERTISING & PROMOTION	\$176.25
	75338	CITY MGR DEPARTMENT CREDIT CAR	\$125.02	10012100-57100	CONFERENCE & TRAINING	\$125.02
	5201696	CITY MGR DEPARTMENT CREDIT CAR	\$143.96	10012100-57100	CONFERENCE & TRAINING	\$143.96
	102816	FINANCE CREDIT CARD, MISC. PUR	\$85.00	10013400-57100	CONFERENCE & TRAINING	\$85.00
	368618	FINANCE CREDIT CARD, MISC. PUR	\$275.00	10013400-57100	CONFERENCE & TRAINING	\$275.00
	SF-19766	PURCHASING CREDIT CARD, MISC.	\$330.00	10013400-57100	CONFERENCE & TRAINING	\$110.00
				20413500-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$110.00
20513300-54100				SUPPLIES	\$110.00	

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
BUSINESS CARD	SF-19691	POLICE CREDIT CARD, MISC. PURC	\$153.03	10520210-57100	CONFERENCE & TRAINING	\$153.03
	SF-19762	PURCHASING CREDIT CARD, MISC.	\$41.06	20413500-57100	CONFERENCE & TRAINING	\$0.27
				20413500-57100	CONFERENCE & TRAINING	\$41.06
				90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.06)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.21)
	SF-19910	PURCHASING CREDIT CARD, MISC.	\$99.00	20413500-57100	CONFERENCE & TRAINING	\$99.00
	SF-19768	PURCHASING CREDIT CARD, MISC.	\$200.57	20413500-57100	CONFERENCE & TRAINING	\$200.57
	SF-19911	PURCHASING CREDIT CARD, MISC.	\$200.57	20413500-57100	CONFERENCE & TRAINING	\$200.57
	SF-19931	PURCHASING CREDIT CARD, MISC.	\$299.00	20413500-57100	CONFERENCE & TRAINING	\$299.00
	SF-19767	PURCHASING CREDIT CARD, MISC.	\$845.75	20413500-57100	CONFERENCE & TRAINING	\$845.75
	2828288	FINANCE CREDIT CARD, MISC. PUR	\$85.00	20513300-57100	CONFERENCE & TRAINING	\$85.00
	SF-19681	POLICE CREDIT CARD, MISC. PURC	\$42.00	10520210-52100	CONTRACTED SERVICES	\$0.23
				10520210-52100	CONTRACTED SERVICES	\$42.00
				90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.05)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.18)
	SF-19670	POLICE CREDIT CARD, MISC. PURC	\$326.24	10520210-52100	CONTRACTED SERVICES	\$1.90
				10520210-52100	CONTRACTED SERVICES	\$326.24
				90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.38)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$1.52)
	SF-19682	POLICE CREDIT CARD, MISC. PURC	\$114.99	63020210-52100	CONTRACTED SERVICES	\$114.99
	SF-19674	POLICE CREDIT CARD, MISC. PURC	\$269.00	63020210-52100	CONTRACTED SERVICES	\$269.00

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
BUSINESS CARD	SF-19683	POLICE CREDIT CARD, MISC. PURC	\$31.44	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.04)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.16)
				90000000-23013	STATE USE TAX LIABILITY	(\$2.36)
				20620231-54100	SUPPLIES	\$2.56
				20620231-54100	SUPPLIES	\$31.44
	SF-19684	POLICE CREDIT CARD, MISC. PURC	\$42.87	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.06)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.22)
				10520210-54202	MAJOR CRIME INVETIGATIONS	\$3.50
				10520210-54202	MAJOR CRIME INVETIGATIONS	\$42.87
				90000000-23013	STATE USE TAX LIABILITY	(\$3.22)
	SF-20103	PURCHASING CREDIT CARD, MISC.	\$74.23	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.10)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.38)
				90000000-23219	PUMPKINFEST	\$6.05
				90000000-23219	PUMPKINFEST	\$74.23
				90000000-23013	STATE USE TAX LIABILITY	(\$5.57)
	SF-19913	PURCHASING CREDIT CARD, MISC.	\$142.55	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.17)
				80026330-54100	SUPPLIES	\$0.17
				80026330-54100	SUPPLIES	\$142.55
	SF-19915	PURCHASING CREDIT CARD, MISC.	\$390.99	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.50)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$1.89)
				90000000-23013	STATE USE TAX LIABILITY	(\$28.35)
				82024414-54100	SUPPLIES	\$15.37

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
BUSINESS CARD	SF-19915	PURCHASING CREDIT CARD, MISC.	\$390.99	82024414-54100	SUPPLIES	\$195.49
				84024421-54100	SUPPLIES	\$15.37
				84024421-54100	SUPPLIES	\$195.50
	SF-19668	POLICE CREDIT CARD, MISC. PURC	\$1,072.24	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$1.34)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$5.37)
				90000000-23013	STATE USE TAX LIABILITY	(\$80.42)
				10520210-54100	SUPPLIES	\$87.13
				10520210-54100	SUPPLIES	\$1,072.24
	SF-20104	PURCHASING CREDIT CARD, MISC.	\$232.41	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.99)
				90000000-23219	PUMPKINFEST	\$0.06
				90000000-23219	PUMPKINFEST	\$12.80
				20922900-54100	SUPPLIES	\$0.93
				20922900-54100	SUPPLIES	\$219.61
	SF-19919	PURCHASING CREDIT CARD, MISC.	\$522.96	20324100-56112	EQUIPMENT PARTS FOR RESALE	\$378.30
				82024414-54102	SMALL TOOLS	\$144.66
	SF-19679	POLICE CREDIT CARD, MISC. PURC	\$108.09	10520210-56130	EXTERNAL SERVICES	\$108.09
	15-0959	BUILDER'S SUPPLIES	\$2,868.55	31022700-80230	INFRASTRUCTURE	\$2,868.55
	SF-19685	POLICE CREDIT CARD, MISC. PURC	\$131.91	10520210-54202	MAJOR CRIME INVETIGATIONS	\$131.91
	sf-19765	PURCHASING CREDIT CARD, MISC.	\$75.00	20413500-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$75.00
	sf-18213	PURCHASING CREDIT CARD, MISC.	\$95.98	20922900-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$95.98
	SF-19917	PURCHASING CREDIT CARD, MISC.	\$322.22	84024421-54102	SMALL TOOLS	\$322.22

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
BUSINESS CARD	66687	ECONOMIC DEVELOPMENT CREDIT CA	\$192.69	10012100-54100	SUPPLIES	\$192.69
	0007005J	FINANCE CREDIT CARD, MISC. PUR	\$29.99	10013400-54100	SUPPLIES	\$29.99
	3070046	POLICE CREDIT CARD, MISC. PURC	(\$85.78)	10520210-54100	SUPPLIES	(\$85.78)
	SEPT 16	POLICE CREDIT CARD, MISC. PURC	\$25.00	10520210-54100	SUPPLIES	\$25.00
	SF-19694	POLICE CREDIT CARD, MISC. PURC	\$98.37	10520210-54100	SUPPLIES	\$98.37
	213699	POLICE CREDIT CARD, MISC. PURC	\$320.33	10520214-54100	SUPPLIES	\$320.33
	060628	POLICE CREDIT CARD, MISC. PURC	\$376.16	10520214-54100	SUPPLIES	\$376.16
	SF-19420	PURCHASING CREDIT CARD, MISC.	\$110.48	20513300-54100	SUPPLIES	\$110.48
	SF-19419	PURCHASING CREDIT CARD, MISC.	\$759.47	20822500-54100	SUPPLIES	\$759.47
	SF-19425	PURCHASING CREDIT CARD, MISC.	\$322.02	84024425-54100	SUPPLIES	\$322.02
Vendor Total:						\$12,071.61
CA MUNICIPAL UTILITIES ASSOC	DV 101916	ANNUAL DUES 16/17	\$10,389.00	80026400-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$9,811.00
				82024410-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$578.00
				Vendor Total:		
CAREER TRACK	20-26291260	REGISTRATION	\$149.00	20922900-57100	CONFERENCE & TRAINING	\$149.00
Vendor Total:						\$149.00
CHROMAGRAPHS	56984	BUSINESS CARDS- LONG	\$65.56	10520210-54100	SUPPLIES	\$65.56
Vendor Total:						\$65.56
CLARK PEST CONTROL	19389585	PEST CONTROL SVCS	\$92.00	80026130-52100	CONTRACTED SERVICES	\$92.00

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
CLARK PEST CONTROL	19034537	PEST CONTROL SVCS	\$95.00	80026400-52100	CONTRACTED SERVICES	\$95.00
Vendor Total:						\$187.00
COMCAST	OCT 16	INTERNET SERVICES	\$152.31	73022600-55100	TELEPHONE	\$152.31
Vendor Total:						\$152.31
CONVERGENT COMPUTING	BILL41616	IT SERVICES	\$7,650.00	20922900-52100	CONTRACTED SERVICES	\$7,650.00
Vendor Total:						\$7,650.00
DAPHINE HARRIS	TR 10/09-10/12/16	TRAVEL REIMBURSEMENT	\$1,264.04	10013400-57100	CONFERENCE & TRAINING	\$1,264.04
Vendor Total:						\$1,264.04
DELL MARKETING LP	XK1TK5J42	COMPUTER HARDWARE AND PERIPHER	\$332.45	20413500-54100	SUPPLIES	\$332.45
	XK1TPMTF9	COMPUTER HARDWARE AND PERIPHER	\$513.28	20413500-54100	SUPPLIES	\$513.28
	XK1TK5K81	COMPUTER HARDWARE AND PERIPHER	\$2,224.56	20413500-54100	SUPPLIES	\$2,224.56
	XK1T31T92	COMPUTER HARDWARE AND PERIPHER	\$1,181.41	20513300-54100	SUPPLIES	\$1,181.41
	XK1CF89J3	COMPUTER HARDWARE AND PERIPHER	\$4,387.77	20922900-54100	SUPPLIES	\$4,387.77
	XK1NWFF93	Microcomputers, Handheld, Lapt	\$2,073.99	82024410-54100	SUPPLIES	\$1,036.99
						\$1,037.00
Vendor Total:						\$10,713.46
DEPT OF JUSTICE	195271	CHEM TEST/SUPPORT CRIMINAL INV	\$280.00	10520210-52100	CONTRACTED SERVICES	\$280.00
Vendor Total:						\$280.00
EDDIE'S COCINA	DV101916	PUMPKINFEST MEAL VOUCHERS	\$146.00	90000000-23219	PUMPKINFEST	\$146.00
Vendor Total:						\$146.00

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
EUREKA OXYGEN CO	429687	EQUIPMENT MAINTENANCE	\$113.99	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.06)
				20822500-56210	FUEL & FLUIDS	\$0.06
				20822500-56210	FUEL & FLUIDS	\$113.99
				Vendor Total:		\$113.99
EXECUTIVE SERVICES	DV102116	CONTRIBUTION TO WINTER SHELTER	\$30,000.00	31300000-46331	225 NORTON STREET RENTAL	\$30,000.00
				Vendor Total:		\$30,000.00
FILETRAIL	2016-0692	HOSTED FILE MANAGMENT SYSTEM	\$475.00	10011100-52100	CONTRACTED SERVICES	\$475.00
				Vendor Total:		\$475.00
FIRST ALARM	954563	ALARM MONITORING	\$162.00	10520210-52180	SECURITY SERVICES	\$117.00
				20822500-52180	SECURITY SERVICES	\$45.00
				Vendor Total:		\$162.00
FRED PRYOR SEMINARS	20-26291160	REGISTRATION	\$1,194.00	10013400-57100	CONFERENCE & TRAINING	\$398.00
				10013400-57100	CONFERENCE & TRAINING	\$398.00
				20513300-57100	CONFERENCE & TRAINING	\$398.00
				Vendor Total:		\$1,194.00
FRIEDMANS HOME IMPROVEMENT	35664710	MISC ITEMS AS NEEDED	\$7.23	84024421-54100	SUPPLIES	\$7.23
	35686435	MISC ITEMS AS NEEDED	\$7.23	84024421-54100	SUPPLIES	\$7.23
	Vendor Total:			\$14.46		
GEARY, SHEA, O'DONNELL, GRATTAN, & MITCHELL	41562	TRIAL COUNSEL IN UVSD VS. COU	\$87,232.83	84424422-52100	CONTRACTED SERVICES	\$87,232.83
				Vendor Total:		\$87,232.83

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
HARRIS COMPUTER SYSTEMS INC	MN00094796	SUPPORT SERVICES	\$110.25	20513300-52100	CONTRACTED SERVICES	\$110.25
	CT030665	SUPPORT SERVICES	\$735.00	20513300-52100	CONTRACTED SERVICES	\$735.00
Vendor Total:						\$845.25
HARTFORD RETIREE PREMIUM ACCT	50011-NOV-16	RETIREE HEALTH INSURANCE	\$2,069.49	20700000-20524	NON-EMPLOYEE HEALTH INS.PREM	\$2,069.49
Vendor Total:						\$2,069.49
HOME DEPOT CREDIT SERVICES	8032533	MISCELLANEOUS SUPPLIES AS NEED	\$623.88	82024414-54102	SMALL TOOLS	\$623.88
	20316559	MISCELLANEOUS SUPPLIES AS NEED	\$22.79	82024414-54100	SUPPLIES	\$22.79
Vendor Total:						\$646.67
INFOSEND INC	111520	UB PRINT & MAIL SERVICES	\$5,480.01	20513300-52100	CONTRACTED SERVICES	\$5,480.01
Vendor Total:						\$5,480.01
INTEGRITY SHRED	63336	DOCUMENT SHREDDING	\$28.50	10016100-52100	CONTRACTED SERVICES	\$28.50
Vendor Total:						\$28.50
INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS	DV101316	MEMBERSHIP DUES	\$125.00	10520214-57100	CONFERENCE & TRAINING	\$125.00
Vendor Total:						\$125.00
JIM EDDIE	TR060616	REIMBURSE TRAVEL EXPENSE	\$50.00	82024414-57100	CONFERENCE & TRAINING	\$50.00
Vendor Total:						\$50.00
JOHN AGUILAR	DV102116	REIMBURSE REGISTRATION FEES FOR D3 EXAM	\$70.00	82024414-57100	CONFERENCE & TRAINING	\$70.00
Vendor Total:						\$70.00
JOSHUA COOPER	TA 11/4 - 11/18/16	TRAVEL ADVANCE	\$75.00	10520210-57100	CONFERENCE & TRAINING	\$75.00
Vendor Total:						\$75.00

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
KATRINA BALLARD	DV112116	REIMBURSE RENEWAL FEES	\$80.00	10023320-57300	MEMBERSHIPS & SUBSCRIPTIONS	\$80.00
					Vendor Total:	\$80.00
KEVIN PIERACHINI	TR060616	REIMBURSE TRAVEL EXPENSE	\$50.00	82024414-57100	CONFERENCE & TRAINING	\$50.00
					Vendor Total:	\$50.00
KIRK THOMSEN	TA 11/14 - 11/18/16	TRAVEL ADVANCE	\$730.10	10521210-57100	CONFERENCE & TRAINING	\$730.10
					Vendor Total:	\$730.10
LEGAL SHIELD	38295-OCT 16	PRE-PAID LEGAL SERVICES	\$51.80	20700000-20526	PREPAID LEGAL - AFLAC	\$51.80
					Vendor Total:	\$51.80
LORI MARTIN	TR 10/9 - 10/12/16	REIMBURSE TRAVEL EXPENSE	\$1,328.88	20513300-57100	CONFERENCE & TRAINING	\$1,328.88
					Vendor Total:	\$1,328.88
MARCUS FREEMAN	TA 11/8 - 11/10/16	TRAVEL ADVANCE	\$376.56	10520210-57100	CONFERENCE & TRAINING	\$376.56
					Vendor Total:	\$376.56
MARY WILLIAMSON	TR 9/20 - 9/21/16	REIMBURSE TRAVEL EXPENSE	\$20.00	20413500-57100	CONFERENCE & TRAINING	\$20.00
					Vendor Total:	\$20.00
MATHESON TRI-GAS INC	14126441	OXYGEN & MISCELLANEOUS AS NEED	\$44.95	80026130-54100	SUPPLIES	\$44.95
	14214939	OXYGEN & MISCELLANEOUS AS NEED	\$51.07	80026130-54100	SUPPLIES	\$51.07
	CM13740731	OXYGEN & MISCELLANEOUS AS NEED	(\$24.05)	84024421-54100	SUPPLIES	(\$24.05)
					Vendor Total:	\$71.97
MENDOCINO ANIMAL HOSPITAL	147082	VETERINARY SERVICES	\$198.78	10520210-54100	SUPPLIES	\$198.78
					Vendor Total:	\$198.78

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
MITCHELL 1	3983035	Diagnostic Instrument System f	\$1,728.00	20324100-56120	EQUIPMENT MAINTENANCE & REPAIR	\$1,728.00
					Vendor Total:	\$1,728.00
MIWALL CORPORATION	5728	POLICE AND PRISON EQUIPMENT AN	\$13,083.28	10520210-54100	SUPPLIES	\$12,893.38
				63020210-54100	SUPPLIES	\$189.90
					Vendor Total:	\$13,083.28
ONE TIME PAY VENDOR	115616-5	UTILITY REFUND	\$33.98	90100000-10421	UTILITY RECEIVABLES CLEARING	\$33.98
	108002-7	UTILITY REFUND	\$41.43	90100000-10421	UTILITY RECEIVABLES CLEARING	\$41.43
	114314-8	UTILITY REFUND	\$45.52	90100000-10421	UTILITY RECEIVABLES CLEARING	\$45.52
	111730-8	UTILITY REFUND	\$57.04	90100000-10421	UTILITY RECEIVABLES CLEARING	\$57.04
					Vendor Total:	\$177.97
PACE SUPPLY CORPORATION	023544692	MISCELLANEOUS ITEMS AS NEEDED	\$22.99	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.11)
				82024414-54100	SUPPLIES	\$0.11
				82024414-54100	SUPPLIES	\$22.99
	CM023242462	MISCELLANEOUS ITEMS AS NEEDED	(\$57.20)	82000000-12104	INVENTORY - PURCHASES	(\$57.20)
	0235298287	MISCELLANEOUS ITEMS AS NEEDED	\$288.53	82000000-12104	INVENTORY - PURCHASES	\$288.53
	023527908	MISCELLANEOUS ITEMS AS NEEDED	\$361.97	82000000-12104	INVENTORY - PURCHASES	\$361.97
					Vendor Total:	\$616.29
PETERSON CAT	PC060134183	PARTS & SERVICE REPAIRS AS NEE	\$40.51	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.19)
				10024220-56130	EXTERNAL SERVICES	\$0.19
				10024220-56130	EXTERNAL SERVICES	\$40.51

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
PETERSON CAT	PC060134256	PARTS & SERVICE REPAIRS AS NEE	\$334.14	10520210-56130	EXTERNAL SERVICES	\$334.14
	PC060125956 CM	PARTS & SERVICE REPAIRS AS NEE	(\$119.06)	20324100-58510	REIMBRSABLE JOBS	(\$119.06)
	Vendor Total:					\$255.59
PORTOLA SYSTEMS INC	33907	I.T. SERVICES AS NEEDED	\$2,100.00	20922900-52100	CONTRACTED SERVICES	\$2,100.00
	33908	I.T. SERVICES AS NEEDED	\$5,586.25	20922900-52100	CONTRACTED SERVICES	\$5,586.25
	Vendor Total:					\$7,686.25
RAUL RAMOS	DV101116	BOOT ALLOWANCE	\$150.00	10022100-54100	SUPPLIES	\$150.00
						Vendor Total:
READY SET GO LLC	76440	FINANCE PROJECT ASSISTANCE	\$1,222.50	70024500-52100	CONTRACTED SERVICES	\$1,222.50
						Vendor Total:
REDWOOD COAST FUELS	18045823	CARDLOCK FUEL PURCHASES	\$5,293.75	10022100-56210	FUEL & FLUIDS	\$556.00
				10024220-56210	FUEL & FLUIDS	\$855.80
				10520210-56210	FUEL & FLUIDS	\$23.73
				10520210-56210	FUEL & FLUIDS	\$38.47
				10520210-56210	FUEL & FLUIDS	\$71.97
				10520210-56210	FUEL & FLUIDS	\$1,937.19
				10520224-56210	FUEL & FLUIDS	\$130.39
				20324100-56210	FUEL & FLUIDS	\$57.78
				20822500-56210	FUEL & FLUIDS	\$145.83
				80026400-56210	FUEL & FLUIDS	\$685.55
				82024411-56210	FUEL & FLUIDS	\$217.72
				82024412-56210	FUEL & FLUIDS	\$21.02

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
REDWOOD COAST FUELS	18045823	CARDLOCK FUEL PURCHASES	\$5,293.75	82024414-56210	FUEL & FLUIDS	\$52.39
				82024414-56210	FUEL & FLUIDS	\$228.70
				84024421-56210	FUEL & FLUIDS	\$44.62
				84024421-56210	FUEL & FLUIDS	\$194.82
				84024425-56210	FUEL & FLUIDS	\$31.77
	1806984	CARDLOCK FUEL PURCHASES	\$6,111.12	10022100-56210	FUEL & FLUIDS	\$551.14
				10024220-56210	FUEL & FLUIDS	\$1,096.85
				10520210-56210	FUEL & FLUIDS	\$25.90
				10520210-56210	FUEL & FLUIDS	\$67.90
				10520210-56210	FUEL & FLUIDS	\$1,982.88
				10520224-56210	FUEL & FLUIDS	\$180.92
				20324100-56210	FUEL & FLUIDS	\$111.08
				20822500-56210	FUEL & FLUIDS	\$69.27
				80026400-56210	FUEL & FLUIDS	\$936.53
				82024411-56210	FUEL & FLUIDS	\$346.71
				82024412-56210	FUEL & FLUIDS	\$20.29
				82024414-56210	FUEL & FLUIDS	\$56.63
				82024414-56210	FUEL & FLUIDS	\$255.08
				84024421-56210	FUEL & FLUIDS	\$48.24
				84024421-56210	FUEL & FLUIDS	\$75.59
				84024421-56210	FUEL & FLUIDS	\$217.29
				84024425-56210	FUEL & FLUIDS	\$68.82
Vendor Total:					\$11,404.87	

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Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
REDWOOD EMPIRE MUNICIPAL INSURANCE FUND	NOV-16	EAP INSURANCE	\$481.44	20112400-52525	WORKER'S COMP. EXPENSE	\$481.44
Vendor Total:						\$481.44
REDWOOD TREE SERVICE STATIONS INC	9/1/16	CAR WASHES & INTERIOR CLEANING	\$436.00	10520210-56130	EXTERNAL SERVICES	\$284.00
				10521210-56130	EXTERNAL SERVICES	\$24.00
				20324100-56130	EXTERNAL SERVICES	\$32.00
				20822500-56130	EXTERNAL SERVICES	\$48.00
				80026400-56130	EXTERNAL SERVICES	\$24.00
				82024411-56130	EXTERNAL SERVICES	\$24.00
	9/30/16	CAR WASHES & INTERIOR CLEANING	\$506.00	10520210-56130	EXTERNAL SERVICES	\$458.00
				20324100-56130	EXTERNAL SERVICES	\$24.00
				20526430-56130	EXTERNAL SERVICES	\$24.00
Vendor Total:						\$942.00
REGAL PACIFIC CONTRACTING AND COMPLIANCE INC	150267	REMOVE EXISTING FUEL PUMP SYST	\$14,000.00	77900000-80100	MACHINERY & EQUIPMENT	\$14,000.00
Vendor Total:						\$14,000.00
REGIONAL GOVERNMENT SERVICES AUTHORITY	6394	FINANCIAL ADVISORY SERVICES	\$442.80	10013400-52100	CONTRACTED SERVICES	\$442.80
	6349	FINANCIAL ADVISORY SERVICES	\$6,375.00	10013400-52100	CONTRACTED SERVICES	\$6,375.00
Vendor Total:						\$6,817.80
REMY MOOSE MANLEY LLP	104177	RETAIN TO REP CITY IN LAWSUIT	\$961.00	90000000-21111	PLANNING PERMIT ESCROW	\$961.00
Vendor Total:						\$961.00
RICHARD ANDERSON	2016-1018-1	CAR WASHES & INTERIOR CLEANING	\$1,875.00	20922900-52100	CONTRACTED SERVICES	\$1,875.00
Vendor Total:						\$1,875.00

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
ROBERT & KAY ROBB	DV101316	PHOTOVOLTAIC ENERGY REBATE	\$1,735.00	80626500-52136	PHOTOVOLTAIC RATES/INCENTIVE	\$1,735.00
					Vendor Total:	\$1,735.00
SAFETY-KLEEN CORPORATION	71674708	PARTS WASHER SERVICE AS NEEDED	\$436.05	10024220-52100	CONTRACTED SERVICES	\$0.32
				10024220-52100	CONTRACTED SERVICES	\$218.03
				20324100-52100	CONTRACTED SERVICES	\$0.32
				20324100-52100	CONTRACTED SERVICES	\$218.02
				90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.07)
				90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$0.07)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.25)
				90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.25)
					Vendor Total:	\$436.05
SIERRA CHEMICAL	SLS 10039808	LIQ SODIUM HYPOCHLORITE	\$3,114.97	84024425-58202	WATER TREATMENT PLANT CHEMICAL	\$3,114.97
					Vendor Total:	\$3,114.97
SIERRA WEST CONSULTANTS INC	2016-87	OVERSIGHT CONSULTING SERVICES	\$8,985.26	82224413-80230	INFRASTRUCTURE	\$8,985.26
					Vendor Total:	\$8,985.26
SOLID WASTES SYSTEMS INC	SEPT 16	RESIDENTIAL GARBAGE FESS	\$21,995.23	90200000-52170	UKIAH WASTE SOLUTIONS	\$21,995.23
					Vendor Total:	\$21,995.23
STATE WATER RESOURCES CONTROL BOARD	DV101916.1	WATER DISTRIBUTION CERT FEE - THIELE	\$60.00	82024410-59101	FEES	\$60.00
	DV101916	WATER DISTRIBUTION CERT FEE - WHITE	\$60.00	82024410-59101	FEES	\$60.00
					Vendor Total:	\$120.00

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Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
STEVE BEAMAN	TR082116	REIMBURSE TRAVEL EXPENSE	\$1,765.51	80026400-57100	CONFERENCE & TRAINING	\$1,765.51
Vendor Total:						\$1,765.51
SUNCOAST RESEARCH LABS INC	33650	WATER AND WASTEWATER TREATING	\$6,896.78	90000000-23252	DISTRICT USE TAX-LIBRARIES	(\$15.95)
				84024421-54100	SUPPLIES	\$15.95
				84024421-54100	SUPPLIES	\$6,896.78
Vendor Total:						\$6,896.78
SUNSET MAGAZINE	1586693	SEPTEMBER ADVERTISING	\$3,360.00	75017110-52515	ADVERTISING & PUBLICATION	\$3,360.00
	1591965	OCTOBER ADVERTISING	\$15,390.00	75017110-52515	ADVERTISING & PUBLICATION	\$15,390.00
Vendor Total:						\$18,750.00
SYAR INDUSTRIES INC	620203	ASPHALT AS NEEDED	\$260.06	10024220-54121	PW - ASPHALT CONCRETE	\$260.06
Vendor Total:						\$260.06
TRACTOR SUPPLY CREDIT PLAN	100309737	MISCELLANEOUS SUPPLIES AS NEED	\$97.36	77725200-56300	BUILDING MAINT. & REPAIR	\$97.36
	300198865	MISCELLANEOUS SUPPLIES AS NEED	\$43.86	10022100-54100	SUPPLIES	\$43.86
	100309283	MISCELLANEOUS SUPPLIES AS NEED	\$43.24	10520210-54100	SUPPLIES	\$43.24
	200168122	MISCELLANEOUS SUPPLIES AS NEED	\$64.88	80026130-54100	SUPPLIES	\$64.88
Vendor Total:						\$249.34
TUFTS POLYGRAPH & INVESTIGATION	2016-288(A)	POLYGRAPH AND INVESTIGATION SERVICES	\$650.00	10520210-52100	CONTRACTED SERVICES	\$650.00
Vendor Total:						\$650.00

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
TYCO FIRE & SECURITY (US) MANAGEMENT INC	78953146	HALON SAFETY TEST/INSPECTION	\$488.50	20822500-56300	BUILDING MAINT. & REPAIR	\$488.50
					Vendor Total:	\$488.50
UKIAH TROPHIES & GIFTS	039066	PLAQUE FOR DONALD RONES	\$102.72	10011100-52100	CONTRACTED SERVICES	\$102.72
	938609	MEDALS AND RE-DO TROPHY	\$294.69	90000000-23219	PUMPKINFEST	\$294.69
					Vendor Total:	\$397.41
USA BLUEBOOK	075692	TURBINE METER AND FLANGE	\$641.75	84024425-56120	EQUIPMENT MAINTENANCE & REPAIR	\$641.75
	068806	CALIBRATION TUBE AND SUPPLIES	\$556.96	82024411-54100	SUPPLIES	\$556.96
					Vendor Total:	\$1,198.71
VIA MAGAZINE	22248346	SEPT-OCT ADVERTISING	\$1,500.00	75017110-52515	ADVERTISING & PUBLICATION	\$1,500.00
	22248347	SEPT-OCT ADVERTISING	\$1,500.00	75017110-52515	ADVERTISING & PUBLICATION	\$1,500.00
					Vendor Total:	\$3,000.00
VIVAX-METROTECH	PSI002240	CHARGER AND VSCAN	\$121.77	80026120-54100	SUPPLIES	\$121.77
					Vendor Total:	\$121.77
WAGEWORKS INC	125AIO491371	SEC 125 ADMIN FEES	\$93.20	10016100-52151	AFLAC & PERS INSUR ADMIN FEES	\$93.20
					Vendor Total:	\$93.20
WITTMAN ENTERPRISES LLC	SEPT 16	AMBULANCE BILLING SERVICES	\$3.15	10521210-52110	AMBULANCE BILLING	\$3.15
					Vendor Total:	\$3.15
WYATT IRRIGATION CO	223308 00	PARTS & MISC SUPPLIES AS NEEDED	\$36.90	90000000-23237	DISTRICT USE TAX-MEASURE S	(\$0.18)

List of Checks Presented for Approval on 10/28/2016

Invoices

Vendor Name	Invoice #	Invoice Description	Invoice Amt	Invoice Account Detail and Allocation Detail		
WYATT IRRIGATION CO	223308 00	PARTS & MISC SUPPLIES AS NEEDE	\$36.90	10022300-54100	SUPPLIES	\$0.18
				10022300-54100	SUPPLIES	\$36.90
					Vendor Total:	\$36.90
					INVOICE TOTAL:	\$343,810.24



ITEM NO.: 7b

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: NOTIFICATION TO CITY COUNCIL OF THE PURCHASE OF SCADA MAINTENANCE SERVICES AT THE WASTEWATER TREATMENT PLANT (WWTP) FROM TELSTAR INSTRUMENTS FOR A TOTAL NOT TO EXCEED \$10,735.71

Summary: Per Section §1522 of the Municipal Code staff is reporting to City Council the acquisition of professional services from Telstar Instruments with troubleshooting and repair service of the SCADA system at the Wastewater Treatment Plant (WWTP).

Background: The Supervisory Control and Automated Data Acquisition (SCADA) system serves as the interface between human and automated control of processes at the Wastewater Treatment Plant. This system provides for control of Plant processes and is the means for continuous monitoring, recordkeeping and archiving of process data, much of which is compiled into periodic reports required by regulatory authorities.

Discussion: Occasional issues have required field visits to troubleshoot and isolate the problems, and to effect repair. Telstar Instruments has been engaged to perform this service under Purchase Order #43986, with their estimate totaling \$10,735.71.

FISCAL IMPACT:				
Budgeted Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$10,735.71	Contracted Services	#84024425-52100	Yes ☐ No ☒	PO# 43986

RECOMMENDED ACTION(S): Receive report of notification of the purchase of SCADA maintenance services at the Wastewater Treatment Plant (WWTP) from Telstar Instruments for a total not to exceed \$10,735.71.

ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: N/A
Contact/Prepared by: Andrew T. Luke, WWTP Supervisor
Coordinated with: N/A
Presenter: Andrew T. Luke, WWTP Supervisor
Attachment: None

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

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

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

Approved: 
Sage Sangiacomo, City Manager



ITEM NO.: 7c

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: ADOPT THE ORDINANCE AMENDING PORTIONS OF UKIAH CITY CODE (UCC) DIVISION 3, CHAPTERS 1 AND 2 PERTAINING TO THE ADOPTION OF THE BUILDING CODES AND AMENDMENTS THEREOF

Summary: On November 2, 2016, the City Council discussed the new State construction codes that will go into effect on January 1, 2017. At the conclusion of the discussion, the Council voted 5-0 to introduce an ordinance amending the City Code pertaining to the adoption of the new building codes and amendments thereof. Council will now consider adopting the ordinance.

Background: Every three years the State adopts new construction codes and each City or jurisdiction is required to adopt an ordinance (Attachment #1) amending the local Municipal Code accordingly. The proposed amendments to Division 3, Chapters 1 and 2 concern the adoption of the California Code of Regulations (Title 24) with appendices and amendments. The proposed amendments are summarized below along with background information.

Proposed Amendments to Division 3, Chapter 1 and 2 (Building)

The following list is a summary of the primary proposed changes:

1. The appendices, which are incorporated into each of the California Codes, are not adopted by the State. Appendices must be adopted locally to be enforced. Some of the appendices in this code adoption were renamed (UCC Section numbers §3003 and §3008) and some were added (UCC Section number §3009) based on the new edition of the Codes.
2. In order to comply with the National Flood Insurance Program (NFIP) requirements, additional language related to Floodplain Management was added (UCC Section numbers §3031 to §3035) and language clarifying expiration of electrical permits was also added (UCC §3039).
3. Various Ukiah City Code (UCC) Sections and California Code Section numbers were changed and updated (UCC Section numbers §3036 to §3038).

Continued on Page 2

RECOMMENDED ACTION(S): Adopt the ordinance amending portions of the UCC Division 3, Chapters 1 and 2 pertaining to the building codes and amendments thereof.

ALTERNATIVES: N/A

Citizens advised: Announcements sent out to contractors and design professionals (Attachment #2).
Requested by: David Willoughby, Building Official
Prepared by: David Willoughby, Building Official and Ben Kageyama, Senior Civil Engineer
Coordinated with: Kevin Thompson, Interim Planning Director and David J. Rapport, City Attorney
Presenters: David Willoughby, Building Official
Attachments: 1. Ordinance amending Ukiah City Code
2. Announcements sent out to the public

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

Development in the methods and materials in the building industry and the degree of public safety required has constantly changed over the years. Because of this, the codes regulating buildings have also changed. In order to speed up the code changing process, California and other states have implemented a triennial review, modification, and adoption process.

On January 1, 2017, the State of California will enforce the new Title 24 Code of Regulations which includes the Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards and the Referenced Standards Codes. California Building Standards (Title 24 Code of Regulations) are applicable to all buildings throughout California, whether or not the local government takes an affirmative action to adopt those California Building Standards.

Discussion: By locally adopting an ordinance pertaining to Building Codes the City of Ukiah is: 1) Affirming the California Building Standards and 2) Able to add appendices and amendments to these Standards.

Appendices: Adopting the appendices allows the City to include important regulations not contained in the body of the various codes. An example of this is Appendix J in the Building Code which addresses regulations for grading. Without adopting Appendix J, the City would not have codes and standards to regulate grading operations.

Amendments to Standards: Adopting amendments to the California Building Standards allows the City to establish more restrictive standards which are reasonably necessary because of local climatic, geological, or topographical conditions.

Since the only amendments staff is proposing for this code cycle are administrative changes, the ordinance does not need to be filed with the California Building Standards Commission and the changes will become effective thirty (30) days from adoption of the ordinance.

In keeping with the City's core value of service staff has mailed out a packet to contractors and designers consisting of the following:

1. A summary of the new code changes with a brief description of the code adoption process, the time and date of the City Council meeting for the proposed introduction of the Ordinance, and the location, time and date for a joint City of Ukiah and Mendocino County discussion on the updated codes.
2. A flyer specifically for the Energy Code changes.
3. A flyer for the City hosted and upcoming California Energy Code class (Attachment #2).

ENVIRONMENTAL (CEQA) DETERMINATION: Staff has determined that the code amendment project is exempt from the requirements of the California Environmental Quality Act, pursuant to Section §15061(b)(3) because based on the information contained in the record, it can be seen with certainty that there is no possibility that the code amendments would cause a significant effect on the environment.

Recommendation: It is staff's recommendation to adopt the ordinance amending portions of Division 3, Chapters 1 and 2 of the Ukiah City Code pertaining to Building regulations.

No fiscal impact.

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

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING PORTIONS OF DIVISION 3, CHAPTERS 1 AND 2 OF THE UKIAH CITY CODE, PERTAINING TO THE ADOPTION OF THE BUILDING CODES AND AMENDMENTS THEREOF

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

SECTION ONE.

Ukiah City Code Sections 3003, 3008, and 3009 in Division 3, Chapters 1, Article 2 of the Ukiah City Code, are hereby amended to read as follows.

§ 3003: CALIFORNIA RESIDENTIAL CODE:

The term "California Residential Code" as used in this Chapter shall mean the publication published by the California Building Standards Commission entitled "California Residential Code" including the following appendices: V (Swimming Pool Safety Act) with the year of the edition designated.

§ 3008: CALIFORNIA HISTORICAL BUILDING CODE:

The term "California Historical Building Code" as used in this Chapter shall mean the publication published by the California Building Standards Commission entitled "California Historical Building Code" including Appendix A (Provisions of Chapter 8-6 Applicability), with the year of the edition designated.

§ 3009: CALIFORNIA EXISTING BUILDING CODE:

The term "California Existing Building Code" as used in this Chapter shall mean the publication published by the California Building Standards Commission entitled "California Existing Building Code" including the Appendix A Chapter A1 (Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings), Referenced Standards, Appendix A Chapter A3 (Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings), Appendix A Chapter A4 (Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls), with the year of the edition designated.

SECTION TWO.

New Sections 3031-35 and 3039 are hereby added to and existing Sections 3031-3033 are re-numbered and amended as Sections 3036-3038 in Division 3, Chapter 1 Article 3 of the Ukiah City Code, to read as follows.

§ 3031: CALIFORNIA BUILDING CODE APPENDIX G, SECTION G102.3 IS ADDED AS FOLLOWS:

Legal Authority Authorizing Regulation of Land Use. The legal authority authorizing the regulation of land use includes California Government Code Sections 65302, 65560 and 65800, authorizing local governments to promote the public health, safety, and general welfare of its residents through the adoption of zoning and subdivision ordinances, the authorities cited in the California Building Standards Code and the other codes adopted in this Division 3 of the Ukiah City Code and in the subdivision and zoning regulations contain in Division 9 of this Code.

§ 3032: CALIFORNIA BUILDING CODE APPENDIX G, SECTION G102.4 IS ADDED AS FOLLOWS:
Abrogation and Greater Restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, storm water management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

§ 3033: CALIFORNIA BUILDING CODE APPENDIX G, SECTION G102.5 IS ADDED AS FOLLOWS:
Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Ukiah, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

§ 3034: CALIFORNIA BUILDING CODE APPENDIX G, SECTION G102.6 IS ADDED AS FOLLOWS:
Severability. This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

§ 3035: CALIFORNIA BUILDING CODE APPENDIX G, SECTION G103.10 IS ADDED AS FOLLOWS:
Requirement to Submit New Technical Data. The Building Official shall require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to the Federal Emergency Management Agency the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change the base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

§ 3036: CALIFORNIA RESIDENTIAL CODE SECTION R105.5 IS AMENDED AS FOLLOWS:
Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void unless a required inspection is received and signed off within 180 days after its issuance or within 180 days of the last received and signed off inspection. If a permit expires, the permittee may apply to reinstate the permit, subject to a fee established from time to time by resolution of the City Council.

§ 3037: CALIFORNIA MECHANICAL CODE SECTION 104.4.3 IS AMENDED AS FOLLOWS:
Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void unless a required inspection is received and signed off within 180 days after its issuance or within 180 days of the last received and signed off inspection. If a permit expires, the permittee may apply to reinstate the permit, subject to a fee established from time to time by resolution of the City Council.

§ 3038: CALIFORNIA PLUMBING CODE SECTION 104.4.3 IS AMENDED AS FOLLOWS:
Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void unless a required inspection is received and signed off within 180 days after its issuance or within 180 days of the last received and signed off inspection. If a permit expires, the permittee may apply to reinstate the permit, subject to a fee established from time to time by resolution of the City Council.

§ 3039: CALIFORNIA ELECTRICAL CODE SECTION 89.108.4.1 IS AMENDED AS FOLLOWS:

Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void unless a required inspection is received and signed off within 180 days after its issuance or within 180 days of the last received and signed off inspection. If a permit expires, the permittee may apply to reinstate the permit, subject to a fee established from time to time by resolution of the City Council.

SECTION THREE.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall be in full force and effect on January 1, 2017. Within fifteen days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within 15 days after its adoption.

Introduced by title only on November 2, 2016, by the following roll call vote:

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

Adopted on November 16, 2016 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk



**Department of Community Development
Building Division**

**SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA
BUILDING CODE**

1. Newly constructed group R-2 and R-3 buildings shall be provided with EV charging infrastructure. CBC 420.9
2. The provisions regulating building height and area limitations have been extensively revised with no change in technical application in order to increase user friendliness. CBC Chapter 5
3. Footnote d to Table 601 addressing 1 hour substitution has been deleted.
4. Equivalent size dimensions for structural composite lumber (SCL) in relationship to solid sawn Type IV heavy timber members have been added into Table 602.4.
5. Cross laminated timber is not permitted within the exterior walls of Type IV buildings where protected by one of three specified materials. CBC 602.4.2
6. The minimum required fire separation distance between a wall or roof projection and the property line has been significantly increased. CBC 705.2
7. The occupant load for retail stores has been revised so that a single factor of 60 square feet per person applies to all floor levels (first floor was 30). CBC Table 1004.1.2
8. The means of egress requirements have been modified in chapter 10.
9. Group R-1 occupancies (hotels) have been added in the requirements for fall protection from windows less than 36 inches above the finished floor and more than 72 inches above grade. CBC 1015.8
10. The required types and locations of vapor retarders have been revised. CBC 1405.3
11. Requirements for rooftop mounted photovoltaic (PV) systems have been added including dead load requirements identified on the construction documents (CBC 1603.1.8), roof structure design requirements (CBC 1607.12.5), and seismic requirements for ballasted systems (CBC 1613.6).
12. Many changes and additions to the special inspection requirements in chapter 17.

13. Requirements have been added when excavating near foundations CBC 1804.1.
14. A new definition for Cross laminated timber has been added (CLT) to chapter 2.
15. Clarifies that the exterior wall sheathing requirements for out of plane wind resistance are equally applicable to the gable area at the end walls. CBC 2304.6
16. The conventional light frame construction portion of the code book has been reorganized in its entirety. Significant changes include the introduction of new designations for wall bracing methods similar to those in the CRC. CBC 2308
17. Glazing at the bottom stairway landing has been revised to require safety glazing within 60" of the finished floor within 60" horizontally of the bottom tread nosing and within a 60" horizontal arc if less than 180 degrees from bottom tread nosing. CBC 2406.7
18. Chapter 34 has been deleted and existing buildings will now be solely regulated by Title 24, Part 10 – California Existing Building Code.

SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA RESIDENTIAL CODE

1. The maximum height for accessory structures has been increased from two to three stories above grade plane. CRC R101.2
2. Sunrooms are now required to comply with AAMA/NPEA/NSA 2100-12. The standard contains requirements for habitable and non-habitable sunrooms. CRC R301.2.1.1.1
3. Fire separation wall provisions between townhomes have been changed from structurally independent fire-resistant rated walls to common fire walls. CRC R302.2
4. The requirement for one habitable room with a minimum floor area of 120 square feet has been removed so that the minimum room size is now 70 square feet. CRC R304.1
5. The minimum ceiling height for bathrooms, toilet rooms, and laundry rooms has been reduced to 6' 8". CRC R305
6. Glazing installed perpendicular to a door in a closed position and within 24" of the door only requires safety glazing if it is on the hinge side of an in-swing door. CRC R308.4.2
7. New single and two family dwellings and townhomes are now required to be made ready for EV charger installations. CRC R309.8
8. The total vertical rise in a stairway without an intermediate landing has increased from 144 inches to 147 inches. CRC R311.7.3
9. Ramps serving the egress door required by Section R311.2 shall have a slope of not more than 1:12. All other ramps shall have a maximum slope of 1:8. CRC R311.8

10. The percentage of required recycled or salvaged for reuse material was increased from 50% to 65%. CRC R334
11. Anchor bolts are now required to be placed in the middle third of the sill plate. CRC R403.1.6
12. An exception for wall studs greater than 10 feet tall was added. CRC R602.3.1
13. The minimum required capacity of the Portal Frame hold down was lowered to 3500 lbs. CRC R602.10.6.2

SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CAL GREEN)

1. The construction waste reduction, disposal and recycling requirements for nonresidential buildings will be required for additions and alterations whenever a permit is required for work. CGBSC 5.408
2. The minimum percentage of construction waste to be recycled and/or salvaged for reuse has been increased to 65% for both residential and nonresidential projects.
3. Electric vehicle (EV) supply equipment shall be installed for each new one and two family dwelling and town homes with attached private garages. CGBSC 4.106.4
4. Construction documents shall indicate location of the proposed EV space(s). CGBSC 4.106.4.2.1
5. Requirements for commercial kitchen food waste disposers. CGBSC 5.303.4

SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA ELECTRICAL CODE

1. The dishwasher circuit is required to be GFCI protected. CEC 210.8(D)
2. Arc-Fault circuit interrupter protection was added to include the kitchen and laundry rooms and changes to the methods of compliance. CEC 210.12
3. At least one 15A or 20A receptacle shall be installed within 50 feet of the electrical service equipment except for one and two family dwellings.

SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA MECHANICAL CODE

1. Equipment in closet or alcove installations must be listed for installation in rooms "not large in comparison to the equipment". CMC 303.2
2. A 30" x 30" platform is required for equipment installed on roofs when the slope is greater than 4:12. CMC 304.2

3. Clean outs are required for condensate drains to allow maintenance without requiring drain to be cut. CMC 310.3.1
4. New clarification for when Type I and Type II hoods are required. CMC 508
5. Chapter 10 (boilers) was completely revised with an additional 20 pages added.
6. Expansion tanks are required on all hydronic systems. CMC 1209

SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA PLUMBING CODE

1. Freeze protection is required for water piping in attics, crawl spaces, and exterior walls. CPC 312.6
2. Where a separate toilet facility is required for each sex, and each toilet facility is required to have only one water closet, two family or assisted-use toilet facilities shall be permitted in place of the required separate toilet facilities. CPC 422.2.1
3. Plastic materials for building supply piping outside underground shall have a blue insulated copper tracer wire adjacent to the piping. CPC 604.10.1
4. Domestic hot water piping shall be insulated. CPC 609.11 (There are discrepancies between the plumbing and the energy codes. The most restrictive applies: < 1" pipe = 1" insulation, 1" – 1 ½" pipe = 1 ½" insulation, > or = 2" pipe = 2" insulation).
5. A clean-out is required above fixture connection fitting serving a urinal regardless of the location of the urinal in the building. CPC 707.4
6. Clearances in front of clean-outs has been increased: 1 ½" and 2" pipe = 18" clearance and pipe > 2" = 24" clearance. Also the distance from a clean out to the underfloor access has been reduced from 20' to 5'. CPC 707.9
7. Horizontal wet venting has been changed to include only one bathroom group (instead of two). CPC 908.2.1

SUMMARY OF SOME OF THE SIGNIFICANT CHANGES TO THE 2016 CALIFORNIA ENERGY CODE

In an effort to achieve net zero energy use for residential occupancies by 2020, the California Energy Commission has increased the requirements and made the new code 28% more efficient and stringent than the 2013 energy standards. This has resulted in many changes for the residential portion of the code. The nonresidential requirements have not changed much this code cycle. Rather than list all the changes I have included a flyer from Energy Code Ace which does a good job in providing an overview of the changes.

I have also included a flyer from Energy Code Ace for a free class that the City of Ukiah is hosting on the 2016 Energy Code changes. The class is scheduled for Monday, November 23rd at the Ukiah Valley Conference Center. Please take advantage of this free and exceptional training opportunity. Follow the instructions on the flyer to register.

2016 CODE ADOPTION PROCESS

The California Code of Regulations Title 24, Parts 1 through 12 which includes the following:

- California Administrative Code
- California Building Code
- California Residential Code
- California Electrical Code
- California Mechanical Code
- California Plumbing Code
- California Energy Code
- California Historical Building Code
- California Fire Code
- California Existing Building Code
- California Green Building Standards Code
- California Referenced Standards Code

Is updated and revised every three years. Once all stakeholders and the public have had time for their input the State of California adopts the new code typically on July first. Once the State adopts the Code it goes into effect 6 months later or January first. The new 2016 California Codes will become effective July 1, 2017.

Once the State has adopted the new code all local jurisdictions have the following 6 months to locally adopt the code and add any local amendments.

The City of Ukiah will be introducing an Ordinance to adopt the 2016 California Codes along with the local amendments at the City Council meeting scheduled for Wednesday night at 6:00 p.m. on November 2, 2016. You are welcome to attend if you are interested.

There will be a joint City of Ukiah and Mendocino County public outreach for all interested in the 2016 California Code changes hosted by the Mendocino County Planning and Building Department at 7:00 a.m. on Thursday, November 17, 2016 at the Planning and Building Department lobby located at 860 N. Bush St., Ukiah.

For more information or an explanation of any of the code changes listed above, contact:

David Willoughby, Building Official
300 Seminary Avenue
Ukiah, CA 95482
(707) 467-5718 / dwilloughby@cityofukiah.com



Overview

The 2016 update to the Residential Building Energy Efficiency Standards (Energy Standards) requires new and altered homes to become more efficient in several ways to create energy and environmental savings for Californians. See Figure 1 below for building systems that include updates under the new 2016 Energy Standards.

The 2016 Energy Standards have been adopted, and once approved, will be implemented for projects permitted on or after January 1, 2017. For more detailed information, see the related California Energy Commission (Energy Commission) FAQ sheet.



Figure 1: Title 24, Part 6 2016 Update Infographic by Energy Commission

Statewide Savings

The incremental changes to California's energy code mean big savings across the state for ratepayers. Per the Energy Commission, new residential requirements for the 2016 code cycle mean real savings for homeowners—around \$7,400 over a 30 year mortgage. A single family home that meets the 2016 standards could see 28% more energy savings in regulated loads than those built under the 2013 Energy Standards. See the [Adoption Hearing Presentation](#) for more 2016 Energy Standards energy impacts.

California's Energy Goals

California's Energy Efficiency Strategic Plan describes energy efficiency as the "least cost, most reliable, and most environmentally sensitive resource, and minimizes our contribution to climate change."

The Strategic Plan goes on to outline four "Big Bold Strategies" to guide the market transformation necessary to meet the State's energy goals. A short description of the "Big Bold Strategies" and overview of the Strategic Plan is included in a summary [Fact Sheet](#).

Energy codes and standards is one of six themes identified in the Energy Efficiency Strategic Plan to achieve the Big Bold Strategy related to residential construction. The Strategic Plan describes the role of codes and standards as:

"Adopt aggressive and progressive minimum energy codes and standards for buildings and plug loads, effective code compliance and enforcement, and parallel, tiered voluntary energy efficiency standards that pull the market along and set a higher bar for subsequent standards."

The updates made to the Energy Standards described in this fact sheet are meant to take action on the codes and standards theme outlined in the Strategic Plan.

Envelope Highlights

Mandatory Requirements \$150.0

There are several new thresholds for mandatory envelope requirements including:

- Ceiling/Roof insulation maximum = 0.043 U-factor (R-22 wood framing)
- Non-framed (mass) wall maximum = 0.102 U-factor – Equivalency to R-13 wood framing
- Maximum fenestration U-factor = 0.58 (same as 2013)
 - New exception allows for 30 sqft for dual glazed greenhouse windows
- Doors (including pet doors) must meet maximum 0.3 cfm/ft² air leakage

Prescriptive High Performance Walls \$150.1

In Climate Zones 1-5 & 8-16, above grade framed wall assemblies must not exceed a maximum U-factor of 0.051:

- 2x6 @ 16" OC framing—R19 cavity + R5 continuous
- 2x4 @ 16" OC framing—R15 cavity + R8 continuous

In Climate Zones 6 & 7, the maximum U-Factor is 0.065

Prescriptive High Performance Attics \$150.1

There are three options that may be used to comply:

- **Option A:** Ducts and air handler may be located in the attic
 - Install attic radiant barrier (Zones 2-15)
 - Install R-38 insulation at ceiling (R-30 in zones 3 & 5-7)
 - Install continuous roof deck insulation (Zones 4 & 8-16)
 - R-6 with air space above insulation/ R-8 with no space
- **Option B:** Ducts and air handler may be located in the attic
 - Install attic radiant barrier (Zones 2,3 & 5-7)
 - Install R-38 insulation at ceiling (R-30 in Zones 3 & 5-7)
 - Install below roof deck insulation (at rafter) (Zones 4 & 8-16)
 - R-13 with air space above insulation/ R-18 with no space
- **Option C:** Ducts and air handler must be located in conditioned space
 - Install attic radiant barrier (Zones 2-15)
 - Install R-38 insulation at ceiling (R-30 in Zones 3 & 5-7)

Prescriptive Additions \$150.2

There are several options that allow for extensions of existing wood-framed walls to retain the same dimensions.

- Install R-15 in 2x4 framing
- Install R-19 in a 2x6 framing

Mechanical Highlights

Updates were made to both mandatory and prescriptive HVAC requirements under the 2016 Standards:

Mandatory Requirements §150.0(m)

- All ducts in conditioned spaces must include R-4.2 insulation.
- Duct leakage requirement has been reduced to 5% maximum for single family homes.

Prescriptive Requirements §150.1

- High performance attics with ducts in attic (options A and B)
 - R-8 duct insulation in Zones 1-2, 4, 8-16
 - R-6 duct insulation in Zones 3, and 5-7
- High performance attics with ducts in conditioned space (option C)
 - R-6 in all zones
- Whole house fans must supply 1.5 cfm/sf (reduced from 2 cfm/sf). Attic vent area also reduced to 1 sf/ 750 cfm of airflow.

Domestic Hot Water Highlights

Increased Prescriptive Efficiency for Water Heaters (3 options) §150.1(c)8

1. Tankless (gas or propane): minimum energy factor of 0.82
2. Tank ≤ 55 gal (gas or propane): minimum energy factor of 0.60. Additional HERS verification: HERS verified Quality Insulation Installation (QII) and either HERS verified compact hot water distribution system or HERS verified DHW pipe insulation required.
3. Tank > 55 gal (gas or propane): minimum energy factor of 0.76. Additional HERS verification: HERS verified compact hot water distribution system or HERS verified DHW pipe insulation required.

Mandatory Isolation Valves §110.3(c)7

- Instantaneous water heaters with an input rating of 6.8kBtu/hr (2 kW) or greater need an isolation valve on cold water supply and hot water leaving water heater.
- Each valve needs a hose bibb or other fitting allowing for flushing the water heater when the valves are closed.

Mandatory Water Heater Pipe Insulation §150.2(b)1G

- For water heater replacements, install piping insulation per mandatory requirements. Insulation for existing accessible piping must meet the requirements of Sections 150.0(j)2Ai, iii and iv.

Onsite Renewable Systems Highlights

The compliance credit for installing PV systems is only available if the project meets the following conditions:

- The Performance Approach is used
- The project is in Climate Zones 1-5, 8-16
- The system is ≥ 2 kWdc* for Single Family
- The system is ≥ 1 kWdc* for Multifamily
- The amount of credit will depend upon the Climate Zone and the Conditioned Floor Area of the dwelling.

Note: Taking the PV system credit does not require HERS verification unless getting a rebate from the New Solar Homes Partnership (NSHP).

Lighting Highlights

Mandatory High Efficacy Lighting §150.0(k)

High efficacy lighting is essential to reducing energy load in homes and dwelling units, and the 2016 Standards makes it mandatory that all residential lighting be high efficacy. The Standards do not allow trade-offs between lighting and other features when using the Performance Method.

These mandatory requirements apply to permanently installed light fixtures, including screw-based which must contain JA8 compliant lamps. Table 150.0-A summarized below, lists light source technologies qualified as high efficacy.

Table 150.0-A: High Efficacy Light Sources

Pin-based linear or compact fluorescent lamps light sources using electronic ballasts
Pulse-start metal halide lamps
High pressure sodium lamps
GU-24 sockets containing light sources other than LEDs
Inseparable SSL luminaires that are installed outdoors
Inseparable SSL luminaires containing colored light sources that are installed to provide decorative lighting

Light sources not listed in Table 150.0-A above may be certified to the Energy Commission as high efficacy in accordance with Joint Appendix 8 (JA8).

JA8 compliant light sources must be marked as "JA8-2016" or "JA8-2016-E." "JA8-2016-E" designates light sources that have passed the Elevated Temperature Life Test and are deemed appropriate for use in enclosed luminaires.

JA8 compliant light sources shown in the table below must be controlled by vacancy sensors or dimmers (exceptions for closets <70 SF and hallways, §150.0(k)2K).

Table 150.0-A & JA8: High Efficacy Light Sources

Light sources in ceiling recessed downlight luminaires
LED luminaires with integral sources
Pin-based LED lamps (MR-16, AR-111, etc.)
GU-24 based LED light source

Screw Based Luminaires §150.0(k)G

- Screw based luminaires must contain JA8 compliant light sources.
- Recessed downlight luminaires in ceilings must not contain screw-based sockets.
- Incandescent sources are prohibited from having a GU-24 base (per Title 20 Section 1605.3(k)).

Blank Electrical Boxes §150.0(k)B

- The number of blank electrical boxes more than 5 feet above the finished floor shall not be greater than the number of bedrooms.
- Additionally, these electrical boxes must be served by a dimmer, vacancy sensor, or fan speed control.

Bathrooms, Garages, Laundry Rooms, and Utility Rooms §150.0(k)2J

- At least one fixture must be controlled by a vacancy sensor.

Under Cabinet Lighting §150.0(k)2L

- Any under cabinet lighting (including kitchen) must be switched separately from other lighting systems.

Outdoor Lighting §150.0(k)3

- Must be high efficacy like indoor lighting.
- Must include manual on/off switch and one of the following:
 - Photocontrol and motion sensor
 - Photocontrol and automatic time switch control
 - Astronomical time switch control
 - Energy Management Control System



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2016 ENERGY CODE



Title 24 Part 6

Essentials



Residential Standards

Plans Examiners & Building Inspectors

FREE 2016 Energy Code Training



PREFERRED
EDUCATION
PROVIDER

This hands-on course designed to provide plans examiners and building inspectors with the knowledge and skills needed to more quickly and effectively enforce the 2016 Energy Code for residential projects.

Join us for this course to:

- Understand the 2016 building energy efficiency standards for residential new construction, additions, and alterations
- Understand the purpose of each of the residential compliance forms and related documents
- Effectively communicate energy efficiency compliance options and requirements to builders and clients
- Apply your knowledge of the standards to typical job tasks

DATE: Monday, November 21, 2016

TIME: 8:30am - 4:30pm

LOCATION: Ukiah Valley Conference Center
200 S. School Street Ukiah, CA 95482

INSTRUCTOR: Brian Selby

COST: FREE

REGISTER: goo.gl/IJtqCs

Continental breakfast and lunch provided. All participants receive a comprehensive workbook and tools they can use on the job.

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The California
Statewide Codes
& Standards Program

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All designed to
improve compliance
with California's
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energy efficiency
standards and lock in
long-term energy
savings.



EnergyCodeAce.com



ITEM NO.: 7d

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: AUTHORIZE EXECUTION OF AMENDMENT TO THE AGREEMENT WITH RAU AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$9,930 FOR ADDITIONAL DESIGN WORK FOR THE SMITH STREET REHABILITATION PROJECT AND APPROVE BUDGET AMENDMENT

Summary: City Council will consider authorizing an amendment to the professional services agreement with Rau and Associates, Inc. for additional engineering design services for the Smith Street rehabilitation project. City Council will also consider authorizing a budget amendment for the additional services.

Background: The City is responsible for design and construction of a section of sidewalk on Smith Street as a result of a settlement agreement.

Discussion: At the August 3rd Regular Meeting, City Council approved additional design work with Rau and Associates for reconstruction of a section of Smith Street and preparation of a temporary construction easement with an exhibit plat (Attachment #1). Upon completion of this additional work, staff prepared an engineer's estimate in the amount of \$242,530 for this project. This estimated cost for the project triggers formal bidding per the California Uniform Public Contract Cost Accounting requirements. Contract bid documents with specifications are required for formal bidding. Staff requested and obtained a proposal from Rau and Associates for this additional work (Attachment #2). Staff reviewed the proposal and found the proposed fee of \$9,930 to be commensurate with the scope of work. With the proposed contract amendment, the total contract amount will be \$25,786. Since this combined total amount exceeds \$20,000, Council's prior approval is required. Staff recommends approval of a contract amendment for this work and approval of the corresponding budget amendment.

FISCAL IMPACT:				
Budget Amendment Amount	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$9,930	Traffic Congestion Relief Fund	#51024220.80230	Yes ☒ No ☐	#1213-180

RECOMMENDED ACTION(S): Authorize execution of amendment to the agreement with Rau and Associates, Inc. in an amount not to exceed \$9,930 for additional design work for the Smith Street rehabilitation project and approve budget amendment.

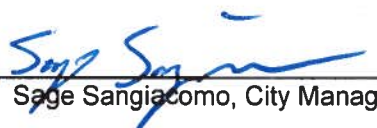
ALTERNATIVES: N/A

Citizens advised: George Rau, Rau & Associates
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Contact/Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager; Mary Horger, Procurement Manager
Presenter: Tim Eriksen, Director of Public Works / City Engineer
Attachment: 1. Rau and Associates proposal dated June 10, 2016
2. Rau and Associates proposal dated November 4, 2016

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



AND ASSOCIATES INC.

CIVIL ENGINEERS • LAND SURVEYORS

June 10, 2016

RECEIVED

JUN 10 2016

CITY OF UKIAH
DEPT. OF PUBLIC WORKS

City of Ukiah, Public Works Department
Attn: Tim Eriksen, Director of Public Works
Rick Seanor, Deputy Director of Public Works
300 Seminary Ave
Ukiah, CA, 95482

Job Number R10064.1

**RE: CHANGE TO SCOPE OF WORK: UPDATE PLANS FOR RECONSTRUCTION OF SIDE WALK ON
NORTH SIDE OF SMITH STREET IN UKIAH TO INCLUDE ENTIRE WIDTH OF SMITH STREET
FOR A LENGTH OF APPROXIMATELY 300 LINEAR FEET.**

Gentlemen:

This letter is to request an amendment to our Agreement for Professional Consulting Services, dated August 10, 2010. The plans were updated in February, 2016, to bring the sidewalk and store entrances into compliance with the latest Disability Standards. Then a walk-through was conducted with you to field review the constraints and difficulties remaining after the sidewalk issues were resolved. As a result of a constructability review of the sidewalk alone on May 4, 2016, it was clear that the street surface was so irregular that it will not match the required grades of the new curb and gutter, which must conform to the sidewalk. In addition, the existing pavement surface of one driveway on the north side will not conform to the grades of the planned back of sidewalk and there is no way to modify the planned sidewalk grades in a manner that they meet existing pavement grade and still conform to Accessibility Standards.

Therefore, it was the consensus that the entire street should be reconstructed, except for the curb gutter and sidewalk on the south side which was done to current standards a few years ago and is not deteriorating. As part of that reconstruction, a right of entry will be required to modify the way the pavement on private property conforms to the new back of sidewalk. A concrete walkway to an entrance to a building on private property must be raised to conform to the new planned grades for a distance of approximately 5 feet in length.

This request for an amendment identifies four tasks which must be completed in order to put the project out to bid.

Task 1 – Project Management and Coordination

This task includes developing a scope of work to conform to the needs of the conditions on Smith Street, review of work in progress with the City Public Works Department, and coordinating the work product for delivery to the City Public Works Department.

The cost of this task is estimated to be \$875.

Task 2 – Plan Modifications

The plans must be modified to add the entire paved section of the street. Work will include developing a centerline profile which will match the lip of gutter grades planned for the new sidewalk, curb and gutter. Construction notes will be added to describe how the street work must be done.

In addition, the westerly driveway on the north side of Smith Street must have a short transition designed on private property to allow the paved area on the private property to conform properly with the new back of sidewalk on Smith Street.

It is anticipated that the street improvement project can be done as an informal contract and formal contract documents, including technical specifications, will not be necessary.

The cost of this task is estimated to be \$4,400.

Task 3 – Right of Entry

A construction right of entry must be obtained from the landowner to allow the City to have a contractor work on private property to construct transitions which conform to Accessibility Standards at 7 doorways. Also pavement on a private driveway must be constructed to conform to the new back of sidewalk over a short transition area. These activities on private property must have a construction right of entry developed with an exhibit showing the areas of entry.

The estimated cost of this task is \$1,160.

Task 4 – Construction Review and Testing

During construction it is anticipated that there will be areas of the subgrade exposed which will require special treatment. These areas will be reviewed by a geotechnical engineer from our firm. It is anticipated that a geogrid such as TX-5 by Tensar will be recommended to be installed to assist in bridging over the areas without significant sub-excavation and re-compaction. The structural section recommended is 1.0 foot of aggregate base to support 0.4 feet of hot mix asphalt applied in two layers. This structural section overlaid on a geogrid should be able to bridge over the expected soft spots. We would observe and approve the condition of the subgrade soils prior to the installation of the geogrid, but no compaction testing of the subgrade will be performed.

Compaction testing will be done on the surface of the aggregate base before the street is paved to assure that the base has been adequately compacted. One maximum dry density test will be performed on the aggregate base material to provide a proctor test for the compaction of the aggregate base. A proof-roll test will also be conducted to assure a firm and stable surface has been established for the pavement layers to be applied.

A brief letter report of conditions encountered and the results of the compaction testing will complete the construction phase work.

The estimated cost of this task is \$3,460.

Tasks Not Included, But Which Could be Added by Amendment

Formal construction documents are not anticipated to be required.

Construction staking is not included.

Aggregate testing of aggregate base and hot mix asphalt is not included.

Compaction testing of hot mix asphalt is not included.

Our "Schedule of Fees" for the original work was dated January 1, 2008. We have updated our Schedule of Fees since then. "Schedule of Fees – Table 33" is attached with our current rates.

June 10, 2016

The cost of this additional work is estimated to be a maximum of \$9,900 at our current hourly fee schedule.

Very truly yours,

A handwritten signature in dark ink, appearing to read "George C. Rau". The signature is fluid and cursive, with the first name "George" being more prominent.

George C. Rau, P.E.
President

Attachment: Task-Hour Breakdown
Schedule of Fees-Table 33

Fee Schedule 33

Job No. R10064.1

Job Name: Smith Street Rehab

Date: 6-10-2016

PHASES		Task 1		Task 2		Task 3		Task 4		Const Staking	
		PM and Coord		Plan Modifications		Right of Entry		Construction Review			
	Rate/Cost	hrs/ cost	total	hrs/ cost	total	hrs/ cost	total	hrs/ cost	total	hrs/ cost	total
Registered Civil Engineer Principal	175	5	\$ 875.00	12	\$ 2,100.00	4	\$ 700.00	12	\$ 2,100.00		\$ -
Associate Civil Engineer	140		\$ -		\$ -		\$ -		\$ -		\$ -
Survey Manager	135		\$ -		\$ -		\$ -		\$ -		\$ -
Chief of Party (PW)	135		\$ -		\$ -		\$ -		\$ -		\$ -
GPS Specialist	135		\$ -		\$ -		\$ -		\$ -		\$ -
Construction Inspector (PW)	128		\$ -		\$ -		\$ -		\$ -		\$ -
Instrument Operator (PW)	118		\$ -		\$ -		\$ -		\$ -		\$ -
Materials Tester (PW)	(w/o)										
Nuclear Gauge Charge)	116		\$ -		\$ -		\$ -	6	\$ 696.00		\$ -
Sr. Staff Engineer	115		\$ -	20	\$ 2,300.00	4	\$ 460.00	4	\$ 460.00		\$ -
Rodman (PW)	115		\$ -		\$ -		\$ -		\$ -		\$ -
QSD/QSP Specialist (non PW)	110		\$ -		\$ -		\$ -		\$ -		\$ -
Technician II	72		\$ -		\$ -		\$ -		\$ -		\$ -
Project Coordinator	70		\$ -		\$ -		\$ -		\$ -		\$ -
Administrative	60		\$ -		\$ -		\$ -		\$ -		\$ -
Technician I	38		\$ -		\$ -		\$ -		\$ -		\$ -
Vehicle Use (miles)	0.575		\$ -		\$ -		\$ -		\$ -		\$ -
RTK GPS Equipment (per day)	600		\$ -		\$ -		\$ -		\$ -		\$ -
Lab Unit Prices	0		\$ -		\$ -		\$ -		\$ -		\$ -
Computer Hours	10		\$ -		\$ -		\$ -		\$ -		\$ -
Permit Fees	0		\$ -		\$ -		\$ -		\$ -		\$ -
Backhoe and Operator	100		\$ -		\$ -		\$ -		\$ -		\$ -
Outside Service	cost + 15%		\$ -		\$ -		\$ -		\$ -		\$ -
Reimbursables	cost		\$ -		\$ -		\$ -		\$ -		\$ -
BUDGET FOR PHASE		5	\$ 875.00	32	\$ 4,400.00	8	\$ 1,160.00	22	\$ 3,256.00	0	\$ -

PW = Prevailing Wages

4 field re-topo

2 trips

- (1) Title Report=
- (2) Map Checking Fees=
- (3) Recording Fees=
- (4) Monuments=

18 stions staking

Subtotal 0

Total Sheet 1	\$ 9,691.00
Total Sheet 2	\$ -
Total Sheet 3	\$ -
Total Sheet 4	\$ -
Reimbursables	\$ 205.00
GRAND TOTAL=	\$ 9,896.00

SCHEDULE OF FEES - Table 33

Effective September 1, 2015

Administration	\$60.00/hr.
Associate Civil Engineer	\$140.00/hr.
Chief of Party (PW)	\$135.00/hr.
Construction Inspector/QSP Specialist (PW)	\$128.00/hr.
Expert Witness/Testimony at Trial, Deposition, Arbitration	\$250.00/hr. (4 hour minimum)
GPS Operator	\$135.00/hr.
Instrument Operator (PW)	\$118.00/hr.
Materials Tester including PW (nuclear gauge charge may apply)	\$116.00/hr.
Outside Services	Cost + 15%
Project Coordinator	\$70.00/hr.
Registered Civil Engineer Principal	\$175.00/hr.
Rodman (PW)	\$115.00/hr.
Sr. Staff Engineer/Surveyor/QSP Specialist	\$115.00/hr.
Survey Manager	\$135.00/hr.
Technician I	\$38.00/hr.
Technician II	\$72.00/hr.
Vehicle Use (subject to change due to Internal Revenue Standards)	\$0.54/mile

Laboratory Tests:

Texture Analysis (Mendocino County Health Dept.)	\$ 45.00/ea.
Unit Dry Weight-Moisture Content (Tube Sample or Ped)	\$35.00/ea.
Sand Equivalent (CTM 217)	\$110.00/ea.
Sieve Analysis - Coarse Aggregates (CTM 202)	\$50.00/ea.
Sieve Analysis - Fine Aggregate (CTM 202)	\$90.00/ea.
Maximum Dry Density (ASTM D1557)	
4" Mold	\$205.00/ea.
6" Mold	\$235.00/ea.
Maximum Dry Density (ASTM D698)	\$190.00/ea.
Maximum Wet Density (CTM 216)	\$235.00/ea.
Unit Weight of Aggregate (CTM 212)	
Method A or B	\$55.00/ea.
Method C	\$39.00/ea.
Crushed Particle Analysis (CTM 205)	\$67.00/ea.
Cleaness Value (CTM 227)	\$67.00/ea.
Durability Index - Coarse (CTM 229)	\$140.00/ea.
Durability Index - Fine (CTM 229)	\$220.00/ea.
Specific Gravity & Absorption (CTM 206)	\$90.00/ea.
Plasticity Index (ASTM 4318)	\$162.00/ea.
Expansion Index (UBC Standard 18-2)	\$190.00/ea.
Unit Weight of Fresh Concrete (CTM 518)	Technician Hourly Rate
Ball Penetration (CTM 533)	Technician Hourly Rate
Air Content of Fresh Concrete (CTM 504)	Technician Hourly Rate
Sample Preparation Times	Technician Hourly Rate

Special Equipment Rates:

All Terrain Vehicle	\$45.00/per day*
Computer Aided Design Software	\$10.00/hr.
GPS Equipment	\$600/per day*
Nuclear Gauge	\$100/per day*
Robotic Total Station	\$200/per day*

Supplemental Billings:

Engineering Copies 24 X 36	\$3.00/sheet
Engineering Copies 18 X 26	\$2.00/sheet
Engineering Copies 11 X 17	\$1.00/sheet
Steel Fence Posts	\$8.00/each
Survey Monuments	\$3.00/each

* One Day Minimum Charge

Invoices will be rendered monthly, as a final or progress billing, whichever applies, and are payable upon receipt, unless a mutually acceptable payment schedule has been established. **Late Fees at a rate of 1 ½% per month, computed and charged monthly on the entire unpaid balances, shall be payable on accounts not paid within 30 days from invoice date.**

**AND ASSOCIATES INC.**CIVIL ENGINEERS • LAND SURVEYORS

November 4, 2016

City of Ukiah, Public Works Department
Attn: Tim Eriksen, Director of Public Works
Rick Seanor, Deputy Director of Public Works
300 Seminary Ave
Ukiah, CA, 95482

Job Number R10064.1

RE: CHANGE TO SCOPE OF WORK: PREPARE CONTRACT SPECIFICATION PACKAGE FOR RECONSTRUCTION OF SMITH STREET IN UKIAH TO INCLUDE ENTIRE WIDTH OF SMITH STREET, TOGETHER WITH SIDEWALK, CURB AND GUTTER ON NORTH SIDE, FOR A LENGTH OF APPROXIMATELY 300 LINEAR FEET; CONSTRUCTION STAKING.

Gentlemen:

This letter is to request an amendment to our Agreement for Professional Consulting Services, dated August 10, 2010. The plans were updated in September, 2016, to expand the project to cover the entire asphalt paved area of the street as well as to replace the distressed sidewalk and store entrances to bring them into compliance with the latest Disability Standards. Upon completion of the construction drawings, an opinion of probable construction costs was developed by your office and it was found to exceed the amount which could be contracted under an informal contract. Now formal contract specifications and documents must be prepared to put the project out to bid. You requested that we provide a cost to prepare the construction specifications to put the project out to formal bid.

In addition, since the project has some complexity in grading the sidewalks and conforming to the curb and gutter and street surface, you requested that we provide you a cost to do the construction staking.

This request for an amendment identifies three additional tasks which must be completed in order to put the project out to bid and have it staked for construction.

Amendment 3 - Task 1 – Preparation of Contract Documents

This task includes using the standard construction contract form provided by the City Public Works Department, and modifying it to conform to the requirements of the Smith Street Rehabilitation Project. The technical specification section will be modified/developed to address the specific construction project on Smith Street. We have requested Diana Steele PE, Consulting, to assist us in developing these contract documents. Diana has had recent experience with the City of Ukiah Contract Form on another project and served as the Public Works Director/City Engineer for the City of Ukiah in the past.

The deliverable for this task will be one hard copy and a CD with the electronic version to enable the City to print the contract documents and distribute them for bidding purposes.

The cost of this task is estimated to be \$3,300.

Amendment 3 - Task 2 – Bid Assistance

RAU will assist the City as needed and requested to answer questions from prospective bidders during the bid period. An allowance of six hours for Diana Steele and two hours for George Rau has been included in this task.

The cost of this task is estimated to be \$1,130.

Amendment 3 - Task 3 – Construction Staking

Construction staking is anticipated to be done in two steps. The first step will be to stake the curb, gutter and sidewalk to conform to accessible standards. It is assumed that the contractor will cut the street two or three feet from the current lip on gutter on the north side, then construct the curb and gutter, then construct the accessible sidewalk. Initial stakes will include an offset from the face of curb and a line stake to a corner of each doorway. At each doorway, finish grade will be marked with paint or a small nail to establish the finish grade elevation at each side of each entry. There are seven entries and a long driveway to be demolished and staked. This requires 17 or 18 lines of stakes or other markings initially.

The second phase is anticipated to be after the sidewalk curb and gutter is completed. Then the contractor will remove the street pavement section and reconstruct it. There are 8 locations along the street centerline to stake for proper grading.

The estimated cost of this task is \$5,500.

Our "Schedule of Fees" for the original work was dated January 1, 2008. We have updated our Schedule of Fees since then. "Schedule of Fees – Table 33" is attached to Amendment #2 which has already been approved.

The cost of this additional work is estimated to be a maximum of \$9,930 at our current hourly fee schedule, including \$3,380 for Diana Steele PE Consulting, with no markup.

Very truly yours,



George C. Rau, P.E.
President

Attachment: Task-Hour Breakdown

Fee Schedule 33

Job No. R10064.1 - Amendment 3

Job Name: Smith Street Rehab

Date: 11-4-16

PHASES			Amend #3 T-1 Contract Docs		Amend #3 T-2 Bld Assistance		Amend #3 T-3 Construction Staking					
	Rate/Cost		hrs/ cost	total	hrs/ cost	total	hrs/ cost	total	hrs/ cost	total	hrs/ cost	total
Registered Civil Engineer Principal	175		4	\$ 700.00	2	\$ 350.00	3	\$ 525.00		\$ -		\$ -
Associate Civil Engineer	140			\$ -		\$ -		\$ -		\$ -		\$ -
Diana Steele PE	130		20	\$ 2,600.00	6	\$ 780.00		\$ -		\$ -		\$ -
Chief of Party (PW)	135			\$ -		\$ -	16	\$ 2,160.00		\$ -		\$ -
GPS Specialist	135			\$ -		\$ -		\$ -		\$ -		\$ -
Construction Inspector (PW)	128			\$ -		\$ -		\$ -		\$ -		\$ -
Instrument Operator (PW)	118			\$ -		\$ -	8	\$ 944.00		\$ -		\$ -
Materials Tester (PW)		(w/o)		\$ -		\$ -		\$ -		\$ -		\$ -
Nuclear Gauge Charge)	116			\$ -		\$ -		\$ -		\$ -		\$ -
Sr. Staff Engineer	115			\$ -		\$ -	4	\$ 460.00		\$ -		\$ -
Rodman (PW)	115			\$ -		\$ -	8	\$ 920.00		\$ -		\$ -
QSD/QSP Specialist (non PW)	110			\$ -		\$ -		\$ -		\$ -		\$ -
Technician II	72			\$ -		\$ -		\$ -		\$ -		\$ -
Project Coordinator	70			\$ -		\$ -		\$ -		\$ -		\$ -
Administrative	60			\$ -		\$ -		\$ -		\$ -		\$ -
Technician I	38			\$ -		\$ -		\$ -		\$ -		\$ -
Vehicle Use (miles)	0.575			\$ -		\$ -	20	\$ 11.50		\$ -		\$ -
Robotic Total Station, per Day	200			\$ -		\$ -	2	\$ 400.00		\$ -		\$ -
Lab Unit Prices	0			\$ -		\$ -		\$ -		\$ -		\$ -
Computer Hours	10			\$ -		\$ -	8	\$ 80.00		\$ -		\$ -
Permit Fees	0			\$ -		\$ -		\$ -		\$ -		\$ -
Backhoe and Operator	100			\$ -		\$ -		\$ -		\$ -		\$ -
Outside Service		cost + 15%		\$ -		\$ -		\$ -		\$ -		\$ -
Reimbursables		cost		\$ -		\$ -		\$ -		\$ -		\$ -
BUDGET FOR PHASE			24	\$ 3,300.00	8	\$ 1,130.00	39	\$ 5,500.50	0	\$ -	0	\$ -

PW = Prevailing Wages

(1) Title Report=	
(2) Map Checking Fees=	
(3) Recording Fees=	
(4) Monuments=	
Subtotal	0

Total Sheet 1	\$ 9,930.50
Total Sheet 2	\$ -
Total Sheet 3	\$ -
Total Sheet 4	\$ -
Reimbursables	\$ -
GRAND TOTAL=	\$ 9,930.50



ITEM NO.: 7e

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: APPROVAL OF AMENDMENT WITH SHN CONSULTING ENGINEERS AND GEOLOGISTS FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE NORTH STATE STREET SEWER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$4,146 AND APPROVAL OF CORRESPONDING BUDGET AMENDMENT

Summary: Council will consider the approval of an amendment for Construction Management and Inspection Services for the North State Sewer Main Improvement Project.

Background: On December 2, 2015, Council awarded a contract to SHN Consulting Engineers and Geologists (SHN) for Construction Management and Inspection Services in the amount of \$29,815.

On May 4, 2016, Council approved an amendment to the contract in the amount of \$39,654 for the additional contract days extended to the contractor. This time extension was mostly for the construction of additional laterals that were not included on the plans. In addition, difficulties with two storm drain crossings required additional engineering services from SHN to adjust the grade of the new sewer main.

Discussion: The working days for this project were initially extended from thirty days to seventy days. An additional nine working days were needed for the contractor to complete the project. This resulted in extra working days for construction management and inspection services from SHN. This item will reconcile and close out this contract.

FISCAL IMPACT:				
Budget Amendment Amount	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$4,146	City Sewer Capital Fund	84424422.52100	Yes ☒ No ☐	#1516-141

RECOMMENDED ACTION(S): Approval of amendment with SHN Consulting Engineers and Geologists, Inc. for Construction Management and Inspection Services for the North State Street Sewer Main Improvement Project in the amount of \$4,146 and approve corresponding budget amendment.

ALTERNATIVES: Do not approve amendment and provide direction to staff.

Citizens advised: N/A
Requested by: Tim Eriksen, Director of Public Works/City Engineer
Prepared by: Jarod Thiele, Public Works Management Analyst
Coordinated with: Dan Hunt, Water/Sewer/Streets Maintenance Supervisor
Presenters: Tim Eriksen, Director of Public Works/City Engineer and Jarod Thiele, Public Works Management Analyst
Attachment: 1. Project Modification Agreement

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

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

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

Approved: 
Sage Sangiacomo, City Manager



CONSULTING ENGINEERS & GEOLOGISTS, INC.

335 S. Main St. • Willits, CA 95490-3977 • 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Reference: 415080

November 7, 2016

Jarod Thiele
Project Analyst
City of Ukiah
300 Seminary Ave.
Ukiah, CA. 95482

**Subject: Request of Contract Amendment – North State Street Sewer Improvement
Project Construction Management Services**

Dear Mr. Thiele:

Attached please find our Project Modification Agreement form for the North State Street Sewer Improvement Project which amends the final budget for Construction Management Services performed for this project. Our previous approved budget was based on an amended construction schedule of 70 working days as requested by the contractor. Per our project inspection documentation the contractor actually took 79 working days to complete the project. Some of the final construction days were not 8 hour days of inspection thus our final request for a budget amendment is not based on the original daily rate. Our billable time over the previously approved budget of \$69,469 is \$4,146 for a total project budget of \$73,615. We will resubmit a final billing statement for clarification. We have previously submitted invoices over the approved budget that totals this amount. However some additional billing on previous invoices for the North State Street Intersection project were inadvertently included in the billing for North State Street Sewer Improvements Construction Management project adding to the confusion as to the final billing amount.

If you have any question please do not hesitate to contact me at 707-459-4518.

Sincerely,

SHN Consulting Engineers & Geologists

A handwritten signature in blue ink that reads 'Thomas A. Hunt'.

Thomas A. Hunt
Senior Civil Engineer

TAH/tjc

Attachment: Project Modification Agreement



Project Modification Agreement

Project Title:	North State Street Sewer Main Improvement Project, Specification No. 14-04
Client:	City of Ukiah
Client Contract/PO #:	Agreement dated January 5, 2016, and modified May 13, 2016
SHN Job Number:	415080
Project Manager:	Tom Herman
Change No.:	2

Project requirements or conditions encountered indicate that the Scope of Services included in this Project must be revised. CLIENT and SHN hereby agree that the Project Scope of Services, Schedule, and/or Budget shall be revised as described below.

Scope of Services Change:

Client has requested an increase in the Construction Management and Inspection Services budget to finalize the outstanding project billing not covered under the currently approved budget. The previous budget had been amended due to the Contractor's request for an increase in working days to 70. However our documentation shows the Contractor took 79 nine working days to finish the project, thus our field inspection time exceeded the estimated fee as previously amended. Based on our records we have \$4,146.40 of outstanding billable time due the extra working days needed to complete the project construction.

Impact To:

Initial Budget:	\$29,815	
Current Budget:	\$69,469	(Reflecting Prior Changes)
Budget Change:	\$4,146	(Addition or Reduction +/-)
Revised Budget:	\$73,615	
Initial Schedule:	30	(days)
Current Schedule:	70	(Reflecting Prior Changes)
Schedule Change:	9	(Addition or Reduction +/- days)
Revised Schedule:	79	(days)
Other:		

Individuals Endorsing Change:

Thomas M. Herman

SHN Project Manager

X

(signature)

Thomas A. Hunt

SHN Project QA/QC

X

(signature)

Authorization to Proceed with Change:

SHN Consulting Engineers & Geologists, Inc.

Date: _____

X

Client

Date: _____



ITEM NO.: 7f

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF ORDINANCE AMENDING DIVISION 6, CHAPTER 3, ARTICLES 1, 2, AND 3 OF THE UKIAH CITY CODE AND ADOPTING THE 2016 CALIFORNIA FIRE CODE

Summary: On November 2, 2016, the City Council discussed the new State Fire codes that will go into effect on January 1, 2017. At the conclusion of the discussion, the Council voted 5-0 to introduce an ordinance amending the City Code pertaining to the adoption of the new fire codes and amendments thereof.

Background: The California Fire Code is part of the California Building Standards Code, and a new edition is published every three years by order of the California State Legislature. These new building and fire standards take effect January 1, 2017, unless otherwise stipulated.

A City may establish more restrictive standards reasonable necessary because of local climatic, geological, or topographical conditions. These findings of local conditions and adopted local standards must be filed with the California Building Standards Commission to become effective. Previous additions and amendments do not apply without appropriate adoption.

The Appendices, which are incorporated into each of the California Codes, are not adopted by the State. Appendices must be adopted locally to be enforced. Appendices A, B, BB, C, CC, D, E, F, G, H, J, and K shall be adopted.

Recommendation: It is staff's recommendation to adopt the ordinance amending portions of Division 6, Chapters 3, articles 1, 2, and 3 of the Ukiah City Code pertaining to Fire Code regulations.

No fiscal impact.

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

RECOMMENDED ACTION(S): Adopt the Ordinance Amending Division 6, Chapter 3, Articles 1, 2, and 3 of the Ukiah City Code.

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

Citizens advised: Ukiah Valley Fire District
Requested by: Kevin P. Jennings, Division Chief / Prevention Officer
Contact/Prepared by: Kevin P. Jennings, Division Chief / Prevention Officer
Coordinated with: Sage Sangiacomo, City Manager and Kristine Lawler, City Clerk
Presenter: Kevin P. Jennings, Division Chief / Prevention Officer
Attachment: 1. Ordinance

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

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 6, CHAPTER 3, ARTICLES 1, 2, AND 3, OF THE UKIAH CITY CODE, ENTITLED: FIRE PREVENTION CODE, TO ADOPT THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING ADDITIONS OR AMENDMENTS THERETO TO ADDRESS LOCAL CONDITIONS.

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

SECTION ONE

Ukiah City Code Section 5200 is hereby amended to read as follows:

SECTION 5200: ADOPTION OF CALIFORNIA FIRE CODE:

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Ukiah, being marked and designated as the California Fire Code, 2016 edition, including Appendix Chapter 4 and Appendices A, B, BB, C, CC, D, F, G, H, I, J, and K as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Ukiah, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made part hereof, as if fully set out in the ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Division 6, Chapter 3, Articles 2 and 3 of this Code.

SECTION TWO

Additions to existing Section 5200.5

SECTION 5200.5: INSERTIONS INTO CERTAIN SECTIONS OF THE CALIFORNIA FIRE CODE 2013 EDITION:

The following sections of the California Fire Code, 2016 edition, are hereby revised by inserting information specific to the City of Ukiah so that these sections read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Ukiah, hereinafter referred to as "this code".

Section 109.4 Violation Penalties of Chapter 1 is amended to read as follows:

Section 109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, provided however the first citation within a 12-month period, for violations of the Fire Code and any amendments adopted herein, shall be treated as a Civil Penalty payable directly to the City of Ukiah and is set at \$250.00 plus the actual costs of all inspections required to gain

compliance at the current rate set by the City of Ukiah, \$50.00 per hour, or fraction thereof with a 1 hour minimum. Said civil penalties shall be a debt owed to the City of Ukiah by the person responsible for the violation within thirty (30) days after the date of mailing the citation.

Each day that the violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Failure to Comply of Chapter 1 is amended to read as follows:

Section 111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to a fine payable directly to the City of Ukiah in the amount of not less than \$250.00 or more than \$1000.00 plus actual cost of all inspections required to gain compliance at the rate set by the City of Ukiah, \$50.00 per hour / 1 hour minimum. Said civil penalties shall be a debt owed to the City of Ukiah by the person responsible for the violation within thirty (30) days after the date of mailing citation based on the violation.

Section 503.3.1 Fire Lane Designation of Chapter 5 is hereby added to read as follows.

Section 503.3.1 Fire Lane Designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1 (public) or 22658(a) (private).

Section 505.1 Address Identification of Chapter 5 is hereby amended to read as follows:

Section 505.1 Address Identification. Approved numbers and / or addresses shall be placed and maintained on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said number, or address shall contrast with its background and shall meet the minimum standards as to size: 4" high with a 0.5" stroke for residential buildings, 6" high and a 0.5" stroke for commercial and multi-residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may establish different minimum sizes for numbers for various categories of projects.

Section 505.5 Response Map Updates of Chapter 5 is hereby added to read as follows:

Section 505.5 Response Map Updates. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format (PDF and / or CAD format as approved by the fire code official) or compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps associated with this development.

Section 605.3.1.1 Alternate Power Sources of Chapter 6 is hereby added to read as follows:

Section 605.3.1.1 Alternate Power Sources. All permanent installations of electrical generators, wind generators, or other power sources shall be approved by the building code official. All applicable provisions of the National Electrical Code, the Uniform Fuel Gas Code, the

California Building Code, and this Code shall be followed for any such installation. Permanent engraved and affixed signage, red in color, reading "WARNING – This premise is provided with an Alternate Power source, Disconnection of commercial power may not disable the electric power source". Lettering shall be a minimum of 0.5" tall and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

Section B105.2 Buildings other than one and two family dwellings of Appendix B is hereby amended as follows:

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1

Section BB105.1 Fire-Flow requirements for buildings of Appendix BB is hereby amended as follows:

Section BB105.1 The minimum fire flow and flow duration for school buildings shall be specified in Table BB105.1

Exception: A reduction in required fire flow of up to 50 percent is allowed when the building is provided with an approved sprinkler system.

SECTION THREE

That geographic limits referred to in certain sections of the 2016 edition of the California Fire Code are hereby established as follows:

Section 5704.2.9.6.1 The geographic limits referred to in Section 5704.2.9.6.1 of the 2016 edition of the California Fire Code in which storage of Class I, Class II, and liquids in outside above ground tanks is prohibited are amended as follows: In all residential areas and in all commercial areas as established by the City of Ukiah, and agricultural land of less than two (2) acres.

Section 5706.2.4.4 The geographic limits referred to in Section 5706.2.4.4 of the 2016 edition of the California Fire Code in which storage of Class I, Class II, and liquids in aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Ukiah, and agricultural land of less than two (2) acres.

Section 5806.2 The geographic limits referred to in the 2016 edition of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential areas and heavily populated or congested commercial areas, as established by the City of Ukiah.

Section 6104.2 The geographic limits referred to in Section 3804.2 of the 2016 edition of the California Fire Code in which storage of liquefied petroleum gas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 liters), is restricted, are

amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Ukiah.

SECTION FOUR

1. **COMPLIANCE WITH CEQA.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060 (c) (2) (the activity will not result in a direct reasonably foreseeable indirect physical change in the environment), 15061 (b) (3) (there is no possibility the activity in question may have a significant effect on the environment.)
2. **SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision or other person or circumstances shall not be affected thereby. The City Council hereby declares that it would have adopted this Ordinance and any section, subsection, sentence, clauses or phrases be declared unconstitutional or otherwise invalid.
3. **EFFECTIVE DATE.** This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on November 2, 2016, by the following roll call vote:

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

Adopted on November 16, 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler , City Clerk



ITEM NO.: 7g

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: AUTHORIZE EXECUTION OF AMENDMENT TO THE AGREEMENT WITH SHN IN AN AMOUNT NOT TO EXCEED \$25,266 FOR ADDITIONAL SERVICES FOR THE NORTH STATE STREET - LOW GAP ROAD STORM DRAIN AND TRAFFIC SIGNAL PROJECT AND APPROVE BUDGET AMENDMENT

Summary: City Council will consider authorizing an amendment to the professional services agreement with SHN for additional services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project. City Council will also consider authorizing a budget amendment for the additional services.

Background and Discussion: At the September 7th Regular City Council Meeting, the City Council approved additional design work which included the full intersection design and design of the frontage improvements along Brush Street. The City is obligated to construct the frontage improvements (retaining wall, sidewalk, curb, and gutter) per the City's agreement for acquisition of easement with the property owner. Please refer to the attached scope of work (Attachment #3) for further details on this approved work.

During the course of finalizing the plans and bid documents, SHN incurred costs for several additional items beyond its previously approved scope of work. Staff therefore requested a proposal from SHN documenting this additional work for City Council's consideration. SHN has proposed a total fee of \$13,269 to cover the cost of the additional City requested work. Please refer to Attachment #4.

For reference, staff has also included the original scope of work and the supplemental scope of work, Attachments #1 and #2, respectively. Staff has reviewed the proposal for the additional work and found the proposed fee to be commensurate with the scope of work. Staff recommends approval of a contract amendment for this work and approval of the corresponding budget amendment.

FISCAL IMPACT:				
Budget Amendment Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$13,269	Traffic Congestion Relief Fund	51024220.80230	Yes ☒ No ☐	1516-229

RECOMMENDED ACTION(S): Authorize execution of amendment to the agreement with SHN in an amount not to exceed \$13,269 for additional services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project and approve budget amendment.

ALTERNATIVES: Choose not to approve recommended action and provide direction to staff.

Citizens advised: Tom Hunt, SHN Consulting Engineers & Geologists, Inc.
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Contact/Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenter: Tim Eriksen, Director of Public Works / City Engineer
Attachments: 1. SHN scope of work dated April 27, 2016
2. SHN proposal dated July 19, 2016
3. SHN proposal dated August 30, 2016
4. SHN proposal dated November 8, 2016

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

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

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

Approved: 
Sage Sangiacomo, City Manager



CONSULTING ENGINEERS & GEOLOGISTS, INC.

335 S. Main St. • Willits, CA 95490-3977 • 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Reference: 415080.200

April 27, 2016

Richard Seanor
Deputy Public Works Director
City of Ukiah
300 Seminary Avenue
Ukiah, CA. 95482

**Subject: Engineering Services Proposal - Low Gap Road and North State Street
Drainage and Curb Return Improvements**

Dear Mr. Seanor :

SHN Consulting Engineers & Geologists, Inc. (SHN) offers to provide engineering and surveying services for the preparation of plans to reconstruct the northeast and northwest curb returns at the intersection of Low Gap Road and North State Street to facilitate the installation of new curb return with a larger radius and ADA accessible ramps on the two corners. This work is necessary due to an existing collapsing storm drain on the northwest corner of Low Gap Road and State Street, and a grade conflict with an existing storm drain crossing State Street and the new 10-inch sewer main currently being constructed in the center of North State Street.

Our services would include performing a field survey of the existing intersection improvements and preparation of a topographic map to be used as a base map. We will research the available plan records to determine the most cost effective way to construct a new storm drain across State Street between the northern curb returns. We will also design new drain inlet locations to efficiently capture the runoff on Low Gap Road and State Street so the new drain inlet and the gutter drainage does not adversely impact the proposed ADA pedestrian ramp. Based on a preliminary review of existing plans and a site inspection, we have determined that some relocation of signal poles and below-grade electrical wiring will need to be relocated to accommodate the new curb radius and the ADA ramps.

We will prepare a site grading plan for the new curb returns and drainage inlets, storm drain profile, site plan for relocation of signal poles and wiring pull boxes, and details for ADA ramp, drainage inlets, sidewalk, curb and gutter, together with general specification and notes on the plans. We will prepare these plans for a fee of \$9,780.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

A handwritten signature in black ink that reads 'Thomas M. Herman'. The signature is written in a cursive, flowing style.

Thomas M. Herman
Regional Principal

TMH: amg



Reference: 415080.200

July 19, 2016

Richard Seanor
Deputy Public Works Director
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Via email: rseanor@cityofukiah.com

**Subject: Engineering Services Contract Amendment - North State Street
Intersection and Storm Drainage Improvements -Low Gap Road/Brush
Street**

Dear Mr. Seanor :

Under your direction, we submitted an engineering services proposal on April 27, 2016 for the preparation of plans for new curb returns on the northwest and northeast corners of North State Street and Low Gap Road/Brush Street together for the repair of the collapsed storm drain at the northwest corner of North State Street and Low Gap Road. When SHN Consulting Engineers & Geologists, Inc. (SHN) started the original discussions regarding this work, the City of Ukiah was only considering the improvements to the northwest corner curb return and repair of the collapse sidewalk to be constructed as a Contractor Change Order for extra work. We were directed by Tim Eriksen during a meeting to put the project on hold temporarily because of complications with the Contractor working on the Sewer Main Improvements project. We were later directed by yourself to move forward with preparing an estimate for engineering services and to include both the northeast and northwest corner curb returns and repair the of the collapsed storm drain at the northwest corner. It was the hope that this work could be added to the North State Sewer Project Improvements by Contractor Change Order. We provided a proposed cost of \$9,780 for the preparation of engineering plans for this work with a budget to facilitate a quick, internal approval so the engineering work could be started in an effort to provide plans to the Contractor for a Change Order budget prior to the finishing of the existing project. We endeavored to perform these services as quickly as possible. We understood this effort would include the relocation of two traffic signal poles and the associated pull boxes and electrical conduits in the sidewalk.

Subsequent to the authorization of the original work order, the following elements were added to the Scope of Work at different times, and were thus included on the plans per the direction of various City of Ukiah personnel:

- While SHN was in the process of preparing plans, it was discovered the existing storm drain in North State Street was in grade conflict with the new sewer main and had to be compromised to construct the new sewer main. It was also noted that the existing CMP storm drain was rusted along the spring line and was in need of replacement. It was then confirmed that the storm drain across North State Street needed to be replaced. We thus included the new storm drain improvement to our plans.

Richard Seanor

Contract Amendment - Low Gap Road & North State Street Drainage and Curb Return Improvements

July 19, 2016

Page 2

- After I requested the right of way documents that were prepared in 1995, we discussed the realignment of the sidewalk and driveway on Quest Mart property on Brush Street.
- In the process of realigning the sidewalk, it was determined that the Quest Mart sign pole would have to be moved thus a footing design was calculated.
- While SHN was preparing the new curb alignment, we were directed by yourself to replace the existing traffic light pole on the northeast corner with one large enough to provide a left turn arrow module on the mast arm over North State Street. Also, left turn arrow signal modules were to be added on all of the appropriate signal poles together with a Gridsmart camera traffic signal control system.
- We later had discussions about including the rehabilitation of Brush Street where we recommended providing a new structural section as opposed to an overlay. Thus, a new structural section and limits of the rehabilitation work were prepared.
- During a Sewer Project walk with Tim Eriksen and Jarod Thiele, we were directed to add pavement rehabilitation for North State Street and Low Gap Road to the project plans.
- Relative to reconstructing the structural section on Brush Street, we suggested that the remaining section of CMP storm drain on Brush Street to the corner of Mazzoni Street should be replaced as well so future digging in Brush Street to repair a rust out storm drain would not necessary.
- Upon completing a 95% complete set of plans, we then prepared a Bid Schedule with construction items and quantities for the preparation of a Bid by TGI. We have since provided pdf plans to TGI and City of Ukiah for Bid Estimate and final review.

At this juncture, SHN would like to respectfully submit a request to the City of Ukiah for additional compensation for the extra work that was performed relative to the above described elements that were added to the completed plans. To date, our additional engineering services fees for the preparation of the North State Street Intersection and Storm Drainage Improvement Plans are \$23,840.

On July 18, 2016, the City of Ukiah requested a fee for preparing Contract Documents and Technical Specifications for the bidding of the North State Street Intersection and Storm Drain Improvements at Low Gap/Brush Street. SHN will prepare the Contract Documents and Technical Specifications using base digital documents provided by the City of Ukiah for a fee of \$8,540. We will provide the City of Ukiah a digital copy of the Contract Documents together with digital copies of the project plans for submittal to Builders Exchange Plan rooms. We will also provide three (3) hard copies of the Contract Documents and full size Project Plans signed by a California Registered Civil Engineer.

The proposed amendment to the Engineering Services Contract is \$23,840 for design services completed, plus an additional fee of \$8,540 for the finalization of the project plans and the preparation of Contract Documents and Technical Specifications, for a total contract increase of \$32,380.

Richard Seanor

Contract Amendment - Low Gap Road & North State Street Drainage and Curb Return Improvements

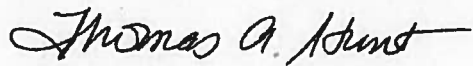
July 19, 2016

Page 3

Please review this request and call or email us at your earliest convenience to discuss the future direction for finalizing this work and the adjustment to our engineering services contract fees. We appreciate the opportunity to work with the City of Ukiah on this project and we are looking forward to providing our services on future projects.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TAH:amg

cc: Jarod Thiele, City of Ukiah
Email: jthiele@cityofukiah.com

**CONSULTING ENGINEERS & GEOLOGISTS, INC.**

335 S. Main St. • Willits, CA 95490-3977 • 707/459-4518 • FAX: 707/459-1884 • willitsinfo@shn-engr.com

Reference: 416056.100

August 30, 2016

Richard Seanor
Deputy Public Works Director
300 Seminary Avenue
Ukiah, CA. 95482

Via email: rseanor@cityofukiah.com

**Subject: Engineering Services Contract Amendment – North State Street
 Intersection and Storm Drainage Improvements – Low Gap Road/Brush
 Street**

Dear Mr. Seanor:

Under your direction and discussion with Tim Eriksen, Public Works Director, we are submitting an estimate to amend to our existing engineering services agreement for the preparation of construction plans, contract documents, and to provide assistance during bidding for the subject North State Street Intersection Improvements. We have been directed to 1) add an ADA accessible ramp on the existing southwest curb return, 2) design a complete ADA ramp with a new 35 foot radius curb return for the southeast corner, and 3) design frontage improvements along the south side of Brush Street from North State Street to the end of the existing sidewalk improvements across from the intersection with Mazzoni Street and within the right of way previously purchased by the City of Ukiah.

These new frontage improvements include retaining walls, driveways, new utility stubs for future development of the adjacent parcel, and special foundation support for the existing structure which will be effected by the widening and construction of the Brush Street improvements. The widening of Brush Street will allow for a left turn lane with reasonable stacking distance and safer vehicle and pedestrian flow on Brush Street. These improvements will also facilitate a full left turn traffic signalization of the intersection. A new traffic signal pole with an overhead mast will be added to the southeast corner of the intersection. A complete left turn arrow signal plan is being prepared for the intersection. In addition, we are redesigning the storm drains for the intersection to include all four corners of the intersection and to accomplish the full abandonment of the existing steel culverts which have been found to be failing. Due to the number of existing underground utilities crossing this intersection, the design of the storm drain is complicated and will be very deep to pass under the existing utility piping.

We are setting up the plans and contract documents to bid this work as one project but will phase the construction work. Phase One would be performed as soon as the project can be bid and awarded this fall because of the importance of rebuilding the storm drain that was severed to construct the new sewer main in North State Street. During the sewer main construction, it was noted that the existing steel storm drains crossing State Street were all perforated with rust holes. During the construction of the new storm drain, it is anticipated that new curb returns would be constructed along with the relocations of existing traffic poles and installation of new poles and traffic signal modules to create left turn arrows in all directions. It is important that the storm drainage work be performed as a first priority along with the other associated improvements,

Richard Seanor

Engineering Services Contract Amendment - No. State St. Intersection & Storm Drainage Improvements - Low Gap Rd/Brush St.

August 30, 2016

Page 2

unless a temporary alternative can be installed. We would then suggest that after the storm drains, curb returns, the shoulder construction adjacent to the new curb returns, and the signalization work and Phase One street striping is completed that work be suspended until spring.

In the spring, Phase Two construction would resume to address the improvements along the Brush Street frontage, reconstruction of the structural section of Brush Street together with pavement rehabilitation in State Street and Low Gap Road and in the intersection. Once the new pavement rehabilitation and reconstruction is completed, the Phase Two striping plan would be applied for a finished project.

We anticipate having 95% of plans and contract documents ready for the City of Ukiah staff to review during the week of September 6, 2016. We assume that some minor revisions may be necessary after review by staff and we would then prepare a final set of plan and contract documents as quickly as possible, signed by a California Registered Civil Engineer and submitted to the City of Ukiah. We will provide the City ten (10) full-size sets of plans together with PDF files of the same. We will also provide three (3) sets of bound Contract Documents, a Word document file and a PDF file of the Contract Documents. We will prepare an Engineer's Opinion of Cost for the proposed improvements. Providing the City with assistance during bidding to help answer contractor questions as needed and preparing a bid tabulation of the submitted bids will also be performed. Our estimated amendment to the engineering services agreement which includes providing the aforementioned services, final signed plans for bidding, and bidding assistance is \$25,266.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TAH: amg



Reference: 416056.100

November 8, 2016

Richard Seanor
Deputy Public Works Director
300 Seminary Avenue
Ukiah, CA. 95482

Via email: rseanor@cityofukiah.com

Subject: Engineering Services Contract Amendment - North State Street Intersection, Traffic Signalization, and Storm Drainage Improvements - Low Gap Road/Brush Street

Dear Mr. Seanor:

Under your direction, we are submitting a final estimate to amend to our existing engineering services agreement for the preparation of construction plans, contract documents, and to provide assistance during bidding for the subject North State Street Intersection Improvements.

After completing a set of plans and contract documents which addressed the previously discussed additions to the project plans we have performed additional revisions to the plans, specifications, and contract documents to include the following items:

- Add utility services and details for the southeast corner parcel to the plan sheets per new documents subsequently provided by Mr. Seanor after being found in old project files.
- Add new chain link fencing and gate along the length of the property on the south side Brush Street.
- Modify the drainage piping from the Ceja Tire parking lot drain inlet.
- Perform engineering analysis to look at street grades and existing utility grades to see if a temporary storm drain from the northwest corner of the intersection could be constructed to an existing drain inlet at another corner.
- Performing additional modifications to the contract documents to be consistent with new City of Ukiah formats after printing and binding of a final set of contract documents.
- Perform revisions to the Notice to Bidders document and add a bidder's checklist, adding City of Ukiah sample insurance forms, together with renumbering of the table of contents after each modification or addition to the contract documents.
- Creating a specification and bid item for the Contractor to perform Public Noticing of traffic control and closures in the intersection.
- Create a specification for Night Construction and a bid alternate item.
- Perform research for the estimate cost of Night Construction and amend the Engineer's Opinion Cost for the project.
- Prepare a new set of pdf plots of the plans and a pdf file of the contract documents after performing revisions adding the various notes and details referred to herein.
- Print a new set of original full size plans with the final revisions.
- Print and bind three new sets of contract documents for submittal to the City of Ukiah.

To date our total approved budget for the North State Street Intersection improvements is \$67,426. Our total billing invoiced to date is \$68,031.45 as of September. Since the first of October we have accrued a

total of \$11,503.79 in labor and print expenses. In addition we would like to reserve a budget of 8 hours for bidding assistance if so needed during the next few weeks of the bidding process. SHN would respectfully like to request an amendment to this contract in the amount of **\$13,269** to complete our engineering services through bid the opening of this project on November 30, 2016.

The total budget for Engineering design services for the North State Street Intersection, Traffic Signalization, and Storm Drainage Improvements – Low Gap Road/Brush Street would be **\$80,695**. Relative to the estimated construction budget of \$1,396,558 the design services fees are equivalent to 5.8% of the estimate.

Sincerely,

SHN Consulting Engineers & Geologists



Thomas A. Hunt, PE
Senior Civil Engineer
Project Manager

TMH/tjc



ITEM NO.: 11a

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

Updated 11-14-16

SUBJECT: RESOLUTION AND URGENCY ORDINANCE, SETTING ASIDE THE COSTCO WHOLESALE PROJECT'S EIR, EIR ADDENDUM, SITE DEVELOPMENT PERMIT AND AIRPORT INDUSTRIAL PARK LAND USE MAP AMENDMENT.

Summary: On June 15, 2016, the State Court of Appeals issued its decision on the Ukiah Costco case. The decision ruled in favor of the City of Ukiah and upheld the Superior Court decision in its entirety, except for one item regarding an addendum to the environmental impact report (EIR) that addresses energy use by the project.

The Court of Appeal's decision sends the case back to the Mendocino County Superior Court to direct the City to bring the energy section of the Environmental Impact Report into compliance with the California Environmental Quality Act.

In order to comply with the Writ of Mandate issued by the Mendocino County Superior Court in *Citizens for Safety First v. City of Ukiah et.al.* Case No. A145581, the Council will consider adoption of: 1. A Resolution setting aside the Costco Wholesale project EIR, Addendum, and Site Development Permit; and 2. An Ordinance setting aside the amendment to the Airport Industrial Park Land Use Map.

Following this step, as directed, the City will circulate the energy section of the EIR for public comment and will consider the discussion of the project's energy use and public comments about energy use before deciding whether to recertify the EIR and approve the project.

Background:

As a result of the lawsuit and subsequent appeal filed by Ukiah Citizens for Safety First ("UCSF") against the City of Ukiah challenging the Environmental Impact Report ("EIR") prepared for the Costco Wholesale Warehouse Project ("Costco Project"), the City is required to set aside the certification of the EIR and the project approvals. The Court has ordered the City to prepare and circulate for public comment an energy efficiency analysis of the project that complies with the California Environmental Quality Act ("CEQA") before certifying the EIR and relying on it to approve the Costco Project.

The Resolution in Attachment 1 and the Urgency Ordinance in Attachment 2 are the first step in complying with the court order. Following the approval of the attached resolution and ordinance, the staff

Continued on Page 2

RECOMMENDED ACTION(S): Adopt Resolution and Urgency Ordinance setting aside Costco Wholesale EIR, EIR Addendum Site Development Permit and Amendment to the Airport Industrial Park Plan Development.

ALTERNATIVES: Provide Direction

Citizens advised: N/A
Requested by: City Council
Contact/Prepared by: Kevin Thompson, Interim Planning Director, David Rapport, City Attorney
Coordinated with: David Rapport, City Attorney, Tim Eriksen, Public Works Director
Presenter: Kevin Thompson, Interim Planning Director
Attachment: 1. Draft Resolution
2. Urgency Ordinance

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

and the City's EIR consultant will prepare the energy efficiency assessment and circulate it for a required 45-day public review period.

The attached ordinance (Attachment 2) sets aside Ordinance No. 1146 which amended the land use designations in the Airport Industrial Park Development Plan for the 15 acres comprising the project site to "General Commercial" and restores the designations established by the Plan prior to its most recent amendment. The ordinance can be introduced, adopted and become effective at one meeting, because it is proposed for adoption as an "urgency ordinance" pursuant to Government Code Section 36937(b). That Section allows immediate adoption of an ordinance, when immediate adoption is required to preserve public peace, health, safety or welfare. Since setting aside Ordinance No. 1146 has been ordered by the court and the deadline for complying with the court order is December 3, 2016, urgency adoption is appropriate.

The resolution (Attachment 1) sets aside: A) the City's certification of the EIR adopted by Resolution No. 2013-34; B) the City's adoption of Findings of Fact and Statement of Overriding Considerations, all adopted by Resolution 2013-15; and C) the City's adoption of Findings of Fact for the adoption of Addendum to the EIR, all adopted by Resolution 2014-47.

Discussion: The attached Resolution and Urgency Ordinance are the first step in complying with the Writ of Mandate issued by the Mendocino Superior Court on October 3, 2016. The next step in complying with the writ includes certifying the EIR with the revised energy efficiency analysis and relying on that certified EIR when considering re-adoption of the EIR related resolutions and approval of an ordinance amending the AIP Development Plan to accommodate the Costco Project.

When the Superior Court heard UCSF's lawsuit, it found that the EIR fully complied with CEQA and rejected the other challenges by UCSF to the City's decisions. On appeal, the Court of Appeal upheld the Superior Court decision that the EIR complied with CEQA, except for one aspect of the EIR, and that the other legal challenges were without merit. Because of a court of appeal decision that came down after the UCSF law suit had been filed, the City sought to adopt an EIR addendum that included an energy efficiency analysis of the Costco Project before the Superior Court conducted its hearing on UCSF's challenges.

The Court of Appeal in its decision said that the City had to prepare the energy efficiency analysis before the EIR was certified and the project was approved. Accordingly, only the energy efficiency analysis is subject to public comments when the EIR with the energy efficiency analysis is circulated for public comment. All other aspects of the EIR and the project approvals have been upheld by the courts and are not subject to further public comment or consideration by the City.

Below is staff's proposed schedule for fully complying with the writ, including the timeline associated with Talmage Interchange and Redwood Business Park road improvements:

	Milestone	Department	Timeline
1.	Retain Dudek and Associates to review and revise EIR Energy Use Analysis	Planning	Completed 9/21/16
2.	Dudek and Associates to revise Addendum adding EIR Energy Use Analysis as separate element in the EIR	Planning	Underway
3.	Court to issue writ of mandate, compelling City to set aside certification of EIR and project approvals (site development permit and Planned Development Ordinance amendment)	City Attorney	Completed 10/03/16
4.	Release of bid documents for the Redwood Business Park Road Improvement	Public Works	Late 2016
5.	City Council resolution and urgency ordinance setting aside certification of EIR and project approvals	Planning / City Attorney	Underway 10/16/16

6.	Staff initiates the circulation of revised EIR Energy Use Analysis for a 45-day public comment period	Planning / Dudek	Late 2016
7.	Staff and Dudek and Associates review and prepare response to comments, if necessary*	Planning / City Attorney / Dudek	Early 2017
8.	Redwood Business Park Road Improvement Construction	Public Works	Early Spring 2017
9.	Release of bid documents for the Talmage Road Interchange Improvements	Public Works	Early 2017
10.	The Planning Commission public hearing to consider a recommendation to certify the EIR and the amendments to the Airport Industrial Park Plan and approve Site Development Permit	Planning	Early 2017
11.	The City Council public hearing to consider the Planning Commission recommendations and any appeals (if any) Site Development Permit decision	Planning	Early Spring 2017
12.	File return to writ of mandate with superior court	City Attorney	Early Spring 2017
13.	Talmage Road Interchange Construction	Public Works	Summer 2017

*Depending on the amount of comments, this milestone has the potential to delay the project.

Conclusion: The proposed action represents the next step in the City's process of completing the Costco Wholesale project. As outlined in the above table, the City will be required to complete several more steps in this process. Staff will keep the Council and community informed of our progress as the process unfolds.

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

RESOLUTION NO. 2016-**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH SETTING ASIDE CITY COUNCIL RESOLUTIONS NO. 2013-34, 2013-35, AND 2014-47 FOR THE COSTCO WHOLESALE PROJECT AND OTHERWISE COMPLYING WITH THE WRIT OF MANDATE ISSUED IN *UKIAH CITIZENS FOR SAFETY FIRST ET, AL V CITY OF UKIAH* MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUKEVPT 14-63579**

WHEREAS, on January 31, 2011, Costco Wholesale submitted an application to the City of Ukiah for an amendment to Ordinance No. 1098, the Airport Industrial Park Planned Development Ordinance, establishing land use designations and allowed and permitted uses of property in the Airport Industrial Park ("AIP") and for permits to construct and operate a Costco Wholesale Store ("the Project") on Airport Park Boulevard in the AIP; and

WHEREAS, on December 18, 2013, by a 5-0 vote, the City Council adopted Resolution 2013-34, certifying that the final Environmental Impact Report ("EIR") for the Project had been completed in compliance with the California Environmental Quality Act ("CEQA"); and

WHEREAS, on December 18, 2013, by a 5-0 vote, the City Council adopted Resolution 2013-35, adopting Findings of Fact and a Statement of Overriding Considerations; and

WHEREAS, on January 15, 2014, by a 5-0 vote, the City Council adopted Ordinance No. 1146 amending the Airport Industrial Park Planned Development Plan; and

WHEREAS, January 22, 2014, by a 4-1 vote, in reliance on the EIR certified by the City Council on December 18, 2013, the Planning Commission approved the Site Development Permit for the Costco Wholesale Project, including Findings and Conditions of Approval; and

WHEREAS, on or about February 11, 2014, a petition for writ of mandate and a complaint for injunctive relief were filed in Mendocino County Superior Court seeking to set aside the City Council's certification of the EIR, adoption of Ordinance No. 1146 and approval of the Project Permits (*Friends of Ukiah v. City of Ukiah et.al.* Case No. A145581); and

WHEREAS, on March 5, 2014, on appeal from the Planning Commission decision approving the Site Development Permit for the Costco Wholesale Project, the City Council approved the Planning Commission decision subject to certain amendments to the conditions of approval; and

WHEREAS, on December 3, 2014, by a 5-0 vote, the City Council adopted Resolution 2014-47 adopting an addendum to the EIR; and

WHEREAS, on or about May 11, 2015, the Superior Court issued a judgment denying the petition for writ of mandate; and

WHEREAS, on or about June 26, 2015, petitioner Ukiah Citizens for Safety First filed an appeal of the Superior Court Judgment; and

WHEREAS, on or about June 21, 2016, the court of appeal issued a decision reversing the superior court judgment and instructing that court to grant the petition for writ of mandate with respect to the analysis of the project's energy impacts, but affirmed the superior court decision in all other respects; and

WHEREAS, the court of appeal issued its remittitur on August 25, 2016, returning jurisdiction to the superior court; and

WHEREAS, on August 29, 2016, the superior court issued a minute order directing the City to set aside its certification of the final EIR and approval of the Project and further ordered that the City shall only be required to bring the energy section of the EIR into compliance with CEQA before re-determining whether to approve the Project; and

WHEREAS, on October 3, 2016, the Superior Court issued a peremptory writ of mandate demanding that the City of Ukiah: A) Set aside the City's certification of the EIR adopted by Resolution No. 2013-34; B) Set aside the City's adoption of Findings of Fact and Statement of Overriding Considerations, all adopted by Resolution 2013-15; C) Set aside the City's adoption of Findings of Fact for the adoption of Addendum to the EIR, all adopted by Resolution 2014-47; D) Set aside the City's approval of the Project, including Ordinance No. 1146 amending the Airport Industrial Park Plan Development; E) File a return to the writ confirming that the above described actions have been taken; and

WHEREAS, the City of Ukiah must file a return to the writ of mandate no later than December 3, 2016, showing that it has complied with the order of the Superior Court;

NOW, THEREFORE, BE IT RESOLVED that:

1. City Council Resolution No. 2013-34, certifying the EIR and adopting findings and a mitigation monitoring and reporting program for the Costco Wholesale Project, is hereby set aside in its entirety;
2. City Council Resolution No. 2013-34, adopting Findings of Fact and Statement of Overriding Considerations for the Costco Wholesale Project, is hereby set aside in its entirety;
3. Planning Commission Motion made on January 22, 2014 issuing a Site Development Permit for the Project, and the City Council decision on March 5, 2014, upholding the Planning Commission decision subject to amendments to the conditions of approval are hereby set aside;
4. City Council Resolution 2014-47, adopting an addendum to the EIR for the Costco Wholesale Project, is hereby set aside in its entirety; and
5. The City Attorney's office is hereby directed to file a return to the writ of mandate no later than December 3, 2016.

PASSED AND ADOPTED this 16th day of November, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH SETTING ASIDE ORDINANCE NO. 1146 AND REINSTATING ORDINANCE NO. 1098 AND THE AIRPORT INDUSTRIAL PARK LAND USE MAP AS THEY READ IMMEDIATELY PRIOR TO THE ADOPTION OF ORDINANCE NO. 1146.

WHEREAS,

1. The Superior Court of California for Mendocino County has issued a writ of mandate ("Writ") directed to the City of Ukiah ("City") and the City Council of the City of Ukiah in *Ukiah Citizens for Safety First v. City of Ukiah et al.*, Case No. SCUKEVPT 14-63579, commanding it to, among other things, set aside the City of Ukiah's approval of City of Ukiah Ordinance No. 1146, amending the Airport Industrial Park Planned ("AIP") Development Plan, which changed the land use designation of 4.1 acres in the AIP from Industrial/Automotive Commercial to Retail Commercial and 11.2 acres from light Manufacturing/Mixed Use to Retail Commercial; and
2. The City is required to file a return with the Court demonstrating compliance with the Writ by no later than November 23, 2016; and
3. This ordinance must be adopted as an urgency ordinance in order to file the required return within the time prescribed by the Writ;

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

1. City of Ukiah Ordinance No. 1146, including the Airport Industrial Park Land Use Map, as amended by said ordinance, is hereby repealed and set aside.
2. City of Ukiah Ordinance No. 1098, adopted on July 23, 2007, including the Land Use Map attached thereto, is hereby reinstated, returning 4.1 acres in the AIP to the Industrial/Automotive Commercial land use designation and returning 11.2 acres to the light Manufacturing/Mixed Use land use designation.
3. Pursuant to Government Code Section 36937(b), in order to preserve the public peace, health or safety, by complying with a court order, this ordinance shall be introduced and adopted at a single City Council meeting and shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 16th day of November, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

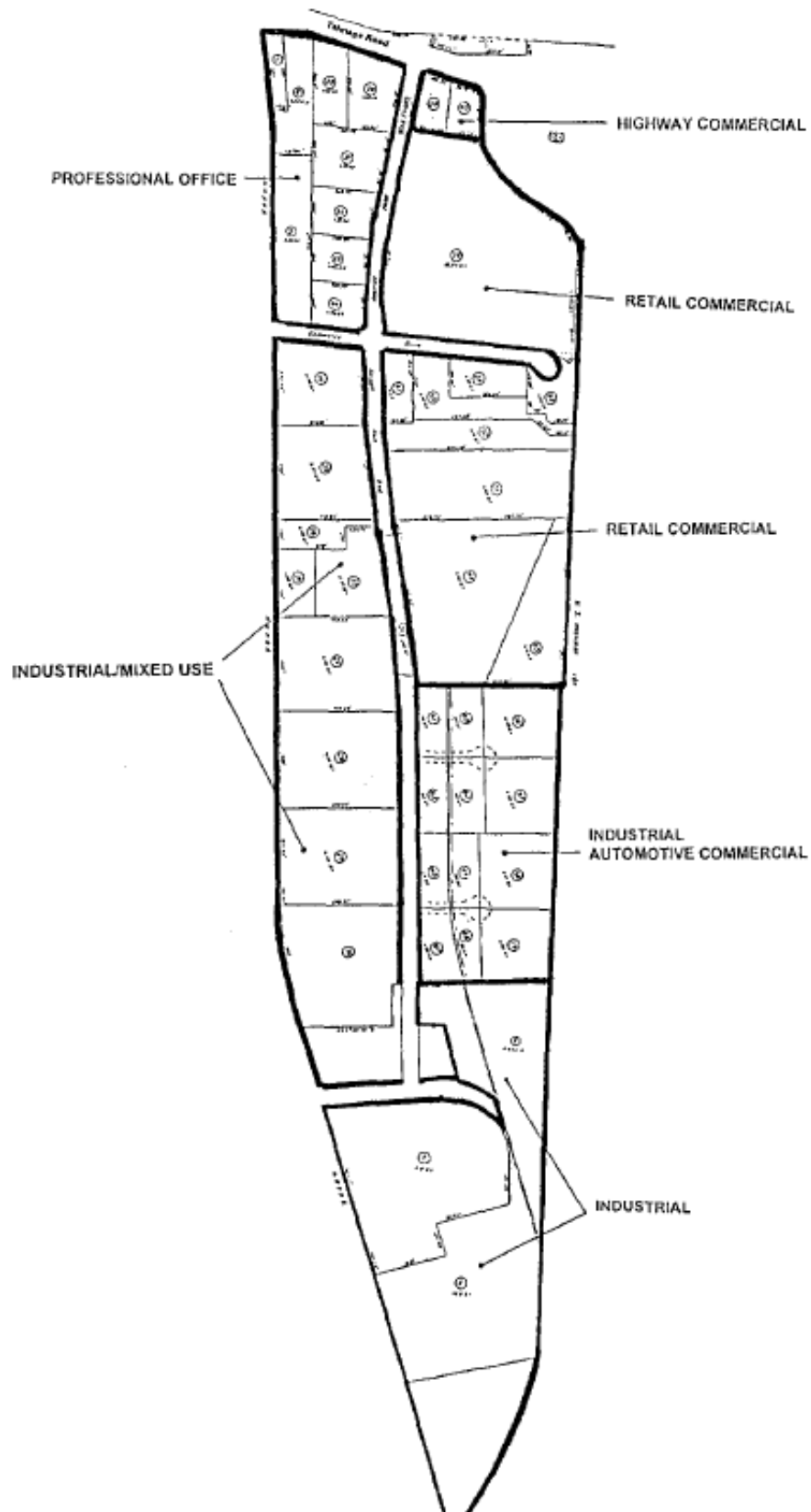
ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk

Airport Industrial Park Land Use Map





City Council
11/16/16

B A C K G R O U N D / P U R P O S E

- Writ of mandate Mendocino County Superior Court- the City is required to set aside the certification of the EIR and the project approvals
- Give the Council and community an update on the Costco project.

City Council
11/16/16

P R E V I O U S A P P R O V A L S

City Council
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- Site Development Permit- Planning Commission- *January 22, 2014*
 - Environmental Impact Report (“EIR”) Certified- *December 18, 2013*
 - Statement of Overriding Considerations- *December 18, 2013*
 - Addendum to the EIR- *December 3, 2014*
 - Amendment to Airport Industrial Park Land Use Map- *January 15, 2014*
-

NEXT STEPS

	Milestone	Department	Timeline
1.	Retain Dudek and Associates to review and revise EIR Energy Use Analysis	Planning	Completed 9/21/16
2.	Dudek and Associates to revise Addendum adding EIR Energy Use Analysis as separate element in the EIR	Planning	Underway
3.	Court to issue writ of mandate, compelling City to set aside certification of EIR and project approvals (site development permit and Planned Development Ordinance amendment)	City Attorney	Completed 10/03/16
4.	Release of bid documents for Redwood Business Park Traffic Improvements	Public Works	Late 2016
5.	City Council resolution and urgency ordinance setting aside certification of EIR and project approvals	Planning / City Attorney	Underway 10/16/16
6.	Staff initiates the circulation of revised EIR Energy Use Analysis for a 45-day public comment period	Planning / Dudek	Late 2016
7.	Staff and Dudek and Associates review and prepare response to comments, if neassary	Planning / City Attorney / Dudek	Early 2017
8.	Redwood Business Park Road Improvement Construction	Public Works	Early Spring 2017
9.	Release of bid documents for Talmage Road Interchange Improvements	Public Works	Early 2017
10.	The Planning Commission public hearing to consider a recommendation to certify the EIR and the amendments to the Airport Industrial Park Plan and approve Site Development Permit	Planning	Early 2017
11.	The City Council public hearing to consider the Planning Commission recommendations and any appeals to (if any) Site Development Permit decision	Planning	Early Spring 2017
12.	File return of writ of mandate with superior court	City Attorney	Early Spring 2017
13.	Talmage Road Interchange Construction	Public Works	Summer 2017

RECOMMENDATION

- **A**dopt Resolution and Urgency Ordinance setting aside previous Costco approvals, and certification of the EIR, statement of overriding consideration and addendum
- Complying with Writ of mandate

City Council
11/16/16

Kristine Lawler

From: Kevin Thompson
Sent: Wednesday, November 16, 2016 4:12 PM
To: Kristine Lawler
Cc: Ashley Cocco
Subject: FW: revised scoping comments for the Costco EIR energy section
Attachments: comments for energy section of Costco EIR.docx

[Revised Pinky letter.](#)

From: Pinky Kushner [mailto:pinkykushner@mac.com]
Sent: Wednesday, November 16, 2016 4:07 PM
To: Kevin Thompson
Subject: revised scoping comments for the Costco EIR energy section

Hi Kevin,

The agenda item on Costco for the Council meeting of Nov 16, 2016, goes into some detail about the history of the Costco project and provides an explanation as to why the Council must take the two actions to set aside the previous approvals for the project. The Staff Report states also that the next step is to create a new energy section. in view that this next step is included in the Staff Report, although it is not up for a vote from the Council, I am attaching a letter that can be considered as scoping comments for that next step--the creation of an energy section within the body of the EIR.

I note that in the Appeals Court decision, the Court, referring back to the Woodland case, states that CEQA considerations should "include whether a building should be constructed at all, how large it should be, where it be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope." Some of my scoping comments are prompted by those words.

The Court goes on in its decision by stating that the project's complying "with the Building Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the energy impacts during construction and operation of the project." Costco's EIR needs to explore mechanisms that promote real reductions of energy use and not merely cite the use of state and local building codes.

The other Court statement I include here is really very interesting---"We offer no opinion on whether the addendum adopted by the city complies with the requirements of CEQA for the analysis of energy impacts."

Everyone in the City, and the Valley also, has asked what the delays are all about. In looking at the delays, two years were used to form the EIR; 2 years were used to fight in court. One way not to have further delays is for the energy section to be complete, complete without question, without quibble. It is in the spirit of trying to help the Project move through this, the final stages of

approval, *efficiently and cleanly*, that I am submitting my scoping comments. My comments do propose some changes in the site plan. Architects are probably cheaper and faster than legal and court costs.

I thank you for your service to the City of Ukiah.

Sincerely,
Pinky Kushner

The Planning Department
2016
City of Ukiah
Ukiah, California 94582

November 16,

RE: Scoping Comments for the Preparation of the Energy Chapter of the Costco EIR

Dear Sir,

In the energy analysis for this project, please include a re-evaluation of the decision to use 1000 watt metal halide fixtures on very tall poles. These fixtures are considered obsolete in the 21st century as they consume a lot of energy, thus producing heat which leads to frequent burn out and create toxic waste for disposal. Please compare with International Dark Sky approved (IDA) fully shielded, downcast LEDS at 3000K or less and mounted on shorter poles.

Any lighting around the wetlands should be IDA approved amber colored LEDS to reduce impacts to nocturnal animals.

Thank You,
Dennis Slota

MEMO

November 16, 2016

To: Ukiah City Council

From: Mary Anne Miller, Ukiah resident

Re: Agenda item #11a. Costco EIR Appeal

There are several requirements that the Court has imposed on the City of Ukiah with its decision granting the appeal of Citizen's on the Energy section deficiencies in the City-certified EIR for the Costco project. They can be found in the court's record of decision. Hopefully the staff has transmitted this document to you; pages 6, 7, and 8 and particularly helpful in achieving the requirements imposed by the Court on the City of Ukiah. I am attaching the Court's decision document for your interest.

The revised Energy Analysis should address the following concerns to safeguard public health and environmental sustainability. Costco has been willing in the past to consider suggestions to meet this goal.

The City should request a breakdown of the traffic demand. The stated number of weekday vehicle trips is estimated to be 11, 204 trips, and on weekend days, 8, 708 trips. It will be necessary to learn from the Energy Analysis to what degree the specific uses proposed by Costco will cause a significant increase in the carbon footprint and emissions. If the numbers are broken down as to use, the Council will know which use or uses generate the largest number of vehicle trips. Then the Council can decide which uses should remain within the project and which uses can be mitigated: for example, how many vehicle trips are caused by the gas station? By the pharmacy? By the grocery? By the tire store? By the general merchandise retail store? The Energy Analysis should have a detailed factual basis. The purpose of this break-out of data is to determine whether the removal of a function results in a significant reduction in new vehicle trips and lowers the amount of carbon and other emissions.

The Energy Analysis should study the vehicle emissions during fueling which will be directly transmitted to the adjacent watercourse and wetland that is proposed to be restored as public open space directly south of the proposed gas station. We request that an alternate site for the gas station be studied, to the north of the building near the bus stop. It should become clear whether the level of emissions can be mitigated or not, and how.

In addition, the Energy Analysis should study the proposed lighting with the goal of limiting overspill and modifying glare; whether the use of 16'-20' light standards instead of the 40' high poles proposed would achieve this goal; and whether a program of turning off lights at hours when they are not needed and in areas where there are no security concerns would also assist this goal. Specific data would be most useful.

Thank you for your attention to these suggestions.

248 Cal.App.4th 256
Court of Appeal,
First District, Division 3, California.

UKIAH CITIZENS FOR SAFETY
FIRST, Plaintiff and Appellant,
v.
CITY OF **UKIAH** et al.,
Defendants and Respondents.

A145581

Filed June 21, 2016

Certified for Partial Publication. *

Synopsis

Background: Interest group filed petition for writ of mandate under the California Environmental Quality Act (CEQA), challenging city's certification of an environmental impact report (EIR) for the construction of a warehouse store and gas station. The Superior Court, Mendocino County, No. SCUVCVPT1463579, Jeanine Nadel, J., denied the petition, and group appealed.

Holdings: The Court of Appeal, Pollak, J., held that:

[1] EIR inadequately described and discussed the energy impacts of the project, and

[2] city's subsequent approval of addendum to EIR did not cure prior approval of original inadequate EIR.

Reversed and remanded with instructions in part; otherwise affirmed.

West Headnotes (13)

[1] Environmental Law

⇒ Assessments and impact statements

Mandamus

⇒ Scope and extent in general

An appellate court's review of the administrative record for legal error and substantial evidence in a California Environmental Quality Act (CEQA) case, as in other mandamus cases, is the same as the trial court's: the appellate court reviews the agency's action, not the trial court's decision, and in that sense appellate judicial review under CEQA is de novo. Cal. Pub. Res. Code § 21000 et seq.

Cases that cite this headnote

[2] Environmental Law

⇒ Assessments and impact statements

Court of Appeal resolves substantive California Environmental Quality Act (CEQA) issues by independently determining whether the administrative record demonstrates any legal error by the public agency and whether it contains substantial evidence to support the public agency's factual determinations. Cal. Pub. Res. Code § 21000 et seq.

Cases that cite this headnote

[3] Administrative Law and Procedure

⇒ Harmless or Prejudicial Error

When a public agency does not comply with procedures required by law, its decision must be set aside as presumptively prejudicial.

Cases that cite this headnote

[4] Environmental Law

⇒ Adequacy of Statement, Consideration, or Compliance

Noncompliance by a public agency with California Environmental Quality Act's (CEQA's) substantive requirements or noncompliance with its information disclosure provisions that preclude relevant information from being presented to the public agency constitutes a prejudicial abuse of discretion, regardless of whether a different outcome would have resulted if the public

agency had complied with those provisions.
Cal. Pub. Res. Code §§ 21168, 21168.5.

Cases that cite this headnote

[5] **Environmental Law**

⇒ Harmless error

When an agency fails to proceed as required by California Environmental Quality Act (CEQA), harmless error analysis is inapplicable. Cal. Pub. Res. Code §§ 21168, 21168.5.

Cases that cite this headnote

[6] **Environmental Law**

⇒ Assessments and impact statements

Court of Appeal applies the substantial evidence standard of review to a public agency's conclusions, findings, and determinations, and to challenges to the scope of an environmental impact report's (EIR's) analysis of a topic, the methodology used for studying an impact, and the reliability or accuracy of the data upon which the EIR relied, because these types of California Environmental Quality Act (CEQA) challenges involve factual questions; "substantial evidence" is defined as enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.' Cal. Pub. Res. Code § 21168.

Cases that cite this headnote

[7] **Environmental Law**

⇒ Assessments and impact statements

The agency is the finder of fact, and the Court of Appeal reviewing a decision under the California Environmental Quality Act (CEQA) for substantial evidence must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the

evidence in favor of the agency's decision. Cal. Pub. Res. Code § 21168.

Cases that cite this headnote

[8] **Environmental Law**

⇒ Adequacy of Statement, Consideration, or Compliance

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous is not substantial evidence supporting a decision under the California Environmental Quality Act (CEQA); "substantial evidence" shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Cal. Pub. Res. Code § 21168.

Cases that cite this headnote

[9] **Environmental Law**

⇒ Land use in general

Environmental impact report (EIR) issued under the California Environmental Quality Act (CEQA) for proposed warehouse store and gas station inadequately described and discussed the energy impacts of the project, where EIR concluded that project would generate 11,204 new vehicle trips per weekday and 8,708 new trips per weekend day but failed to calculate the resulting energy impacts, EIR improperly relied on compliance with the building code to mitigate operational and construction energy impacts, and city's reliance on mitigation measures designed to reduce greenhouse gas emissions was misplaced. Cal. Pub. Res. Code § 21100(b)(3); Cal. Code Regs. tit. 14, § 15126.4(a)(1)(C).

Cases that cite this headnote

[10] **Environmental Law**

⇒ Updated or supplemental statements; recirculation

Environmental impact report (EIR) addendum which city adopted to provide additional discussion of project energy consumption and electrical utilities was

not part of the administrative record and could not be considered in California Environmental Quality Act (CEQA) action deciding whether city abused its discretion in certifying initial EIR for warehouse store and gas station project. Cal. Pub. Res. Code § 21100(b)(3); Cal. Civ. Proc. Code § 1094.5; Cal. Code Regs. tit. 14, § 15126.4(a)(1)(C).

Cases that cite this headnote

[11] **Environmental Law**

↔ Updated or supplemental statements; recirculation

City's subsequent approval of addendum to environmental impact report (EIR) issued under the California Environmental Quality Act (CEQA) for proposed warehouse store and gas station did not cure prior approval of original inadequate EIR, which inadequately described and discussed the energy impacts of the project. Cal. Pub. Res. Code §§ 21100(b)(3), 21168.9; Cal. Code Regs. tit. 14, §§ 15126.4(a)(1)(C), 15162, 15164.

Cases that cite this headnote

[12] **Environmental Law**

↔ Updated or supplemental statements; recirculation

Recirculation and consideration of public comments concerning the energy analysis was necessary before environmental impact report (EIR) issued under the California Environmental Quality Act (CEQA) for proposed warehouse store and gas station could be certified and the project approved, even though city had issued addendum to EIR discussing energy impacts, where original EIR inadequately described and discussed the energy impacts of the project. Cal. Pub. Res. Code §§ 21100(b)(3), 21168.9; Cal. Code Regs. tit. 14, § 15126.4(a)(1)(C).

Cases that cite this headnote

[13] **Environmental Law**

↔ Updated or supplemental statements; recirculation

While recirculation is not required under the California Environmental Quality Act (CEQA) when an addendum to an environmental impact report (EIR) merely clarifies or amplifies an adequate EIR, or makes insignificant modifications in an adequate EIR, recirculation is required when the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless. Cal. Pub. Res. Code § 21168.9; Cal. Code Regs. tit. 14, § 15164.

12 Witkin, Summary of Cal. Law (10th ed. 2005) Real Property, § 832 et seq.

Cases that cite this headnote

****82** Mendocino County Superior Court, Honorable Jeanine Nadel. (Mendocino County Super. Ct. No. SCUVCVPT1463579)

Attorneys and Law Firms

Counsel for plaintiff and appellant: Kopper & Morgan, William D. Kopper, Davis.

Counsels for defendant and respondent: Rapport and Marston, David J. Rapport, **Ukiah**, Armbruster Goldsmit & Delvac LLP, Damon P. Mamalakis, Dale J. Goldsmith, Los Angeles.

Opinion

Pollak, J.

***259** Plaintiff **Ukiah** Citizens for Safety First (Citizens) appeals from the denial of its petition for writ of mandate under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21050 et seq.),¹ challenging the certification of an environmental impact report (EIR) by the City of **Ukiah** and its city council (the city) for the construction of a **Costco** Wholesale Corporation (**Costco**) retail store and gas station. Citizens contends: (1) the EIR did not properly identify and analyze potentially significant energy impacts generated by the project; (2) the EIR's analysis of transportation and traffic impacts

is inadequate; (3) the EIR's analysis of noise impacts is inadequate; and (4) the project is inconsistent with applicable zoning requirements.

We agree with Citizens that the EIR fails to sufficiently analyze potential energy impacts and that the adoption of an addendum to the EIR subsequent to approval of the EIR and of the project failed to comply with CEQA requirements. In the unpublished portion of this opinion, we reject the remainder of Citizens' contentions. Accordingly, we shall reverse the judgment and instruct that the petition for writ of mandate be granted with respect to the analysis of energy impacts of the project and affirm the trial court's decision in all other respects.

*260 Factual and Procedural Background

On February 1, 2011, Costco applied for a use permit to construct a warehouse store and gas station (the project) on a **83 15.33-acre site located in the southeast section of the city. Because the project did not comport with current zoning, Costco also sought to have the site rezoned.

On January 30, 2013, the city released a draft EIR for the project. In November 2013, following the period for public comment, the city released the final EIR. The EIR describes the project as a 148,000-square-foot retail facility with a bakery, pharmacy, optical center, hearing aid testing center, food court, photo center, tire center, and a gas station with 16 pumps. The store would provide 608 parking stalls for customer vehicles.

Among other things, the EIR reports the project would increase traffic volumes on area roadways resulting in significant traffic impacts at identified intersections. The EIR includes mitigation measures to reduce the impact, including modifications to the impacted intersections, that will result in acceptable conditions at the impacted intersections. However, due to uncertainty of timing and funding of the mitigation measures, the EIR concludes that the traffic impacts of the project cannot be mitigated to a level that is less than significant. The EIR also concludes that the increase in local traffic volumes would result in higher noise levels along local roadways but that traffic noise associated with the project would be less than significant.

On December 18, 2013, the city certified the EIR and adopted a statement of overriding considerations. On January 15, 2014, the city adopted the necessary rezoning legislation. The CEQA notice of determination was filed on January 16, 2014.

On February 11, 2014, Citizens filed a petition for a writ of mandate challenging the sufficiency of the EIR and the related rezoning legislation. On May 1, 2015, the court issued a decision denying the petition in its entirety. Citizens filed a timely notice of appeal.

Discussion

1. Standard of Review

[1] [2] [3] [4] [5] [6] [7] [8] The city's compliance with CEQA is reviewed for an abuse of discretion. (§ 21168.5.) An "[a]buse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (*Ibid.*) " 'An appellate court's review of the administrative record for legal error and substantial evidence in a *261 CEQA case, as in other mandamus cases, is the same as the trial court's: The appellate court reviews the agency's action, not the trial court's decision; in that sense appellate judicial review under CEQA is de novo. [Citations.] We therefore resolve the substantive CEQA issues ... by independently determining whether the administrative record demonstrates any legal error by the [public agency] and whether it contains substantial evidence to support the [public agency's] factual determinations.' [Citation.] ... When a public agency does not comply with procedures required by law, its decision must be set aside as presumptively prejudicial. [Citation.] [¶] Noncompliance by a public agency with CEQA's substantive requirements or noncompliance with its information disclosure provisions that preclude relevant information from being presented to the public agency 'constitute[s] a prejudicial abuse of discretion within the meaning of sections 21168 and 21168.5 ..., regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.' [Citations.] 'In other words, when an agency fails to proceed as required by CEQA, harmless error analysis is inapplicable. The failure to comply with the law subverts the purposes **84 of CEQA if it omits material necessary to informed decisionmaking

and informed public participation.’ [Citation.] We apply the substantial evidence standard of review to a public agency’s ‘conclusions, findings, and determinations, and to challenges to the scope of an EIR’s analysis of a topic, the methodology used for studying an impact, and the reliability or accuracy of the data upon which the EIR relied because these types of challenges involve factual questions.’ [Citation.] ‘Substantial evidence’ is defined as ‘enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.’ [Citation.] ‘The agency is the finder of fact and we must indulge all reasonable inferences from the evidence that would support the agency’s determinations and resolve all conflicts in the evidence in favor of the agency’s decision.’ [Citation.] However, ‘[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous ... is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.’ ” (*City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, 839–840, 195 Cal.Rptr.3d 614.)

2. Energy Impacts

“An EIR must include a statement concerning ‘[m]itigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary *262 consumption of energy.’ (... § 21100, subd. (b)(3).) The CEQA Guidelines^[2] provide that: ‘Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in [a]ppendix F.’ (CEQA Guidelines, § 15126.4, subd. (a)(1)(C).) Appendix F of the CEQA [G]uidelines ... states: ‘Potentially significant energy implications of a project should be considered in an EIR [to the extent relevant and applicable to the project]. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.’ In list form, [a]ppendix F discusses how energy consumption and conservation may be analyzed in the EIR.” (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 930, 99 Cal.Rptr.3d 621.)³

****85** The EIR, as certified on December 18, 2013, does not contain a separate section for the analysis of energy impacts. Rather, energy impacts are mentioned throughout the EIR. The city points out that the potential increase in electrical and natural gas usage and whether the project would result in wasteful, inefficient, or unnecessary energy consumption are discussed in conjunction with the analysis of impacts to public utilities in section 3.9 of the EIR. The city also cites to the discussion of the effects of energy usage on air quality and greenhouse gas emissions found in the discussion of global climate change in section 3.11 of the EIR.

***263** In section 3.9.8, the EIR concludes that the project “would not exceed existing gas and electric supply or result in wasteful, inefficient, or unnecessary consumption of energy.” The EIR explains, “The proposed project would intensify development on the project site, thereby increasing demand for gas and electric service. On-site employment and uses, such as the warehouse store and tire center, would use gas and electricity. These uses would generate demand for 2.44 million kilowatt hours of electricity per year.... The project area has existing distribution facilities and capacity to serve the project. [¶] The energy consumption demands of the proposed project would conform to the [California Code of Regulations] Title 24 energy conservation standards such that the development would not be expected to wastefully use gas and electricity. The proposed project would also be designed to include several sustainable features. Among these features are regional sourcing of building materials, higher solar reflectivity metal wall panels, reflective roof materials, and tripled-glazed skylights....^[4] Since the proposed project would comply with title 24 conservation standards, implement additional sustainable features, and be served by the City of Ukiah, the proposed project would not directly require the construction of new energy generation or supply facilities, or result in wasteful, inefficient, or unnecessary consumption of energy. Consequently, the impact would be less than significant.”

In section 3.11.1, relating to “Global Climate Change,” the EIR acknowledges that the project “could generate [greenhouse gas] emissions that may have a significant impact on the environment” but explains that implementation of mitigation measures that “include incorporation of sustainability features in the building and site design in order to reduce energy consumption and

exceed the Title 24 building efficiency ratings, (Measure 3.2.2a), implementation of a carpool/vanpool program (Measure 3.2.2b), increase transit accessibility (Measure 3.2.2c), and improve the pedestrian network (Measure 3.2.2d) [¶] ... would reduce [the] emissions.... However, the majority of the [greenhouse gas] emissions are mobile-source, and feasible reduction measures beyond vehicle fuel efficiency (state and federal requirements), and encouraging alternative transportation, are not available.”

[9] Citizens' petition asserts that the EIR “fails to include adequate information regarding the project's energy use and **86 does not comply with appendix F of the CEQA Guidelines.” Specifically, Citizens argues that the EIR failed to calculate the energy use attributable to vehicle trips generated by the project and failed to calculate the operational and construction energy use of the project. After the EIR was certified and Citizens filed its writ petition, on February 28, 2014, the Court of Appeal for the Third District issued its *264 opinion in *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 170 Cal.Rptr.3d 488 (CCEC).

In CCEC, the court held that the analysis of energy impacts in an EIR, which was in all material respects the same as that undertaken by the city in this case, was not adequate. (CCEC, *supra*, 225 Cal.App.4th at pp. 206–207, 170 Cal.Rptr.3d 488.) With respect to the EIR's analysis of transportation energy impacts, the CCEC court noted that the EIR concluded the project would result in 40,051 new vehicle trips each day but failed to assess any transportation energy impacts of these vehicle trips. (*Id.* at p. 210, 170 Cal.Rptr.3d 488.) The court rejected the City of Woodland's argument that the EIR's mitigation measures designed to reduce vehicle trips would also reduce energy impacts, explaining the City of Woodland “cannot say how much less transportation energy is needed for the project as approved because the issue has never been assessed in an EIR. CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount.” (*Ibid.*) With respect to the analysis of operational and construction energy use of the project, the court found that the City of Woodland's reliance on mitigation measures that required compliance with title 24 and other California green building codes did not meet the requirements of appendix F. (CCEC, at p. 210, 170 Cal.Rptr.3d 488.) The court explained, “Although the [California Building

Standards Code (Cal.Code Regs., tit. 24, pt. 6) (Building Code)] addresses energy savings for components of new commercial construction, it does not address many of the considerations required under appendix F of the CEQA Guidelines. These considerations include whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope. Here, a requirement that [the project] comply with the Building Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the energy impacts during construction and operation of the project.” (*Id.* at p. 211, 170 Cal.Rptr.3d 488.) Finally, the court rejected reliance on mitigation measures adopted under the rubric of reducing greenhouse gas emissions that “would likely have the collateral effect of substantial energy-saving effects.” (*Id.* at p. 208, 170 Cal.Rptr.3d 488, fn. 6.) The court explained, “Although there is likely to be a high correlation between reducing greenhouse emissions and energy savings, this court cannot assume the overlap is sufficient under CEQA's study and mitigation requirements.... ‘Air quality mitigation is not a substitute for an energy analysis.’ Thus, we will not consider [the] mitigation measure[] in our discussion of mitigation measures addressing energy impacts.” (*Ibid.*)

The EIR certified by the city in this case in December 2013 clearly fails to meet the standards set forth in CCEC, *supra*, 225 Cal.App.4th 173, 170 Cal.Rptr.3d 488. As in that case, the Costco EIR concludes that the project will generate 11,204 new *265 vehicle trips per weekday and 8,708 new trips per weekend day, but fails to calculate the resulting energy impacts of those trips. The EIR also improperly relies on **87 compliance with the building code to mitigate operational and construction energy impacts, without further discussion of the appendix F criteria. Finally, as in CCEC, the city's reliance on mitigation measures designed to reduce greenhouse gas emissions is misplaced.

Recognizing the deficiencies in its EIR as made clear by the CCEC opinion, on December 3, 2014, the city adopted an addendum to the EIR. The addendum “clarifies and provides additional discussion of project energy consumption and electrical utilities.” The summary to the addendum explains, “The city is clarifying its determination that ‘the project would not exceed existing gas and electric supply or result in the wasteful, inefficient,

or unnecessary consumption of energy' in part based on the recent court decision, *CCEC*, *supra*, 225 Cal.App.4th 173 [170 Cal.Rptr.3d 488], which was published after the city certified the EIR. That decision held that CEQA requires a more detailed discussion of energy use than was previously understood at the time the EIR was certified. This discussion augments, but does not alter, the conclusions of the EIR regarding the effects of project-related energy usage." The statements regarding energy impacts in the final EIR, set forth above, are incorporated with "additional clarification and technical information regarding project-related energy usage and conservation features" into a single 10-page analysis of the potential energy impacts. The addendum addresses construction energy usage and concludes that project "construction would not consume a greater amount of energy in its construction phase than similar projects." The addendum also addresses operational energy usage, including energy usage associated with transportation fuel consumption, and concludes that with implementation of the mitigation measures identified in the EIR, the project "would not consume a greater amount of energy in its operational phase than similar projects."

[10] Over Citizens' objection, the trial court considered this addendum in concluding that the EIR's analysis of potential energy impacts was sufficient. However, "under Code of Civil Procedure section 1094.5, courts can only review evidence that was actually before the administrative decision makers prior to or at the time of their decision." (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1032, fn. 13, 280 Cal.Rptr. 478.) Accordingly, the addendum is not a part of the administrative record and cannot be considered in deciding whether the city abused its discretion in certifying the EIR.

[11] Moreover, the city's subsequent approval of the addendum does not cure the prior approval of an inadequate EIR. The CEQA Guidelines authorize *266 the preparation of an addendum to a previously certified EIR "if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred." (CEQA Guidelines, § 15164, subd. (a).) While none of the conditions requiring a subsequent EIR apply here,⁵ section 15164 nonetheless assumes that the EIR previously certified was properly certified. The section does not authorize the **88 retroactive correction of an

inadequate EIR based upon the consideration of which the project was approved, by providing the additional necessary information about the environmental effects of the project after the project has been approved. Section 15164, subdivision (d) provides explicitly, "The decision-making body shall consider the addendum with the final EIR ... prior to making a decision on the project." The fact that the city considered the addendum when later approving certain replacement agreements and minor project changes does not, as the city contends, excuse the failure to consider the information contained in the addendum when approving the project itself.

[12] [13] Because the EIR, as certified, inadequately describes and discusses the energy impacts of the project, we must reverse the denial of the petition for a writ of mandate and remand the case for issuance of a writ, directing the city to set aside its certification of the final EIR, and approval of the project and to bring the energy section of the EIR into compliance with CEQA before redetermining whether to approve the project. (See CEQA Guidelines, § 21168.9.) We offer no opinion on whether the addendum adopted by the city complies with the requirements of CEQA for the analysis of energy impacts. As Citizens notes, the clarification and additional discussion of project energy consumption and electrical utilities included in the addendum have not been subjected to public comment. Although the city is correct that recirculation is not required when an addendum "merely clarifies or amplifies [citations] or makes insignificant modifications in [citation] an adequate EIR" (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1994) 6 Cal.4th 1112, 1128, 26 Cal.Rptr.2d 231, 864 P.2d 502), "recirculation is required, for example, when ... the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless" (*id.* at p. 1130, 26 Cal.Rptr.2d 231, 864 P.2d 502). Because the EIR certified in this case was inadequate in its analysis of energy impacts of the project, *267 recirculation and consideration of public comments concerning the energy analysis will be necessary before the EIR may be certified and the project approved.

3.-5. **

Disposition

The judgment is reversed and the matter remanded to the trial court with instructions to grant Citizens' petition for a writ of mandate directing the city to set aside its certification of the final EIR and approval of the project and to bring the energy section of the EIR into compliance with CEQA before redetermining whether to approve the project. The judgment is affirmed in all other respects. Citizens shall recover its costs on appeal.

We concur:

McGuinness, P.J.

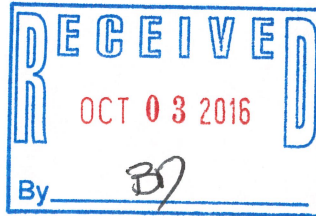
Jenkins, J.

All Citations

248 Cal.App.4th 256, 204 Cal.Rptr.3d 80, 16 Cal. Daily Op. Serv. 6429, 2016 Daily Journal D.A.R. 6003

Footnotes

- * Pursuant to California Rules of Court, rules 8.1105(b) and 8.1110, this opinion is certified for publication with the exception of parts 3, 4, and 5 of the Discussion.
- 1 All further statutory references are to the Public Resources Code unless otherwise noted.
- 2 As in the opinion which is here quoted, we shall refer in this opinion to the regulations appearing at California Code of Regulations, title 14, section 15000 et seq., as the CEQA Guidelines.
- 3 Appendix F lists the environmental impacts that may be included in the EIR: "1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed. [¶] 2. The effects of the project on local and regional energy supplies and on requirements for additional capacity. [¶] 3. The effects of the project on peak and base period demands for electricity and other forms of energy. [¶] 4. The degree to which the project complies with existing energy standards. [¶] 5. The effects of the project on energy resources. [¶] 6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives." (CEQA Guidelines, appendix F.) Appendix F also lists mitigation measures that may be included in the EIR: "1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed. [¶] 2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid-waste. [¶] 3. The potential for reducing peak energy demand. 4. Alternate fuels (particularly renewable ones) or energy systems. [¶] 5. Energy conservation which could result from recycling efforts." (*Ibid.*)
- 4 The EIR lists on pages 2.8 and 2.9 the typical sustainable building features incorporated into new **Costco** warehouses to conserve energy and natural resources.
- 5 CEQA Guidelines section 15162 requires the preparation of a subsequent EIR if substantial changes are proposed in the project requiring major revisions of the previous EIR, if substantial changes occur with respect to the circumstances under which the project is undertaken requiring major revisions in the previous EIR, or if new information of substantial importance with respect to environmental effects, not known or which reasonably should have been known, becomes known.
- ** See footnote *, *ante*.



ENDORSED-FILED

OCT 03 2016

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

~~PEGGY MELLO~~

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Exempt from Filing Fees
Pursuant to Government
Code Section 6103

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO**

UKIAH CITIZENS FOR SAFETY FIRST, a
California Association, RACHEL LAND and
PATTY HERNANDEZ,

Petitioners,

v.

CITY OF UKIAH, a Municipal Corporation under
the laws of the State of California, CITY
COUNCIL OF THE CITY OF UKIAH, and DOES
1 through 10, inclusive,

Unlimited

Case No.: SCUKCVPT 14-63579

**[PROPOSED] PEREMPTORY WRIT OF
MANDAMUS**

Respondents.

DAVID E. BABCOCK, dba DAVID BABCOCK
AND ASSOCIATES, et al.

Real Parties in Interest.

1 TO THE CITY OF UKIAH and THE CITY COUNCIL OF THE CITY OF UKIAH, and each
2 of you:

3 Judgment having been entered in this proceeding, ordering that a peremptory writ of mandamus
4 be issued from this Court,

5 YOU ARE HEREBY COMMANDED, upon service of this writ:

6 Within 60 days after service of the writ, Respondents City of Ukiah and the City Council of the
7 City of Ukiah (collectively the "City") shall:

- 8 A. Set aside the City's certification of the Environmental Impact Report for the Ukiah
9 Costco Project (the "Project"), SCH No. 201111226 (the "EIR"), adopted by
10 Resolution No. 2013-34;
11 B. Set aside the City's adoption of Findings of Fact and Statement of Overriding
12 Considerations, all adopted by Resolution 2013-35;
13 C. Set aside the City's adoption of Findings of Fact for and the adoption of an
14 Addendum to the EIR, all adopted by Resolution 2014-47; and
15 D. Set aside the City's approval of the Project, including Ordinance No. 1146
16 amending the Airport Industrial Park Plan Development; and
17 E. File a return to the writ confirming that the above-described actions have been
18 taken.

19 The Court retains jurisdiction over this action as follows:

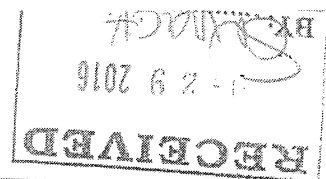
- 20 A. To ensure compliance with the writ;
21 B. To ensure that the City shall process any future consideration of the Project in
22 accordance with the Court of Appeal decision in appellate case number A145581
23 (attached hereto); and
24
25
26
27
28

1 C. The Court does not direct the City to exercise its lawful discretion in any particular
2 way nor does it restrict in any way future City action taken for the Project in
3 compliance with the law.
4

5 Dated: 9-23-16

PEGGY MELLO

Clerk of the Superior Court

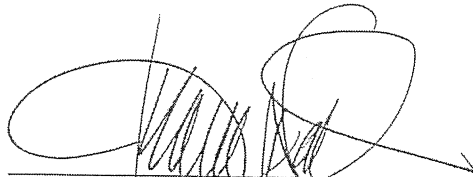


SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO County Courthouse, State and Perkins Streets 100 North State Street, Room 108 Ukiah, CA 95482-0337		ENDORSED-FILED AUG 29 2016 CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA M. STAFFORD
UKIAH CITIZENS FOR SAFETY FIRST Plaintiff v. CITY OF UKIAH et al., Defendants		
MINUTE ORDER GRANTING PLAINTIFF'S PETITION FOR WRIT OF MANDATE		CASE NUMBER: SCUKCVPT-14-63579

In accordance with the decision of the Court of Appeal in this matter, Plaintiff's Petition for Writ of Mandate is hereby granted. The City of Ukiah is directed to set aside its certification of the final EIR and approval of the project. The City shall only be required to bring the energy section of the EIR in compliance with CEQA before re-determining whether to approve the project.

Date: _____

August 26, 2017



JEANINE B. NADEL
Judge of the Superior Court

Superior Court of California, County of Mendocino
PROOF OF SERVICE

Case: SCUK-CVPT-2014-63579

Document Served: MINUTE ORDER GRANTING PLAINTIFF'S PETITION FOR WRIT OF MANDATE AND FIRST DISTRICT COURT OF APPEAL REMITTITUR

I declare that I am employed in the County of Mendocino, State of California; I am over the age of eighteen years and not a party to the within action. My business address is:

☒ Mendocino County Courthouse, 100 North State Street, Ukiah, California 95482.

☐ Ten Mile Branch, 700 South Franklin Street, Fort Bragg, CA 95437

I am familiar with the County of Mendocino's practice whereby each document is placed in the Attorneys' boxes, located in Room 107 of the Mendocino County Courthouse and the Public Access Room of the Ten Mile Branch, transmitted by fax or e-mail, and/or placed in an envelope that is sealed with appropriate postage is placed thereon and placed in the appropriate mail receptacle which is deposited in a U.S. mailbox at or before the close of the business day.

On the date of the declaration, I served copies of the attached document(s) on the below listed party(s) by placing or transmitting a true copy thereof to the party(s) in the manner indicated below.

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I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed at:

☒ Ukiah, California

☐ Fort Bragg, California

Date: August 29, 2016

CHRISTOPHER D. RUHL, Clerk of the Court

M. STAFFORD

By: M. STAFFORD, Deputy Clerk

PROOF OF SERVICE

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

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CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA
FRANCES PROTEAU

Case No. SCUK CVPT 14-63579

UKIAH CITIZENS FOR SAFETY FIRST, a
California Association, RACHEL LAND and
PATTY HERNANDEZ

Petitioners

DECISION AFTER COURT
TRIAL ON PETITION FOR
WRIT OF MANDATE (CCPS1094.5)

vs.

CITY OF UKIAH, a Municipal Corporation under
the laws of the State of California, CITY
COUNCIL OF THE CITY OF UKIAH, and DOES
1 through 10, inclusive,

Respondents

DAVID E. BABCOCK, dba DAVID BABCOCK
AND ASSOCIATES, et al.

Real Parties in Interest

STATEMENT OF THE CASE

In this Petition for Writ of Mandate, Petitioners, Ukiah Citizens for Safety First ("UCS"), Rachael Land and Patty Hernandez, have challenged Respondents' ("City") approval of Resolution 2013-35 which certified the Final Environmental Impact Report for the Costco Warehouse Project. ("Project") Specifically, Petitioners contend that:

1. The EIR failed to analyze the Project's energy use.
2. The addendum to the FEIR that was adopted by the City Council on December 3, 2014 was insufficient as a matter of law.
3. The City committed the CEQA error of improperly "piecemealing" by not including the 101/Talmage improvements project as part of the Costco project and analyzing the two projects in one EIR.
4. The EIR's analysis of traffic impacts does not comply with CEQA.

5. The air quality analysis is flawed and relied on inaccurate data.
6. The EIR does not adequately evaluate or mitigate the noise impacts to the surrounding businesses and hotels.
7. The City violated the State's planning and zoning laws by failing to determine that the Project was consistent with the Airport Industrial Park ("AIP") Specific Plan.

For the reasons that follow, the court has determined that the City proceeded in the manner required by law and that the decision made to approve the Project is supported by substantial evidence in the record.

ANALYSIS

In a case challenging an agency's compliance with CEQA, "[t]he court's inquiry shall extend only to whether there was a prejudicial abuse of discretion. (Public Resources Code §21168.5). Such an abuse is established if the agency has not proceeded in the manner required by law or if the determination or decision is not supported by substantial evidence." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 426, internal quotation marks omitted). Substantial evidence is "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (*Laurel Heights Improvement Assn. v. Regents of the University of Cal.* (1988) 47 Cal. 3d 376; *CEQA Guidelines* §15384 (a); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722, 32 Cal.Rptr.2d 704).

A reviewing court does not decide the correctness of the EIR's environmental conclusions, but only its sufficiency as an informative document. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal. App. 4th 1059). Courts look "not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." (*Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal. App. 4th 704; *CEQA Guidelines*, §15151). A reviewing court may not independently reweigh the evidence or substitute its judgment for the decision of the agency (*Laurel Heights, supra*). The court must presume that the City's decision is correct. (*Evidence Code* §664; *State Water Control Board Cases* (2006) 136 Cal. App. 4th 674).

Petitioners have the burden of affirmatively demonstrating the inadequacy of the environmental review conducted in this case. (*Id*; see also, *Al Larson Boat Shop v. Board of Harbor Comm.* (1993) 18 Cal. App. 4th 729). Disagreements between experts do not make an EIR inadequate. (*Assn. of Irrigated Residents v. County of Madera* (2003) 107 Cal. App. 4th 1383). An agency is entitled to choose between differing expert opinions or rely on the opinion of its own staff. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal. App. 4th 884). The court must "...indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision." (*CNPS v. City of*

Rancho Cordova (2009) 172 Cal. App. 4th 603, 613-614. "The issue is not whether the studies are irrefutable or could have been better...only whether they are sufficiently credible to be considered part of the total evidence that supports the findings." (*Assn. of Irrigated Residents*, *supra* at 1401).

Petitioners bear the burden of demonstrating that any errors in the City's environmental analysis were prejudicial. (*Public Resources Code* § 21005(a); *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal. App. 4th 1351, 1385). An error is prejudicial when an agency fails to comply with a mandatory CEQA procedure or when a report omits information and thereby precludes informed decision making. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal. App. 4th 1036, 1046-1047; *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal. 4th 439, 463).

1. Respondents Adequately Analyzed the Project's Energy Use.

Petitioners contend that the EIR did not directly address the Project's energy use, and in particular, transportation energy use. Petitioners claim that the City failed to calculate the energy use attributable to vehicle trips generated by the Project. Petitioners further argue that there was a failure to calculate the operational and construction energy use of the Project. According to Petitioners, failure to address these issues violated the provisions set forth in Appendix F of the CEQA Guidelines.

There is substantial evidence in the record that the EIR contains an analysis of the Project's energy use in several sections. As set forth in the City's response to comments 8 and 9, "Nowhere in CEQA does it require every EIR to provide an accounting of energy usage in a specific format. The focus of an EIR is on the potentially significant physical effects the project may have on the environment. The DEIR analyzes the usage of energy, including direct and indirect, stationary and mobile. The potential increase in electrical and natural gas usage are discussed in Section 3.9 (see Impact 3.9.8), and a discussion of whether the project would result in wasteful, inefficient, or unnecessary energy consumption, as recommended in Appendix F of the Guidelines.

Most importantly, the EIR analyzes the effects of this energy usage on the existing environment, specifically air quality and greenhouse gas (GHG) emissions. This is consistent with the objective of CEQA that an EIR concentrate on the potentially significant physical effects of a project. Conservation measures and energy efficiency measures, as discussed in Appendix F of the CEQA Guidelines, are discussed in the EIR (see pages 2-8 to 2-9, 3.9-9, 3.9-14, and 3.11-16 to 3.11-18). As explained in the EIR and in the Response to Comment 133-7, Costco routinely includes many energy-efficient or energy-saving design features in its projects, and proposed to do so here for this Project too." (AR 604-605).

Impact 3.9.8 provides: "The Costco Wholesale warehouse Project would not exceed existing gas and electric supply or result in wasteful, inefficient, or unnecessary consumption of energy. The proposed Project would intensify development on the Project site, thereby increasing demand for gas and electric service. On-site employment and uses, such as the warehouse store and tire center, would use gas and electricity. These uses would generate demand for 2.44 million kilowatt hours of electricity per year

(kWh). The Project area has existing distribution facilities and capacity to serve the Project.

The energy consumption demands of the proposed Project would conform to the State's Title 24 energy conservation standards such that the development would not be expected to wastefully use gas and electricity. The proposed Project would also be designed to include several sustainable features. Among these features are regional sourcing of building materials, higher solar reflectivity metal wall panels, reflective roof materials, and tripled-glazed skylights (Costco, 2011). In addition, energy service to the Project site would be provided to meet the needs of the proposed Project as required by the California Public Utilities Code, which obligates electric providers to provide service to existing and potential customers. Since the proposed Project would comply with Title 24 conservation standards, implement additional sustainable features, and be served by the City of Ukiah, the proposed Project would not directly require the construction of new energy generation or supply facilities, or result in wasteful, inefficient, or unnecessary consumption of energy. Consequently, the impact would be less than significant." (AR 949).

2. The Use of an Addendum to Augment and Clarify the Energy Analysis is Authorized by CEQA Guidelines and is Supported by Substantial Evidence.

Subsequent to the certification of the EIR, and the filing of the Petition, the case of *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App. 4th 173 was published. In that case, the court held that the City's reliance on California Building Standards Code and Green Building Standards Code (Title 24), did not suffice to address issues of transportation, construction and operation energy impacts and that a more detailed discussion of energy use pursuant to CEQA Guidelines Appendix F was required.

In response to CCER, the City adopted an Addendum that contained the required energy use discussion. (CEQA Guideline §15164) Absent the occurrence of new significant impacts which would require a revision of a previously adopted EIR, an addendum is an appropriate procedure to use when clarifying or providing technical detail that does not alter the conclusions previously adopted. (*Fund for Environmental Defense v. County of Orange* (1988) 204 Cal. App. 3d 1538.) The addendum must provide a brief explanation of the decision not to prepare as a subsequent EIR (§15164(e)).

The City met this obligation by providing the following explanation. "This Addendum also clarifies and provides additional discussion of Project energy consumption and electrical utilities. The City is clarifying its determination that "the Project would not exceed existing gas and electric supply or result in the wasteful, inefficient, or unnecessary consumption of energy" in part based on the recent court decision, CCEC v. City of Woodland (2014) 225 Cal. App. 4th 173, which was published after the City certified the EIR. That decision held that CEQA requires a more detailed discussion of energy use than was previously understood at the time the EIR was certified. This discussion augments, but does not alter, the conclusions of the EIR regarding the effects of Project-related energy usage. As analyzed below, the approval of the Improvement Agreement by the City and the PSA by the Successor Agency, the minor Project Site Plan revisions, and the additional information on energy consumption do not constitute a substantial change to the project, substantial new information, or

otherwise require preparation of a supplemental or subsequent EIR under CEQA Guidelines Sections 15162 or 15163. The information set forth herein constitutes only minor changes and additions to the certified EIR. Therefore, preparation of an Addendum is the appropriate approach under CEQA.” (SAR 243)

If the agency’s decision to rely on an addendum is supported by substantial evidence in the record, the court must defer to the agency’s decision, even if a contrary conclusion can be reached. (*Public Resources Code §§21168, 21168.5*).

The addendum consolidated all of the EIR’s energy use analysis into one location and divided the information into four categories.

A. Project Energy Conservation Measures

As set forth in both the EIR and Addendum the City identified and adopted energy-related mitigation measures intended to conserve energy and natural resources. (*Mitigation Measure 3.2.2a, AR 528-529, 590*). The mitigation measures were expressly imposed in order to reduce energy consumption and associated GHG emissions. (SAR 253).

“Parking lot light standards are designed to provide even light distribution and use 20% less energy compared to a greater number of fixtures at lower heights. The use of metal halide lamps provide a color corrected white light and a higher level of perceived brightness with less energy than other lamps such as high pressure sodium. New building materials are typically extracted and manufactured within the region. Pre-manufactured building components, including structural framing and metal panels, are designed to minimize waste during construction. Pre-manufactured metal wall panels with insulation are designed to conserve energy by increasing R-value and solar reflectivity. Building heat absorption is reduced by a decrease in the thermal mass of the metal wall when compared to a typical masonry block wall. Reflective roof material will meet the requirements for the USEPA’s Energy Star energy efficiency program. Reflective roofs produce lower heat absorption and thereby lower energy usage during the summer months. Triple glazed skylights are used on the roof to reduce the need for interior lighting. A “daylight harvesting” system monitors and adjusts the mechanical and lighting systems in order to conserve energy. The system includes the skylights, light monitors, energy efficient lighting fixtures, and associated control systems. On a typical sunny day, fewer than one third of the interior lights are needed.” (See AR 783-784).

Further, *“the Heat-Reclaim system, which captures heat from the refrigeration lines and uses it to heat water for the building. High efficiency restroom water fixtures, which result in a water savings of 40% beyond the building standard. Reduced water usage results in a reduction in energy usage, due to the energy needed to pump, clean, and distribute potable water. The draft Title 24 (California Code of Regulations) compliance report for the Project indicates that the above features, plus efficient internal heating and cooling, will result in a building energy performance that is 12% more efficient than the Title 24 performance standards (Title 24 Performance Certificate of Compliance, dated 12/17/13, included as Attachment B). As such, the Project would more than comply with state and federal energy standards, including Title 24 of the California Code of Regulations.”(AR 97, 604, 606; SAR 251,253; Mitigation Measure 3.2.2b)*. The EIR also included measures to reduce employee vehicle trips and improvements to the bicycle and pedestrian network. (AR 98-99; SAR 253-256)

B. Project Construction Energy Use Including Transportation

The City found that Project construction is typical for the region and building site and that there were no unusual circumstances at the site that would require an unusually high construction related energy usage. Both the EIR and Addendum describe the Project building and construction energy usage. Specifically, *"The Heat-Reclaim system, which captures heat from the refrigeration lines and uses it to heat water for the building. High efficiency restroom water fixtures, which result in a water savings of 40% beyond the building standard. Reduced water usage results in a reduction in energy usage, due to the energy needed to pump, clean, and distribute potable water. The draft Title 24 (California Code of Regulations) compliance report for the Project indicates that the above features, plus efficient internal heating and cooling, will result in a building energy performance that is 12% more efficient than the Title 24 performance standards (Title 24 Performance Certificate of Compliance, dated 12/17/13, included as Attachment B). As such, the Project would more than comply with state and federal energy standards, including Title 24 of the California Code of Regulations.*

Project construction will require grading, utility installation, foundation construction, building construction, paving, and landscaping installation. All construction is typical for the region and building type, and the Project site does not include unusual circumstances that would require unusually high energy usage. Some import of fill will be required in order to allow gravity flow of water and sewer, as opposed to pumping and/or installing extremely deep lines below surface grade- both of which would be more energy intensive.

The building system is pre-engineered metal (see Draft EIR pp. 2-8 to 2-9). The metal building system contains 80% recycled content and is itself 100% recyclable. The Project design team estimates that by designing a metal warehouse, fewer building materials are consumed in construction compared to full height masonry. Considered within the context of all construction materials, including 1000 truck trips for fill and 280 truck trips for the slab and foundation, the overall reduction in haul truck trips is 8.5% as compared to a full height masonry building. In addition, building material deliveries would be reduced by 71.5% (50 truck trips for a pre-engineered metal building with a CMU foundation versus 175 truck trips for an all-CMU structure). Therefore, fewer fossil fuels are consumed in transportation, due to the need for less material, under the Project as opposed to a more conventional design. It is further noted that these material trips are well below the standard CalEEMod assumptions for construction emissions for a typical project of similar size." (AR 783-784, SAR 251)

C. Project Operational Energy Use Including Transportation

As stated above, the City determined the Project would consume electricity of approximately 2.44 million kilowatt hours per year. This is based on a 148,000 square foot retail warehouse. (AR 949-950, Impact 3.9.8.). The City also determined that the analysis demonstrated that the Project is within a typical range for a Costco Warehouse. The City also analyzed fuel consumption before and after mitigation measures. (SAR 253; Mitigation Measure 3.2.2a).

D. Renewable Energy Sources.

There is substantial evidence in the record to dispute Petitioners contention that the City failed to consider the use of renewable energy sources for the Project.

"In addition to the information contained in this Draft EIR section, the City notes that the energy sources for the electricity provided by the City of Ukiah Utilities Department includes an unusually high percentage of renewable energy sources compared to the state average. Ukiah's 2011 energy supply included 49% eligible renewable sources, compared to a 2010 statewide average of 14%. Large hydroelectric energy, while not considered an "eligible" renewable source for purposes of the California Renewable Portfolio, is nevertheless a clean energy source, and at 25% is a substantial component of Ukiah's energy mix. In addition, on-site renewable energy sources have been considered. The Project would include pre-wiring and an engineered roof to allow for future solar energy panels. It is Costco standard practice to determine the feasibility of installation of rooftop solar at the time of the completion of warehouse construction and beginning of operation (anticipated build out year is 2017). Factors evaluated by Costco include cost of the solar system, tax incentives, how much power the system will produce and the utility cost of electricity. For the Ukiah Costco warehouse, it is estimated that rooftop solar would only contribute to approximately 25% of the building electricity needs. In contrast, as noted above, Ukiah's 2011 energy supply included 49% eligible renewable sources and an additional 25% from large hydroelectric - approximately 75% from renewable sources. Thus, renewable energy sources provide the vast majority of the Project's energy demand."(AR 3192, SAR 257-258).

Petitioners contend that the City utilized the wrong thresholds of significance for the Project's energy use. Appendix F of the Guidelines does not suggest any particular threshold to be used in this analysis. Moreover, case law is clear that the City has the discretion to determine an appropriate standard of significance in an EIR as long as the decision is supported by substantial evidence. (*Save Cuyama Valley, supra*, at 1067-1068. The fact that Petitioners disagree with the City's decision is insufficient to establish an abuse of discretion. (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Board of Directors* (2013) 216 Cal. App. 4th 614).

The City quantified the energy usage and demand and found that the project as constructed, "will result in a building energy performance that is 12% more efficient than the Title 24 performance standards (Title 24 Performance Certificate of Compliance, dated 12/17/13, included as Attachment B). As such, the Project would more than comply with state and federal energy standards, including Title 24 of the California Code of Regulations." (AR 783-784, SAR 251). The City's energy analysis including the mitigation measures to be implemented complies with the requirements of Appendix F and the holding in *California Clean Energy Committee v. City of Woodland*, (*supra*).

3. Respondents Did Not Commit CEQA Error of Improper Piecemeal Review by Failing to Include the 101/Talmage Improvements/Interchange Project As Part of the Costco Project and Analyzing the Two Projects in One EIR.

Petitioners contend that the 101/Talmage Improvement Project should have been included as part of the Costco project and analyzed together in one EIR. The court disagrees with Petitioners' position.

It is well settled that CEQA prohibits piecemeal review of the significant environmental impacts of a project. (*Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.*

(2001) 91 Cal. App. 4th 1344). "Agencies cannot allow 'environmental considerations [to] become submerged by chopping a large project into many little ones---each with a minimal potential impact of the environment---which cumulatively may have disastrous consequences.'" *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal. App. 4th 1209 (citations omitted). The court in *Laurel Heights* (*supra*) set forth a piecemealing test and held that "[A]n EIR must include an analysis of the environmental effect of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights, supra* at 396). "Under this standard, the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action." (*Ibid.*) The cases "tend to be fact driven." (*Banning, supra*).

Contained in the record is the City's description of the 101/Talmage improvements.

"The City of Ukiah Talmage Road Interchange Project being undertaken and designed as a City of Ukiah Project. The purpose of this project is to improve the operation at the intersection of Airport Park Boulevard/Talmage Road and Talmage Road/U.S. 101 Southbound ramps to better serve the Airport Industrial Park and the surrounding area. Airport Industrial Park is a regional serving retail and commercial center that provides goods and services to City residents as well as the greater region." (AR 2196).

According to City staff, "The issue of the independent utility of the proposed U.S.; 101/Talmage Interchange Improvements, which has been considered by the City Council separate from the proposed Costco project, was addressed by City staff at the Hearing of December 4, 2013 (incorporated here by reference). The City Council has undertaken a design, funding, and environmental review process for the proposed improvements. While the proposed improvements would provide a feasible means to mitigate a potentially significant impact related to project traffic, the improvements are necessary to address future traffic deficiencies, with or without the proposed project. This need has been documented in the analysis done for the improvements, as well as the Costco Final EIR, November 2013, SCH#2011112025, the Final EIR for the proposed (but not approved) Walmart Expansion, SCH#2010032042, 2005 Mendocino Council of Governments Route 101 Corridor Interchange Study, and the Ukiah Valley Area Plan prepared by Mendocino County." (AR 531)

"The City of Ukiah is pursuing the Talmage Road Interchange Improvements as a separate City-sponsored project, because those improvements are required for the build-out of the Redwood Business Park, with or without the Project." (AR 14).

Petitioners contend that the project agreements between the City and Costco require, as a condition of approval, the completion of the interchange improvements. Petitioners argue that based on the condition of approval, the activities are interrelated and constitute the "whole of an action" which cannot be piecemealed. (See *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal. App. 4th 1214).

Section 302.1 of the Development Agreement as it relates to the interchange improvements specifically provides that, "Costco acknowledges that in addition to discretion reserved by City elsewhere in this Agreement, including, without limitation, Sections 104 and 202 hereof, City expressly retains and reserves all discretion to (i) modify the City Work as it determines, in its sole discretion, may be necessary to comply

with the CEQA, (ii) select other feasible alternatives to the City Work to avoid significant environmental impacts, (iii) balance the benefits of the City Work against any significant environmental impacts prior to taking final action if such significant impacts cannot otherwise be avoided, and/or (iv) determine not to proceed with the City Work.” It is clear from this language that the City has retained its discretion to consider the interchange project independently and is not required to even complete the project. The interchange project is a separate and distinct project that stands to benefit the Redwood Business Park and surrounding area.

The court finds that the facts in the instant matter differ from the factual scenario set forth in *Tuolumne, supra*. In *Tuolumne*, the proposed home improvement center was conditioned upon a road improvement that was to serve the center. The proponent of the both projects was the same entity, Lowe’s. In the instant matter, the traffic interchange project is not directly adjacent to the Costco project it is approximately a quarter of a mile away from the proposed Costco site. The City is the proponent of the interchange project. The financing mechanism set forth in the City/Costco Development Agreement does not support a finding that the interchange project is dependent on the construction of a Costco store. (SAR 154). Based on the factual scenario in this case, the holding in *Banning*, supports the City’s decision to conduct separate environmental reviews. As stated in *Banning*, the key word is consequence. Simply put, the interchange improvement project is not a consequence of the Costco project.

4. Respondents Adequately Analyzed and Mitigated the Potential Traffic Impacts

Petitioners contend that the EIR does not include a traffic study that estimates and evaluates the vehicular trips to and from the proposed Costco that would use the US101/Talmage Road Interchange. Petitioners argue that the trip distribution forms the basis for determining the number of peak-hour trips that will use the interchange and, if the trip number is understated, then the improvements may not be adequate. Petitioners focus on the fact that the City’s traffic expert utilized information from the traffic analysis prepared for a different project involving the proposed Wal Mart expansion (a project that was ultimately rejected by the City). According to Petitioners, reliance on that study renders the independent traffic study for the Costco project unacceptable for CEQA purposes.

The EIR contains a detailed analysis prepared by a licensed traffic engineer, W-Trans. (AR 952-989; AR 1904-2063) (DEIR Appendix E- Traffic Impact Analysis)). This engineer had previously prepared the study for the Wal Mart Expansion Project. The engineer considered information utilized to prepare the study for the Wal Mart expansion in preparing the analysis of the impacts from the Costco project. In his expert opinion, the engineer determined that the information contained in the Wal Mart expansion study was relevant to the Costco project. (AR 3304-3309-8; AR 3350-3354). Again as stated above, the issue is not whether the studies are irrefutable or could have been better, the study need only be “sufficiently credible to be considered as part of the total evidence that supports the agency’s decision.” (*Assn. of Irrigated Residents, supra.*) The agency’s traffic analysis conducted by an expert is owed deference. (*National Parks and Conservation Assn. v. County of Riverside (1999) 71 Cal. App. 4th 1341*). A disagreement among experts regarding the methodology utilized does not constitute a basis for overturning the agency’s decision. (*Laurel Heights 1, supra*, 47 Cal. 3d at p. 409.)

The record is clear that the City’s expert utilized information from the earlier study but that was not the only basis for the conclusions made in the Costco EIR.

"If you recall, I explained the process a little bit, that -- that testimony by me was not meant to be new information, just to give you perspective of what we go through in determining where traffic comes from and what are the routes that they might take to get to the site and sort of the history of my familiarity with -- with the site. So it was not meant to be new information, just to provide some additional background for you in responding to their comments. As I said, last time the development of the distribution assumptions where traffic goes to and from its not a specific science, it's an art and science, takes a lot of human factors in to play as well as data and it's pretty common practice to utilize data that's available from other sources or data that's available from other nearby traffic studies. So yes we did start with the Wal-Mart Traffic Study Assumptions. We did consider the new market study of the Costco Project. We did consider what -- how existing traffic from the Airport Business Park distributes out, how much goes to the freeway, how much goes to local streets. We did consider that Costco does -- the type -- when people go to a Costco especially from faraway it's not a daily trip you're gonna [sic] make, it's an outing. There's likely to be some of those trips that are gonna [sic] use other -- stop in other places in Ukiah since it is the County Center to do other types of business so we wanna [sic] take that into account." (AR 3350-3353)

Petitioners contend that a different trip distribution method should have been used. This criticism however, does not establish that the City failed to conduct an adequate traffic study. In fact, the City's own expert reviewed the allegation made by Petitioners' expert and determined that if the City were to assume an increase in trips, as Petitioner suggests, the ultimate outcome would not be different as the mitigation measures would be more than sufficient to reduce the impact to less than significant.

"So it's our opinion that what is being suggested in the letter is different than we assumed. That's not surprising given the process that we all go through in figuring out those numbers. But what I did wanna [sic] -- what I did do, okay, is this keeps coming up again and again is that we should've assumed more traffic on -- on 101. So we did just to test that their suggestion, we did do an analysis and I'm gonna [sic] put together a memo just summarizing those results and I'm gonna [sic] put that on the record. Basically what we did is we took the worst case condition that's our future with the Costco project during the weekday p.m. peak hour. If you recall, I had testified before there's about 49percent of the Costco traffic came from the interchange itself with about 34 percent coming from 101 to the North. What we did in this side analysis detest their suggestions was we -- we increased the traffic to and from North on 101 by 50 -- 50 percent, okay so we assume -- we actually assume 50 percent of the Costco traffic would utilize the 101 ramps to and from the North. That's about a 50 percent increase from 34 to 50. So about 65, roughly two thirds of the traffic to Costco would be coming from the interchange itself. And at the -- the mitigate -- the new ramp intersection of the ramps, what is currently being designed by the City and Caltrans at a new traffic signalized location and with that mitigated intersection in the EIR you'll see the numb -- there's two numbers I show, and one -- the first is the Draft EIR quoted a delay in level surface -- 24.84 seconds level service C, that's in the EIR as the mitigated level service. And then with this added traffic to the freeway we're at 27.6C. So two the three seconds increase in delay, level service C. Both are still acceptable. We evaluated queuing conditions and there's an additional sheet that shows the queuing calculations that the queuing is still within the storage that would be provided by the -- the design to new intersection as well. So in -- in summary our analysis does show there's still a slight increase in delay if we had assume more traffic but only two or three more seconds, still well within the

acceptable range and that's again what is being designed by the City and Caltrans." (AR 3353-3354)

The record establishes that the City's expert prepared a comprehensive traffic study (AR 1904-2063). A detailed traffic impact analysis section was included in the EIR along with extensive responses to comments. (AR 952-989; AR 11106-11164; 11165-11169). The City Council also heard testimony from the expert traffic engineer at three separate meetings. (AR 3163-3166; 3304-3308; 3350-3354). There is substantial evidence to support a finding that the traffic analysis was adequate and that the City Council was fully informed at the time they made their findings and decision.

101/Talmage Interchange Design Exceptions

Petitioners contend that the EIR failed to disclose the design exceptions for the proposed 101/Talmage Road Interchange. There are two segments to the Road Interchange improvements. A portion of the improvements are within City control and the other is subject to the approval of CalTrans. Due to the uncertainty of funding for the improvements at the time the EIR was certified, the City determined that the improvements mitigation was fiscally infeasible and that the traffic impacts were significant and unavoidable. The City adopted a Statement of Overriding Considerations. (AR 14; 966; 531; 3241). Petitioners do not challenge the SOC. The record contains evidence that the City and CalTrans had many consultations regarding the design of improvements. (AR 530; 977; 11007). It was understood that design exemptions would ultimately be necessary but those exceptions were not precisely known at the time. At the time the EIR was certified, although no design approval had been received, CalTrans had reviewed the proposed mitigation measures and advised the City that:

"We have completed analysis of the proposed mitigation measures discussed in the DEIR. We consulted GHD and W-Trans to obtain current preferred design alternative concepts and model output information necessary to perform analysis. Our evaluation focused on the primary mitigation measures pertaining to State owned facilities including:

- > Talmage Road Interchange Improvements*
- >- Reconfiguration of US 101 southbound (SB) off-ramp loop*
- >- Signal installation at intersection of US 101 SB off-ramp and Talmage Road*
- >- Installation of two westbound left-turn lanes (WBL) at intersection of Talmage Road and Airpmt Park Blvd.*

We conclude that the mitigation measures proposed in the DEIR adequately mitigate projected traffic impacts on State facilities. Therefore, we request that the proposed mitigation be required as a condition of approval for the project. Details regarding the technical analysis can be provided upon request." (AR 733)

The City's certification of the EIR without CalTrans approval or design exceptions is not fatal and a finding that the impacts were significant and unavoidable along with a Statement of Overriding Considerations was appropriate. (*Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912). The court also finds that there is sufficient information contained in the EIR regarding the 101/Talmage Improvements mitigation.

5. The EIR Contains an Adequate Air Quality Analysis

Petitioners contend that the EIR underestimates the Project's air pollution impacts by assuming a low average of vehicular trip distance to the Costco store. Petitioners question the methodology utilized by the City's expert. Petitioners also argue that there was a difference in pass-by rates used for the traffic analysis and the air quality analysis.

The traffic analysis used a 37% pass-by rate for both Project uses combined (warehouse and gas station) (AR 1934). The air quality analysis used the CalEEMod Default of 15% for the warehouse and 59% for the gas station (AR 1134). According to the City's expert the use of the air quality pass-by rate resulted in a more conservative analysis.

"[A] 15% pass by rate was used in CalEEMod. This is the normal default setting and was not adjusted upwards in order to provide a more conservative analysis (see discussion below). Commenter's assertion that overestimating the mileage on diverted trips represents a significant new impact. Given the uncertainty in actual trip lengths, the EIR essentially constructs a worst case scenario. The assertion that the trip lengths for some trips, with correspondingly lower vehicular air emissions, represents a new impact is not correct. It is likely that the actual mileage, and vehicular air emissions, will be lower than the EIR estimates. This would represent a reduction of a previously identified significant impact.

Commenter questions the use of the CalEEMod model default trip lengths, including the use of the Urban Home-Shopping trip of 7.3 miles for Mendocino County trips. As noted in the FEIR, the longest trip lengths in the model were used for each category of trip in order to ensure a conservative analysis. The commenter (as shown in the last sentence on page 7) seems to confuse maximum trip length with average trip length. The average trip lengths represent the total mileage for all visitors, divided by the number of individual trips. Thus, a 7.3 average trip length may represent a shopper who travels 3 miles, and one who travels 11 miles. The most distance heavily populated residential areas in the City of Ukiah are less approximately 3 miles from the Costco (and several areas are much closer). The market area, as disclosed in the EIR, and discussed by several commenters on the DEIR, is much larger. However, it makes intuitive sense that most of the shoppers for a store, even a regional store, will be in or adjacent to the community in which that store is located. In addition, the closest shoppers are the most likely to make a single-purpose trip to the store, as opposed to linking trips (making more than one stop in the project area, for those who have travelled further). Thus, the longest default average in the model is used. Other commenters have suggested that an average geographic distance, or even the maximum geographic distance, to the edge of the market area should be used. This does not take into account population density and the location of potential shoppers.

Finally, and most importantly, approximately 17% of the project trips would be redirected from the existing Santa Rosa and Rohnert Park stores. Given that the Santa Rosa store is approximately 60 miles from Ukiah, a trip originating in Ukiah to the proposed Ukiah store location that would otherwise have gone to Santa Rosa or Rohnert Park would have a net reduction of 60 miles. For example, an existing trip from Willits to the Santa Rosa Costco, compared to the proposed project site would be reduced from 90 miles to 30 miles. Given the enormous technical and financial difficulty in modeling each and every trip origin and destination within the market area, the most realistic and supportable assumption was to use the maximum default trip length in the air quality model. In addition, the lower standard modeling assumption of 15% for the pass-by rate was used, rather than the 37% used Commenter recommends use of a 33, 44 or 66 mile

average trip length but does not offer evidence demonstrating that this would be clearly more reasonable than the assumptions used in the model.” (AR 2762-2763)

Again, as stated previously in this opinion, the City is entitled to rely on its expert and the Court must defer to the City. (*CEQA Guidelines 15151; Irritated Residents, supra, 107 Cal. App 4th at p. 1397*). The EIR contains a detailed analysis of project-related emissions and impacts. (*AR 802-819 (DEIR Air Quality Impact Section); AR 116-1250 (Appendix B (Air Quality Data).*) The City's expert adequately addressed the concerns regarding the use of the air quality pass-by rate. It was a methodology that the expert determined would be best to utilize in the context of the air quality analysis.

It is also clear from the record that the decision makers were advised of the disagreement between the City's expert and the expert retained by Petitioners. (*AR 2762*). “An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” *Association of Irrigate Residents, supra 107 Cal. App. 4th at 1390 citations omitted*. Although Petitioners' expert disagrees with the conclusions reached in the EIR, if there is substantial evidence to support the City's position it will be upheld notwithstanding contrary evidence in the record (*North Coast Alliance, supra, 216 Cal. App. 4th at 643 and cases cited therein*). “The issue is...whether the agency relied on evidence that a reasonable mind might accept as sufficient to support the conclusion reached in the EIR.” (*Id at 642, citations omitted*). The City determined that there would be significant and unavoidable air quality operational impacts as a result of vehicle trips. There is substantial evidence in the record to support the City's conclusions.

6. The EIR Contains an Adequate Analysis of the Project's Noise Impacts.

Petitioners contend that the EIR's conclusions about the impact of the Project's traffic noise is not supported by the information contained in the EIR. Specifically, Petitioners argue that the noise modeling is flawed, the baseline noise measurements are not adequate, there was a failure to identify and evaluate nighttime sleep disturbance related to the Project's added truck traffic, and the EIR erred in finding that the Project will not have a significant impact on the noise environment. The court disagrees with Petitioners.

Noise Modeling

Petitioners contend that the noise modeling did not conform to the Caltrans Technical Noise Supplement (“TeNS”) Manual and that failure to do so, renders the results inadequate. According to the City's expert the TeNS manual is not an official policy, standard or regulation.

“The commenter appears to hold the TeNS Manual as the concrete framework for noise analyses and suggests that impacts that do not follow its guidance are flawed. However, the TeNS Manual was cited in the DEIR as reference to general concepts pertaining to noise, such as general attenuation rates, but was not used as the basis for impact significance. TeNS is not a requirement for adequate analysis under CEQA. As stated in the 1998 TeNS Manual on page N-1, specifically the underlined text (emphasis included in the TeNS Manual): “The purpose of this Technical Noise Supplement (TeNS) is to

provide technical background information on transportation-related noise in general and highway traffic noise in particular. It is designed to elaborate on technical concepts and procedures referred to in the Caltrans Traffic Noise Analysis Protocol (the Protocol). The contents of this Supplement are for informational purposes only and unless specifically referred to as such in the Protocol they are not official policy, standard or regulation. The procedures recommended in TeNS are in conformance with 'industry standards'. This document can also be used as a 'stand alone' document for training purposes, or as a reference for technical concepts, methodology, and terminology needed to acquire a basic understanding of transportation noise with emphasis on highway traffic noise."

As noted above, the TeNS Manual is "not official policy, standard, or regulation". Rather than using TeNS as the basis of analysis for the DEIR, underlying algorithms included in the FHWA Traffic Noise Prediction Model were incorporated into the DEIR traffic impact analysis. As discussed in response to Comment 112-2 in the FEIR, modeled traffic noise was used as the basis of analysis, which incorporates assumptions of the traffic study, which did include traffic count data, as well as future traffic projections. The TeNS manual includes recommendations, not requirements, and does not confer credibility nor accuracy to an analysis by default. Construction truck vibration is discussed in response to Comment 130-23." (AR 11177, 11178).

The City utilized the FHWA Model as required by the City's General Plan. (*Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777; General Plan required application of Highway Capacity Manual methodology to assess traffic impacts).

Petitioners further contend that since the TeNS Manual was not used, the noise model was not properly calibrated. There is evidence in the record however, that the City's expert addressed this issue and adjusted accordingly.

"Notably, since the LTI measurement was unattended and likely captured more than just roadway noise, it was not used to calibrate the traffic noise model. Rather, the model was based on the traffic study, which incorporated traffic count data and projections of future traffic on the roadway network. The difference in roadway volumes and associated noise for Airport Park Blvd south of Talmage and Airport Park Blvd north of Commerce Dr. is the result of patrons to the commercial uses (such as Walmart). Since the Hampton Inn is directly across from the Walmart entrance, the traffic noise exposure at the hotel would be represented by the Airport Park Blvd south of Talmage segment. In addition, the traffic noise model was revised to reflect correct speed limits on several of the roadways, and to estimate traffic noise on Airport Park Blvd south of Talmage at about 35 feet from the roadway centerline to better characterize noise at the two hotels in close proximity (see revised Table 3.8-6). In summary, the baseline noise either increased or decreased slightly on the revised roadways depending on the corrected speed limit. However, the incremental change in noise after these model revisions would not change along the roadways. The updated Table 3.8-6 and supporting traffic noise model calculation sheets are included in Chapter 4 of the FEIR." (AR 577).

Petitioners' contention that the quality of the expert work performed on behalf of the City was inadequate, is based on the opinion of Petitioners' own expert. "Disagreements among experts does not make an EIR inadequate. (citing Guidelines, § 15151; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390, 133 Cal.Rptr.2d 718 [When experts in a subject area dispute the conclusions reached by other experts whose studies were used in drafting the EIR, the EIR need only summarize the main

points of disagreement and explain the agency's reasons for accepting one set of judgments instead of another[.]) Technical perfection is not required; we look not for an exhaustive analysis but for adequacy, completeness, and a good-faith effort at full disclosure. citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 368, 7 Cal.Rptr.2d 307.) (*Eureka Citizens for Responsible Gov't v. City of Eureka* (2007) 147 Cal. App. 4th 357).

Again, the City is entitled to rely on its experts; and, there is sufficient evidence in the record to explain the methodology utilized for the noise modeling.

Noise Baseline

Petitioners again question the methodology utilized to take the baseline measurements. The record supports a finding that the sound measurements were adequately performed and are reflective of the noise sources in the ambient environment. *"Metrosonics Model db308 sound level meters were used to measure the existing ambient noise levels at various locations around the proposed Project site. The meters were calibrated to ensure the accuracy of the measurements. On November 14th, three shmi-term (ST) measurements were conducted near sensitive receptor locations. Environmental conditions were approximately 65 degrees with winds of 0-5 miles per hour. Long-term (L T) measurements were conducted from November 15th through November 17th. The noise measurement results are presented below in Table 3.8-1. Notable noise sources are listed in the column on the right. Noise meter locations are shown in Figure 3.8-2. Long-term noise plots are shown in Figures 3.8-3 through 3.8-5."* (Charts omitted, AR 918-919).

Petitioners argue that the sound measurements are not adequate and the EIR does not contain adequate sound level data because of the contaminating noise sources in the hotel parking lot. The City's expert addressed this criticism and explained its reasons for accepting one judgment verses another. *"As discussed above, the noise monitoring data gathered and presented in the DEIR shows the ambient noise environment in the proximity to the noise meter, which could include some hotel parking lot noise, as well as the inflow and outflow of vehicles from the Walmart parking lot. However, this monitoring data represents the ambient noise in that area. The Leq, not the LIO, was used as the criterion for impact determinations. The commenter does not provide valid conclusions to support an assertion that the data is "fatally flawed". If the meter were placed further from the hotel, it would provide a representation of the ambient noise environment in that alternative area, and depending on its distance from the hotel, would likely not be representative of the ambient noise environment at the hotel. However, as discussed in response to Comment 112-2 in the FEIR, modeled traffic noise was used as the basis of analysis rather than the monitored noise, and incorporates assumptions of the traffic study, which did include traffic count data, as well as future traffic projections. Thus, the project would not have a substantially greater impact than set forth in the DEIR."* (AR 11179).

Noise Analysis Relating to Nighttime Sleep Disturbance

Petitioners argue that the impact of substantial temporary or periodic increases in sound levels was not properly evaluated as related to heavy trucks passing by three hotels. Petitioners contend that the impacts of these noise sources are significant because of the effect on sleep.

In evaluating the potential for sleep disturbance the EIR reviewed the likelihood for interior hotel room noise and found that the interior noise levels are not expected to exceed the California Noise Insulation Standard of 45dB.

"The interior noise level standard of 45 dbA Ldn, per the California Noise Insulation Standards (Title 24, California Code of Regulations), was used to evaluate potential sleep disturbance. Sound Exposure Levels (SEL), which represents acoustical energy during a single noise event compressed into a period of one second, are typically applied to aircraft flyovers or can be incorporated into an analysis to determine Leq or Ldn. The commenter asserts that the night time heavy truck traffic on Airport Boulevard would double, but does not include data to support this conclusion. Additional information and interior noise assessment for the hotels along Airport Boulevard was included in response to Comment 112-2 of the FEIR." (AR 11178)

"Exterior levels along Airport Park Boulevard adjacent to the Hotels are not expected to exceed 69 dB Ldn. Traffic noise levels at the Hotel outdoor activity areas are not expected to exceed the 65 Ldn set in the General Plan (Table 3.8-2) due to shielding by the building itself (at the hotel on the south end of Airport Park Boulevard). Standard commercial/residential building construction would be expected to provide exterior to interior noise attenuation of at least 25 dB with windows and doors closed. Therefore, interior levels are not expected to exceed 45 dB Ldn." (AR 931)

The City's expert further determined that the addition of Costco trucks is not expected to result in sleep disturbing impacts since the existing noise environment includes truck traffic from other business.

"The Cumulative scenario included development and associated traffic on the roadway network for the future year 2030, and as shown in Table 3.8-6, the Project would result in an even lesser increase in traffic noise. The addition of Costco trucks is not expected to result in significant sleep-disturbing impacts at the hotels since nighttime delivery trucks already occur on Airport Park Blvd for the existing commercial uses (such as Walmart) and are part of the existing noise environment. Restricting delivery trucks to the daytime hours would not be a feasible mitigation based on scheduling of deliveries and lack of a restriction enforcement mechanism. Furthermore, the Hampton Inn and Fairfield Inn are modern hotels that would have been constructed per Title 24 standards and thus designed to maintain appropriate interior noise levels." (AR 577)

Petitioners cite *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344, to support their argument that the impact of substantial temporary or periodic increases in sound levels was not properly evaluated as related to heavy trucks passing by three hotels. In *Berkeley*, the court found that the EIR failed to provide the most fundamental information about the project's noise impacts, specifically, the number of additional nighttime flights, the frequency of the flights and the effect on sleep. Here the EIR included an analysis of the ambient noise environment, and a finding that truck trips amount to 10 trips on an average weekday at limited times. The subject EIR also determined that the hotels are designed to maintain appropriate interior noise levels. The impact of truck traffic as it relates to sleep was adequately analyzed.

There is substantial evidence to support the City's Noise Impact Determination

Petitioners contend that the Project will have a significant traffic noise impact on Airport Park Boulevard south of Talmage Road, as well as on Airport Park Boulevard north and south of Commerce Drive. The evidence in the record does not support Petitioners' argument. The City's expert acknowledged that existing exterior noise levels exceed the General Plan Noise Element Standards. Because of this, the expert utilized a methodology to determine increases for sensitive receptors and the interior noise level maximum.

"Table 3.8-6 in the DEIR notes that the incremental increase in noise on the roadway segment with these hotels (Airport Park Blvd south of Talmage Rd) would be about 1.8 to 3.1dBA (Airport Park Blvd. north of Commerce Drive, for Existing versus Existing plus Project. While this noise level would exceed the FICON criterion of 1.5dBA in an existing environment greater than 65dBA, and is therefore potentially significant on the face of it, the fact that the building is for transient/temporary lodging (i.e., patrons would not experience a significant change in the noise environment since they are not long-term residents) rather than residential units, and the general plan recognizes that external noise exceedances may be acceptable if the internal level of 45dBA is maintained, the noise level increase was determined to result in a less than significant impact. The exterior noise level already exceeds the general plan standards, under existing conditions (including the balconies referenced by the commenter). The FICON standards were used to identify potentially significant increases for receptors. The interior noise levels were considered, with a standard of 45dBA (a standard reflected in both local policy and state building regulations). Residential uses, in contrast to hotels, are more affected by outdoor noise (which is reflected in the general plan language allowing higher exterior noise levels if the interior noise standard of 45dBA is maintained). As described below, the 45 dB interior noise level is maintained, and the impact was therefore considered less than significant." (AR 576).

Petitioners take issue with this analysis contending that the General Plan does not allow for higher exterior noise levels if the interior noise standard of 45dBA is maintained, unless available exterior noise level reduction measures have been implemented. While Petitioners are correct in citing the language from the General Plan, the study prepared by the City's expert concluded that the traffic noise levels already exceed the General Plan requirements without the Project and, there would be no significant change in the noise environment because individuals staying in the hotels are not long term residents. The distinction made between hotels and residential uses was not unreasonable. The GP interior noise standard of 45dBA is the same for residences and hotels. The City's expert also determined that the interior noise standard of 45dBA is maintained and could be less than 45dBA based on the age of the hotels and construction information received. (AR 11971). Further, the hotels outdoor activity areas are not expected to exceed the 65 LDN set in the General Plan. (AR 931). This opinion is based on the fact the buildings shield the outdoor areas and is not speculative or unrealistic. As stated repeatedly in this opinion, Petitioners' objection to the methodology utilized to support the conclusions made by the City does not make the analysis inadequate. The City did not unreasonably rely on the conclusions of its experts.

The court finds that the City's determination is supported by substantial evidence.

7. The City was not required to make a Determination that the Project is Consistent with the Airport Industrial Park Specific Plan

Petitioners contend that the City never amended the Airport Industrial Park Specific Plan to make the changes necessary for the Costco Project to conform to the Specific Plan.

According to City staff, the Airport Industrial Park Specific Plan was never properly adopted and, even if it had been, it was superseded by the 1995 Ukiah General Plan.

"1981 Airport Industrial Park Specific Plan: On January 21, 1981, the City Council adopted a Specific Plan for the Airport Industrial Park by a roll call vote rather than by Resolution or Ordinance. In terms of land use, the stated development concept found in the first paragraph on page 18 of the document was for a planned industrial office/commercial complex where individual uses should be allowed to locate anywhere within the industrial park provided they do not adversely affect adjacent land uses." Soon thereafter, the City adopted Resolution 81-59 which established specific regulations applicable to development within the Airport Industrial Park. The specific regulations in the Resolution were more specific than those contained in the 1981 Specific Plan and included the Circulation Plan and Generalized Land Use Map from the Specific Plan. The planned development Resolution was amended a number of times in the 1980's and early 1990's to modify the land use classifications contained on the planned development Generalized Land Use Map.

In 1992 after adopting new City Code (zoning) regulations for the establishment of Planned Developments, the City adopted a precise Planned Development Ordinance regulating development within the Airport Industrial Park. The Ordinance included text and diagrams specifying the distribution, location and extent of land uses, specific development standards, prohibited uses, required public utility easements, street design standards, signage requirements, design guidelines, landscaping and open space requirements, and discretionary permit review requirements. Section four of the Ordinance indicated that the Planned Development "provides a mixture of industrial and commercial uses within a Planned Development (PD), consistent with the City of Ukiah General Plan, as amended, which allows said mixture, and which is accordingly shown on the City of Ukiah General Plan Land Use Map for the subject Assessor's parcels." In 1995, the City adopted a new General Plan and designated the AIP as a "Master Plan" area with the knowledge it had already adopted a precise Planned Development Ordinance regulating growth and development within the AIP. The General Plan contains goals and policies addressing Master Plan Areas and allows for them to include a variety of land uses including "mixed use developments," which commonly include retail commercial, office, residential, etc. General Plan Land Use Element includes Goal LU-6 "Utilize Master Plan Areas to meet precise planning needs" and associated Policy LU-6.1 "Allow the use of Master Plan Areas to provide for mixed use development, and other precise-planning needs for larger ownerships or groups of ownerships." the Airport Industrial Park Planned Development provides for mixed use and other development that meets the precise needs of the City, including retail commercial land uses, and therefore is consistent with both Goal LU-6 and Policy LU-6.1.

The Ordinance was amended a number of times through the 1990's and 2000's to modify the text and Generalized Land Use Map, and each amendment was found to be consistent with the General Plan Master Plan land use designation for the Airport Industrial Park. Since the adoption of the precise Planned Development Ordinance in 1992, the City has conducted a series of public hearings and open discussions about the planning, growth, development, and conservation of the Airport Industrial Park area.

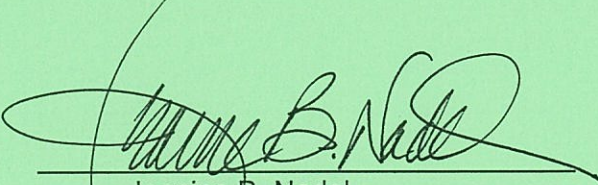
These public hearings and community discussions have resulted in a number of modifications to the precise Planned Development Ordinance and the conditional approval of nearly 1 million square feet of development. It is questionable whether the 1981 specific plan was properly adopted, since it was not adopted by resolution or ordinance as required by Government Code Section 65451. In addition, virtually all of the information in the plan is outdated. In any event, the specific plan was superseded by the 1995 General Plan, designating the Airport Industrial Park as a Master Plan area and the ordinances adopted thereafter providing land use designations, allowed and permitted uses, and design standards within the Airport Industrial Park.” (AR 2746)

Government Code §65453 requires that a specific plan be adopted, amended or repealed in the same manner as a general plan, except that a specific plan may be adopted by a resolution or ordinance. According to the evidence in the record, in 1981 a Specific Plan for the Airport Industrial Park was adopted by a roll call vote which was inconsistent with the requirements set forth in §65453.

As stated above, the City adopted the General Plan in 1995 and designated the AIP as a master plan area with the knowledge that it had already adopted a precise Planned Development Ordinance which regulated growth and development within the AIP. The Development Ordinance was amended a number of times over the years and each amendment was consistent with the General Plan Master Plan land use designation for the AIP. Based on the evidence in the record, Petitioners have incorrectly assumed there is an AIP Specific Plan. The City is not required to conduct a consistency analysis with the AIP Specific Plan.

Based on the substantial evidence contained in the Administrative Record and applicable law, the City did not commit CEQA error in adopting the addendum or in excluding the 101/Talmage Improvements Project as part of the Costco Project. The City performed an adequate environmental review of the Project and certification of the EIR was appropriate. The Petition is hereby denied.

Dated: MAY 1, 2015



Jeanine B. Nadel
Judge of the Superior Court

cc: all counsel

PROOF OF SERVICE

Case: **SC-UK-CV-PT-14-0063579-000 - UKIAH CITIZENS VS. CITY OF UKIAH**

Document Served: **PROOF OF SERVICE FOR DECISION AFTER COURT TRIAL ON PETITION FOR WRIT OF MANDATE (CCP 1094.5)**

Service date: **May 1, 2015**

I, Frances Proteau, am a citizen of the United States of America and employed by the Superior Court in the County of Mendocino, State of California. I am over the age of 18 years and not a party to the within entitled action. My business address is 100 North State Street, Room 107, Ukiah, California, 95482. I am familiar with the County of Mendocino's practice whereby each document is placed in an envelope, the envelope is sealed and placed in the office mail receptacle. Each day's mail is collected and appropriate postage affixed thereto and deposited in a U.S. mailbox at or before the close of each day's business. On the date of this declaration, I served copies of the attached document on the below persons by placing a true copy thereof in the United States Mail, addressed as follows:

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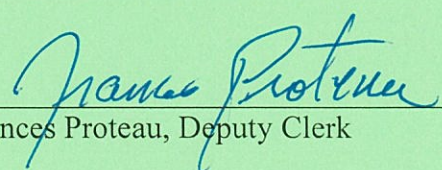
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was made on May 01, 2015 in the city of Ukiah, CA.

CHRISTOPHER D. RUHL, Clerk of the Court

By: _____


Frances Proteau, Deputy Clerk

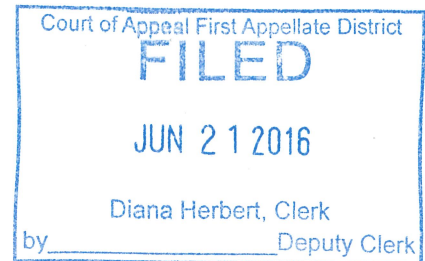
*COPY***CERTIFIED FOR PARTIAL PUBLICATION***

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA



FIRST APPELLATE DISTRICT

DIVISION THREE



UKIAH CITIZENS FOR SAFETY FIRST,

Plaintiff and Appellant,

v.

CITY OF UKIAH et al.,

Defendants and Respondents.

A145581

(Mendocino County
Super. Ct. No. SCUKCVPT1463579)

Plaintiff Ukiah Citizens for Safety First (Citizens) appeals from the denial of its petition for writ of mandate under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21050 et seq.),¹ challenging the certification of an environmental impact report (EIR) by the City of Ukiah and its city council (the city) for the construction of a Costco Wholesale Corporation (Costco) retail store and gas station. Citizens contends: (1) the EIR did not properly identify and analyze potentially significant energy impacts generated by the project; (2) the EIR's analysis of transportation and traffic impacts is inadequate; (3) the EIR's analysis of noise impacts is inadequate; and (4) the project is inconsistent with applicable zoning requirements.

We agree with Citizens that the EIR fails to sufficiently analyze potential energy impacts and that the adoption of an addendum to the EIR subsequent to approval of the EIR and of the project failed to comply with CEQA requirements. In the unpublished portion of this opinion, we reject the remainder of Citizens' contentions. Accordingly, we

* Pursuant to California Rules of Court, rules 8.1105(b) and 8.1110, this opinion is certified for publication with the exception of parts 3, 4, and 5 of the Discussion.

¹ All further statutory references are to the Public Resources Code unless otherwise noted.

shall reverse the judgment and instruct that the petition for writ of mandate be granted with respect to the analysis of energy impacts of the project and affirm the trial court's decision in all other respects.

Factual and Procedural Background

On February 1, 2011, Costco applied for a use permit to construct a warehouse store and gas station (the project) on a 15.33-acre site located in the southeast section of the city. Because the project did not comport with current zoning, Costco also sought to have the site rezoned.

On January 30, 2013, the city released a draft EIR for the project. In November 2013, following the period for public comment, the city released the final EIR. The EIR describes the project as a 148,000-square-foot retail facility with a bakery, pharmacy, optical center, hearing aid testing center, food court, photo center, tire center, and a gas station with 16 pumps. The store would provide 608 parking stalls for customer vehicles.

Among other things, the EIR reports the project would increase traffic volumes on area roadways resulting in significant traffic impacts at identified intersections. The EIR includes mitigation measures to reduce the impact, including modifications to the impacted intersections, that will result in acceptable conditions at the impacted intersections. However, due to uncertainty of timing and funding of the mitigation measures, the EIR concludes that the traffic impacts of the project cannot be mitigated to a level that is less than significant. The EIR also concludes that the increase in local traffic volumes would result in higher noise levels along local roadways but that traffic noise associated with the project would be less than significant.

On December 18, 2013, the city certified the EIR and adopted a statement of overriding considerations. On January 15, 2014, the city adopted the necessary rezoning legislation. The CEQA notice of determination was filed on January 16, 2014.

On February 11, 2014, Citizens filed a petition for a writ of mandate challenging the sufficiency of the EIR and the related rezoning legislation. On May 1, 2015, the court issued a decision denying the petition in its entirety. Citizens filed a timely notice of appeal.

Discussion

1. *Standard of Review*

The city's compliance with CEQA is reviewed for an abuse of discretion. (§ 21168.5.) An "[a]buse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (*Ibid.*) " 'An appellate court's review of the administrative record for legal error and substantial evidence in a CEQA case, as in other mandamus cases, is the same as the trial court's: The appellate court reviews the agency's action, not the trial court's decision; in that sense appellate judicial review under CEQA is de novo. [Citations.] We therefore resolve the substantive CEQA issues . . . by independently determining whether the administrative record demonstrates any legal error by the [public agency] and whether it contains substantial evidence to support the [public agency's] factual determinations.' [Citation.] . . . When a public agency does not comply with procedures required by law, its decision must be set aside as presumptively prejudicial. [Citation.] [¶] Noncompliance by a public agency with CEQA's substantive requirements or noncompliance with its information disclosure provisions that preclude relevant information from being presented to the public agency 'constitute[s] a prejudicial abuse of discretion within the meaning of sections 21168 and 21168.5 . . . , regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.' [Citations.] 'In other words, when an agency fails to proceed as required by CEQA, harmless error analysis is inapplicable. The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation.' [Citation.] We apply the substantial evidence standard of review to a public agency's 'conclusions, findings, and determinations, and to challenges to the scope of an EIR's analysis of a topic, the methodology used for studying an impact, and the reliability or accuracy of the data upon which the EIR relied because these types of challenges involve factual questions.' [Citation.] 'Substantial evidence' is defined as 'enough relevant information and reasonable inferences from this information that a fair

argument can be made to support a conclusion, even though other conclusions might also be reached.’ [Citation.] ‘The agency is the finder of fact and we must indulge all reasonable inferences from the evidence that would support the agency’s determinations and resolve all conflicts in the evidence in favor of the agency’s decision.’ [Citation.] However, ‘[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous . . . is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.’ ” (*City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, 839-840.)

2. *Energy Impacts*

“An EIR must include a statement concerning ‘[m]itigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.’ (. . . § 21100, subd. (b)(3).) The CEQA Guidelines^[2] provide that: ‘Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in [a]ppendix F.’ (CEQA Guidelines, § 15126.4, subd. (a)(1)(C).) Appendix F of the CEQA [G]uidelines . . . states: ‘Potentially significant energy implications of a project should be considered in an EIR [to the extent relevant and applicable to the project]. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.’ In list form, [a]ppendix F discusses how energy consumption and conservation may be analyzed in the EIR.” (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 930.)³

² As in the opinion which is here quoted, we shall refer in this opinion to the regulations appearing at California Code of Regulations, title 14, section 15000 et seq., as the CEQA Guidelines.

³ Appendix F lists the environmental impacts that may be included in the EIR: “1. The project’s energy requirements and its energy use efficiencies by amount and fuel type for

The EIR, as certified on December 18, 2013, does not contain a separate section for the analysis of energy impacts. Rather, energy impacts are mentioned throughout the EIR. The city points out that the potential increase in electrical and natural gas usage and whether the project would result in wasteful, inefficient, or unnecessary energy consumption are discussed in conjunction with the analysis of impacts to public utilities in section 3.9 of the EIR. The city also cites to the discussion of the effects of energy usage on air quality and greenhouse gas emissions found in the discussion of global climate change in section 3.11 of the EIR.

In section 3.9.8, the EIR concludes that the project “would not exceed existing gas and electric supply or result in wasteful, inefficient, or unnecessary consumption of energy.” The EIR explains, “The proposed project would intensify development on the project site, thereby increasing demand for gas and electric service. On-site employment and uses, such as the warehouse store and tire center, would use gas and electricity. These uses would generate demand for 2.44 million kilowatt hours of electricity per year The project area has existing distribution facilities and capacity to serve the project. [¶] The energy consumption demands of the proposed project would conform to the

each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed. [¶] 2. The effects of the project on local and regional energy supplies and on requirements for additional capacity. [¶] 3. The effects of the project on peak and base period demands for electricity and other forms of energy. [¶] 4. The degree to which the project complies with existing energy standards. [¶] 5. The effects of the project on energy resources. [¶] 6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.” (CEQA Guidelines, appendix F.) Appendix F also lists mitigation measures that may be included in the EIR: “1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed. [¶] 2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid-waste. [¶] 3. The potential for reducing peak energy demand. 4. Alternate fuels (particularly renewable ones) or energy systems. [¶] 5. Energy conservation which could result from recycling efforts.” (*Ibid.*)

[California Code of Regulations'] Title 24 energy conservation standards such that the development would not be expected to wastefully use gas and electricity. The proposed project would also be designed to include several sustainable features. Among these features are regional sourcing of building materials, higher solar reflectivity metal wall panels, reflective roof materials, and tripled-glazed skylights^[4] Since the proposed project would comply with title 24 conservation standards, implement additional sustainable features, and be served by the City of Ukiah, the proposed project would not directly require the construction of new energy generation or supply facilities, or result in wasteful, inefficient, or unnecessary consumption of energy. Consequently, the impact would be less than significant.”

In section 3.11.1, relating to “Global Climate Change,” the EIR acknowledges that the project “could generate [greenhouse gas] emissions that may have a significant impact on the environment” but explains that implementation of mitigation measures that “include incorporation of sustainability features in the building and site design in order to reduce energy consumption and exceed the Title 24 building efficiency ratings, (Measure 3.2.2a), implementation of a carpool/vanpool program (Measure 3.2.2b), increase transit accessibility (Measure 3.2.2c), and improve the pedestrian network (Measure 3.2.2d) [¶] . . . would reduce [the] emissions However, the majority of the [greenhouse gas] emissions are mobile-source, and feasible reduction measures beyond vehicle fuel efficiency (state and federal requirements), and encouraging alternative transportation, are not available.”

Citizens’ petition asserts that the EIR “fails to include adequate information regarding the project’s energy use and does not comply with appendix F of the CEQA Guidelines.” Specifically, Citizens argues that the EIR failed to calculate the energy use attributable to vehicle trips generated by the project and failed to calculate the operational and construction energy use of the project. After the EIR was certified and Citizens filed

⁴ The EIR lists on pages 2.8 and 2.9 the typical sustainable building features incorporated into new Costco warehouses to conserve energy and natural resources.

its writ petition, on February 28, 2014, the Court of Appeal for the Third District issued its opinion in *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173 (*CCEC*).

In *CCEC*, the court held that the analysis of energy impacts in an EIR, which was in all material respects the same as that undertaken by the city in this case, was not adequate. (*CCEC, supra*, 225 Cal.App.4th at pp. 206-207.) With respect to the EIR's analysis of transportation energy impacts, the *CCEC* court noted that the EIR concluded the project would result in 40,051 new vehicle trips each day but failed to assess any transportation energy impacts of these vehicle trips. (*Id.* at p. 210.) The court rejected the City of Woodland's argument that the EIR's mitigation measures designed to reduce vehicle trips would also reduce energy impacts, explaining the City of Woodland "cannot say how much less transportation energy is needed for the project as approved because the issue has never been assessed in an EIR. CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount." (*Ibid.*) With respect to the analysis of operational and construction energy use of the project, the court found that the City of Woodland's reliance on mitigation measures that required compliance with title 24 and other California green building codes did not meet the requirements of appendix F. (*CCEC*, at p. 210.) The court explained, "Although the [California Building Standards Code (Cal. Code Regs., tit. 24, pt. 6) (Building Code)] addresses energy savings for components of new commercial construction, it does not address many of the considerations required under appendix F of the CEQA Guidelines. These considerations include whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope. Here, a requirement that [the project] comply with the Building Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the energy impacts during construction and operation of the project." (*Id.* at p. 211.) Finally, the court rejected reliance on mitigation measures adopted under the rubric of reducing greenhouse gas emissions that "would likely have the collateral effect

of substantial energy-saving effects.” (*Id.* at p. 208, fn. 6.) The court explained, “Although there is likely to be a high correlation between reducing greenhouse emissions and energy savings, this court cannot assume the overlap is sufficient under CEQA’s study and mitigation requirements. . . . ‘Air quality mitigation is not a substitute for an energy analysis.’ Thus, we will not consider [the] mitigation measure[] in our discussion of mitigation measures addressing energy impacts.” (*Ibid.*)

The EIR certified by the city in this case in December 2013 clearly fails to meet the standards set forth in *CCEC*, *supra*, 225 Cal.App.4th 173. As in that case, the Costco EIR concludes that the project will generate 11,204 new vehicle trips per weekday and 8,708 new trips per weekend day, but fails to calculate the resulting energy impacts of those trips. The EIR also improperly relies on compliance with the building code to mitigate operational and construction energy impacts, without further discussion of the appendix F criteria. Finally, as in *CCEC*, the city’s reliance on mitigation measures designed to reduce greenhouse gas emissions is misplaced.

Recognizing the deficiencies in its EIR as made clear by the *CCEC* opinion, on December 3, 2014, the city adopted an addendum to the EIR. The addendum “clarifies and provides additional discussion of project energy consumption and electrical utilities.” The summary to the addendum explains, “The city is clarifying its determination that ‘the project would not exceed existing gas and electric supply or result in the wasteful, inefficient, or unnecessary consumption of energy’ in part based on the recent court decision, *CCEC*[, *supra*,] 225 Cal.App.4th 173, which was published after the city certified the EIR. That decision held that CEQA requires a more detailed discussion of energy use than was previously understood at the time the EIR was certified. This discussion augments, but does not alter, the conclusions of the EIR regarding the effects of project-related energy usage.” The statements regarding energy impacts in the final EIR, set forth above, are incorporated with “additional clarification and technical information regarding project-related energy usage and conservation features” into a single 10-page analysis of the potential energy impacts. The addendum addresses construction energy usage and concludes that project “construction would not consume a

greater amount of energy in its construction phase than similar projects.” The addendum also addresses operational energy usage, including energy usage associated with transportation fuel consumption, and concludes that with implementation of the mitigation measures identified in the EIR, the project “would not consume a greater amount of energy in its operational phase than similar projects.”

Over Citizens’ objection, the trial court considered this addendum in concluding that the EIR’s analysis of potential energy impacts was sufficient. However, “under Code of Civil Procedure section 1094.5, courts can only review evidence that was actually before the administrative decision makers prior to or at the time of their decision.” (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1032, fn. 13.) Accordingly, the addendum is not a part of the administrative record and cannot be considered in deciding whether the city abused its discretion in certifying the EIR.

Moreover, the city’s subsequent approval of the addendum does not cure the prior approval of an inadequate EIR. The CEQA Guidelines authorize the preparation of an addendum to a previously certified EIR “if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred.” (CEQA Guidelines, § 15164, subd. (a).) While none of the conditions requiring a subsequent EIR apply here,⁵ section 15164 nonetheless assumes that the EIR previously certified was properly certified. The section does not authorize the retroactive correction of an inadequate EIR based upon the consideration of which the project was approved, by providing the additional necessary information about the environmental effects of the project after the project has been approved. Section 15164, subdivision (d) provides explicitly, “The decision-making body shall consider the addendum with the final EIR . . . prior to making a decision on the project.” The fact that

⁵CEQA Guidelines section 15162 requires the preparation of a subsequent EIR if substantial changes are proposed in the project requiring major revisions of the previous EIR, if substantial changes occur with respect to the circumstances under which the project is undertaken requiring major revisions in the previous EIR, or if new information of substantial importance with respect to environmental effects, not known or which reasonably should have been known, becomes known.

the city considered the addendum when later approving certain replacement agreements and minor project changes does not, as the city contends, excuse the failure to consider the information contained in the addendum when approving the project itself.

Because the EIR, as certified, inadequately describes and discusses the energy impacts of the project, we must reverse the denial of the petition for a writ of mandate and remand the case for issuance of a writ, directing the city to set aside its certification of the final EIR, and approval of the project and to bring the energy section of the EIR into compliance with CEQA before redetermining whether to approve the project. (See CEQA Guidelines, § 21168.9.) We offer no opinion on whether the addendum adopted by the city complies with the requirements of CEQA for the analysis of energy impacts. As Citizens notes, the clarification and additional discussion of project energy consumption and electrical utilities included in the addendum have not been subjected to public comment. Although the city is correct that recirculation is not required when an addendum “merely clarifies or amplifies [citations] or makes insignificant modifications in [citation] an *adequate* EIR” (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1994) 6 Cal.4th 1112, 1128), “recirculation is required, for example, when . . . the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless” (*id.* at p. 1130). Because the EIR certified in this case was inadequate in its analysis of energy impacts of the project, recirculation and consideration of public comments concerning the energy analysis will be necessary before the EIR may be certified and the project approved.

3. *Transportation and Traffic Impacts**

Under CEQA Guidelines appendix G, an environmental checklist, a project may have a potential significant impact on transportation and traffic if the project “[c]onflict[s] with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant

* Part 3 is not certified for publication. (See fn., *ante*, p. 1.)

components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit” or if it “[c]onflict[s] with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.” (CEQA Guidelines, appendix G.)

Consistent with appendix G, the EIR’s transportation and traffic section “discusses existing transportation and traffic conditions in the project area, as well as potential impacts of the project to those conditions.” The proposed project is located on the west side of U.S. Highway 101 on Airport Park Boulevard south of Talmage Road and Commerce Drive. Highway 101 is a primary route connecting the City of Ukiah to the City of Santa Rosa and the San Francisco Bay Area to the south, and Willits and other Mendocino County communities to the north. Talmage Road is a major arterial that provides a direct connection between South State Street and U.S. 101. Airport Park Boulevard extends from just north of Talmage Road along the project frontage to its terminus approximately three-quarters of a mile south of Talmage Road. Airport Park Boulevard has two travel lanes in each direction separated by planted medians and/or intermittent left turn lanes and provides primary access to the project site. The EIR notes that there are “future transportation improvements” proposed within the general vicinity of the project, including a proposal to reconfigure the southbound off-ramps from U.S. 101 on to Talmage Road and to construct two new left-turn lanes on the westbound Talmage Road approach to Airport Park Boulevard (the Talmage Road interchange improvements).

The traffic study contained in the EIR estimates that the project can be expected to generate 11,204 new trips per weekday and 8,708 new trips per weekend day, based in part, on traffic surveys conducted at three Costco stores in similar market areas. “The distribution of the project traffic was determined based on the population densities in the primary and secondary markets areas identified in ‘Costco Wholesale Warehouse Urban Decay Analysis’ prepared in April 2012 The potential route to and from each market

area was determined based on current travel patterns to and from the project area, and a percentage of assigned project-generated vehicle trips were derived from the share of each market area. These distribution percentages were then applied to the trip generation estimates to determine the number of vehicle trips on each route to and from the market destinations. Project trips were then added to all travel routes throughout the surrounding circulation system”

Based on the traffic study, the EIR finds that implementation of the project will result in potentially significant traffic impacts at and around the US 101/Talmage Road interchange and the Talmage Road/Airport Boulevard intersection. To mitigate the potentially significant traffic impacts, the EIR specifies as a mitigation measure that the city construct the Talmage Road interchange improvements. The mitigation measure provides: “The city shall coordinate with the California Department of Transportation regarding improvements to state facilities. The traffic mitigations shall be completed before Costco is issued a certificate of occupancy. The city shall establish a funding mechanism to pay for the cost of the improvements.” The EIR finds that implementation of the Talmage Road Interchange Improvements “would result in acceptable operating conditions during both the a.m. and p.m. peak hours, and would result in acceptable queuing conditions in both the a.m. and p.m. peak hours.”

In certifying the EIR, the city council issued findings that state: “The City of Ukiah is pursuing the Talmage Road interchange improvements as a separate city-sponsored project, because those improvements are required for the build-out of the Redwood Business Park, with or without the project. Costco is subject to an off-site traffic mitigation fee imposed on parcels in the Airport Industrial Park pursuant to Government Code section 66000 et seq. These fees were imposed to help fund a portion of the Talmage Road interchange improvements and will be used for this purpose. As of the preparation of the EIR, funding sources for the full cost of the Talmage Road interchange improvements have been identified, but full funding has not yet been secured. However, transportation and traffic mitigation measure 3.10.1 requires that the project funding must be obligated prior to the issuance of a building permit for the project

and the interchange improvements substantially completed prior to issuance of the certificate of occupancy for the project . . . ; thus assuring that no project-related traffic will be allowed to occur before these city-sponsored traffic mitigations are funded and substantially completed. [¶] A portion of the Talmage Road interchange improvements (Southbound Hwy 101 off-ramp and Talmage intersection reconstruction, ‘Caltrans Improvements’) is within the California Department of Transportation (‘Caltrans’) right of way and subject to its jurisdiction. The remaining improvements at Airport Park Boulevard and Talmage Road (‘city improvements’) are within the city’s rights of way and subject to its jurisdiction. The city can design and construct the city improvements but the design and construction of the Caltrans improvements are within Caltrans’ jurisdiction and are its responsibility. If funding were not secured for the Caltrans improvements or Caltrans does not approve the timely construction of those improvements, the city council finds that the above-described traffic impacts would be significant and unavoidable because specific economic, legal, social, technological, or other considerations (lack of funding or timely approval by Caltrans), make infeasible any further mitigation of them.”

Citizens first contends that that the EIR engages in an improper “piecemeal” review of the significant environmental impacts of the project by failing to include analysis of the environmental impacts of the Talmage Road interchange improvements in the project EIR. “There is no dispute that CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project. This rule derives, in part, from section 21002.1, subdivision (d), which requires the lead agency . . . to ‘consider[] the effects, both individual and collective, of all activities involved in [the] project.’ It has been recognized that ‘ “[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” ’ ”

(*Berkeley Keep Jets Over the Bay Com. v. Board of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1358 (*Keep Jets Over the Bay*); *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222 (*Banning Ranch*) [“Agencies cannot allow ‘environmental considerations [to] become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.’ ”].)

In *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396, the court held that “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” In *Banning Ranch, supra*, 211 Cal.App.4th at page 1223, the court attempted to define a “reasonably foreseeable consequence” as used in the *Laurel Heights* test. Observing that the “piecemealing case law defies easy harmonization,” the court attempted nonetheless to sort the leading cases into “some potentially useful categories. [¶] First, there may be improper piecemealing when the purpose of the reviewed project is to be the first step toward future development. [Citations.] [¶] And there may be improper piecemealing when the reviewed project legally compels or practically presumes completion of another action. [Citations.] [¶] On the other hand, two projects may properly undergo separate environmental review (i.e., no piecemealing) when the projects have different proponents, serve different purposes, or can be implemented independently.” (*Banning Ranch*, p. 1223.) The analysis of whether an additional action or project is the reasonable foreseeable consequence of the initial project “tends to be fact driven.” (*Id.* at p. 1222.)

In this case, approval of the project is not “the first step” toward completion of the Talmage Road interchange improvements. The record establishes that the Talmage Road interchange improvements are being pursued by the city with or without the proposed project “because the improvements are required for the build out of the Redwood Business Park” and are “necessary to address future traffic deficiencies.” While

mitigation measures adopted by the city require the city to actively pursue completion of the traffic improvements and condition Costco permits and approvals on the completion of the traffic improvements, the project does not “presume” or “legally compel” completion of the traffic improvements. Rather, the findings of overriding considerations establish that if, despite the city’s best efforts, the traffic improvements are not completed and the traffic impacts remain unmitigated, the project nonetheless should be approved. Finally, the project and the Talmage Road Interchange Improvement project clearly have different proponents. While Costco agreed in its improvement contract with the city to guarantee any funds the city borrows to complete the transportation improvement “*if it fails to open its store for business or operate its business for at least 20 years,*” that guarantee is very different from an agreement to pay for the improvements outright.

For this reason, Citizen’s reliance on *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 (*Tuolumne*) is misplaced. In that case, the City of Sonora issued a mitigated negative declaration for a shopping center project and undertook a separate CEQA review of road improvements that were required as a condition of approval for the shopping center. The court found that the road improvements should have been considered part of the proposed shopping center project because completion of the road realignment was included by the City of Sonora as a condition of approval for the project and the developer had committed to pay for the improvements. (*Id.* at pp. 1220, 1226, 1231.) In reaching its decision, the court in *Tuolumne* relied heavily on *Plan for Arcadia, Inc. v. City Council of Arcadia* (1974) 42 Cal.App.3d 712 (*Arcadia*). In that case, the court considered whether the construction of a shopping center, a parking lot, and improvements to an adjacent street were all part of a single CEQA project. (*Id.* at p. 726.) Ultimately, the *Arcadia* court found that the widening of the southern portion of the street, which was adjacent to the proposed project, was sufficiently related to the project to be considered part of the project. (*Ibid.*) However, the widening of the northern portion of the street as a result of a freeway expansion project for which environmental review had already been completed, was not part of the proposed project. (*Id.* at p. 727.) In *Tuolumne*, the court observed that the

difference between the northern and southern roadwork in *Arcadia* turned on two factors: “First, the city had determined long before the application for the zoning change that the completion of the freeway would require the widening of Baldwin Avenue. Second, the widening of the northern portion was a municipal capital improvement project, not a private project.” (*Tuolumne, supra*, at p. 1225.) The road improvements in *Tuolumne* were more like the southern roadwork in *Arcadia* in that the approval of the home improvement center project was conditioned upon completion of the road realignment and the project proponent had committed to funding and completing the road realignment. (*Id.* at p. 1226.) The court observed that “[t]hese two similarities are more significant than the one similarity between the realignment of Old Wards Ferry Road and the widening of the northern portion of Baldwin Avenue—the long-existing plan for the work.” (*Ibid.*) In contrast to *Tuolumne* and the southern road work in *Arcadia*, the Talmage Road Interchange Improvements are long-standing proposals that will be needed irrespective of the project completion and are not being paid for by the developer. Accordingly, the Costco EIR was not required to analyze environmental impacts to traffic and transportation caused by the Talmage Road Interchange Improvements.

Citizens also contends that the traffic impact analysis is insufficient because it does not include a trip distribution traffic study “specific to the Costco project” and instead relies on “an early trip distribution study for a nearby Walmart expansion project, which attracted customers from a much smaller geographic area.” Citizens explains, “The census data for the Walmart expansion project and the Costco project are not similar. The economic study for the expanded Walmart showed the trade area to be limited by existing Walmarts in Lake and Sonoma counties and a general travel time of about 30 minutes. . . . [¶] In comparison to the location of nearby Walmart stores, the nearest Costco to the proposed Ukiah Costco is one hour to the south in Santa Rosa and 2-3/4 hours north in Eureka.” As a result, the estimated population of the Costco trade area is more than 90,000 more than the population of the Walmart expansion project trade area and according to Citizens, “[a]lmost all of the additional 90,000 people within the Costco trade area live in areas north of Ukiah” so that they “would travel . . . south on U.S. 101

to access the Costco site.” The city disputes Citizens’ claim that the population data relied on in the formulation of trip distribution and volume was flawed. The city argues that “[t]he Costco trip distribution profile is the same as for the Walmart expansion project because both retailers draw from the same regional populations to the same shopping area (Airport Business Park) via the same, limited number of roadways and intersections.” The city also argues that even with the increase in population in the Costco trade area suggested by Citizens, testing showed that with the proposed mitigation measures the levels of services at the impacted intersections will remain within an acceptable range.

Substantial evidence supports the population estimates utilized in the traffic study. Testimony by the traffic engineer before the city council established a reasonable basis for reliance on the population assumptions used in the Walmart project analysis: “[T]he development of the distribution assumptions where traffic goes to and from it’s not a specific science, it’s an art and science, takes a lot of human factors in to play as well as data and it’s pretty common practice to utilize data that’s available from other sources or data that’s available from other nearby traffic studies. So yes we did start with the Wal-Mart traffic study assumptions. We did consider the new market study of the Costco project. We did consider what – how existing traffic from the Airport Business Park distributes out, how much goes to the freeway, how much goes to local streets. We did consider . . . when people go to a Costco especially from far away it’s not a daily trip you’re [going to] make, it’s an outing. There’s likely to be some of those trips that are [going to] use other – stop in other places in Ukiah since it is the county center to do other types of business so we [want to] take that into account.” The engineer also explained that they performed additional tests after receiving Citizens’ comments regarding the population of the trade area, and concluded that with the completion of the Talmage Road interchange improvements, the level of service for the impacted intersections would remain within acceptable levels, even assuming an increase in traffic to and from the North on U.S. 101.

Accordingly, despite the conflicting views contained in the record, there was no abuse of discretion with regard to the city's certification of the traffic and transportation section of the EIR.⁶

4. *Noise Impacts**

"The Legislature declared in CEQA that 'it is the policy of the state' to '[t]ake all action necessary to provide the people of this state with . . . freedom from excessive noise.' [Citation.] The Legislature further declared that it is the state's policy to '[r]equire governmental agencies at all levels to consider *qualitative* factors as well as economic and technical factors' [Citation.] Thus, through CEQA, the public has a statutorily protected interest in quieter noise environments." (*Keep Jets Over the Bay, supra*, 91 Cal.App.4th at pp. 1379-1380.)

The EIR describes the existing noise environment surrounding the project site as follows: "The project area is located in the Airport Industrial Park planned development, just south of the Ken Fowler car dealership. A medium density residential area lies north of Talmage Road. A mobile home park lies approximately 2000 feet west of the project site and across the airport runways. To the north lie a Furniture Design Center, Michaels, Staples, Food Maxx, and Friedman Home Improvement. The noise environment surrounding the proposed project site is influenced by traffic on US 101, air traffic at the Ukiah Municipal Airport, and local traffic associated with surrounding businesses. Noise levels retain a relatively high level due to the amount and proximity of traffic on US 101, the airport, and surrounding roads." The EIR identifies several land uses that are particularly sensitive to noise ("sensitive receptors") that are located near the project. "The nearest sensitive receptors are mobile-home residences located approximately 2,000 feet southwest from the project site. Sensitive receptors north of the project site that could

⁶ Although Citizens' introduction states that it is challenging the sufficiency of the traffic analysis on the ground that "the EIR includes no evidence that the proposed traffic improvements are feasible and safe," Citizens has provided no argument in support of this contention. Thus, the argument has been forfeited.

* Part 4 is not certified for publication. (See fn., *ante*, p. 1.)

be affected by traffic noise levels includes two hotels on the western side of Airport Park Boulevard (2,000 feet) and a residential community north of Talmage Road (3,000 feet)."

The EIR explains, "Most of the noise generated by the implementation of the project would be traffic-generated noise. The project would contribute to an increase in local traffic volumes, resulting in slightly higher noise levels along local roadways." The EIR concludes that traffic noise associated with the project is less than significant.⁷

"To assess the impact of project traffic on roadside noise levels, noise level projections were made using the Federal Highway Administration's . . . noise prediction model for roadway segments around the project site." A table in the EIR shows the existing noise levels at numerous locations around the project site and the predicted incremental increases in noise level with completion of the project both over existing levels and anticipated levels in the year 2030. The existing or baseline traffic noise shown in the tables is based on traffic volumes (as developed in the traffic study) during evening weekday peak-hours. Although some short and long term ambient noise measurements were taken and are included in the noise section of the EIR, those measurements were not used as a baseline for analyzing traffic noise impacts because, as the city explained, the measurements were "unattended and likely captured more than just roadway noise."⁸ To predict any increase in traffic-generated noise caused by the proposed project, the city applied algorithms found in the Federal Highway Administration traffic noise prediction model to the projections of future traffic on the roadway from the traffic study. Following the comment period, the model was revised "to reflect correct speed limits on several of the roadways, and to estimate traffic noise on Airport Park Blvd south of Talmage at about 35 feet from the roadway centerline to better characterize noise at the two hotels in close proximity." As a result, "the baseline noise either increased or decreased slightly on

⁷ The EIR also concludes that impacts from construction, grading and operational activities will all be less than significant. Citizens does not challenge these findings on appeal.

⁸ Because those measurements were not used to establish the baseline to measure traffic noise impacts, it is not necessary to consider Citizens' arguments regarding the adequacy and location of those measurements.

the revised roadways depending on the corrected speed limit. However, the incremental change in noise after these model revisions would not change along the roadways.”

Citizens contends that the traffic noise model used by the city “is so flawed as to be meaningless” and does not provide substantial evidence for the conclusion that the project will not have a significant impact on the noise environment. Citizens argues that the prediction model for a proper traffic noise study cannot be based solely upon data from the traffic study. Rather, traffic counts assertedly should be taken in conjunction with sound measurements and used in the model to determine if the predicted noise levels are the same as the measured levels. Citizens relies on its expert’s opinion that “Caltrans in its 1998 Technical Noise Supplement (TeNS) requires field traffic counts to calibrate noise prediction programs, but traffic counts were not done nor was the model [used by the city] calibrated.”⁹ The expert explained, “An uncalibrated model makes the prediction of traffic inaccurate. This is particularly true at slower speeds where the Caltrans data is less accurate. Traffic data required to make a complete and accurate independent evaluation of the predictions cannot be done. Without an observer and field traffic counts during the sound tests, the influence of traffic volume, mix and speed are unknown and results in the uncalibrated model.”

The city disputes that the failure to calibrate its model in conformity with TeNS renders the results of its noise study inaccurate or unreliable. The city emphasizes that “[d]isagreements among experts does not make an EIR inadequate. [Citations.] Technical perfection is not required; we look not for an exhaustive analysis but for adequacy,

⁹ Section N-3120 of the TeNS manual describes “model calibration” as follows: “Noise measurements near highways or other transportation corridors are routinely used to calibrate the computer models by comparing calculated noise levels with actual (measured) noise levels. The calculated levels are modeled results obtained from traffic counts and other parameters recorded during the noise measurements. The difference between calculated and measured noise levels may then be applied to calculated future noise levels assuming site conditions will not change significantly, or modeled existing noise levels (see sections N-5400 and N-5330). Obviously, model calibration can only be performed on projects involving existing highways.” (<<http://www.dot.ca.gov/hq/env/noise/pub/Technical%20Noise%20Supplement.pdf>> [as of June 21, 2016].)

completeness, and a good-faith effort at full disclosure.” (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 371-372.)

In responding to a comment to the draft EIR, the city’s expert expressly rejected the claim that calibration according to the TeNS Manual is required. The city’s expert explained, “The commenter appears to hold the TeNS Manual as the concrete framework for noise analyses and suggests that impacts that do not follow its guidance are flawed. However, the TeNS Manual was cited in the DEIR as reference to general concepts pertaining to noise, such as general attenuation rates, but was not used as the basis for impact significance. TeNS is not a requirement for adequate analysis under CEQA. As stated in the 1998 TeNS Manual on page N-1, specifically the underlined text . . . :

[¶] ‘The purpose of this [supplement] is to provide technical background information on transportation-related noise in general and highway traffic noise in particular. It is designed to elaborate on technical concepts and procedures referred to in the Caltrans traffic noise analysis protocol The contents of this supplement are for informational purposes only and unless specifically referred to as such in the protocol they are not official policy, standard or regulation.’ ” The city points out that as recognized in its general plan, the Federal Highway Administration model used in the noise study “is the analytic method presently favored for traffic noise prediction by most state and local agencies, including Caltrans.” The general plan explains, “Noise modeling techniques use source-specific data including average levels of activity, hours of operation, seasonal fluctuations, and average levels of noise from source operations. Modeling methods have been developed for a number of environmental noise sources including roadways, railroad line operations, railroad yard operations, industrial plants and airports. *Such methods produce reliable results as long as data inputs and assumptions are valid.*” (Italics added.)

Citizens does not challenge the validity of the traffic counts that were inputted into the model for this study. The assumptions, including applicable speed limits, were adjusted for a more accurate location specific prediction. Although calibration might have increased the reliability of the results, the noise study was sufficient to inform the public

and decision makers as to the significance of the incremental increase in traffic-generated noise caused by the proposed project. The city did not abuse its discretion in relying on the study in certifying the EIR.

Citizens also contends that the EIR fails to identify and evaluate potentially significant impacts to sleep disturbance for hotel guests as a result of the project's increased truck traffic. Citizens acknowledges that the EIR evaluated project impacts on interior noise levels at the hotels and concluded that the impact would be less than significant. Citizens argues, however, that the EIR failed to separately analyze "the impact of substantial temporary or periodic increases in sound levels caused by Costco heavy trucks passing three transient living quarters along Airport Park Boulevard." Citizens relies on *Keep Jets Over the Bay, supra*, 91 Cal.App.4th at page 1382, in which the court concluded that the EIR improperly omitted significant information about the project's potential interference with sleep, including physiological response and annoyance from increased nighttime overhead flights. The court rejected the standard of significance applied in the EIR under which all residential uses were deemed compatible with a particular noise level, and thus not significant, regardless of the change in noise level caused by single-event sounds. (*Id.* at pp. 1380-1381.) The court explained that "[t]he probability of being repeatedly awakened by multiple single-event sounds can be calculated, given sufficient data" and that further study was needed addressing the impact of single-event noise. (*Id.* at p. 1382.)

As the city argues, however, "[f]undamentally, there is a significant difference between a delivery truck traveling down a major boulevard that already contains cars and trucks (the roadway being a continuous noise source) and the noise produced by jet engines, particularly when flying overhead (which is akin to a discrete source.)" In addition, unlike the situation in *Keep Jets Over the Bay, supra*, 91 Cal.App.4th at page 1372, where the project was estimated to add an additional 73 nighttime flights each day, the delivery hours for Costco are generally limited to 4:00 a.m. through 2:30 p.m. and approximately 50 to 100 trucks are expected in an average week. The city's experts reasonably concluded that "[t]he addition of Costco trucks is not expected to result in

significant sleep-disturbing impacts at the hotels since nighttime deliver[ies] already occur on Airport Park Boulevard for the existing commercial uses (such as Walmart) and are part of the existing noise environment.”

Finally, Citizens contends that the finding in the EIR that the project will not have a significant impact on the noise environment is inconsistent with the standard of significance set forth in the EIR and that set forth in the city’s general plan. Relying on standards recommended by the Federal Interagency Commission on Noise (FICON), the EIR provides: “Where background noise levels without the project would be less than 60 dB Ldn,^[10] a 5 dB or greater noise level increase due to the project would be considered significant. Where background noise levels without the project would exceed 65 dB Ldn, a 1.5 dB or greater noise level increase due to the project would be considered significant. This graduated scale is based on findings that people in quieter noise environments would tolerate larger increases in noise levels without adverse effects, whereas people already exposed to elevated noise levels exhibited adverse reactions to noise for smaller increases.” The EIR also states that traffic noise levels that “exceed the city’s 60 dB Ldn exterior and/or 45 dB Ldn interior noise exposure limits” may be considered significant. The city’s general plan sets the maximum allowable noise exposure to transportation noise sources for transient lodging at 60 dB Ldn for outdoor areas and 45 dB Ldn for indoor areas. The general plan provides, however, “Where it is not possible to reduce noise in outdoor activity areas to 60 [dB Ldn] or less using practical application of the best-available noise reduction measures, an exterior noise level of up to 65 [dB Ldn] may be allowed provided that available exterior noise reduction measures have been implemented and interior noise levels are in compliance with this table.”

The applicable table, as revised in the final EIR, shows that because the existing noise level on the roadway segment where hotels are located is 65.1 db and the incremental increase with the project is 3.1 db, the projected impact is potentially

¹⁰ “dB” refers to decibels. “Ldn” is a composite 24-hour average noise level.

significant. The EIR explains, however, that although this noise level is “potentially significant on the face of it, the fact that the building is for transient/temporary lodging (i.e., patrons would not experience a significant change in the noise environment since they are not long-term residents) rather than residential units, and the general plan recognizes that external noise exceedances may be acceptable if the internal level of 45 dB[] is maintained, the noise level increase was determined to result in a less than significant impact. The exterior noise level already exceeds the general plan standards, under existing conditions The FICON standards were used to identify potentially significant increases for receptors. The interior noise levels were considered, with a standard of 45 dB[] (a standard reflected in both local policy and state building regulations). Residential uses, in contrast to hotels, are more affected by outdoor noise (which is reflected in the general plan language allowing higher exterior noise levels if the interior noise standard of 45 dB[] is maintained). . . . [T]he 45 dB[] interior noise level is maintained, and the impact was therefore considered less than significant.” The city’s conclusion that the noise level increase does not result in a significant impact, despite exceeding FICON standards, is reasonable under the circumstances. The existing exterior noise level already exceeds the limit prescribed in the general plan and the interior sound levels remain within the noise parameters of the general plan. Although, as Citizens points out, the general plan does not “distinguish noise standards applicable to transient lodging as opposed [to] residential land uses,” the reasoning in the EIR is entirely sensible: to transient hotel guests, unlike residential inhabitants, the interior sound level is far more important than the exterior noise level. Thus, because the interior noise level after the project will remain within an acceptable limit, the EIR was justified in concluding that the noise impacts of the project will be less than significant.

5. *Zoning Impacts*^{*}

Citizens contends that the rezoning of the project parcels from industrial/automotive commercial and light manufacturing/mixed use to retail commercial is

^{*} Part 5 is not certified for publication. (See fn., *ante*, p. 1.)

inconsistent with the Airport Industrial Park (AIP) specific plan adopted on January 21, 1981. The city does not dispute the inconsistency, but argues that “the AIP specific plan was never properly adopted and, even if it had been, it was superseded by the 1995 Ukiah general plan with which the project is consistent.”

The AIP specific plan was adopted by the city in January 1981.¹¹ In March 1981, the city approved a use permit for the AIP planned development. In 1992, the city adopted a resolution converting the use permit for the AIP planned development to an ordinance. The ordinance includes text and diagrams specifying the distribution, location and extent of land uses, specific development standards, prohibited uses, required public utility easements, street design standards, signage requirements, design guidelines, landscaping and open space requirements, and discretionary permit review requirements. Section four of the ordinance indicates that the planned development “provides a mixture of industrial and commercial uses within a planned development . . . , consistent with the [city’s] general plan, as amended, which allows said mixture, and which is accordingly shown on the [city’s] general plan land use map for the subject assessor’s parcels.”¹²

In 1995, the city adopted a new general plan. The new plan provides that it is the policy of the city to utilize “master plan areas” to meet precise planning needs. The general plan explains, “*Master plan areas* are a new classification in the Ukiah Valley. Master plan areas are intended to cover lands proposed for ‘specific plans,’ ‘area plans,’ or as ‘planned unit developments.’ A specific plan is called out in California law as an adopted plan that provides precise development standards and policies for an area of land.

¹¹ For purposes of this discussion, we shall assume the 1981 specific plan was properly adopted, although the city disputes this assumption.

¹² According to 7 Miller & Starr, California Real Estate (4th ed. 2015) section 21:9 at page 21-53, “planned development zoning” is a planning tool that “allows for variations of uses and standards in accordance with an overall master plan without the uniformity in density and overall development patterns that result from traditional zoning. Planned development zoning is usually based on a broad description of allowable uses that is subject to detailed land use planning and implemented by a master development plan that is adopted either as an ordinance or as a development plan permit much like a conditional use permit.”

State law specifies what must be included in a specific plan. Sometimes a private developer, the city, or county would prefer to have a less precise development proposal to be considered for adoption. The role of the master plan area is to permit an area within the Ukiah Valley to be designated for more precise, site specific studies prior to approving subdivisions or other uses.” (Fn. Omitted.) “The master plan area land use classification is to be applied to the parcels contained within a master plan or a specific plan at the time of adoption by the city or county.” The general plan indicates that the city had previously approved a “master plan” for the AIP. According to the planning department, the general plan “designated the AIP as a ‘master plan’ area with the knowledge it had already adopted a precise planned development ordinance regulating growth and development within the AIP.”

After adoption of the general plan and prior to the approval of the project in this instance, the city at least three times amended the AIP planned development ordinance to modify the permitted land uses in the designated area and to reflect those allowable uses on the generalized land use map. Each amendment includes the statement that “the AIP planned development is consistent with the ‘master plan’ land use designation for the property contained in the [city’s] general plan” or that the AIP planned development is “consistent with the [city’s] general plan.” No amendment makes reference to the 1981 AIP specific plan.

From this record, it appears that although the AIP specific plan was not expressly repealed, the city intended, and operated as if, the AIP planned development ordinance was the operative “master plan” for the AIP master plan area at the time the general plan was adopted. As noted above, the general plan provides that a planned development may serve as a master plan for a designated master plan area. While the general plan states that “specific plans . . . may be substituted for master plans *when it is the preferable planning program*,” nothing in the general plan requires adoption of the AIP special plan

as the master plan for the AIP master plan area.¹³ According to the general plan, “master plans shall be adopted utilizing the same process as a general plan amendment.” The AIP planned development was adopted first by resolution then by ordinance that was “published as required by law” and became “effective 30 days after its adoption.” Although the record before this court does not establish that a public hearing was held on the AIP planned development prior to its adoption, we must presume that the city complied with the applicable statutes. There is no dispute that the project is consistent with the general plan and the AIP planned development ordinance.

Disposition

The judgment is reversed and the matter remanded to the trial court with instructions to grant Citizens’ petition for a writ of mandate directing the city to set aside its certification of the final EIR and approval of the project and to bring the energy section of the EIR into compliance with CEQA before redetermining whether to approve the project. The judgment is affirmed in all other respects. Citizens shall recover its costs on appeal.

Pollak, J.

We concur:

McGuiness, P. J.

Jenkins, J.

¹³ To the contrary, a provision in the general plan stating that the “Lovers Lane Specific Plan” shall be identified on the land use map as the “Lovers Lane Master Plan Area” supports the inference that if the city intended the 1981 AIP specific plan to substitute for the master plan for the AIP master plan area, it would have done so expressly.

Trial court:	Mendocino County Superior Court
Trial judge:	Honorable Jeanine Nadel
Counsel for plaintiff and appellant:	KOPPER & MORGAN, William D. Kopper.
Counsel for defendant and respondent:	RAPPORT AND MARSTON, David J. Rapport Armbruster Goldsmit & Delvac LLP, Damon P. Mamalakis, Dale J. Goldsmith

A145581



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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO County Courthouse, State and Perkins Streets 100 North State Street, Room 108 Ukiah, CA 95482-0337	ENDORSED-FILED AUG 29 2016 CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA M. STAFFORD
UKIAH CITIZENS FOR SAFETY FIRST Plaintiff v. CITY OF UKIAH et al., Defendants	
MINUTE ORDER GRANTING PLAINTIFF'S PETITION FOR WRIT OF MANDATE	CASE NUMBER: SCUKCVPT-14-63579

In accordance with the decision of the Court of Appeal in this matter, Plaintiff's Petition for Writ of Mandate is hereby granted. The City of Ukiah is directed to set aside its certification of the final EIR and approval of the project. The City shall only be required to bring the energy section of the EIR in compliance with CEQA before re-determining whether to approve the project.

Date:

August 26, 2017


JEANINE B. NADEL
 Judge of the Superior Court

Superior Court of California, County of Mendocino
PROOF OF SERVICE

Case: **SCUK-CVPT-2014-63579**

Document Served: MINUTE ORDER GRANTING PLAINTIFF'S PETITION FOR WRIT OF MANDATE AND FIRST DISTRICT COURT OF APPEAL REMITTITUR

I declare that I am employed in the County of Mendocino, State of California; I am over the age of eighteen years and not a party to the within action. My business address is:

☒ Mendocino County Courthouse, 100 North State Street, Ukiah, California 95482.

☐ Ten Mile Branch, 700 South Franklin Street, Fort Bragg, CA 95437

I am familiar with the County of Mendocino's practice whereby each document is placed in the Attorneys' boxes, located in Room 107 of the Mendocino County Courthouse and the Public Access Room of the Ten Mile Branch, transmitted by fax or e-mail, and/or placed in an envelope that is sealed with appropriate postage is placed thereon and placed in the appropriate mail receptacle which is deposited in a U.S. mailbox at or before the close of the business day.

On the date of the declaration, I served copies of the attached document(s) on the below listed party(s) by placing or transmitting a true copy thereof to the party(s) in the manner indicated below.

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I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed at:

☒ Ukiah, California

☐ Fort Bragg, California

Date: August 29, 2016

CHRISTOPHER D. RUHL, Clerk of the Court

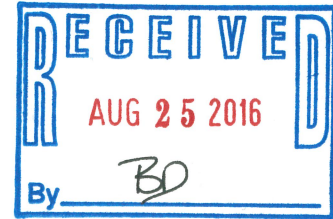
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405 West Perkins Street
Ukiah, CA 95482

UKIAH CITIZENS FOR SAFETY FIRST,
Plaintiff and Appellant,
v.
CITY OF UKIAH et al.,
Defendants and Respondents.

A145581
Mendocino County No. SCUKCVPT1463579

** REMITTITUR **

I, Diana Herbert, Clerk of the Court of Appeal of the State of California for the First Appellate District, do hereby certify that the decision entered in the above-entitled cause on June 21, 2016 has now become final.

☒ Appellant ☐ Respondent to recover costs
☐ Each party to bear own costs
☐ Costs are not awarded in this proceeding
☐ See decision for costs determination

Witness my hand and the Seal of the Court affixed at my office this

AUG 23 2016



Diana Herbert
Clerk of the Court

M. Chang
Deputy Clerk



AGENDA SUMMARY REPORT

SUBJECT: DISCUSSION AND DIRECTION ON PROPOSED MARIJUANA DISPENSARY ORDINANCE AND NEGATIVE DECLARATION AND IF APPROPRIATE, CONTINUE THE CORRESPONDING PUBLIC HEARING TO A DATE CERTAIN TO CONSIDER ADOPTION.

Summary: The City Council will receive and review a proposed Negative Declaration and Marijuana Dispensary Ordinance establishing development and operating standards for dispensaries in commercially zoned areas within the City. The ad hoc is not asking for the Council to consider adoption at this meeting, but to consider providing additional direction and if appropriate continue the public hearing to a date certain for possible consideration.

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

The Ordinance was drafted through an ad hoc committee comprised of Councilmember Mulheren and Vice Mayor Brown and supported by the City Manager, Planning Director, City Attorney, Assistant City Attorney, and Chief of Police. The Ad Hoc Committee was created by the City Council on July 1, 2015. The committee was formed in response to (1) the enactment of the MMRSA - specifically, to address any regulatory gaps in the City's current regulation of medical marijuana distribution, delivery, and cultivation that would allow for sole State jurisdiction over these activities; and (2) to consider the City's policy

Continued on Page 2

RECOMMENDED ACTION(S): Discussion and direction on proposed Marijuana Dispensary Ordinance and corresponding Negative Declaration. If appropriate, continue the public hearing to a date certain for possible adoption.

ALTERNATIVES: Provide direction to staff.

Citizens advised:	Publically noticed pursuant to Ukiah City Code.
Requested by:	City Council
Contacts/Prepared by:	Kevin Thompson, Interim Planning Director and Darcy Vaughn, Assistant City Attorney
Coordinated with:	Marijuana Legislation and Policy Ad Hoc
Presenters	Kevin Thompson, Interim Planning Director and Darcy Vaughn, Assistant City Attorney
Attachments:	1. Negative Declaration 2. Comments and recommendations from the Planning Commission 3. Ordinance revised by Ad Hoc Committee (redline version) 4. Ordinance (clean version) 5. Ukiah City Code §9223.1; Table 3: Allowed Uses and Permit Requirements

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

objectives with regard to the medical marijuana industry given the proliferation of medical marijuana businesses within the County's jurisdiction. Though the MMRSA was later amended in order to preserve local authority over medical marijuana-related industry and activities or to give local government entities additional time to adopt ordinances to regulate the operation of marijuana businesses, the City Council thought it prudent to proceed with drafting and adopting an ordinance allowing and regulating medical marijuana dispensaries and the operation of such businesses.

In drafting the ordinance, the ad hoc has considered a number of factors including need, benefits, and impact concerns. A number of local residents have inquired about the possibility of establishing and operating medical marijuana dispensaries within the city limits. Dispensary operations may have a positive economic benefit for the City. Further, a number of citizens have expressed concerns regarding the lack of dispensary options in Ukiah and the difficulties in obtaining medicinal marijuana for legitimate treatment needs. Conversely, other citizens have expressed safety and quality of life concerns regarding dispensaries. The proposed Ordinance provides the City with local control in an attempt to balance the demand verses the concerns. The corresponding Negative Declaration (Attachment #1) provides an analysis of the proposed Ordinance as it relates to CEQA compliance.

The attached Ordinance establishes a process for the issuance of "Dispensary Use Permits". It outlines, in detail, development and operational standards under which a Dispensary Use Permit will be evaluated and issued. Further, the Ordinance contains several sections pertaining to the operation, maintenance and annual permit renewal process for dispensaries; below is a summary of the key components of the Ordinance:

1. *Dispensary Use Permit (§5703)* – Anyone seeking to establish a Marijuana Dispensary must first obtain a Dispensary Use Permit approved and issued by the Zoning Administrator. Upon receipt of the application, the Planning Director will evaluate the application using an extensive and rigorous, set criteria contained in the Ordinance. Once the application is deemed complete, the Zoning Administrator will conduct a noticed public hearing.
2. *Application Preparation and Filing (§5709)* – The Ordinance outlines the submittal requirements needed to be considered for Dispensary Use Permit. Required information includes, but is not limited to: basic information about the applicant, criminal background check, employee information, plans of operation, information about the location, floor plan, site plan, and security plan.
3. *Appeals of Zoning Administrator Determinations (§5712)* – The Planning Commission will hear appeals of any Zoning Administrator determinations. The Planning Commission is the final decision body on appeals.
4. *Use Permit Renewal (§5704)* – Dispensary Use Permit holders are required to renew their permit annually. The renewal process requires the Planning Director to use an extensive set of rigorous criteria to determine if the permit should be extended. The renewal decision will be rendered during a publically noticed meeting. The criteria for renewal requests includes, but is not limited to: number of police calls, adequacy of safeguard procedures, and failure to pay fees.
5. *Limits on Location (§5707)* – Dispensaries will be allowed to operate upon approval of the Dispensary Use Permit in the following Zoning Districts: Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial (CN), Manufacturing (M), Planned Development (PD), (Commercial) General Urban (GU), Urban Center (UC) and Downtown Core (DC). Within these zoning districts the Ordinance provides citing criteria, including but not limited to: dispensary must be in a visible location with good views of the entrance from the street, cannot be within 250 feet of a youth-oriented facility (as defined in the Ordinance) or of another dispensary, or 600 feet from a school, and not within or near any residentially zoned areas.

6. *Operating Requirements (§5708)* – Operating requirements include, but are not limited to: dispensary applicants cannot have any felony convictions, employees must be 18 or older, size of facility is limited to a size deemed appropriate given character of the neighborhood, controlled entry, restricted admittance, restroom access, medical card or prescription required for entry, no on-site consumption, Building and Fire Code compliance, space for retail sales of products other than medical marijuana is limited to (150 sq. ft.) and cultivation space is limited to (500 sq. ft.).
7. *Marijuana Delivery (§5717)* – The delivery of marijuana will be allowed to qualified patients and caregivers at their residence in the City, but only from dispensaries lawfully operating within City limits. Other home deliveries of marijuana are prohibited.

Discussion: On both September 14th and 28th, 2016, the Planning Commission conducted public hearings to gather input, provide comments and recommendations to staff on the proposed Ordinance (Attachment 2). In response, the Ad Hoc Committee met on September 19th, and October 3rd, 2016, to discuss the comments and recommendations provided by the Planning Commission. In general, the Ad Hoc Committee agreed with a majority of the recommendations. However, they requested Council input on one remaining Planning Commission recommendation:

Section §5707 Limitation on Location of Dispensary (C)(1) PC Recommendation: Increase the minimum distance a dispensary can locate from a Youth Oriented Facility from 250' to 500'. **Ad Hoc Comments:** The Ad Hoc is concerned that the Planning Commission's recommendation of a 500-foot distance limitation from all youth-oriented facilities will unnecessarily limit possible locations of dispensaries. As such, they prefer to retain the 250-foot distance requirement for now. The Ad Hoc wishes to have a full discussion of the City Council on the distance limitation.

Based on direction and input received at the October 19, 2016, City Council meeting, the Ad Hoc Committee met and further revised the Ordinance at their November 7th meeting. The attached redlined version of the Ordinance indicates the most-recent amendments (Attachment 3). The amendments include but are not limited to: several clean-up and simplification amendments, changes to eliminate internal inconsistencies in the requirements for dispensary operations, clarification on method of measuring distances between dispensaries and youth oriented facilities, changing the minimum age requirement to twenty-one (21) years of age for Dispensaries Use Permit applicants and dispensary employees, deletion of references to size and number of patients restrictions for dispensaries, modification of the background check requirement to put the onus on the applicant to initiate the process, clarification on patient record keeping confidentiality requirements under state and federal law, and clarification of the hearing and appeals process for revocation of a Dispensary Use Permit. (See Attachment 4 for clean version of the Ordinance)

Implementation of the Ordinance: If adopted, the Marijuana Dispensary Ordinance will be in conflict with Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9, allowed uses in the Downtown Zoning Code and Section 9254 in Article 19, Chapter 2 in Division 9 Marijuana Cultivation section of the Municipal Code. In order to remedy these conflicts, two additional zoning ordinance amendments are proposed as follows:

1. Table 3 in Section 9223.1 of the Downtown Zoning Code will be amended to allow marijuana dispensaries with a Dispensary Use Permit within the General Urban (GU), Urban Core (UC) and Downtown Core (DC) districts. (Attachment 5)

Subsection (B)(3) of Section 9254 of the City Code will be amended to resolve a conflict with between the City Code's current cultivation regulations, which allows only qualified patients and primary caregivers to cultivate limited numbers of marijuana plants, and Subsection 5708(H) in this Ordinance, which allows limited cultivation of marijuana plants for medical use by Dispensaries, which are not considered patients or primary caregivers under the MMRSA.

CEQA: Per 14 California Code of Regulations Section §15073.5, entitled: "Recirculation of a Negative Declaration Prior to Adoption," a Negative Declaration must be recirculated if a "substantial revision" has occurred to the project after the Negative Declaration was circulated for public comment. Based on the definition of Substantial Revision in that section and the following comments, in staff's opinion the changes that have occurred as a result of public comment do not constitute Substantial Revision of the ordinance or the proposed Negative Declaration. Elements of the definition are followed by staff's comment:

- A new, avoidable significant effect is identified and new mitigation measures or project revisions must be added to reduce the effect to insignificance.

Staff comment: *The project does not require any mitigation; therefore, this does not apply.*

- The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance (sic) and new measures or revisions are required.

Staff comment: *The project does not require any mitigation; therefore, this does not apply. Recirculation is not required under the following circumstance:*

- Mitigation measures are replaced with equivalent or more effective measures.

Staff comment: *The project does not require any mitigation; therefore, this does not apply.*

- New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

Staff comment: *No revisions were made to the ordinance, as a result of public comments on the environmental effects of the ordinance. Revisions that were made to the ordinance after the negative declaration was circulated for public comments made the Ordinance more restrictive, provided clarification or corrected drafting errors.*

- Mitigation measures or conditions of approval are added which are not required by CEQA, do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect.

Staff comment: *The project does not require any mitigation, and no conditions have been added.*

- New information is added which merely clarifies, amplifies, or makes insignificant changes to the Negative Declaration or Mitigated Negative Declaration.

Staff comment: *Staff believes the changes that have occurred as a result public comment amount to insignificant changes, and therefore the Negative Declaration does not need to be recirculated.*

Conclusion: The ad hoc is requesting the Council discuss and provide any additional direction on proposed Marijuana Dispensary Ordinance and corresponding Negative Declaration. If appropriate, the Council will also want to consider continuing the public hearing to a date certain for possible adoption. In addition, the City Council may also wish to discuss and provide direction to the ad hoc related to other elements of marijuana policy including, but not limited to, recreational dispensaries, manufacturing and other associated considerations related to the passage of Proposition 64.

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



California Environmental Quality Act

**INITIAL ENVIRONMENTAL STUDY
AND
PROPOSED NEGATIVE DECLARATION**

**PROPOSED
MEDICAL MARIJUANA DISPENSARY ORDINANCE**

Prepared by:

**City of Ukiah
Department of Planning and Community Development
300 Seminary Avenue, Ukiah, CA 95482**

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CHAPTER 1.0 – INTRODUCTION AND PURPOSE

1.0 INTRODUCTION

1.1 CEQA Compliance

The City of Ukiah Department of Planning and Community Development is the lead agency under the California Environmental Quality Act (CEQA) for the proposed Medical Marijuana Dispensary Ordinance (Project) that would be located citywide. In accordance with Section 15070 through Section 15075, Negative Declaration Process, of the CEQA Guidelines, this Initial Study/Proposed Negative Declaration has been prepared by the City of Ukiah. Section 15070 of the CEQA Guidelines states the following with the respect to the preparation of a Mitigated Negative Declaration:

"A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

(a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or

(b) The initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency that the project as revised may have a significant effect on the environment.

As prescribed in Section 15070, an Initial Study has been prepared that analyzes the potential project-related impacts anticipated to occur as a result of implementing Marijuana Dispensary Ordinance the City of Ukiah. Pursuant to Section 15071 of the CEQA Guidelines, the Initial Study/Proposed Negative Declaration includes:

- A description of the proposed project (refer to Section 2.0);
- The location of the project (refer to Section 2.1);
- A list of the environmental factors potentially affected by project implementation (Refer to Section 3.0);
- A comprehensive analysis of each environmental topic included in the City's environmental checklist (refer to Chapter 4.0);
- A proposed finding that the project will not have a significant effect on the environment (refer to Section 5.1).

1.2 Incorporation by Reference

As allowed under Section 15150 of the State CEQA Guidelines, this Initial Study incorporates the Final Marijuana Dispensary Ordinance by reference. The Ordinance was utilized during the preparation of the Initial Study. The relevant information and/or analysis that has been incorporated by reference into this Initial Study has been summarized. The Final marijuana Dispensary Ordinance is available for review at the City of Ukiah Department of Planning and Community Development located at 300 Seminary Avenue, Ukiah, California, 95482.

1.3 Purpose

The Marijuana Dispensary Ordinance for the City of Ukiah prepared by the City of Ukiah Department of Planning and Community Development for submittal to the Ukiah City Council.

The environmental document that follows is an Initial Study and Negative Declaration (IS/ND) for the Ukiah Marijuana Dispensary Ordinance project as proposed by the City of Ukiah. An initial study is a preliminary analysis that is completed as part of the project design and assessment to determine whether an environmental impact report or negative declaration must be prepared to assess potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines (Section 15000 *et seq.*). The initial study is intended to determine if the project may have a significant effect on the environment. A negative declaration is a written statement that briefly describes the reasons why a proposed project will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

As indicated above, the City of Ukiah is proposing to establish and implement regulations for marijuana dispensaries, which will be implemented upon the adoption of this document by the City of Ukiah City Council. This study has been prepared in accordance with the CEQA, Public Resources Code 21000 *et seq.*, and the State CEQA Guidelines, California Code of Regulations, Section 15000 *et seq.* This document provides a description of the project setting and characteristics and includes an environmental evaluation and checklist that identifies the potential environmental impacts associated with implementation of the proposed Marijuana Dispensary Ordinance, and includes a discussion of the checklist responses and findings.

1.4 Determination of No Significant Impacts

This Initial Study/ Negative Declaration has been prepared pursuant to Section 15070 through Section 15075 of the CEQA Guidelines as prescribed in Section 1.1, above. As indicated in Chapter 5.0 of the document, no significant impacts will occur as a result of project implementation with the incorporation of appropriate mitigation measures into the final Ordinance to establish “self-mitigation.” The City of Ukiah City Council will consider the information contained in this document prior to making a final decision on the proposed Marijuana Dispensary Ordinance.

CHAPTER 2.0 – PROJECT DESCRIPTION

2.0 PROJECT DESCRIPTION Sections 2.1-2.7 Below**2.1 Project Location**

The proposed Marijuana Dispensary Ordinance would apply to the following zoning districts: C1, C2, M, PD (Commercial), GU, UC, and DC. Medical Marijuana Dispensaries would not be allowed within residential zoning districts or within 250 feet (subject to change based on City Council direction) of a “Youth-Oriented facility” (public park, church, library, museum licensed daycare facility) and 600 feet from schools. The City is approximately 4.84 square miles and is comprised of 4,997 parcels.

2.2 Environmental Setting

The City of Ukiah is the county seat for Mendocino County and serves as the employment, shopping and medical hub for the region. The population is approximately 16,000 and swells to approximately 25,000-30,000 during a typical week day due to the in-migration of workers, shoppers, visitors and those in need of medical and other services. The City is densely urban with three major creeks flowing west to east towards the Russian River. The City is well forested for an urban environment and has an ample number of parks and associated open spaces.

2.3 Background and History

In 2007, the City of Ukiah enacted Ordinance 1095, §1 (“Medical Marijuana Dispensaries Ordinance”), which prohibited and declared a public nuisance medical marijuana dispensaries in the City of Ukiah.

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

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

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

2.4 Project Characteristics/Description

The project is an ordinance regulating medical marijuana dispensaries, distribution, and cultivation in order to promote the health, safety, morals, and general welfare of resident and businesses within the city. The ordinance requires a use permit to operate a dispensary and there are limitations on the location of dispensaries – required distances from youth-oriented facilities, parks, schools, or another dispensary. There are also dispensary operating requirements, application preparation and filing requirements, criteria for the review of dispensary use permits, use permit processing requirements, and other requirements.

2.5 Project Timing

The proposed Marijuana Dispensary Ordinance would go into full force and effect 30-days after adoption by the City Council.

2.6 Project Objectives

- To provide reasonable regulations for marijuana dispensaries, marijuana distribution, and cultivation that would protect the public's health, safety, morals, and general welfare of residents and businesses in the city.
- To provide regulations that are easy to understand, explain to the public, and implement.
- To provide regulations that are enforceable.

2.7 Assumptions

- Future dispensaries would likely locate within existing commercial buildings similar to other new retail uses. Construction of new buildings to house medical marijuana dispensaries would require discretionary review and separate CEQA review.
- Similar to other communities of comparable size such as Sebastopol and Arcata, it is expected that if the proposed ordinance is adopted there would not be a proliferation of dispensaries. Due to market conditions and competition, it is assumed that not more than a maximum of 3 dispensaries would locate within the city limits (Sebastopol and Arcata have 1 dispensary each).
- Since growing marijuana in dispensaries is limited to 500 square feet, it is assumed that water use would be similar to that of a typical 3-bedroom, 2-bathroom single family residence with two parents and two children/teenagers, lawns, two showers, a washing machine, dishwasher, sinks, and outdoor gardening space. The average water use for a typical single family residence is 200 gallons per day.

CHAPTER 3.0 – ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

3.1 Environmental Factors Potentially Affected

The environmental analysis in Section 4.0 is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines*, as amended, and used by the City of Ukiah in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

Chapter 4.0 (Environmental Analysis) analyzes the potential environmental impacts associated with the proposed Marijuana Dispensary Ordinance project. The issue areas evaluated in this Initial Study include:

Aesthetics	X
Air Quality	X
Utilities and Service Systems	X
Biological Resources	X
Public Services	X
Land Use and Planning	X
Hydrology and Water Quality	X
Hazards and Hazardous Materials	X

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable environmental impact on the environment.
- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant
- **Less Than Significant Impact With Mitigation Incorporated.** The development will have the potential to generate impacts, which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact.** The development could have impacts, which may be considered significant, and therefore additional analysis is required to identify mitigation measures that could reduce potentially significant impacts to less than significant levels. Where potential impacts are anticipated to be significant, mitigation measures will be required, such that impacts may be avoided or reduced to insignificant levels.

3.2 Environmental Factors Clearly Not Affected

The Initial Study found that it can be seen with certainty that the following issue areas would not be significantly impacted and therefore no analysis is required:

Agriculture and Forestry Resources: There are no prime agricultural lands or forestry lands within the City limits, therefore none would be impacted by the implementation of the proposed Marijuana Dispensary ordinance.

Mineral Resources: There are mineral resource extraction facilities and no known mineral resources within the City limits, therefore none would be affected by the implementation of the proposed Marijuana Dispensary ordinance.

Noise: Research reveals that the vast majority of existing medical marijuana dispensaries, including all the dispensaries in Mendocino County are operating within existing structures. It is therefore assumed that if the ordinance is enacted, new dispensaries would open in vacant retail commercial or industrial space and no noise ordinance violating construction would occur.

The operation of retail medical marijuana dispensaries would be required to comply with the existing City of Ukiah noise ordinance in the same manner as other retail businesses.

Population and Housing: The proposed ordinance would regulate medical marijuana dispensaries, distribution, and cultivation of marijuana (within the dispensaries) and would not, in and of itself cause the City's population to increase. Nor would the ordinance affect housing in any way because it would regulate retail businesses not residential properties.

Cultural Resources: The City of Ukiah is a dense urban environment where the ground has been significantly disturbed to allow urban development for over 100 years. If medical marijuana dispensaries are established within the city as permitted by the proposed ordinance, it is assumed that they would be located within existing retail commercial space and therefore there are no prehistoric or historic cultural resources that would be adversely impacted by the project.

Recreation: The City's formal recreation services and activities are primarily conducted in the local parks and on school grounds. The ordinance specifically prohibits the establishment of medical marijuana dispensaries within 250 feet of parks (subject to change based on City Council direction) and 600 feet from schools these areas to preclude impacts.

Geology and Soils: Research reveals that the vast majority of existing medical marijuana dispensaries, including all the dispensaries in Mendocino County are operating within existing structures. It is therefore assumed that if the ordinance is enacted, new dispensaries would open in vacant retail commercial space and no impacts to geology and soils would result. If a new building was constructed to provide space for a medical marijuana dispensary, a geotechnical soils investigation would be required with the submittal of a building permit application as required by the California Building Code to ensure the geology and soils are adequate for the development of a foundation and building.

3.3 Environmental Determination

On the basis of this initial evaluation:

 X I find that the proposed use **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

 I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

 I find that the proposal **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

 I find that the proposal **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

 I find that although the proposed project could have a significant effect on the environment, because all potentially significant effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures are imposed upon the proposed project, nothing further is required.

Signature

Date

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CHAPTER 4.0 – ENVIRONMENTAL ANALYSIS**4.0 ENVIRONMENTAL ANALYSIS**

The purpose of this Initial Study/Proposed Negative Declaration for the proposed Ukiah Medical Marijuana Dispensary Ordinance is to provide an analysis of the potential environmental consequences that are anticipated to occur as a result of implementation of the ordinance in accordance with the environmental review process as implemented by the City of Ukiah. The analysis contained in this chapter includes a discussion of the anticipated impacts associated with the implementation of the Ukiah Medical Marijuana Dispensary Ordinance as described in Chapter 2.0 (Project Description).

4.1 Aesthetics - *Would the project:*

Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

Significance Criteria:

A project may be deemed to have a significance adverse aesthetic impact if it results in any of the following:

- Changes at the site substantially degrade the character of the site, degrade an existing public viewshed, or alter the character of a public view shed by the introduction of anomalous structures or elements.
- Changes at the site would result in changes in the expectations of viewers (measured against the relative importance of those views) and would result in a negative impression of the view shed. (The emphasis of this criterion is on views from public areas, not views from individual lots unless view easements are involved.)
- Changes at the site substantially conflict with and/or do not uphold the scenic and visual quality objectives for development, as articulated in the County's General Plan goals, objectives

Analysis:***a. Have a substantial adverse effect on a scenic vista?***

No Impact. There are no officially designated scenic vistas located within or in close proximity to the city limits, therefore none would be adversely impacted by a medical marijuana dispensary retail store opening in an existing retail business or industrial space. Similarly, if a building was constructed within the dense urban city environment to accommodate a medical marijuana dispensary, it would not adversely impact any official scenic vista because none exist in the city or immediate vicinity.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no officially designated scenic resources or state scenic highways within or in close proximity to the city limits, therefore none would be impacted by the establishment of a medical marijuana dispensary.

Even though the western hillside overlooking the City of Ukiah is not designated as an official scenic vista, an argument could be made that the views of these hills are important. The hillside area is zoned for rural residential development and therefore according to the proposed ordinance no medical marijuana dispensary could locate in this area of the community.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact. As noted above, it is expected that any proposed medical marijuana dispensary that establishes in the City pursuant to the provisions of the proposed ordinance would locate within the existing building in the densely urban environment of the city and therefore not create new impacts to the visual character or quality in the area. Also, as noted above, if a building was constructed within the dense urban city environment to accommodate a medical marijuana dispensary, it would be subject to design review board and planning commission review, as well as separate CEQA review, which would ensure that no new visual impacts would result from the project.

If a medical marijuana dispensary erects signs for its business, they would be required to comply with existing sign regulations designed to protect the visual quality of commercial areas and therefore would not degrade visual character and quality of its surroundings.

d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

No Impact. As noted above, it is expected that any proposed medical marijuana dispensary that establishes in the City pursuant to the provisions of the proposed ordinance would locate within the existing building in the densely urban environment of the city and therefore not create light or glare impacts. Nighttime and daytime views of the densely urban environment where medical marijuana dispensary would locate are of buildings, signs, motor vehicles, trees, etc., and the Ukiah City Code prohibits substantial light and glare from businesses from shining into streets. If a building was constructed within the dense urban city environment to accommodate a medical marijuana dispensary, it would be subject to design review board and planning commission review, as well as separate CEQA review, which would ensure that no impacts to daytime and nighttime visual resources would result from the project.

Cumulative Impacts

Since no visual quality impacts would result from implementation of the ordinance, none would contribute cumulatively to the degradation of visual quality in the City of Ukiah.

Mitigation Measures

Project implementation will not result in any potentially significant visual impacts. Therefore, no mitigation measures are required.

4.2 Air Quality - *Would the project:*

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				x
d) Expose sensitive receptors to substantial pollutant concentrations?				x
e) Create objectionable odors affecting a substantial number of people?			x	

Significance Criteria:

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

- Air quality Impacts would be significant if the project results in any conflicts with or obstructions to implementation of any applicable air quality plan;
- Violate of any air quality standard or substantial contributions to an existing air quality violation
- Exposure to sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people.

Air Quality and Greenhouse Gas Emissions: The proposed ordinance would not result in adverse impacts to air quality because it would merely regulate certain retail businesses, and based on the small size of the city and its market area, as well as opportunities to establish outside the city limits, it is anticipated that only a small number of dispensaries would establish within the city limits. This has been the affect in other communities such as Arcata, California. Therefore, delivery vehicles associated with the dispensaries would be limited and would not substantially contribute to air pollutants.

Creation of objectionable odors affecting a substantial number of people:

Cannabis cultivation is associated with a strong odor, especially cultivation operations during the final phase of the growing cycle. Generally, the larger the size of the cultivation activity and the proximity to sensitive uses, the greater the potential for odor to be evident. The proposed Ordinance includes a 500 square foot maximum indoor cultivation area for medical cannabis dispensaries. Further, dispensaries are required to obtain a Dispensary Use Permit prior to operation. Dispensary Use Permits are subject to the operational standards contained in the ordinance as follows:

Section 5708 (H)(4) Odors Control. The Dispensary shall have an air treatment system that prevents odors generated from the storage and cultivation of marijuana on the Dispensary property from being detected by any reasonable person of normal sensitivity outside the dispensary property. To achieve this, both the storage and cultivation areas shall be, at minimum, mechanically ventilated with a carbon filter or superior method.

Based on the proposed Ordinance's inclusion of the above requirements and standards related to maximum grow areas, distance from residential uses, and air filtration requirements the impact of producing odor impacting a substantial number of people is considered less than significant.

4.3 Utilities and Service Systems – Would the Project:

Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider, which serves or may				

serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X

Significance Criteria:

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

- The project-related demand caused an increase in wastewater treatment that reached or exceeded the current capacity of existing or planned treatment facilities or caused a reduction in the level of service, thereby requiring substantial expansion of existing facilities or the construction of new facilities.
- The proposed project's use of water resources will substantially and adversely deplete existing sources of domestic water.
- The proposed project will require the construction of new water facilities beyond those already planned and the cost of which would not be borne by the applicant.
- The project will generate solid waste that exceeds the capacity of the landfill to accept and disposal of the waste.

Analysis:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. While the ordinance would permit some growing (and watering) of marijuana on-site at a dispensary location, it could not exceed 1,500 square feet of area and must be contained inside of the building. The ordinance also requires cultivation practices to utilize the most water efficient methods available, and the City has the right to require annual reports on cultivation facility practices including water conservation methods. Moreover, the ordinance requires the cultivation methods to fully comply with all applicable stormwater, wastewater and building code requirements.

b. Require or result in the construction of new water or wastewater treatment facilities or

expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. As noted above, dispensary cultivation operations are limited in size and water use and would be reviewed by water and wastewater officials. A proposed dispensary would not be allowed to be developed if water and wastewater facilities could not serve the proposal. Moreover, based on the experiences of other similar sized cities such as Arcata and Sebastopol, it is reasonable to assume that the small market area of Ukiah would not result in a proliferation of medical marijuana dispensaries. Accordingly, it is anticipated that water and wastewater services would be available to the few dispensaries that may be proposed in the City.

c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. Similar to above, if the expected maximum amount of water to be used in the cultivation practices associated with a future dispensary was discharged from the sites into the storm drain system, it would be comparable to the runoff from a single family residences. Moreover, it is anticipated that new dispensaries would most likely be proposed in existing buildings and therefore not increase urban stormwater runoff. In all likelihood, the water used, but not absorbed into the soil and plants would not be discharged into the storm drain system, but rather into the wastewater system or drained to landscaping on the site. No impact to the storm drain system is expected.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact. Discussions with the City Public Works Department reveal that the City has the water supply to serve the minor demand that would be created by marijuana dispensary cultivation practices resulting from the proposed ordinance. This is based on the reasonable assumption that the small population and existing market area would not support more than a few dispensaries. However, even if more than a few dispensaries were proposed, the Public Works Department would determine if the City had the capacity to serve the proposed dispensary before granting approval just as it does with every proposed development project.

e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. Discussions with the City Public Works Department reveal that the City has the wastewater treatment capacity to serve the minor demand that would be created by marijuana dispensary cultivation practices resulting from the proposed ordinance. This is based on the reasonable assumption that the small population and existing market area would not support more than a few dispensaries. However, even if more than a few dispensaries were proposed, the Public Works Department would determine if the City had the capacity to serve the proposed dispensary before granting approval just as it does with every proposed development project.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. The solid waste generated from an assumed maximum of three (3) marijuana dispensary businesses is not expected to exceed what a typical retail business generates and

therefore would not adversely impact solid waste pick-up and disposal operations. This was confirmed by the City Department of Public Works staff. This is based on the reasonable assumption that medical marijuana dispensaries would not generate an unusual amount of solid waste.

g. Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. The solid waste generated from future marijuana dispensary businesses is not expected to be significant and is required to comply with all federal, state and local laws related to solid waste.

Cumulative Impacts

It has been concluded that the implementation of the proposed marijuana dispensary ordinance would result in minor water usage, little or no discharge of water into the stormdrain system, and little or no discharge into the wastewater systems, and therefore no impacts to the City's utility and services systems. These minor amounts of water use and discharge would be comparable to approximately a typical single family residences, which according to the Department of Public Works would not result in cumulative impacts, when combined with known or foreseeable future projects.

Mitigation Measures

Project implementation will not result in any potentially significant impacts to utilities and service systems. Therefore, no mitigation measures are required.

4.3 Biological Resources - *Would the project:*

Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c. Have a substantial adverse effect on federally protected				

wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Significance Criteria:

The proposed project would result in significant adverse environmental impacts if one or more of the following conditions occur as a result of implementation of the proposed project:

- Direct or indirect loss of individuals of a state- or federal-listed threatened or endangered species.
- Substantial adverse effect on a rare plant or animal species.
- Substantial adverse effect on a species or native plant or animal community.
- Substantial adverse effect on a habitat of concern.
- Substantial adverse effect on a critical, yet limited, resource utilized by state or federal listed threatened or endangered species.
- Substantial adverse effect on the movement of any resident or migratory fish or wildlife species.

Analysis:

- a. ***Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in***

local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. It is expected that most, if not all future marijuana dispensary businesses would locate in existing retail commercial buildings in the dense urban environment and not involve new construction, and therefore would not adversely impact plant and animal habitats and special species. However, if a new building were proposed in the future, it would be subject to discretionary review and potential impacts to plants and animals and their habitats would be evaluated through separate CEQA review.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. It is expected that most, if not all future marijuana dispensary businesses would locate in existing retail commercial buildings in the dense urban environment and not involve new construction, and therefore would not adversely impact riparian habitats or other sensitive natural communities identified in planning policy documents. However, if a new building were proposed in the future, it would be subject to discretionary review and potential impacts to riparian areas. would be evaluated through separate CEQA review.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. It is expected that most, if not all future marijuana dispensary businesses would locate in existing retail commercial buildings in the dense urban environment and not involve new construction, and therefore would not adversely impact wetland areas. However, if a new building were proposed in the future, it would be subject to discretionary review and potential impacts to wetlands would be evaluated through separate CEQA review.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. It is expected that most, if not all future marijuana dispensary businesses would locate in existing retail commercial buildings in the dense urban environment and not involve new construction, and therefore would not adversely impact movements of any native animals or fish species, wildlife corridors, or impede the use of native wildlife nursery sites. However, if a new building were proposed in the future, it would be subject to discretionary review and potential impacts to movements of any native animals or fish species, wildlife corridors, or impede the use of native wildlife nursery sites would be evaluated through separate CEQA review.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The City does not have any ordinances protecting biological resources, but does have tree protection policies. It is expected that most, if not all future marijuana dispensary businesses would locate in existing retail commercial buildings in the dense urban environment and not involve new construction, and therefore would not violate the City's tree protection policies. However, if a new building were proposed in the future, it

would be subject to discretionary review and consistency with the City's tree protection policies would be required.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. Any future marijuana dispensary permitted under the proposed ordinance would be located within the city limits. There is no adopted Habitat Conservation Plan applicable to the City of Ukiah and therefore none would be violated by the establishment of a marijuana dispensary locating within an existing retail commercial building or if it involved new construction.

Cumulative Impacts

Since no potential biological impacts were identified, none would contribute to possible cumulative impacts to biological resources.

Mitigation Measures

Project implementation will not result in any potentially significant biological resource impacts. Therefore, no mitigation measures are required.

4.4 Public Services – Would the Project:

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

Significance Criteria:

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

- An increase in the demand for fire protection services to such a degree that accepted service standards (e.g., manpower, equipment, response times, etc.) are not maintained.
- The interference with emergency response or evacuation plan(s) in the community or not provide internally consistent analysis or policies to guide future development.
- Expose people or structures to significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.
- Result in response times that exceed the County's adopted maximum emergency response criteria.
- An increase in the demand for law enforcement services to such a degree that accepted service standards are not maintained without an increase in manpower and/or equipment.

Analysis:

- a. 1 and 2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection or police protection?***

No Impact. Any future marijuana dispensary that includes indoor growing would require an electrical building permit for grow lighting and would be reviewed by the City Building Official and Fire Marshal for compliance with the State Electrical and Fire Codes. No construction would be permitted that did not comply with the State Electrical and Fire Codes.

The City Police Department has assisted in the preparation of the proposed ordinance and as a result, police protection concerns related to the location, intensity, operations, land use compatibility, etc. have been fully addressed by the standards and requirements contained in the ordinance.

- b. 3 and 4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools and parks?***

No Impact. The ordinance specifically mandates that future marijuana dispensary facilities be located a minimum of 250 (subject to change based on City Council direction) feet from any youth oriented facility to eliminate any potential impacts to these facilities.

- c. ***5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?***

No Impact. The City Police and Fire Departments have reviewed the proposed ordinance and have concluded that permitting marijuana dispensaries in commercial and industrial zones within the city, would not adversely impact their abilities to provide adequate service or require new or altered police or fire facilities to maintain acceptable response times or other performance objectives.

Cumulative Impacts

Since no impacts to public services were identified, none would contribute to possible cumulative impacts.

Mitigation Measures

Project implementation will not result in any potentially significant public service impacts. Therefore, no mitigation measures are required.

4.5 Land Use and Planning – Would the Project:

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

Significance Criteria:

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

- Physically divide an established community.

- Conflict with the County of Mendocino County General Plan or zoning ordinance.
- Conflict with the Habitat Conservation Plan for Mendocino County.
- Be incompatible with adjacent land uses.

Analysis:

a. Physically divide an established community?

No Impact. It can be seen with certainty that if marijuana dispensary business establish within an existing retail commercial building or if a new building is constructed to accommodate such businesses, the established community would not become divided.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The project would result in permitting a new type of retail business in the City where it is currently not listed as a permitted business in the city code. Review of the general plan and other applicable planning documents reveals no conflict or inconsistency with adopted goals and polices, or with other land use regulations.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. As noted in the Biological resources section above, the City of Ukiah does not have a Habitat Conservation Plan or natural Communities Conservation Plan, so that none would be adversely impacted by the proposed marijuana dispensary ordinance.

Cumulative Impacts

Since no impacts to land use planning were identified, none would contribute to possible cumulative impacts.

Mitigation Measures

Project implementation will not result in any potentially significant land use planning impacts. Therefore, no mitigation measures are required.

4.6 Hydrology and Water Quality – Would the Project:

Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				X
b. Violate any water quality standards or waste discharge requirements?				X

c.Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre - existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
d.Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or off- site?				X
e.Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on - or off - site?				X
f.Create or contribute runoff which would exceed the capacity of existing or planned storm				X
g.water drainage systems or provide substantial additional sources of polluted runoff?				X
h.Otherwise substantially degrade water quality?				X
i.Place housing within a 100 - year flood hazard as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
j.Place structures within a 100 - year flood hazard area which would impede or redirect flood flows?				X
k.Inundation by seiche, tsunami, or mudflow?				X
l.Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading				X

docks or other outdoor work areas?				
m.Result in the potential for discharge or stormwater to affect the beneficial uses of the receiving waters?				X
n.Create the potential for significant change in the flow velocity or volume of stormwater runoff to cause environmental harm?				X
o.Creates insignificant increases in erosion of the project site or surrounding areas?				X

Significance Criteria:

- The proposed project would result in significant adverse environmental impacts if one or more of the following conditions occur as a result of implementation of the proposed project:
- Substantial and adverse increased inundation, sedimentation and/or damage from water forces to the subject project and/or other properties are caused by improvements such as grading, construction of barriers or structures.
- Development within the 100-year flood plain as delineated by FEMA that would expose people and/or property to potential serious injury and/or damage.
- Impervious surfaces increase and/or divert storm water runoff that results in the inability of the existing collection and conveyance facilities to accommodate the increased flows.
- Project implementation will cause a violation of water quality objectives for surface and groundwater as established by the Water Quality Control Plan and impede the existing beneficial uses of on-site surface waters or off-site coastal waters as defined in the Water Quality Control Plan.
- A usable groundwater aquifer for municipal, private, or agricultural purposes is substantially and adversely affected by depletion or recharge.
- Storm water and/or induced runoff mixes with a tidal habitat or pond causing instability to the existing water quality (e.g., reduction of salinity below 16 ppm) which, in turn, substantially and adversely affects the sensitive brackish/saltwater marsh habitat by allowing for the introduction and establishment of invasive fresh water species.
- Sediments are increased and/or diverted by proposed improvements and cause sediment deposition in defined sensitive habitat areas (e.g., wetlands, jurisdictional waters) that adversely affect or significantly affect significant habitat and/or sensitive species as recognized by the applicable resource agencies.

Analysis:

A through o. Impacts to local hydrology and water quality

No Impact. The proposed marijuana dispensary ordinance would allow dispensaries to locate within existing buildings and/or construct new buildings with the securing of a use permit. Given the small market area, it is expected that only a few dispensaries would choose to locate within

the city limits. Dispensaries that located within existing buildings would not impact factors a through o listed in the Table above because they would not involve site grading or construction, or alterations to drainage patterns, wetlands, or floodplains.

Construction of new buildings to house marijuana dispensaries would require discretionary review and would be required to comply with all city code requirements related to hydrology and stormwater management, locating outside floodplains, environmental quality, as well as the state building code.

Cumulative Impacts

Since no impacts to hydrology and water quality were identified, none would contribute to possible cumulative impacts.

Mitigation Measures

Project implementation will not result in any potentially significant hydrology or water quality impacts. Therefore, no mitigation measures are required.

4.7 Hazards and Hazardous Materials – Would the Project:

Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use				X

airport, would the project result in a safety hazard for people residing or working in the project area?				
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Significance Criteria:

The proposed project would result in significant adverse environmental impacts if one or more of the following conditions occur as a result of implementation of the proposed project:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- Result in a safety hazard for people residing or working in the project area if located within two miles of a public airport or public use airport.

Analysis:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. Small indoor marijuana cultivation areas associated with dispensaries could involve the use of fertilizers and insecticides. However, the amount and schedule of use would be comparable to a typical outdoor garden on a single family residential property and therefore not significant.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

No Impact. As indicated above, the minor use of fertilizers and insecticides may occur in the future dispensaries, but because of limitations on the size of growing areas and the number of dispensaries would not result in significant hazardous conditions.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

No Impact. As indicated above, the minor use of fertilizers and insecticides may occur in the cultivation areas of future dispensaries, but because of limitations on the size of growing areas and the number of dispensaries would not result in hazardous emissions. These materials are not considered acutely hazardous.

- d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?***

No Impact. It is expected that future marijuana dispensaries would be located in existing retail commercial buildings and therefore not on any hazardous material site. Any newly proposed building intended to house a dispensary would be subject to discretionary review and CEQA compliance and would be evaluated at that time. Moreover, no hazardous sites included on a list pursuant to Government Code Section 65962.5 exist within the city limits.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?***

No Impact. The city has an Airport Master Plan with density, height and open space requirements intended to protect people, as well as the airport. It is expected that future marijuana dispensaries would typically locate in existing buildings or construct small buildings and would not involve large concentrations of people. They would function similar to pharmacies and small retail stores and therefore would not violate the land use compatibility standards contain in the Airport Master Plan.

- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?***

No Impact. (See Item e above)

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

No Impact. New marijuana dispensaries would operate similar to pharmacies and small retail stores and therefore would not conflict or interfere with any adopted emergency response plan.

- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?***

No Impact. Pursuant to the locations requirements contained in the proposed ordinance, no marijuana dispensary could be located in the western hillside area of the city, which is the only Wildland Fire hazard designated area in the City.

Cumulative Impacts

Since no impacts to hazards and hazardous materials were identified, none would contribute to possible cumulative impacts.

Mitigation Measures

Project implementation will not result in any potentially significant hazards and hazardous material impacts. Therefore, no mitigation measures are required.

CHAPTER 5.0 – CONCLUSIONS**5.0 CONCLUSIONS**

The analysis contained in this Initial Environmental Study reveals that the proposed medical marijuana dispensary ordinance would not result in potentially significant adverse impacts on the physical environment.

5.1 Mandatory Findings of Significance

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

Impact Analysis

- a. ***Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

No. Based on the findings and conclusions contained in the Initial Environmental Study, the proposed medical marijuana dispensary ordinance would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- b. ***Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

No. Based on the findings and conclusions contained in the Initial Environmental Study, the proposed medical marijuana dispensary ordinance would not have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- c. ***Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?***

No. Based on the findings and conclusions contained in the Initial Environmental Study, the proposed medical marijuana dispensary ordinance would not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

5.2 Mitigation Monitoring and Reporting Program

In accordance with the California Environmental Quality Act (CEQA), the City of Ukiah Department of Planning and Community Development prepared a Negative Declaration (ND) and Initial Study for the proposed project located citywide. The Initial Environmental Study and ND indicated that no potential adverse environmental impacts would result from the implementation of the proposed medical marijuana dispensary ordinance. Therefore no mitigation measures were required or identified and a Mitigation Monitoring and Reporting program is not required.

CHAPTER 6.0 – REFERENCES

7.0 REFERENCES

1. California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – *Mendocino County – Important Farmland 2012, Sheet 2 of 2*. - ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/men12_so.pdf
2. California Department of Conservation, Division of Mines and Geology – *Special Studies Zone, Ukiah Quadrangle*. Dated January 1, 1982.
3. California Department of Forestry and Fire Protection – *Fire Hazard Severity Zones, Mendocino County*. November 2007.
http://frap.fire.ca.gov/webdata/maps/mendocino/fhszs_map.23.pdf
4. Department of Transportation - California Scenic Highway Mapping System.
http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm
5. County of Mendocino – *The County of Mendocino General Plan*. Adopted August 2009.
6. County of Mendocino – Ukiah Valley Area Plan (UVAP). Adopted 2012
7. Federal Highway Administration – *Construction Noise Handbook*.
https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook00.cfm
8. Ukiah General Plan and Growth Management Plan, 1995 (2004/2009 – Housing Element) www.cityofukiah.com
9. Ukiah Municipal Airport Master Plan. Adopted 1996.
10. Ukiah WalMart Expansion EIR. Certified 2010
11. Ukiah Costco EIR. Certified 2012
12. Ukiah City Code – Medical Marijuana Dispensaries 5700-5703. Ordinance 1095 adopted 2007.
13. Ukiah Municipal Service Review, LAFCo, 2012
14. Ukiah Urban Water Management Plan, 2010
15. Ukiah City Code Zoning Regulations, Division 9, Chapter 2.

Planning Commission comments, recommendations and Ad Hoc responses from the September 14, 2016 Public Hearing:

1. **Section 5706 Imposition of Fees:** The Planning Commission had questions regarding what is an appropriate fee for the processing of Dispensary Use Permit. They stated the fee should cover all the staff processing costs. *Ad Hoc Comments: The Ad Hoc committee agreed with staff's recommendation that a time and material cost recovery fee structure is best suited for processing Dispensary Use Permits. The deposit for a Major Use Permit is \$2,000, plus any additional time and materials needed to complete the processing. Dispensary Use Permits will be charged and processed using the cost recovery method.*
2. **Section 5707 Limitation on Location of Dispensary (A):** The Planning Commission had questions regarding conflicts with the Downtown Zoning Ordinance and the proposed Marijuana Dispensary Ordinance. Adoption of the proposed ordinance will require an amendment to the Downtown Zoning Ordinance, which currently prohibits dispensaries within any of the three downtown zoning designations (GU, UC, DC). *Ad Hoc Comments: The Ordinance submitted to the Council will include an amendment to the Downtown Zoning Code allowing dispensaries with a Dispensaries Use Permit in the GU, UC and DC zoning districts.*
3. **Section 5707 Limitation on Location of Dispensary (C)(1):** The Planning Commission suggested greater distances for dispensary locations from youth-oriented facilities than the proposed 250 feet. *Ad Hoc Comments: Subsequent research revealed that State Health and Safety Code Section 11362.768 stipulates a dispensary shall be a minimum distance of 600 feet from any school, but is silent on a minimum distance from the more general designation of "youth-oriented facilities," which are not mentioned or defined in the applicable sections of the Health and Safety Code. The Ad Hoc Committee suggested two standards specifying minimum distance be incorporated into the Ordinance as follows:*
 1. 600 feet from a school
 2. 250 feet from any youth-oriented facility (as defined in the Ordinance)
4. **Section 5708 Operating Requirements (F)(1) Consumption Restrictions:** The Planning Commission believes that this provision contradicts the prohibition on consumption of medical marijuana on the premises by patients. *Ad Hoc Comments: Remove sections allowing employees or volunteers to smoke or vaporize on-site.*
5. **Section 5708 Operating Requirements (G)(1) Retail Sales and Cultivation:** The Planning Commission requested clarification on the amount of square footage allowed for on-site cultivation and details on the off-site cultivation provisions. *Ad Hoc Comments: Reduce the maximum interior square footage that can be devoted to cultivation from 1,500 feet to 500 feet. Cultivation areas can be used for either immature starter plants for sale or for plants intended to produce medical marijuana for sale on-site. References to off-site cultivation facilities were eliminated.*

6. **Section 5708 Operating Requirements (G)(2) Retail Sales and Cultivation:** The Planning Commission requested clarification on provision in the Ordinance requiring Planning Commission approval for additional retail square footage. *Ad Hoc Comments: Remove the section that references Planning Commission approval for increased retail space. The maximum retail space for retail paraphernalia will be limited to 150 square feet.*
7. **Section 5708 Operating Requirements (5) Retail Sales and Cultivation:** The Planning Commission requested clarification on the provision regarding the maximum amount a dispensary can pay for medical marijuana. *Ad Hoc Comments: Remove the statement that the dispensary shall not pay supplier(s) of medical marijuana more than the cost incurred for cultivation and preparation.*
8. **Section 5708 Operating Requirements (J)(K) Patient and Employee Records:** The Planning Commission had questions regarding how this provision will be enforced. *Ad Hoc Comments: It was discussed that the City wanted to establish a system for annual inspections conducted by the Code Enforcement division of the Police Department. This inspection would include a brief review of the records and will likely occur prior to the dispensary's renewal request. Ad Hoc Comments: The Ad Hoc amended Section 5708 (v) to allow administrative inspections by City officials.*
9. **Section 5709 Application Preparation and Filing (12) Statement of Need:** The Planning Commission asked how an applicant would demonstrate a statement of need for a dispensary. *Ad Hoc Comments: Remove this section.*
10. **Section 5710 Criteria for Review Section Zoning Administrator:** The Planning Commission indicated they wanted Dispensary Use Permits to be reviewed by the Planning Commission with a public hearing. *Ad Hoc Comments: The Ordinance is very prescriptive, if an applicant meets all the standards the application should be approved and not subject to a political process. No change is suggested for this section.*
11. **Section 5713 Effect of Denial:** The Planning Commission pointed out that this provision, if the reason for denial of the permit is not due to a criminal background or fraud, could be excessively punitive. *Ad Hoc Comments: Remove the word "denial" from the provision. This means only dispensary operators whose permit was not renewed due to violations of the Ordinance would be subject to three year waiting period.*

Planning Commission comments, recommendations and Ad Hoc responses from the September 28, 2016 Public Hearing:

1. **Section 5702 Definitions:** The Planning Commission recommended an expanded definition of youth oriented facilities to include: museums and libraries. *Ad Hoc Comments: The Ad Hoc agreed with this recommendation.*

2. **Section 5707 Limitation on Location of Dispensary (C)(1):** The Planning Commission recommended an increase the minimum distance a dispensary can locate from a youth oriented facility from 250-feet to 500-feet. *Ad Hoc Comments: The Ad Hoc is concerned that the Planning Commission's recommendation of a 500-foot distance limitation from all youth oriented facilities will unnecessarily limit possible locations of dispensaries. As such, they prefer to retain the 250-foot distance requirement for now. The Ad Hoc wishes to have a full discussion of the City Council on the distance limitation, during which a map showing the result of the distance requirements will be presented.*
3. **Section 5708 Operating Requirements (f):** The Planning Commission recommended the inclusion into the Operating Standards section, hours of operation of: 9:00 a.m. to 8:00 p.m. *Ad Hoc Comments: The Ad Hoc indicated that it agreed with the Commission's recommendation to add language specifying allowable hours of operation for dispensaries, but thought it best to give the operators more flexibility to serve the needs of their patients by extending the allowable operation hours to 9:00 a.m. to 9:00 p.m.*
4. **Section 5703 Dispensary Use Permit Required to Operate (c):** The Planning Commission recommended the addition of strong language that indicates approval of a Medical Dispensary does not automatically entitle the permit holder to a recreational retail outlet for a marijuana permit, and that the regulation of medical marijuana dispensaries in the City does not allow or permit recreational marijuana businesses or activities. *Ad Hoc Comments: At its October 3, 2016 meeting, the Ad Hoc indicated that it agreed with the Commission's recommendation to add language indicating that this Ordinance does not permit non-medical marijuana businesses or commercial activities.*
5. **Section 5701 Interpretation and Applicability (b):** The Planning Commission recommended the addition of language requiring compliance with the Fire Code. *Ad Hoc Comments: At its October 3, 2016 meeting, the Ad Hoc indicated it agreed with the Commission's recommendation to add language requiring compliance with the fire code.*
6. **Section 5710 Criteria for Review Section Zoning Administrator (b):** The Planning Commission recommended that Dispensary Use Permits should be heard by the Planning Commission, not the Zoning Administrator. *Ad Hoc Comments: At its October 3, 2016 meeting, the Ad Hoc indicated that it did not agree with this recommendation, preferring instead to use more of an administrative procedure to process Dispensary Use Permit applications, and this will include a public notice and hearing requirement. As such, the Ad Hoc believes that the authority and duty to conduct hearings and make decisions on initial Dispensary Use Permit applications should remain with the Zoning Administrator.*
7. **5704 Term of Permits and Renewals Required:** The Planning Commission recommended inclusion of a public notice requirement for renewal applications. *Ad Hoc Comments: At its October 3, 2016 meeting, the Ad Hoc indicated that it agreed*

with the Commission's recommendation to include public notice requirements for Dispensary Use Permit renewal applications. The Planning Commission did not specify whether the notice requirements should mirror the current procedure for a minor use permit or for a major use permit. As the initial application for a Permit is heard by the Zoning Administrator, who is also authorized to hear minor use permit applications, staff recommends modelling the renewal hearing process on the minor use permitting process. In addition, Section 9263 of the City Code, referred to in the Ordinance, does not make any reference to the Planning Director, so this language has been added.

8. The Planning Commission recommended limiting the number of dispensaries allowed within the City limits to five. The Ad Hoc indicated it did not want to limit the number of dispensaries based on the notion that the annual renewal process will weed out the bad dispensaries, and limiting the number could prevent the well-operated dispensary the opportunity to apply for a Dispensary Use Permit.
9. **5703 Dispensary Use Permit Required to Operate:** The Planning Commission recommended amending the Ordinance to require that applicants for a Dispensary Use Permit obtain all applicable State licenses and permits prior to applying for a Dispensary Use Permit. *Ad Hoc Comments: The Ad Hoc noted that Section 5703, subparagraph (b) already states that anyone operating a Dispensary must obtain all required State licenses and permits under the MM RSA. No change is suggested for this Section. However, in response to the recommendation, the Ad Hoc did amend Section 5709, subparagraph (H)(25) requiring an applicant for a Dispensary Use Permit to submit any information necessary to show compliance with State law.*

ORDINANCE NO.

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

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

SECTION 1

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

§ 5700 FINDINGS AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5701 INTERPRETATION AND APPLICABILITY.

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

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

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

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

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

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§ 5702 DEFINITIONS.

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

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

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

(C) “City” means the City of Ukiah.

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

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

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

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

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

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

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

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

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

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

(N) “Planning Director” means the Planning Director of the City of Ukiah or the authorized representative thereof.

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

Deleted: and includes any association, cooperative, affiliation, or collective of persons where multiple qualified patients and/or primary care givers, are organized to provide education, referral, or network services, and facilitation or assistance in the lawful, retail distribution of medical marijuana

Deleted: A Medical Marijuana Dispensary shall not include the dispensing of marijuana by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code § 11362.5 *et seq.*, or a qualified patient’s or caregiver’s place of residence.

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

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

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

(S) “Youth-oriented facility” means a public park, church, museum, library, or licensed daycare facility.

(T) “Zoning Administrator” means the Zoning Administrator of the City of Ukiah or the authorized representative thereof.

§ 5703 DISPENSARY USE PERMIT REQUIRED TO OPERATE.

(A) It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a Medical Marijuana Dispensary unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit from the City as required in this Chapter.

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

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

§ 5704 TERM OF PERMITS AND RENEWALS REQUIRED.

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

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

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

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

(E) Renewal applications shall be subject to duly noticed public hearings in accordance to the procedures set forth for minor use permit applications in Section 9262 of Division 9, Chapter 2, Article 20 of the City Code, except that all references therein to the Zoning Administrator shall be deemed to refer to the Planning Director.

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

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1. Whether the Dispensary operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the Dispensary.
2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.
3. Whether the Dispensary operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this Chapter.
4. Whether the Dispensary has failed to pay fees, penalties, or taxes required by this Code or has failed to comply with the production of records or other reporting requirements of this Chapter.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("Managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a Dispensary operator. A conviction within the meaning of this Chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any

Manager has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted.

7. Whether the renewal applicant or Dispensary has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

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

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

§ 5705 GENERAL TAX LIABILITY.

As a prerequisite to obtaining a permit pursuant to the terms hereof, an operator of a Dispensary shall also be required to apply for and obtain a Business License or exemption from the City of Ukiah and obtain a seller's permit or exemption from the State Board of Equalization pursuant to Division 2, Part 2, Chapter 2, Article 2 of the Cal. Revenue and Taxation Code, commencing with Section 6066e. Dispensary sales shall be subject to sales tax consistent with State law.

§ 5706 IMPOSITION OF FEES.

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

§ 5707 LIMITATION ON LOCATION OF DISPENSARIES.

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

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

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

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

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

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

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

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

(D) A waiver of the provisions in subsection (C) of this Section may be granted if the applicant demonstrates on plans and materials presented for review and, on appeal, the Planning Commission determines that a physical barrier or similar condition exists which achieves the same purpose and intent as the distance separation requirements established herein, and that, as a result, the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the Dispensary.

Deleted: (D) The distance between a Dispensary and above listed uses shall be made in a straight line, along street frontage, from the boundary line of the property on which the Dispensary is located to the boundary of the property on which the facility, building or structure, or portion of the building or structure, in which the above listed use occurs or is located.¶

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§ 5708 OPERATING REQUIREMENTS.

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

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

Deleted: A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(B) Minors.

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

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(2) Persons under the age of 18 shall not be allowed on the premises of a Dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. (3) The entrance to a Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

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

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(D) Dispensary Access.

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

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

Deleted: (1) Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this Chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on City services. ¶
(2) A Dispensary shall not be increased in size (i.e., floor area or number of patients) without a prior approval amending the existing Dispensary Use Permit.¶

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

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

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

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

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(E) Dispensing Operations.

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

Deleted: A Dispensary shall dispense medical marijuana to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The Dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.

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

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

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

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

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

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

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

(F) Hours of Operation

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

(G) Consumption Restrictions.

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

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

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

(H) Retail Sales and Cultivation.

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

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

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

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

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

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

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

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

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

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

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

(I) Operating Plans.

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

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

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

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

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

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

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

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

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

(J) Signage and Notices.

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

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

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

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

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

(L) Patient Records. Information identifying the names of patients, their medical conditions, or the names of their primary caregivers is confidential and such disclosure is prohibited pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d *et seq.*) and the Confidentiality of Medical Information Act (California Civil Code § 56 *et seq.*). In order to protect patient confidentiality, the Dispensary shall maintain

records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the State, or its agent, pursuant to California Health and Safety Code § 11362.7 et seq. Such records may be maintained on or off-site, and shall be made available for inspection by any City official authorized to enforce this Chapter for purposes of determining compliance with the requirements of this Chapter.

Deleted: A Dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code § 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician stating the need for medical marijuana.

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

(N) Site Management.

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

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

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

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

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

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

Deleted: (O) Trash, Litter, Graffiti.¶

(1) The operator shall keep the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator clear of litter, debris and trash.¶

(2) The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.¶

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

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

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

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

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

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(U) Inspections. During normal business hours, Dispensaries permitted under this Chapter shall provide access for administrative inspections by City officials or officers to verify compliance with this Chapter. Any Dispensary's refusal to comply with this Section shall be deemed a violation of this Chapter.

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§ 5709 APPLICATION PREPARATION AND FILING.

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

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

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

(D) Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall submit any additional documents or information required to complete the application within thirty (30) days of the date the applicant is notified in writing by

the Planning Department that the application is incomplete. If the applicant fails to complete the application within said thirty (30) days, the application shall be deemed withdrawn and a new application submittal that complies with Sections 5709(A) and (F) shall be required in order to proceed with the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Deleted: (c) Controls that will ensure limitations on numbers of patients is adhered to.¶

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

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

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

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

(17) Floor Plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;

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

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

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

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

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

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

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

Deleted: limitation on number and size,

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Deleted: , all properties and uses within 600 feet of the boundaries of the property on which the Dispensary Use Permit is requested

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

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

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

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

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

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

§ 5710 CRITERIA FOR REVIEW.

In addition to the findings required in City Code § 9262, the Zoning Administrator shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit, and the Planning Director shall consider the following criteria in determining whether to grant or deny renewals of a Dispensary Use Permit:

(A) That the Dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the MMRSA, and related State law, the provisions of this Chapter and the City Code, including the application submittal and operating requirements herein.

Deleted: Proposition 215

(B) That the Dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

(C) That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing Dispensary location.

(D) That an applicant or employee is not under 21 years of age.

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(E) That all required application materials have been provided and/or the Dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this Chapter.

(F) That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

(G) That the location is not prohibited by the provisions of this Chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or have resulted from Dispensary operations.

Deleted: (G) That an appropriate limit on size of the Dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this Chapter.¶

¶ (H) That issuance of a Dispensary Use Permit for the size requested is justified to meet needs of residents.¶

¶ (I) That issuance of the Dispensary Use Permit would serve needs of residents at this location.¶

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(H) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements in Section 5708. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

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(J) That no Dispensary use, owner, permittee, agent, or employee has violated any provision of this Chapter including grounds for suspension, modification or revocation of a permit.

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(J) That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference with the operation of another business.

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(K) That the Dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the Dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

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(L) That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.

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(M) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

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(N) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

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(O) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.

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Deleted: A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(P) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

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(Q) That adequate parking will be provided at a rate of one space for every 200 gross square feet of retail space, office space, and similar floor areas, pursuant to City Code § 9198(F)(1).

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§ 5711 INVESTIGATION AND ACTION ON APPLICATION.

After the making and filing of a complete application for the Dispensary Use Permit and the payment of the fees, the applicant shall complete a fingerprint background check and the Police Department shall conduct an investigation of the application. In processing the application:

Deleted: Police Department shall conduct a background check of the applicant and all employees and other persons determined by the Police Department to perform functions in the Medical Marijuana Dispensary that could influence its compliance with this Chapter and conduct an investigation of the application

(A) The Planning Department shall refer the application to any other City departments as necessary to complete the review of the application.

(B) Following provision of complete application materials, inter-departmental review, and compliance with the California Environmental Quality Act, the Planning Department shall schedule the Dispensary Use Permit for Zoning Administrator review. In making a decision to grant or deny the application the Zoning Administrator shall follow the notice and hearing procedures and make the findings required by City Code § 9262(C)-(F) and shall either grant or deny the application in accordance with the provisions of this Chapter.

(C) In approving a Dispensary Use Permit, the Zoning Administrator may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this Chapter.

(D) The Planning Department shall cause a written notice of the Zoning Administrator decision to issue or deny a permit to be mailed to the applicant by U.S. mail.

§ 5712 APPEAL FROM ZONING ADMINISTRATOR DETERMINATION.

(A) An applicant aggrieved by the Zoning Administrator decision to issue or to deny a Dispensary Use Permit may appeal such decision to the Planning Commission by filing an appeal. All determinations of the Zoning Administrator regarding Dispensary Use Permits shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the Planning Commission within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

(B) The Planning Commission shall conduct a duly noticed public hearing on the appeal in accordance to the procedures applicable to an appeal of a decision to grant or deny a use permit as set forth in Division 9, Chapter 2, Article 20 of the City Code. At the close of the public hearing, the Planning Commission may affirm, reverse, or modify the appealed decision of the Zoning Administrator. All Planning Commission decisions on appeals of the Zoning Administrator's decision with regard to an application for a Dispensary Use Permit are final for the City.

§ 5713 REVOCATION.

(A) Any Dispensary Use Permit issued under the terms of this Chapter may be revoked by the Zoning Administrator, when it shall appear to the Administrator that the use for which the Dispensary Use Permit was granted is not being conducted in compliance with the Dispensary Use Permit as conditioned, the permittee has violated any of the requirements of this Chapter, or the Dispensary is operated in a manner that violates the provisions of this Chapter, including the criteria for review and operating requirements sections, or conflicts with State law.

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(B) The Zoning Administrator shall conduct revocation proceedings in compliance with Section 9262(H) of this Code, except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator. Notice of the hearing required by said Section shall be given in compliance with Section 9262(C). In addition, notice of the revocation hearing, including a description of the facts and violations relied upon in seeking revocation, shall be served on the permit holder by personal service, overnight courier or registered United States Mail, return receipt requested, not later than ten (10) day prior to the hearing. Service shall be deemed complete when received by the permit holder or forty-eight hours after deposit in the United States Mail, whichever occurs first. Notice shall be sent to the address as shown on the permit application or to an address which the permit holder has requested in writing that the City use for official communications. The address shall not be a Post Office box, but must be a physical address.

Deleted: place the matter of Dispensary Use Permit revocation on the Planning Commission agenda at the direction of the City Attorney. Revocation

Deleted: shall be conducted

(C) If any person holding a permit or acting under the authority of such permit under this Chapter is convicted of a public offense in any court for any offense that would constitute a violation of their Dispensary Use Permit or this Chapter, the Zoning Administrator may revoke such permit forthwith without any further action thereof, other than giving notice of revocation to the permittee.

(D) The final decision of the Zoning Administrator to revoke a Dispensary Use Permit may be appealed to the Planning Commission. The appeal hearing shall be conducted in compliance with City Code Section 9266, except that all references therein to the City Council in an appeal of a Zoning Administrator decision shall be deemed to refer to the Planning Commission.

§ 5714 EFFECT OF REVOCATION.

When a final decision has been made revoking any Dispensary Use Permit provided for in this Chapter, no new application for a Dispensary Use Permit shall be accepted from the applicant and no such Permit shall be issued to such person or to any corporation or other business entity, including but not limited to, a partnership or limited liability company, in which he or she shall have any direct or indirect beneficial, financial or ownership interest for a period of three years after the action revoking the Permit.

Deleted: the Zoning Administrator shall have revoked

Deleted: and the time for appeal to the Planning Commission shall have elapsed, or, if after appeal to the Planning Commission, the decision of the Zoning Administrator has been affirmed by the Commission

§ 5715 TRANSFER OF PERMITS.

(A) A permittee shall not operate a Dispensary under the authority of a Dispensary Use Permit at any place other than the address of the Dispensary stated in the application for the permit.

(B) A permittee shall not transfer ownership or control of a Dispensary, including by transferring a controlling interest in the permittee, or transfer a Dispensary Use Permit to another person or entity unless and until the transferee obtains its own Dispensary Use Permit. Any other assignment of a Dispensary Use Permit is prohibited.

(C) No Dispensary Use Permit may be transferred when the Zoning Administrator or Planning Commission have notified the permittee that the permit has been or may be revoked.

(D) Any attempt to transfer a Dispensary Use Permit either directly or indirectly in violation of this Section is declared void, and the permit shall be deemed revoked.

§ 5716 TIME LIMIT FOR FILING APPLICATIONS UPON ANNEXATION.

Any Dispensary that was legally established in Mendocino County (“County”) and which is subsequently annexed into the City must apply for and obtain a Dispensary Use Permit in compliance with the provisions of this Chapter within 90 days from the date the annexation becomes effective. Continued operation of a Dispensary without a permit more than 90 days after annexation shall constitute a violation of this Chapter, unless an extension of the 90 day period is approved by the Zoning Administrator upon the applicant’s demonstration of reasonable grounds to do so.

§ 5717 MARIJUANA DELIVERY.

(A) A permitted Dispensary located in the City may deliver marijuana to qualified patients and caregivers at their residence in the City. Such permissible delivery of marijuana to qualified patients shall be limited to delivery by lawfully-operated, permitted dispensaries located within the jurisdictional limits of the City. Any individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient must have a business license in accordance with Division 2, Chapter 1, Article 3 of the City Code.

All other marijuana delivery is a prohibited activity in the City, except where the City is preempted by federal or state law from enacting a prohibition on such activity.

(B) In conformity with City Code § 6001, it shall be unlawful for any qualified individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient to be in an intoxicated condition or under the influence of narcotic drugs within the corporate City limits of the City in, on, or about any automobile, motorcycle, motor vehicle, street car, railroad car or other vehicle.

§ 5718 VIOLATIONS.

(A) It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character to violate any provision or fail to comply with any of the requirements of this Chapter.

(B) A violation of this Chapter shall be subject to the enforcement and penalties specified in City Code § 5723.

§ 5719 REMEDIES.

This Chapter shall be subject to enforcement pursuant to Division 8, Article 22 of this Code.

§ 5720 SEPARATE OFFENSE FOR EACH DAY.

Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

§ 5721 HOLD HARMLESS.

As a condition of approval of any permit issued pursuant to this Chapter for medical marijuana cultivation, processing, or distribution, the permittee shall indemnify, defend and hold harmless the City of Ukiah and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by a permittee's clients or employees, adjacent or nearby property owners or other third parties due to permitted uses or operations, and for any expense incurred by City as a result of or in defense of any such claim..

§ 5723 PENALTIES.

(A) It shall be unlawful and constitute a misdemeanor for any person to violate the provisions of this Chapter, punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than six (6) months or both. This penalty shall not apply, if prohibited by state law.

(B) The penalty provided herein is in addition to any other penalty or remedy available at law or in equity, whether civil or criminal, for any violation of this Chapter or engaging in activity requiring a City license or permit, including, without limitation, a business license or building permit, without first obtaining such permit or license.

§ 5724 JUDICIAL REVIEW.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure § 1094.5.

Any such petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure § 1994.6 which shall be applicable for such actions.

SECTION 2

Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended by adding a new permit category, DUP – Use Allowed with a Dispensary Use Permit, to the heading column entitled “Use Categories and Specific Uses”, by specifying that a Medical marijuana dispensary is an allowable use with a Dispensary Use Permit in the General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning districts, and replacing the reference to section 5702 in the column entitled “Additional Zoning Requirements by Code Section with references to Section 5703 and Section 5707.

Deleted: to read as follows:

SECTION 3

Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9254 MARIJUANA CULTIVATION

* * *

B. Cultivation Of Marijuana:

* * *

2. Indoor Cultivation; Except as permitted in Chapter 8 in Division 6 of this Code, it is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any residential zoning district (R-1, R-2, R-3 and CN districts) in the city of Ukiah to cause or allow such parcel to be used for the cultivation of more than twelve (12) mature and twenty four (24) immature marijuana plants within a fully enclosed and secure structure on the parcel.

Deleted: In Residential Zoning Districts

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3. Indoor Cultivation Of Marijuana Restricted To Qualified Patients And Primary Caregivers: It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Ukiah to cause or allow such parcel to be used for the cultivation of marijuana, unless (a) the person is a qualified patient or primary caregiver, growing the amount of marijuana per qualified patient authorized by Health and Safety Code section 11362.77(a) – (b) and (d) – (f), not to exceed the per parcel limit in subsection B2 of this Section, or (b) the person is operating a Medical Marijuana Dispensary pursuant to a valid Dispensary Use Permit, within the C1, C2, CN, M, and PD (Commercial) zoning districts and in the GU, UC, and DC downtown zoning districts, and the space devoted to on-site cultivation at the permitted Dispensary does not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet.

SECTION 4.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted on _____, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk

ORDINANCE NO.

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

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

SECTION 1

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

§ 5700 FINDINGS AND PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5701 INTERPRETATION AND APPLICABILITY.

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

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

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

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

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

§ 5702 DEFINITIONS.

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

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

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

(C) “City” means the City of Ukiah.

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

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

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

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

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

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

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

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

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

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

(N) “Planning Director” means the Planning Director of the City of Ukiah or the authorized representative thereof.

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

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

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

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

(S) “Youth-oriented facility” means a public park, church, museum, library, or licensed daycare facility.

(T) “Zoning Administrator” means the Zoning Administrator of the City of Ukiah or the authorized representative thereof.

§ 5703 DISPENSARY USE PERMIT REQUIRED TO OPERATE.

(A) It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a Medical Marijuana Dispensary unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit from the City as required in this Chapter.

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

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

§ 5704 TERM OF PERMITS AND RENEWALS REQUIRED.

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

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

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

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

(E) Renewal applications shall be subject to duly noticed public hearings in accordance to the procedures set forth for minor use permit applications in Section 9262 of Division 9, Chapter 2, Article 20 of the City Code, except that all references therein to the Zoning Administrator shall be deemed to refer to the Planning Director.

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

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

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

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

§ 5705 GENERAL TAX LIABILITY.

As a prerequisite to obtaining a permit pursuant to the terms hereof, an operator of a Dispensary shall also be required to apply for and obtain a Business License or exemption from the City of Ukiah and obtain a seller's permit or exemption from the State Board of Equalization pursuant to Division 2, Part 2, Chapter 2, Article 2 of the Cal. Revenue and Taxation Code, commencing with Section 6066e. Dispensary sales shall be subject to sales tax consistent with State law.

§ 5706 IMPOSITION OF FEES.

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

§ 5707 LIMITATION ON LOCATION OF DISPENSARIES.

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

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

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

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

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

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

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

(5) On a parcel having a residential unit, or on a parcel directly abutting a residentially-zoned property, unless there are intervening non-residential uses between the Dispensary and the residential unit or the residentially-zoned property that the

Zoning Administrator or, on appeal, the Planning Commission determines sufficient to provide an appropriate separation.

(D) A waiver of the provisions in subsection (C) of this Section may be granted if the applicant demonstrates on plans and materials presented for review and, on appeal, the Planning Commission determines that a physical barrier or similar condition exists which achieves the same purpose and intent as the distance separation requirements established herein, and that, as a result, the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the Dispensary.

§ 5708 OPERATING REQUIREMENTS.

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

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

(B) Minors.

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

(2) Persons under the age of 18 shall not be allowed on the premises of a Dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. (3) The entrance to a Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

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

(D) Dispensary Access.

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

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

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

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

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

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

(E) Dispensing Operations.

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

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

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

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

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

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

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

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

(F) Hours of Operation

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

(G) Consumption Restrictions.

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

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

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

(H) Retail Sales and Cultivation.

(1) No cannabis shall be cultivated on the premises of the Dispensary, except in compliance with this Chapter and with City Code §§ 6093 and 9254 and Health and

Safety Code § 11362.5 *et seq.* The space devoted to on-site cultivation at a permitted Dispensary shall not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet. Cultivation shall be limited to interior areas of buildings.

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

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

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

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

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

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

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

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

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

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

(I) Operating Plans.

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

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

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

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

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

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

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

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

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

(J) Signage and Notices.

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

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

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

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

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

(L) Patient Records. Information identifying the names of patients, their medical conditions, or the names of their primary caregivers is confidential and such disclosure is prohibited pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d *et seq.*) and the Confidentiality of Medical Information Act (California Civil Code § 56 *et seq.*). In order to protect patient confidentiality, the Dispensary shall maintain records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the State, or its agent,

pursuant to California Health and Safety Code § 11362.7 *et seq.* Such records may be maintained on or off-site, and shall be made available for inspection by any City official authorized to enforce this Chapter for purposes of determining compliance with the requirements of this Chapter.

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

(N) Site Management.

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

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

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

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

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

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

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

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

(R) Reporting and Payment of Fees. Each permittee shall file an annual statement with the Planning Department: (1) indicating the number of patients served by the Dispensary within the previous calendar year, (2) the continuing accuracy of the information in the prior year's Dispensary Use Permit application, (3) documenting any changes or additions to that information as of the date for renewal of the Permit, any citizen complaints, City Code violations,

and calls for law enforcement during the prior year, the applicant's compliance with applicable City and State law governing the operation of dispensaries, and (4) including any additional information the Planning Department deems necessary to administer this Chapter, and pay all annual permit fees.

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

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

(U) Inspections. During normal business hours, Dispensaries permitted under this Chapter shall provide access for administrative inspections by City officials or officers to verify compliance with this Chapter. Any Dispensary's refusal to comply with this Section shall be deemed a violation of this Chapter.

§ 5709 APPLICATION PREPARATION AND FILING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5710 CRITERIA FOR REVIEW.

In addition to the findings required in City Code § 9262, the Zoning Administrator shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit,

and the Planning Director shall consider the following criteria in determining whether to grant or deny renewals of a Dispensary Use Permit:

(A) That the Dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the MMRSA, and related State law, the provisions of this Chapter and the City Code, including the application submittal and operating requirements herein.

(B) That the Dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting statistics as maintained by the Police Department).

(C) That there have not been significant numbers of calls for police service, crimes or arrests in the area or to an existing Dispensary location.

(D) That an applicant or employee is not under 21 years of age.

(E) That all required application materials have been provided and/or the Dispensary has operated successfully in a manner that shows it would comply with the operating requirements and standards specified in this Chapter.

(F) That all required application or annual renewal fees have been paid and reporting requirements have been satisfied in a timely manner.

(G) That the location is not prohibited by the provisions of this Chapter or any local or state law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or have resulted from Dispensary operations.

(H) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements in Section 5708. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

(I) That no Dispensary use, owner, permittee, agent, or employee has violated any provision of this Chapter including grounds for suspension, modification or revocation of a permit.

(J) That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference with the operation of another business.

(K) That the Dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the Dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal

parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

(L) That any provision of the City Code or condition imposed by a City issued permit, or any provision of any other local, or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated.

(M) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of marijuana.

(N) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

(O) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.

(P) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(Q) That adequate parking will be provided at a rate of one space for every 200 gross square feet of retail space, office space, and similar floor areas, pursuant to City Code § 9198(F)(1).

§ 5711 INVESTIGATION AND ACTION ON APPLICATION.

After the making and filing of a complete application for the Dispensary Use Permit and the payment of the fees, the applicant shall complete a fingerprint background check and the Police Department shall conduct an investigation of the application. In processing the application:

(A) The Planning Department shall refer the application to any other City departments as necessary to complete the review of the application.

(B) Following provision of complete application materials, inter-departmental review, and compliance with the California Environmental Quality Act, the Planning Department shall schedule the Dispensary Use Permit for Zoning Administrator review. In making a decision to grant or deny the application the Zoning Administrator shall follow the notice and hearing procedures and make the findings required by City Code § 9262(C)-(F) and shall either grant or deny the application in accordance with the provisions of this Chapter.

(C) In approving a Dispensary Use Permit, the Zoning Administrator may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this Chapter.

(D) The Planning Department shall cause a written notice of the Zoning Administrator decision to issue or deny a permit to be mailed to the applicant by U.S. mail.

§ 5712 APPEAL FROM ZONING ADMINISTRATOR DETERMINATION.

(A) An applicant aggrieved by the Zoning Administrator decision to issue or to deny a Dispensary Use Permit may appeal such decision to the Planning Commission by filing an appeal. All determinations of the Zoning Administrator regarding Dispensary Use Permits shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the Planning Commission within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

(B) The Planning Commission shall conduct a duly noticed public hearing on the appeal in accordance to the procedures applicable to an appeal of a decision to grant or deny a use permit as set forth in Division 9, Chapter 2, Article 20 of the City Code. At the close of the public hearing, the Planning Commission may affirm, reverse, or modify the appealed decision of the Zoning Administrator. All Planning Commission decisions on appeals of the Zoning Administrator's decision with regard to an application for a Dispensary Use Permit are final for the City.

§ 5713 REVOCATION.

(A) Any Dispensary Use Permit issued under the terms of this Chapter may be revoked by the Zoning Administrator, when it shall appear to the Administrator that the use for which the Dispensary Use Permit was granted is not being conducted in compliance with the Dispensary Use Permit as conditioned, the permittee has violated any of the requirements of this Chapter, or the Dispensary is operated in a manner that violates the provisions of this Chapter, including the criteria for review and operating requirements sections, or conflicts with State law.

(B) The Zoning Administrator shall conduct revocation proceedings in compliance with Section 9262(H) of this Code, except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator. Notice of the hearing required by said Section shall be given in compliance with Section 9262(C). In addition, notice of the revocation hearing, including a description of the facts and violations relied upon in seeking revocation, shall be served on the permit holder by personal service, overnight courier or registered United States Mail, return receipt requested, not later than ten (10) day prior to the hearing. Service shall be deemed complete when received by the permit holder or forty-eight hours after deposit in the United States Mail, whichever occurs first. Notice shall be sent to the address as shown on the permit application or to an address which the permit holder has requested in writing that the City use for official communications. The address shall not be a Post Office box, but must be a physical address.

(C) If any person holding a permit or acting under the authority of such permit under this Chapter is convicted of a public offense in any court for any offense that would constitute a violation of their Dispensary Use Permit or this Chapter, the Zoning Administrator may revoke such permit forthwith without any further action thereof, other than giving notice of revocation to the permittee.

(D) The final decision of the Zoning Administrator to revoke a Dispensary Use Permit may be appealed to the Planning Commission. The appeal hearing shall be conducted in compliance with City Code Section 9266, except that all references therein to the City Council in an appeal of a Zoning Administrator decision shall be deemed to refer to the Planning Commission.

§ 5714 EFFECT OF REVOCATION.

When a final decision has been made revoking any Dispensary Use Permit provided for in this Chapter, no new application for a Dispensary Use Permit shall be accepted from the applicant and no such Permit shall be issued to such person or to any corporation or other business entity, including but not limited to, a partnership or limited liability company, in which he or she shall have any direct or indirect beneficial, financial or ownership interest for a period of three years after the action revoking the Permit.

§ 5715 TRANSFER OF PERMITS.

(A) A permittee shall not operate a Dispensary under the authority of a Dispensary Use Permit at any place other than the address of the Dispensary stated in the application for the permit.

(B) A permittee shall not transfer ownership or control of a Dispensary, including by transferring a controlling interest in the permittee, or transfer a Dispensary Use Permit to another person or entity unless and until the transferee obtains its own Dispensary Use Permit. Any other assignment of a Dispensary Use Permit is prohibited.

(C) No Dispensary Use Permit may be transferred when the Zoning Administrator or Planning Commission have notified the permittee that the permit has been or may be revoked.

(D) Any attempt to transfer a Dispensary Use Permit either directly or indirectly in violation of this Section is declared void, and the permit shall be deemed revoked.

§ 5716 TIME LIMIT FOR FILING APPLICATIONS UPON ANNEXATION.

Any Dispensary that was legally established in Mendocino County ("County") and which is subsequently annexed into the City must apply for and obtain a Dispensary Use Permit in compliance with the provisions of this Chapter within 90 days from the date the annexation becomes effective. Continued operation of a Dispensary without a permit more than 90 days after annexation shall constitute a violation of this Chapter, unless an extension of the 90 day period is approved by the Zoning Administrator upon the applicant's demonstration of reasonable grounds to do so.

§ 5717 MARIJUANA DELIVERY.

(A) A permitted Dispensary located in the City may deliver marijuana to qualified patients and caregivers at their residence in the City. Such permissible delivery of marijuana to qualified patients shall be limited to delivery by lawfully-operated, permitted dispensaries located within the jurisdictional limits of the City. Any individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient must have a business license in accordance with Division 2, Chapter 1, Article 3 of the City Code.

All other marijuana delivery is a prohibited activity in the City, except where the City is preempted by federal or state law from enacting a prohibition on such activity.

(B) In conformity with City Code § 6001, it shall be unlawful for any qualified individual engaging in the activity of delivering medical marijuana from a permitted Dispensary to a qualified patient to be in an intoxicated condition or under the influence of narcotic drugs within

the corporate City limits of the City in, on, or about any automobile, motorcycle, motor vehicle, street car, railroad car or other vehicle.

§ 5718 VIOLATIONS.

(A) It is unlawful for any person, individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character to violate any provision or fail to comply with any of the requirements of this Chapter.

(B) A violation of this Chapter shall be subject to the enforcement and penalties specified in City Code § 5723.

§ 5719 REMEDIES.

This Chapter shall be subject to enforcement pursuant to Division 8, Article 22 of this Code.

§ 5720 SEPARATE OFFENSE FOR EACH DAY.

Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

§ 5721 HOLD HARMLESS.

As a condition of approval of any permit issued pursuant to this Chapter for medical marijuana cultivation, processing, or distribution, the permittee shall indemnify, defend and hold harmless the City of Ukiah and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by a permittee's clients or employees, adjacent or nearby property owners or other third parties due to permitted uses or operations, and for any expense incurred by City as a result of or in defense of any such claim..

§ 5723 PENALTIES.

(A) It shall be unlawful and constitute a misdemeanor for any person to violate the provisions of this Chapter, punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than six (6) months or both. This penalty shall not apply, if prohibited by state law.

(B) The penalty provided herein is in addition to any other penalty or remedy available at law or in equity, whether civil or criminal, for any violation of this Chapter or engaging in activity requiring a City license or permit, including, without limitation, a business license or building permit, without first obtaining such permit or license.

§ 5724 JUDICIAL REVIEW.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure § 1094.5.

Any such petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure § 1994.6 which shall be applicable for such actions.

SECTION 2

Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended by adding a new permit category, DUP – Use Allowed with a Dispensary Use Permit, to the heading column entitled “Use Categories and Specific Uses”, by specifying that a Medical marijuana dispensary is an allowable use with a Dispensary Use Permit in the General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning districts, and replacing the reference to section 5702 in the column entitled “Additional Zoning Requirements by Code Section with references to Section 5703 and Section 5707.

SECTION 3

Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9254 MARIJUANA CULTIVATION

* * *

B. Cultivation of Marijuana:

* * *

2. Indoor Cultivation: Except as permitted in Chapter 8 in Division 6 of this Code, it is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any residential zoning district (R-1, R-2, R-3 and CN districts) in the city of Ukiah to cause or allow such parcel to be used for the cultivation of more than twelve (12) mature and twenty four (24) immature marijuana plants within a fully enclosed and secure structure on the parcel.

3. Indoor Cultivation Of Marijuana Restricted To Qualified Patients And Primary Caregivers: It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Ukiah to cause or allow such parcel to be used for the cultivation of marijuana, unless (a) the person is a qualified patient or primary caregiver, growing the amount of marijuana per qualified patient authorized by Health and Safety Code section 11362.77(a) – (b) and (d) – (f), not to exceed the per parcel limit in subsection B2 of this Section, or (b) the person is operating a Medical Marijuana Dispensary pursuant to a valid Dispensary Use Permit, within the C1, C2, CN, M, and PD (Commercial) zoning districts and in the GU, UC, and DC downtown zoning districts, and the space devoted to on-site cultivation at the permitted Dispensary does not exceed twenty-five percent of the total floor area, but in no case more than five hundred square feet.

SECTION 4

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted on _____, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk

Marijuana Dispensary Ordinance

City Council
11/16/2016

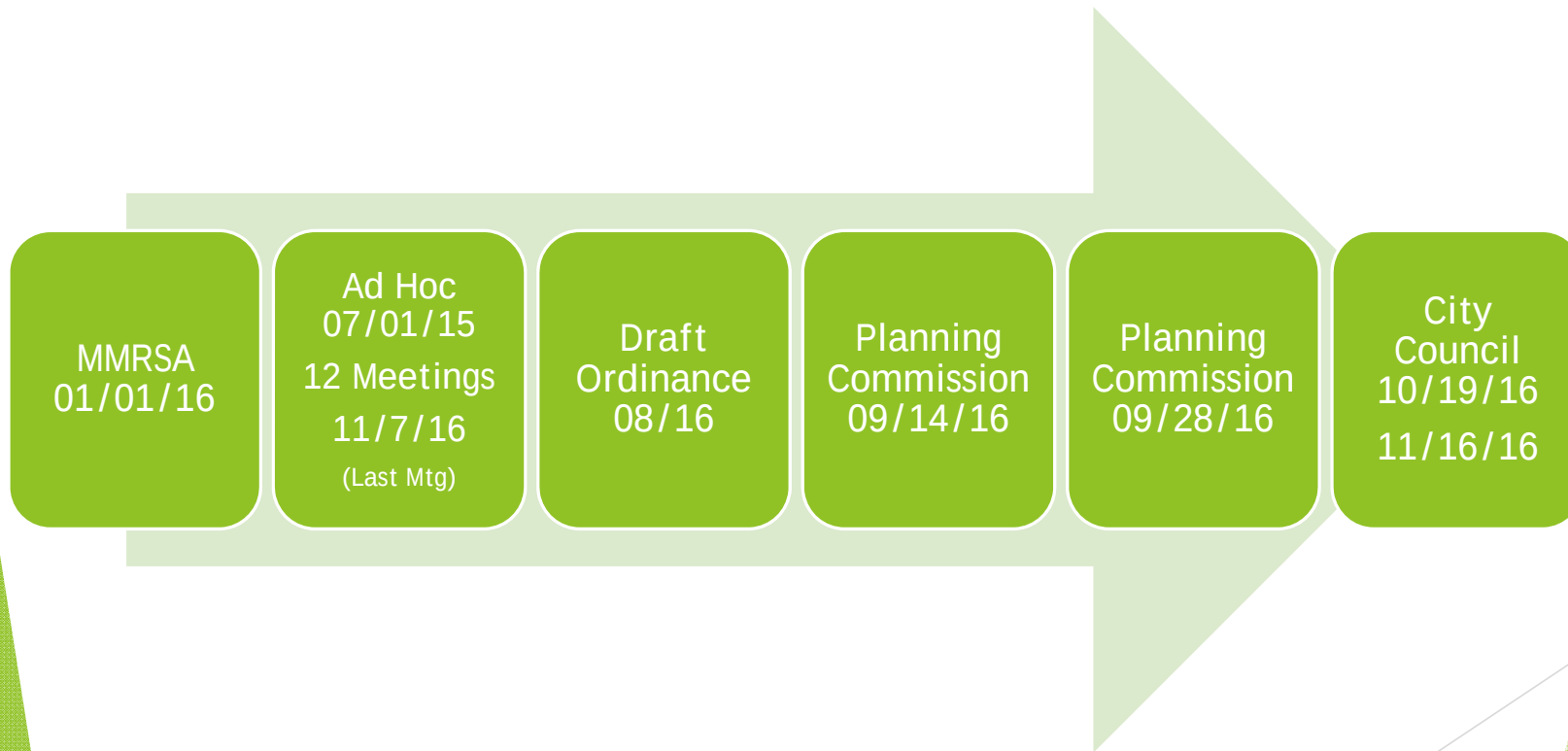


AGENDA

- ▶ Background
- ▶ Key Components
- ▶ Ad- Hoc Changes
- ▶ Discussion Item
- ▶ Recommendation
- ▶ Q&A

City Council
Marijuana Dispensaries
Ordinance
11/16/16

BACKGROUND- timeline



City Council
Marijuana Dispensaries
Ordinance
11/16/16

BACKGROUND

Medical Marijuana Regulation & Safety Act (“MMRSA”) 2016

Created a statewide regulatory structure for the medical marijuana industry

Allows local governments to regulate the operation of marijuana businesses

Allows the City of Ukiah to issue permits or licenses to operate marijuana businesses or prohibit their operation entirely

City Council
Marijuana Dispensaries
Ordinance
11/16/16

BACKGROUND

Ad- Hoc Formed 7/1/15

To address any regulatory gaps in the City's current regulation

Consider the City's policy objectives with regard to the medical marijuana industry

Ad-Hoc
Council Member Mulheren
Vice Mayor Brown
City Manager Sangiacomo
City Attorneys Rapport and Vaughn
Planning Director Stump
Chris Dewey, Police Chief

City Council
Marijuana Dispensaries
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11/16/16

KEY COMPONENTS

- ▶ Creates Dispensary Use Permit
- ▶ Application Preparation and Filing- information about the applicant and employees, background, plans of operation, floor and site plan, security plan
- ▶ Zoning Administrator hearing process
- ▶ Appeals- heard by Planning Commission, final decision maker
- ▶ Use Permit Renewal- Planning Director, annually, using extensive, rigorous criteria, public hearing

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KEY COMPONENTS

- ▶ Limits on location- Allowed in Commercial 1 (C1) Commercial 2 (C2), Neighborhood Commercial (CN), Manufacturing (M), Planned Development (PD)(Commercial) General Urban (GU), Urban Center (UC), and Downtown Core (DC).
- ▶ Operating Requirements- No felony convictions, employees 21 and older, controlled access, medical card or prescription required for entry, no on-site consumption, cultivation space limited to (500 sq.ft.)
- ▶ Delivery- will be allowed from dispensaries in city.

City Council
Marijuana Dispensaries
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AD – H O C - Nov 7th

Redlined Version in packet

Several clean-up and simplification amendments:

- ▶ Changes to eliminate **internal inconsistencies** in the requirements for dispensary operations;
- ▶ Clarification on method of **measuring distances** between dispensaries and youth oriented facilities;
- ▶ Changing the minimum age requirement to **twenty-one (21) years of age** for Dispensaries Use Permit applicants and dispensary employees;
- ▶ Deletion of references to **size and number of patients** restrictions for dispensaries;
- ▶ Modification of the **background check requirement** to put the onus on the applicant to initiate the process;
- ▶ Clarification on **patient record keeping** confidentiality requirements under State and Federal Law;
- ▶ Clarification of the **hearing and appeals process** for revocation of a Dispensary Use Permit.

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DISCUSSION ITEM

► 5707 Limitation on Location of Dispensary

Youth-Oriented Facility- public park, church, museum, library, licensed day care:

Planning Commission: 500 feet

Ad Hoc: 250 feet

Planning Commission: recommends 500 feet from Youth-Oriented Facility

Ad Hoc- 500 foot distance limitation unnecessarily limited possible locations of dispensaries

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C E Q A Section §15073.5 Recirculation

➤ If Substantial Revision has occurred:

- A new significant effect has been identified
- New measures or revisions are required

➤ Recirculation is not required if:

- Mitigation measures have changed
- No revisions were made based on public comments on the environmental effects
- Mitigation measures or conditions of approval are added
- New information is added which merely clarifies, amplifies, or makes insignificant changes

Typo: page 5 “Background and History” sat

Correction page 14: 1,500 sq.ft. for on-site, should say 500 sq.ft.

City Council
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11/16/16

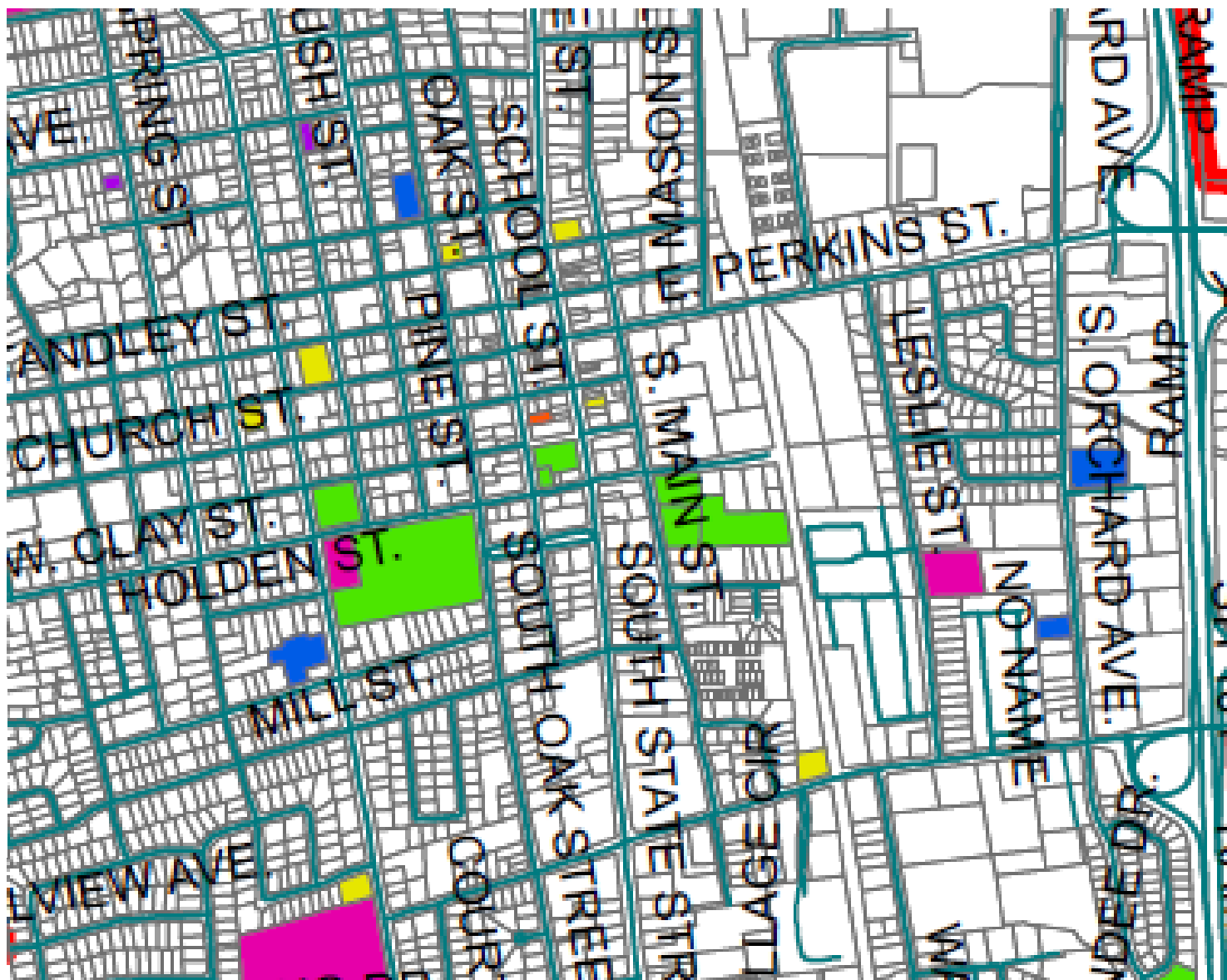
RECOMMENDATION

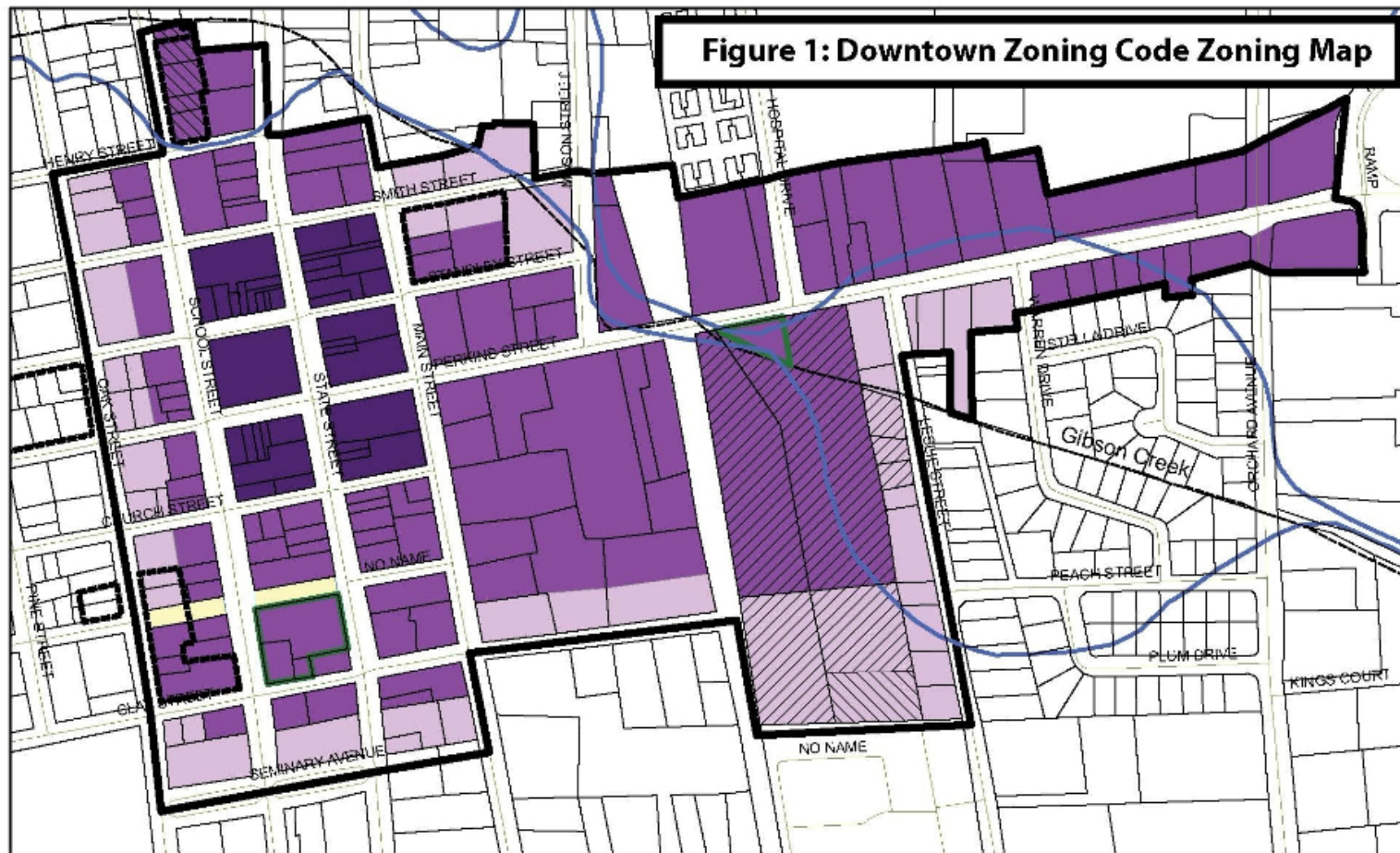
- ▶ Ad-Hoc seeking additional direction on Ordinance and Negative Declaration
- ▶ If appropriate, consider date for Ordinance introduction
- ▶ City Council may also wish to discuss and provide direction to Ad-Hoc other marijuana policy including: recreational, manufacturing, considerations related to the passage of Proposition 64

City Council
Marijuana Dispensaries
Ordinance
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Legend

- LARGE FAMILY DAYCARE
- FAMILY FUN CENTERS
- PARKS
- AFTERSCHOOL PROGRAMS/YOUTH SERVICES
- SCHOOLS
- PRESCHOOLS





PRESCHOOLS		
Big Brothers Big Sisters	564 S Dora St # A	001-291-33
Head Start Child Development Program: Nokomis	499 Washington Ave	003-550-68
NCO Head Start- North Ukiah	1100 North Bush Street	001-430-26
New Life Preschool	302 West Henry	002-175-05
Discovery World Preschool	656 S Orchard Ave # C	002-320-30
New Morning Montessori School	1045 North State Street	003-083-02
Ukiah Co-Op Nursery School	444 Park Boulevard	001-142-22
Head Start Child Development Program	425 South Orchard Ave # A	002-340-26
Small Wonders State Preschool	1056 North Bush Street	001-430-26
NCO Head Start Child Development Program	550 North State St	
SCHOOLS		
South Valley High School	429 South Dora Street	002-255-02
River Oak Charter School	555 Leslie Street	002-290-40
Yokayo Elementary School	790 South Dora Street	001-314-03
Saint Mary of the Angels Catholic School	991 South Dora Street	003-071-15
Redwood Academy of Ukiah	1059 North State Street	001-360-36
Ukiah High School	1000 Low Gap Road	001-020-60
Grace Hudson Elementary School	251 Jefferson Lane	180-200-24
Nokomis Elementary School	495 Washington Avenue	003-550-68
Oak Manor Elementary School	400 Oak Manor Drive	179-061-07, 08
Pomolita Middle School	740 North Spring Street	001-074-01
Ukiah Adult School	1056 North Bush Street	001-430-26
Frank Zeek Elementary School	1060 North Bush Street	001-020-66
Ukiah Independent Study Academy	1000 Low Gap Road	001-020-60
Space School-Performing Arts	508 West Perkins Street	002-212-05
Ukiah School of Music	333 North Oak Street	002-183-04
Mendocino Ballet	205 South State Street	002-267-02
Canova Records and Music School	246 North State Street	002-224-09
AFTERSCHOOL PROGRAMS/YOUTH SERVICES		
Gnomes Corner	415 Walnut Avenue	002-173-01
Tutoring Center	307 North State Street	002-186-13
Tapestry Family Services	290 East Gobbi Street	002-311-35
Redwood Children Services	820 North State Street	002-080-36
Redwood Children Services	780 South Dora Street	001-311-01
Redwood Children Services	101 South Hortense Street	001-229-01
PARKS		
Alex Thomas Plaza	310 South State Street	002-281-26
Gardner Park	248 Oak Street	002-255-03

Giorno Park/Anton	506 Park Blvd	001-130-28
Hudson-Carpenter Park	431 South Main Street	002-281-31
McGarvey Park	310 Dora Street	002-252-01
Nokomis Tennis Courts	Wabash Ave	003-550-68
Oak Manor Park	500 Oak Manor Drive	179-050-08
Observatory Park	407 Luce Street	003-062-05
Orchard Park	855 Orchard Avenue	003-181-36
Riverside Park	1281 East Gobbi Street	180-010-17
Todd Grove Avenue	600 Live Oak	001-090-02
Ukiah Skate Park	1043 Low Gap Park	001-020-80
Ukiah Sports Complex	905 City Well Road	179-010-09
Vinewood Park	1260 Elm Street	001-450-01
FAMILY FUN CENTER		
McG's Family Fun Center	1320 South State Street	003-472-37
Powers Family Fun Center	209 South School Street	002-264-07
LARGE HOME DAYCARE (14)		
Sherri Brown	430 North Spring Street	001-151-21
Tracy Diaz	279 Burlington Drive	001-394-05
Delia Gonzalez	556 Empire Drive	001-460-41
Nina Moore	415 Walnut Avenue	002-173-01
Osvaldo Palmerin	563 Donner Lane	001-490-56
Lauri Theison	55 Betty Street	003-572-02
Maria Gomez	1760 Lockwood	001-381-05
Maria Jacinto	502 Baywood Court	003-490-63

From: Maureen Mulheren [mailto:themoyouknow@gmail.com]
Sent: Monday, November 14, 2016 3:34 PM
To: Kristine Lawler
Subject: Fwd: Test

Hi Kristine,
Mr Blakely will be at the Council Meeting on Wednesday.
He is interested in speaking with the Council regarding Recreational Dispensaries.
Can you please include his item in the agenda packet? Agenda Item 11b
Thanks in advance.
Mo

----- Forwarded message -----

From: **Josh Blakeley** <josh@edgelineinvestments.com>
Date: Mon, Nov 14, 2016 at 3:10 PM
Subject: RE: Test
To: Maureen Mulheren <themoyouknow@gmail.com>

Here are the photos- not sure how to get these in order.
I would like to have the parking, signage, entry, displays- whatever you think makes sense
for the council to review.

Edgeline Investments LLC

Josh Blakeley

josh@edgelineinvestments.com

[707-942-2209](tel:707-942-2209)

[707-942-1663](tel:707-942-1663)

[707-974-7492](tel:707-974-7492) Cell

Edgeline ♦♦♦ Investments LLC

Bullet Point Presentation for the City of Ukiah

Introduction:

Frank Kibbish and Josh Blakeley
Partners and History

- Real estate investors
- Winery owner
- Business developers
- Bar owner

Business Presentation:

Packaging and Presentation:

Financials:

Medical Facility

- Job Creation- medical facility
 - I. 5 full time employees
 - II. 1 manager
 - III. 1 security
- Gross Earnings per facility(medical)- \$350,000
- Gross Sales: \$2 million
 - a. Tax revenue: City \$100,000
 - b. Tax revenue: County \$25,000

Recreational Facility

- Job Creation- recreational facility
 - IV. 12 full time employees
 - V. 1 manager, 1 assistant manager
 - VI. 2 security
- Gross Earnings per facility(medical)- \$750,000
- Gross Sales: \$4 million
 - c. Tax revenue: City \$200,000
 - d. Tax revenue: County \$50,000

Tourism:



NaturaRemedies

Medical + Recreational?

PLEASE CHECK IN WITH SECURITY

////////////////////////////////////

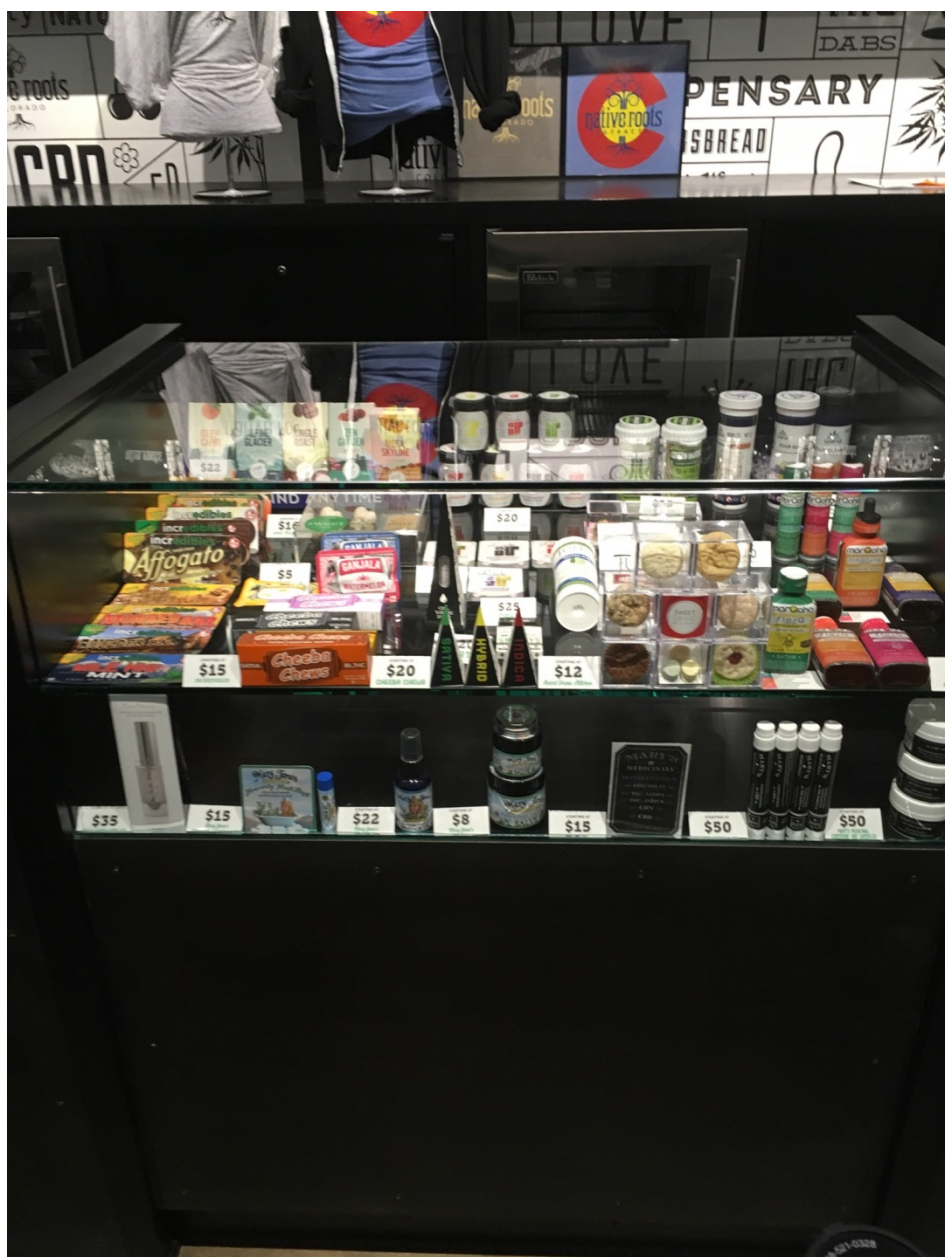
ALL OTHERS PLEASE PROCEED

NR











CITY OF UKIAH
CITY COUNCIL AGENDA
Ukiah Civic Center
300 Seminary Ave.
Ukiah, CA 95482

October 24, 2016

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the following Public Hearing of the City Council of the City of Ukiah on October 19, 2016, was continued to **Wednesday, November 16, 2016, at 6:15 p.m.**

Discussion and Possible Adoption of a Negative Declaration and Discussion and Possible Introduction of a Marijuana Dispensary Ordinance Amending Chapter 8 in Division 6; Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9; and Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code, Entitled "Medical Marijuana Dispensaries".

I, Kristine Lawler, City Clerk, do hereby swear and affirm that the above "Notice of Continuance" was duly posted on the bulletin board outside of City Hall and the Council Chambers on October 24, 2016.



ITEM NO.: 11c

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: 1) PROP 218 PUBLIC HEARING: ADJUSTMENTS TO RATES, FEES, AND CHARGES FOR RESIDENTIAL SOLID WASTE CURBSIDE COLLECTION; AND
2) RECEIVE "CITY MANAGER'S REPORT" ON RECOMMENDATION OF ADJUSTMENTS TO SOLID WASTE RATES, FEES, AND CHARGES FOR RESIDENTIAL AND COMMERCIAL CURBSIDE COLLECTION AND TRANSFER STATION TIPPING FEE, AND SCHEDULE A SECOND PUBLIC HEARING

Summary: (1) Under the provisions of Proposition 218 (1996), Council to hold a public hearing to consider adoption of increased rates on residential curbside collection in the City of Ukiah. (2) Under the provisions of Ukiah City Code Sections 3950-3957, receive a Staff/City Manager's Report (*Agenda Item 11c Agenda Summary Report*), and schedule a public hearing on December 7, 2016, at 6:15 p.m. for the consideration of adjustments to the residential and commercial curbside solid waste collection rate schedules and Transfer Station Tipping Fee.

Background: As a requirement of Proposition 218, and the City's determination to treat fees for waste collection in the City "property-related fees" (subject to Proposition 218), the City must notify customers of proposed rate increases for curbside solid waste collection, provide a period of time for them to submit written protests, and hold a public hearing to receive potential protest from affected rate payers and comments from the community. The City Council initiated that process on September 21, 2016, and will consider concluding that process with this scheduled public hearing.

Additionally, Ukiah City Code Sections 3950-3957, which were last amended in 1975 and have not been updated to accommodate the rate setting procedure in Proposition 218, requires the City Council to provide ten days advance notice by publication and for that 10-day period have available for public review a City Manager's report and recommendation. Staff intends to amend the Ukiah City Code to avoid separate procedures for property related fees, but until amended, staff recommends that Council continue the public hearing to December 7, 2016, at 6:15 PM for the consideration of these adjustments to the

Continued on Page 2

RECOMMENDED ACTION(S): (1) Conduct Public Hearing, pursuant to Prop 218, on adjustments to solid waste collection charges and receive any written protests. (2) Continue Public Hearing to December 7, 2016 at 6:15 PM, pursuant to Ukiah City Code Sections 3950-3957 to consider adjustments to residential and commercial solid waste collection rates, fees, and charges and adjustments to the Transfer Station Tipping Fee.

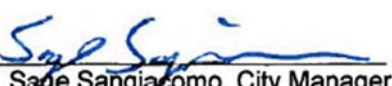
ALTERNATIVES: Do not approve but provide direction to staff.

Citizens advised: N/A
Requested by: Sage Sangiacomo, City Manager
Contact/Prepared by: Daniel Buffalo, Finance Director
Coordinated with: Daniel Buffalo, Finance Director; David Rapport, City Attorney; Tim Eriksen, Public Works Director
Presenter: Sage Sangiacomo, City Manager
Attachments:
1. Transfer Station Tipping Fee Resolution and Rate Schedule
2. Transfer Station Tipping Fee Adjustment Calculation Schedules
3. Curbside Solid Waste Rate Adjustment Resolution and Rate Schedule
4. Curbside Rate Adjustment Calculation Schedules

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

curbside solid waste collection rates, and the proposed adjustment to the tipping fee at the Transfer Station.

Discussion: To satisfy the requirements of both Prop 218 and the City's code sections 3950-3957, staff is recommending conducting two public hearings. The first hearing on November 16, 2016, is to address Prop 218 noticing requirements for adjustments to fees, rates, and charges for residential curbside solid waste collection only. These fees are what the City has determined to be subject to Prop 218 due to the characteristics of the fee, those being property-related and mandatorily required by all residential property owners/tenants. At this hearing, any remaining protests from residential property owners/tenants will be received and remaining public input taken.

The second public hearing on December 7, 2016 is to satisfy separate City noticing requirements, when residential solid waste collection rates will be open for public input again, along with commercial curbside solid waste collection rates, fees, and charges and the adjustment to the Transfer Station Tipping Fee. Following that public hearing, Council will consider two resolutions for adoption: the first for residential and commercial solid waste curbside collection rates, fees, and charges; the second for adjustment to the Transfer Station Tipping Fee, which is necessary to fund the closure, post-closure, and corrective action plan of the landfill.

The rate setting process began with a rate request submitted by the Ukiah Waste Solutions, Inc. (Company) asking for an increase in rates of 0.21%. Staff considered the component costs of this rate request and studied the company's reviewed financial statements to arrive at a rate decrease of the Company's existing rates of (0.86%), or 1.07% less than requested by the Company. It should be noted that the Company is receiving a decreased rate of (0.86%) even while adding the new Mixed Organic Waste collection service.

Separately, the City Council Landfill Closure Ad Hoc Committee recommended an increase of twelve dollars (\$12) per ton in the Transfer Station disposal surcharge. Staff then applied the effect of that recommended amount to the Company's rate decrease to arrive at a recommended net increase in rates of 3.59%. The proposed curbside rates include an increase in the transfer station gate fee from \$81.21 to \$92.90, which includes the \$12 landfill closure surcharge.

The proposed increase related to the disposal surcharge is necessary to fund the CalRecycle mandated costs of closure, post-closure, and corrective action plan of the City's landfill, while continuing to allow the City's solid waste hauler to recover the cost of providing service to customers and meet its diversion goals. If approved by Council, initial rates shall be implemented for service commencing on January 1, 2017, as set forth in Exhibit A to the Transfer Station Tipping Fee Resolution and Rate Schedule (Attachment 1). Detailed calculations used to derive the rate are included here as well (Attachment 2).

After careful consideration of costs and funding requirements, staff developed an initial rate adjustment amounting to 3.59% for nearly all curbside service. As an example, the change to the curbside rate for a residential 32-gallon can would be \$0.65 per month, raising the current, monthly rate from \$18.17 to \$18.82. Few exceptions to note where the rate adjustment appears higher are due to the effects of rounding to the nearest cent or to make necessary modifications for regular trash collection of smaller service receptacles due to changing conditions in the recycling market.

Over the next five years, these proposed rates to residential and commercial service allow for an annual adjustment for changes in the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-u), as reported in April of each year; for potential changes in the fuel index; and to allow for various pass-through disposal and other fees that may occur but yet are unknown. If approved by Council, initial rates shall be implemented for service commencing on January 1, 2017, as set forth in Exhibit A to the Curbside Solid Waste Rate Adjustment Resolution (Attachment 3). Detailed calculations used to derive residential and commercial curbside collection rates are included here as well (Attachment 4).

The City Council authorized the initiation of the Proposition 218 process, notifying customers of the proposed increase and hearing by mail ("the protest period"), and scheduling the public hearing for November 16, 2016, at 6:15 p.m. Although Prop 218 requires at least forty-five days' notice to allow for protest of adjustments to property-related rates, fees, and charges, notices to that effect regarding this proposed solid waste adjustment were mailed to all affected Ukiah customers on September 30, 2016, allowing for forty-seven days during which affected parcel owners or tenants could file a protest. As of November 9, 2016, the City had received three valid, written protests.

The City will accept public comments at both public hearings. Written protests related to Prop 218 noticing requirements may be submitted before or at the public hearing on November 16, 2016. They may be hand delivered, mailed to the City Clerk or personally submitted at the City Council meeting prior to the close of the Public Hearing. To be valid, protests must be in writing, state opposition to the proposed rate increase, and include the property owner's or customer's name and address, as well as the parcel number or address of the property served. Protests must be signed by the property owner or by the tenant directly responsible for payment of the fees subject to the proposed increase. Only one protest will be counted per parcel. While oral comments at the public hearing are welcome, those comments will not qualify as a valid written protest.

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

RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH ADOPTING A REVISED RATE SCHEDULE FOR THE UKIAH TRANSFER STATION FOR FIVE YEAR PERIOD COMMENCING JANUARY 1, 2017- DECEMBER 31, 2021

WHEREAS:

1. Solid Waste Systems of Ukiah, Inc. ("Company") operates a Transfer Station on Plant Road near Ukiah for the receipt and processing of solid waste ("Operations") from City of Ukiah ("City") and County of Mendocino franchised waste haulers and self-haulers, pursuant to the Second Amended and Restated Transfer Station Agreement ("Transfer Station Agreement"), dated October 7, 2015; and

2. Section 6.1 of the Transfer Station Agreement adopted rates ("Tipping Fees") for Operations, as described in Section 4. Section 6.2 provides for annual modification of Tipping Fees based on increases or decreases in the Consumer Price Index, the Fuel Index and Pass-Through Costs. Pass-Through Costs include the cost of disposing of solid waste received at the Transfer Station at a properly licensed solid waste landfill; and

3. Section 6.4 of the Transfer Station Agreement provides that every five years, beginning no later than April 2, 2016, for the rates effective on January 1, 2017, and every five years thereafter, the City shall conduct a review of the Tipping Fees to determine whether the automatic annual adjustments adequately account for the actual increases or decreases in the Company's reasonable operating costs; and

4. In conducting the five year rate review the City may conduct such investigation as it deems appropriate and the Company must cooperate with that investigation which may include the inspection and copying of Company records and a Review or Audit of the Company's financial records by a City retained Certified Public Accountant ("CPA"); and

5. The City staff and its retained CPA conducted an investigation they deemed appropriate, including a review of the Company's financial statements, as reviewed by Moss Adams, LLP, a major national accounting firm, and other Company financial records; and

6. The results of the investigation and the staff's recommendations, including the data relied upon and the staff's analysis and recommendations, were summarized in the Agenda Summary Report for the City Council meeting on September 21, 2016, and have been publically available on the City's website at <http://www.cityofukiah.com/solidwastenotice/>; and

7. This same information is incorporated into a "City Manager's Report" and recommendation pursuant to Ukiah City Code Section 3952, which has been publically available at <http://www.cityofukiah.com/solidwastenotice/> for not less than 10 days prior to the December 7, 2016, rate hearing; and

9. The proposed adjustments in the Transfer Station Rates are reflected as a pass-through cost in the notice and rate schedule for the City's curbside waste collection rates which are scheduled for hearing on November 16, 2016; and

10. Forty-seven days prior to the hearing scheduled for November 16, 2016, the City has provided direct mail notice of the proposed curbside collection rates to every owner of property in the

City, as listed on the Mendocino County tax records, and every customer of curbside waste collection services in the City; and

11. The City Clerk has published notice in the Ukiah Daily Journal of the proposed Tipping Fee adjustments in compliance with Ukiah City Code Section 3954; and

12. After conducting the hearings on November 16, 2016, and December 7, 2016, and considering all of the evidence, statements and arguments presented during the hearings, the City Council determined that the proposed rate schedule, attached hereto as Exhibit A ("Initial Rate Schedule") provides reasonable rate adjustments which are fair to both the Company and the ratepayers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ukiah hereby adopts the Initial Rate Schedule, as set forth in Exhibit A.

BE IT FURTHER RESOLVED that the rate schedule adopted by this Resolution shall be effective on January 1, 2017. All prior rate schedules in conflict herewith are repealed upon the effective date of the new schedule. All other contract conditions for service remain unaltered and in full effect and the City Clerk shall cause the publication of this resolution in the Ukiah Daily Journal within 10 days following Council action on December 7, 2016, pursuant to the provisions of Section 3957 of the Ukiah City Code.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ukiah on the 7th day of December 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk

EXHIBIT A

Solid Wastes Systems, Inc. Transfer Station Initial Rate Schedule Effective Date January, 2017		
Item		Initial 2017 Rate
MSW - Ton		\$92.90
MSW - Yard		\$21.20
Minimum Gate Fee - MSW	Up to 3 cans	\$10.60
Per Can Rate - 32 gallon	After 3 cans	\$3.55
Green Waste - Ton		\$42.05
Green Waste - Yard		\$6.15
Minimum Gate Fee - Green Waste		\$6.05
Mixed Load - Additional Charge		\$18.80
Appliances		\$10.35
Oil Filters - Small		\$0.35
Oil Filters - Medium		\$0.65
Oil Filters - Large		\$0.90
Concrete - Ton		\$65.95
Dirt - Ton		\$65.95
Sheetrock - Clean		\$42.05
Sheetrock - Dirty		\$65.95
Tires - Bicycle		\$1.20
Tires - Motorcycle		\$2.30
Tires - Passenger Car		\$3.45
Tires - Passenger Car with Rim		\$5.40
Tires - Truck		\$7.30
Tires - Truck with Rim		\$9.85
Tires - Tractor		43.65 - 330.05
E-Waste - Computers		No Charge
E-Waste - Monitors		No Charge
Scrap Metal		No Charge

- 1 Operating costs subject to CPI
 - a Total per SWS: \$1,468,787.62
 - b Staff adjustments

Fuel cost subtracted from CPI base should be \$163,257.57
instead of \$148,989.94. This is a change of \$14,267.63

Adjusted total per Staff: \$1,454,519.99

Solid Wastes Systems Transfer Station
Annual Adjustment Calculations
Effective Date January, 2017
Using 2015 Year Data

<u>COSTS Subject to adjustment</u>	Cost	Index		Adjustment Allowed
Operating Costs subject to CPI	\$1,454,519.99	CPI		\$ 14,690.65
Fuel	163,257.57	Fuel		(26,841.27)
Fuel - change of location			One-time	\$37,684.97
Disposal - Garbage	\$1,034,037.26	Contract rate	Pass Through	(\$411,138.00)
Disposal - Processing	\$186,522.89	Negotiated	Pass Through	\$ -
Truck & Driver to Potrero			One-time	\$133,903.01
New Water Board Regulations			Pass Through	\$20,000.00
Maint / Prop Tax \$2.36/ton	\$82,839.96	Contract rate	Pass Through	\$ -
City Rent \$10/ton	\$351,016.80	Lease rate	Pass Through	\$ -
City Landfill Fee \$14./ton	\$70,203.36	Set by City	Pass Through	\$ 421,220.16
MSWMA Fee \$5/ton	\$175,420.92	Set by City	Pass Through	\$ -
Total COSTS Subject to adjustment	<u>\$3,517,818.75</u>			<u>\$189,519.52</u>
Adjusted Costs				<u>\$3,707,338.27</u>

Revenue base

Comparison Year Revenue	\$3,392,700.00
Fuel Index adjustment	(\$26,841.27)
Fuel adjustments destination change	\$37,684.97
Landfill Destination Change	\$133,903.01
Disposal - garbage	(\$411,138.00)
Disposal - processing	\$0.00
CPI adjustment	\$14,690.65
Construction/Lease \$2.36/ton	\$0.00
Negative Operating Costs Recovery	\$66,983.56
New Water Board Regulations	\$20,000.00
City Landfill Fee increase \$12	\$421,220.16
Allowed Return	\$150,081.31
Revenue change	\$406,584.39
Adjusted revenue	<u>\$3,799,284.39</u>

SWS Target return on revenue	
\$2,982,358.64	\$91,946.12
Calculated return	\$91,946.12
Return over Target	\$0.00

Revenue More (Less) than expenses \$91,946.12 2.94% (excluding \$ collected for others)

		Current	Adjustment	New
Contractor Rate increase as a percent	-0.43%	\$74.21	(\$0.31)	\$73.90
MSWMA Rate increase as a percent		\$5.00	\$0.00	\$5.00
City Rate increase as a percent		\$2.00	\$12.00	\$14.00

	\$81.21	Total Rate	\$92.90
EFFECTIVE RATE ADJUSTMENT PERCENT			14.39%

**Solid Wastes Systems Transfer Station
Annual Adjustment Calculations
Effective Date January, 2017
Using 2015 Year Data**

Worksheet for computing the change in various indexes and factors which comprise the components on which rates are adjusted

Fuel - June to June (EIA Petroleum & Other Liquids)

See Fuel cost adjustment worksheet

CPI - June to June (CPI-U All US Cities)

June 2015	June 2016	Index Increase (Decrease)
238.638	241.038	2.400
CPI % Change		1.01%

Landfill Fee Jan to Jan

January 2016	January 2017	Increase (Decrease)
\$ 41.37	\$ 23.80	-17.570
Disposal - Garbage Cost % Change		-42.47%

Disposal Processing Fee Jan to Jan

January 2016	January 2017	Increase (Decrease)
\$ 30.00	\$ 30.00	\$ 0.00
Disposal - Green Waste Cost % Change		0.00%

Transfer Station Tonnage at gate, Year to Year

December 2014	December 2015	Increase (Decrease)
31,939.64	35,101.68	3,162.04
Tonnage % Change		9.90%

City Landfill Fee June to June

January 2015	January 2016	Increase (Decrease)
\$ 2.00	\$ 14.00	\$ 12.00
City Landfill Fee % Change		600.00%

MSWMA Fee June to June

January 2015	January 2016	Increase (Decrease)
\$ 5.00	\$ 5.00	\$ 0.00
MSWMA Fee % Change		0.00%

**Worksheet for computing the change in various indexes and factors which
comprise the components on which rates are adjusted**

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See Fuel cost adjustment worksheet

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238.638	241.038	2.400
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\$ 41.37	\$ 23.80	-17.570
Disposal - Garbage Cost % Change		-42.47%

Disposal Processing Fee Jan to Jan

January 2016	January 2017	Increase (Decrease)
\$ 30.00	\$ 30.00	\$ 0.00
Disposal - Green Waste Cost % Change		0.00%

Transfer Station Tonnage at gate, Year to Year

December 2014	December 2015	Increase (Decrease)
31,939.64	35,101.68	3,162.04
Tonnage % Change		9.90%

City Landfill Fee June to June

January 2015	January 2016	Increase (Decrease)
\$ 2.00	\$ 2.00	\$ 0.00
City Landfill Fee % Change		0.00%

MSWMA Fee June to June

January 2015	January 2016	Increase (Decrease)
\$ 5.00	\$ 5.00	\$ 0.00
MSWMA Fee % Change		0.00%

Mileage Adjustment, to base, for fewer trips to landfill

Number of trips in base	1114
Number of trips in new year	1040
Change in number of trips	-74
Miles per trip	136
Total miles in base year	151504
Total miles for adjusted number of trips	141440
Change in number of miles	-10064

Percentage of reduction of trips/miles	-6.64%
--	--------

Cost of fuel	148,989.94
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Fuel cost reduction for reduced number of trips	(9,897.00)
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Adjusted fuel cost	<u>139,092.94</u>
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Lube & Oil	<u>14,267.63</u>
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Adjusted total Base year fuel cost	<u>153,360.57</u>
------------------------------------	-------------------

Calculation to adjust fuel costs					
Fuel Revenue Adjustment Worksheet, based on Fuel Index change, June to June					
Base Year Fuel Index and Cost		3.102	\$200,641.15	2010 Actual	
Index Change - New vs. Base Year					
1	Fuel index adjustment at June 2011	4.213	35.82%	\$71,869.66	Plus: Base Year Cost X Index Change
	Revenue adjustment for January 2012 rate revision	→	\$71,869.66	\$0.00	Less: Prior Fuel Cost applied to rate
				\$272,510.81	Fuel Cost Allowed Year 1
Annual adjustment based on Fuel Index change, year to year (using example fuel index changes)					
2	Fuel index adjustment at June 2012	4.027	29.82%	\$59,831.19	Plus: Base Year Cost X Index Change
	Revenue adjustment for January 2013 rate revision	→	(\$12,038.47)	\$71,869.66	Less: Prior Fuel Cost applied to rate
				\$260,472.34	Fuel Cost Allowed Year 2
3	Estimated Fuel index adjustment at June 2013	4.023	29.69%	\$59,570.36	Plus: Base Year Cost X Index Change
	Revenue adjustment for January 2014 rate revision	→	(\$260.83)	\$59,831.19	Less: Prior Fuel Cost applied to rate
				\$260,211.51	Fuel Cost Allowed Year 3
4	Estimated Fuel index adjustment at June 2014	4.101	32.21%	\$64,626.51	Plus: Base Year Cost X Index Change
	Revenue adjustment for January 2015 rate revision	→	\$5,056.15	\$59,570.36	Less: Prior Fuel Cost applied to rate
				\$265,267.66	Fuel Cost Allowed Year 4
5	Estimated Fuel index adjustment at June 2015	3.192	2.90%	\$5,818.59	Plus: Base Year Cost X Index Change
	Revenue adjustment for January 2016 rate revision	→	(\$58,807.92)	\$64,626.51	Less: Prior Fuel Cost applied to rate
				\$206,459.74	May be RESET during rate review process
6	Estimated Fuel index adjustment at June 20	2.782	-10.32%	-\$20,706.17	Plus: Base Year Cost X Index Change
	Revenue adjustment for January 2017 rate revision	→	(\$26,524.76)	\$5,818.59	Less: Prior Fuel Cost applied to rate
				\$179,934.98	Fuel Cost Allowed Year 6

COMPUTATION OF COSTS SUBJECT TO CPI ADJUSTMENT

SWS CPI Operating Costs	SWS calculation	GE Revised	Varaince
Total Operating Expense		1,817,100.00	
Total Admin Expense		234,400.00	
Cost of Goods Sold		1,695,500.00	
Rounding		17.49	
TOTAL Expenses 2015	\$3,747,017.49	3,747,017.49	-
Less:			
Fuel	-\$148,989.94	(163,257.57)	(14,267.63)
Disposal - Garbage	-\$1,034,037.26	(1,034,037.26)	-
Disposal - Processing	-\$186,522.89	(186,522.89)	-
Maint / Prop Tax \$2.36/ton	-\$82,839.96	(82,839.96)	-
City Rent \$10/ton	-\$351,016.80	(351,016.80)	-
City Landfill Fee \$14./ton	-\$70,203.36	-\$70,203.36	-
MSWMA Fee \$5/ton	-\$175,420.92	-\$175,420.92	-
City Landfill Surcharge			-
Scrap Metal Cost	\$0.00		-
Buyback Recycle Purchase Cost	-\$145,792.88	-\$145,792.88	-
Compost / Landscape Cost	-\$83,405.86	-\$83,405.86	-
TOTAL CPI Allowed Operating Costs	\$1,468,787.62 ¹	² \$1,454,519.99	(14,267.63)
CPI Change	1.01%	1.01%	
CPI Adjustment	14,834.75	14,690.65	(144.10)

SUMMARY OF CHANGES TO REVENUE AND EXPENSES

	Expense	Revenue	Net Revenue
Total expense per Financial Statement	3,747,000		(3,747,000)
Less: Excluded Costs - Buyback	(145,793)		145,793
Buyback recycle purchase cost	(38,300)		38,300
Less: Excluded Costs - Landscape material expense	(45,100)		45,100
Revenue per Financial Statement		3,680,000	3,680,000
Exclude Compost sales revenue		(45,400)	(45,400)
Exclude Landscape material sales revenue		(49,600)	(49,600)
Exclude Buyback revenue		(145,600)	(145,600)
Exclude scrap metal revenue		(46,700)	(46,700)
SUBTOTAL	3,517,807	3,392,700	(125,107)
Less: Tipping fee reduction	(411,138)	(411,138)	-
Driver cost for new destination	107,997	107,997	-
Fuel adjustment for destination change	37,685	37,685	-
Fuel adjustment	(26,841)	(26,841)	-
Truck cost for new destination	24,815	24,815	-
CPI on driver cost	1,091	1,091	-
CPI on costs subject to CPI	14,691	14,691	-
New regulations cost	20,000	20,000	-
City surcharge increase	421,220	421,220	-
Recovery of operating deficit		66,984	66,984
Allowed Return		150,081	150,081
Total	3,707,327	3,799,285	91,958

Net revenue as a percent of revenue	2.4%
Net revenue as a percent of expenses	2.5%
Net revenue as a percent of SWS revenue (excluding City and MSWMA charges)	2.94%

Adjustments to Fuel Costs for destination change and fuel index
--

Based on 2015 actual

2015 Fuel cost per Financial Statement	144,816
Computed fuel cost to Eastlake	101,582
Transport fuel as percent of total fuel	70.1%
Total trips to Eastlake	1,114
Total trips to Portrero	1,040
Reduction in total trips	(74)
Miles per trip to Eastlake	136
Total miles to Eastlake	151,504
Miles reduced by fewer trips	(10,064)
Miles to remain in base cost	141,440
Miles remaining in base as a percent	93.36%
Fuel cost adjustment for reduced miles	(6,745)
Adjusted base year fuel cost	138,071
Fuel index 2015	3.192
Fuel index 2016	2.782
Fuel index percent change	-12.84%
Change in fuel cost	(17,728.27)

Adjusted base year oil & lube cost	18,441.91
Fuel index 2015	3.192
Fuel index 2016	2.782
Fuel index percent change	-12.84%
Change in oil & lube cost	(2,367.94)

Total Fuel expense adjustment	(26,841.27)
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Fuel cost after index adjustment	136,416.30
Fuel cost for change of destination (1)	37,684.97
Fuel cost for new year	174,101.27
Net change to expenses	10,843.70
Increase over 2015 actual	10,843.70

Change for reduced miles	(6,745.06)
Change for fuel index for fuel	(17,728.27)
Change for fuel index for oil & lube	(2,367.94)
Total fuel adjustments	(26,841.27)
Change for new destination	37,684.97
Total change	10,843.70

CALCULATION OF DRIVER AND TRUCK COST CHANGES

Driver wages	150,617.20	Computed
Driver ERE expense (allocated)	80,619.31	Payroll taxes and benefits
Total Driver cost	231,236.51	Computed
Hours per trip - Eastlake	3.5	Per SWS
Number of trips	1114	Per SWS
Total hours	3899	Computed
Driver cost per hour	59.31	Computed
Hours per trip - Potrero	5.5	Per SWS
Number of trips	1040	Per SWS
Total hours	5720	Computed
Driver cost per hour (use Eastlake calc)	59.31	Computed
Total Driver cost	339,233.86	Computed
Driver Cost increase	107,997.35	Computed
CPI % Increase	1.01%	Index
CPI Increase	1,090.77	Computed
Total Driver cost adjustment	109,088.13	Computed
Truck Cost/hr	13.63	\$95/hr less driver cost, less fuel cost
Truck hours increase	1,821	
Truck cost increase	24,814.88	
Combined cost increased	133,903.01	

Computation based on personnel costs as reported for 2015
and various trip cost changes computed by SWS on worksheet
"Change of Disposal Site"

DRIVER COST ANALYSIS

	Driver	Operating	Laborer	Scalehouse	Combined co:	Outside	Shop	Admin	Total Wages
Total	150,617.20	95,370.93	158,084.19	83,334.87	487,407.19	3,992.26	60,544.84	44,988.96	596,933.25
Wages	108,547.00	95,016.99	110,141.70	78,300.41	392,006.10	3,992.26	56,927.41	44,988.96	497,914.73
Overtime	42,070.20	353.94	47,942.49	5,034.46	95,401.09		3,617.43		99,018.52
									-
									-
									-

35.93

	Shared by All	Dr, Op, La, Sc	Shop	Admin	Total ERE
	43.10%	10.42%	16.84%	11.80%	11.11%
	255,585.47	50,793.96	10,195.98	5,307.14	66,297.08
Payroll tax		46,024.99	4,968.18		50,993.17
Group benefits	100,564.77			5,307.14	5,307.14
HAS	9,209.61				-
Workmens comp	143,457.66				-
Uniforms		4,100.07	5,227.80		9,327.87
Drug screen		668.90			668.90
Vacation	2,353.43				-
					-

Total Cost:

	Driver	Operating	Laborer	Scalehouse	Combined co:	Outside	Shop	Admin	Total Wages
Total personnel costs	231,236.51	146,419.14	242,700.28	127,940.66	748,296.59	3,992.26	96,838.50	69,688.46	918,815.80
Allocation of shared expenses	64,923.10	41,109.36	68,141.73	35,921.25	210,095.44		26,097.68	19,392.36	255,585.47
Direct ERE costs	15,696.21	9,938.85	16,474.36	8,684.54	50,793.96		10,195.98	5,307.14	66,297.08
Wages	150,617.20	95,370.93	158,084.19	83,334.87	487,407.19	3,992.26	60,544.84	44,988.96	596,933.25

Solid Wastes Systems
Statement of Profit & Loss
For the Year Ended December 31, 2015

	Year End 2015	% of Revenue
REVENUE		
Construction & Demolition	12,300.00	0.33%
Recycling Revenue		0.00%
Scrap Metal	46,700.00	1.27%
Buyback Revenue	145,600.00	3.96%
MSW	3,183,000.00	86.49%
Greenwaste	81,700.00	2.22%
Appliances	24,600.00	0.67%
Tires	15,100.00	0.41%
Concrete		0.00%
Electronics	36,200.00	0.98%
Hauling	2,000.00	0.05%
Compost sales	45,400.00	1.23%
Landscape material revenue	49,600.00	1.35%
Finance Charges		0.00%
Interest Income		0.00%
Miscellaneous Revenue	37,800.00	1.03%
TOTAL REVENUE	3,680,000.00	100.00%
COST OF GOODS SOLD		
Franchise Fee - City of Ukiah	70,200.00	1.91%
Surcharge - MSWMA	175,400.00	4.77%
Disposal Fees	1,220,600.00	33.17%
Disposal Fees-Hazardous Waste		0.00%
Sales Tax Expense		0.00%
Compost Material Expense	38,300.00	1.04%
Landscape material expense	45,100.00	1.23%
Hauling	100.00	0.00%
Buyback	145,800.00	3.96%
Scrap Metal		0.00%
Diversion Inventory Cost		0.00%
Total Cost of Goods Sold	1,695,500.00	46.07%
GROSS MARGIN	1,984,500.00	53.93%
OPERATIONAL LABOR EXPENSE		
Operation Management		0.00%
Driver Wages	489,800.00	13.31%
Operator Wages		0.00%
Laborer Wages		0.00%
Scale House Wages		0.00%
Vacation/Sick		0.00%
Payroll Taxes	46,000.00	1.25%
Health Insurance	100,600.00	2.73%
Health Savings Account (HSA)	9,200.00	0.25%
Workmen's Comp	143,500.00	3.90%
Uniforms	4,100.00	0.11%
Drug Screen	700.00	0.02%
Outside Labor	4,000.00	0.11%
Diversion Inventory Cost		0.00%
Total Operational Labor Expense	797,900.00	21.68%

Solid Wastes Systems
Statement of Profit & Loss
For the Year Ended December 31, 2010

	Year End 2010	% of Revenue
REVENUE		
Construction & Demolition	2,052.98	0.06%
Recycling Revenue	0.00	0.00%
Scrap Metal	660,343.71	17.94%
Buyback Revenue	154,592.80	4.20%
MSW	2,040,592.08	55.45%
Greenwaste	104,805.62	2.85%
Appliances	47,996.45	1.30%
Tires	22,711.70	0.62%
Concrete	20.47	0.00%
Electronics	40,998.77	1.11%
Hauling	0.00	0.00%
Finance Charges	3,676.24	0.10%
Interest Income	17,587.04	0.48%
Miscellaneous Revenue	53,778.21	1.46%
TOTAL REVENUE	3,149,156.07	85.57%
COST OF GOODS SOLD		
Franchise Fee - City of Ukiah	11,700.27	0.32%
Surcharge - MSWMA	157,563.05	4.28%
Disposal Fees	987,706.47	26.84%
Disposal Fees-Hazardous Waste	350.00	0.01%
Sales Tax Expense	377.72	0.01%
Compost Material Expense	6,802.00	0.18%
Hauling	1,267.26	0.03%
Buyback	175,328.45	4.76%
Scrap Metal	323,250.35	8.78%
Diversion Inventory Cost	20,765.08	0.56%
Total Cost of Goods Sold	1,685,110.65	45.79%
GROSS MARGIN	1,464,045.42	39.78%
OPERATIONAL LABOR EXPENSE		
Operation Management	92,971.51	2.53%
Driver Wages	151,058.68	4.10%
Operator Wages	6,864.02	0.19%
Laborer Wages	159,206.66	4.33%
Scale House Wages	61,591.15	1.67%
Vacation/Sick	(2,492.71)	-0.07%
Payroll Taxes	37,096.55	1.01%
Health Insurance	83,604.06	2.27%
Health Savings Account (HSA)	9,096.47	0.25%
Workmen's Comp	36,028.30	0.98%
Uniforms	1,149.29	0.03%
Drug Screen	1,194.65	0.03%
Outside Labor	8,535.66	0.23%
Diversion Inventory Cost	11,021.34	0.30%
Total Operational Labor Expense	656,925.63	17.85%

Solid Wastes Systems
Statement of Profit & Loss
For the Year Ended December 31, 2015

	Year End 2015	% of Revenue
SHOP LABOR EXPENSE		
Shop Wages	56,900.00	1.55%
Shop Wages - Overtime	3,600.00	0.10%
Payroll Taxes	5,000.00	0.14%
Uniforms	5,200.00	0.14%
Total Shop Labor	70,700.00	1.92%
VEHICLE OPERATING EXPENSES		
Fuel - Diesel	163,300.00	4.44%
Vehicle Licenses	14,500.00	0.39%
Tire Usage / R&M	125,400.00	3.41%
Outside Repairs	3,900.00	0.11%
Property Damage Expense		0.00%
Diversion Inventory Cost		0.00%
Total Vehicle Operating Expenses	307,100.00	8.35%
EQUIPMENT & FACILITY RENT		
Equipment Rental	240,200.00	6.53%
Facility Rent	300,000.00	8.15%
Utilities - Facility	16,500.00	0.45%
Building Maintenance & Supplies	5,800.00	0.16%
Property Taxes		0.00%
Other Facility Operating	9,700.00	0.26%
Equipment repairs and maintenance	15,900.00	0.43%
Diversion Inventory Cost		0.00%
Total Equipment & Facility Rent	588,100.00	15.98%
INSURANCE EXPENSE		
Insurance - General Liability	42,800.00	1.16%
Diversion Inventory Cost		0.00%
Total Insurance Expense	42,800.00	1.16%
OPERATING EXPENSES		
Operating Supplies	10,500.00	0.29%
Diversion Inventory Cost		0.00%
Total Operating Expenses	10,500.00	0.29%
TOTAL OPERATING EXPENSES	1,817,100.00	49.38%
ADMINISTRATIVE WAGES		
Wages - Regular - Admin	45,000.00	1.22%
Wages - Overtime - Admin		0.00%
Payroll Taxes - Admin	5,300.00	0.14%
Temp Wages - Admin		0.00%
Diversion Inventory Cost		0.00%
Total Administrative Wages	50,300.00	1.37%
ADMINISTRATIVE EXPENSES		
Telephone	11,200.00	0.30%
Office	26,700.00	0.73%
Postage	900.00	0.02%
Accounting	9,500.00	0.26%
Consulting / Professional	35,800.00	0.97%
Legal	52,600.00	1.43%
Bad Debt Expense	(200.00)	-0.01%
Advertising & Promotion	3,000.00	0.08%
Charitable Contributions	6,700.00	0.18%
Dues & Subscriptions	300.00	0.01%
Security	2,100.00	0.06%
Business License	100.00	0.00%
Permits	11,500.00	0.31%
Business property tax	2,000.00	0.05%
Diversion Inventory Cost		0.00%
Miscellaneous	21,900.00	0.60%
Administrative Expenses	184,100.00	5.00%
Total Admin Exp, including Wages	234,400.00	6.37%
Income From Operations - EBITDA	(67,000.00)	-1.82%

Solid Wastes Systems
Statement of Profit & Loss
For the Year Ended December 31, 2010

	Year End 2010	% of Revenue
SHOP LABOR EXPENSE		
Shop Wages	30,545.28	0.83%
Shop Wages - Overtime	1,917.43	0.05%
Payroll Taxes	2,685.16	0.07%
Uniforms	1,690.81	0.05%
Total Shop Labor	36,838.68	1.00%
VEHICLE OPERATING EXPENSES		
Fuel - Diesel	212,736.94	5.78%
Vehicle Licenses	18,413.71	0.50%
Tire Usage / R&M	105,378.60	2.86%
Outside Repairs	14,719.30	0.40%
Property Damage Expense	0.00	0.00%
Diversion Inventory Cost	813.40	0.02%
Total Vehicle Operating Expenses	352,061.95	9.57%
EQUIPMENT & FACILITY RENT		
Equipment Rental	240,608.41	6.54%
Facility Rent	300,000.00	8.15%
Utilities - Facility	16,099.06	0.44%
Building Maintenance & Supplies	10,942.83	0.30%
Property Taxes	0.00	0.00%
Other Facility Operating	138.60	0.00%
Diversion Inventory Cost	7,235.41	0.20%
Total Equipment & Facility Rent	575,024.31	15.63%
INSURANCE EXPENSE		
Insurance - General Liability	52,662.23	1.43%
Diversion Inventory Cost	481.23	0.01%
Total Insurance Expense	53,143.46	1.44%
OPERATING EXPENSES		
Operating Supplies	17,991.57	0.49%
Diversion Inventory Cost	97.95	0.00%
Total Operating Expenses	18,089.52	0.49%
TOTAL OPERATING EXPENSES	1,692,083.55	45.98%
ADMINISTRATIVE WAGES		
Wages - Regular - Admin	35,152.09	0.96%
Wages - Overtime - Admin	51.02	0.00%
Payroll Taxes - Admin	3,670.79	0.10%
Temp Wages - Admin	0.00	0.00%
Diversion Inventory Cost	1,835.46	0.05%
Total Administrative Wages	40,709.36	1.11%
ADMINISTRATIVE EXPENSES		
Telephone	15,115.81	0.41%
Office	20,141.20	0.55%
Postage	1,310.86	0.04%
Accounting	25,798.44	0.70%
Consulting / Professional	33,017.16	0.90%
Legal	12,795.44	0.35%
Bad Debt Expense	2,774.05	0.08%
Advertising & Promotion	10,084.17	0.27%
Charitable Contributions	839.69	0.02%
Dues & Subscriptions	902.23	0.02%
Security	1,024.00	0.03%
Business License	110.00	0.00%
Permits	15,917.69	0.43%
Diversion Inventory Cost	336.42	0.01%
Miscellaneous	13,787.73	0.37%
Administrative Expenses	153,954.89	4.18%
Total Admin Exp, including Wages	194,664.25	5.29%
Income From Operations - EBITDA	(422,702.38)	-11.49%

Solid Wastes Systems
Statement of Profit & Loss
For the Year Ended December 31, 2015

	Year End 2015	% of Revenue
OTHER INCOME (EXPENSES)		
Interest on Loans	(24,600.00)	-0.67%
Gain/loss derivative contract	1,900.00	
Amort Exp - Covenant	(121,200.00)	-3.29%
State Income Taxes	(900.00)	-0.02%
Interest income	17,400.00	0.47%
Total Other Income and Expenses	(127,400.00)	-3.46%
NET INCOME	(194,400.00)	-5.28%

Solid Wastes Systems
Statement of Profit & Loss
For the Year Ended December 31, 2010

	Year End 2010	% of Revenue
OTHER EXPENSES		
Interest on Loans	(73,810.19)	-2.01%
Amort Exp - Covenant	(130,514.52)	-3.55%
State Income Taxes	(1,760.00)	-0.05%
		0.00%
Total Other Income and Expenses	(206,084.71)	-5.60%
NET INCOME	(628,787.09)	-17.09%

Change of Disposal Site - CWS Computation

Disposal Facility Name	Quoted Tip Fee Per Ton	Round Trip Miles	Round Trip Time	Transportation Cost Per Trip \$95 / Hr	Transportation Cost Per Ton	Estimated TOTAL Disposal Cost Per Ton	Estimated Disposal Difference Per Ton
					21 Tons / Load		
Eastlake Landfill Clearlake, CA	\$41.37	136	3.5	\$332.50	\$15.83	\$57.20	Current Site
					22.5 Tons / Load		
Potrero Hills Landfill 3675 Potrero Hills Lane Suisun City, CA 94585	\$23.80	240	5.5	\$522.50	\$23.22	\$47.02	(\$10.18)

Fuel Change	Daly Gallons	Weekly Gallons	Yearly Gallons	June 2016 eia	Cost Per Year	Trips Per Year	Fuel Cost Per Trip	MPG	Fuel/Hr	
Eastlake	122.40	612.00	31,824.00	\$2.782	\$88,534.37	1114	\$79.47		\$22.71	62.2%
Potrero	174.50	872.50	45,370.00	\$2.782	\$126,219.34	1040	\$121.36	5.5	\$22.07	\$202,853.07
	52.10	260.50	13,546.00		\$37,684.97	Increase in Fuel Cost				\$39,606.07

Truck & Driver	Transportation Cost Per Trip	LESS: Fuel Cost Per Trip	Truck & Driver Cost Per Trip	Trips Per Year	Truck & Driver Cost Per Year	
Eastlake	\$332.50	(\$79.47)	\$253.03	1114	\$281,870.63	\$72.29
Potrero	\$522.50	(\$121.36)	\$401.14	1040	\$417,180.66	\$72.93
					\$135,310.03	Increase in Truck & Driver Cost

Tip Fee Change	Tip Fee Per Ton	Tons Per Yr	Tip Fee Per Year	
Eastlake	\$41.37	23,400.00	\$968,058.00	
Potrero	\$23.80	23,400.00	\$556,920.00	
			(\$411,138.00)	Decrease in Tip Fee Cost

Solid Wastes Systems, Inc.
Transfer Station Rate Schedule
Effective Date January, 2017

<u>Item</u>		Calculated		NEW	
		2016	2017	2017	
		Rate	FA	Rate	
<u>Item</u>		<u>Rate</u>	<u>Rate</u>	<u>Rounded *</u>	
MSW - Ton		\$81.20	\$92.88	\$92.90	This rate adjusted by 0% (effective rate)
MSW - Yard		\$19.10	\$21.20	\$21.20	This rate = 24.05% of per ton contractor gate fee PLUS per ton City & MSWMA fees divided by 5.54 (yards / ton)
Minimum Gate Fee - MSW	Up to 3 cans	\$9.55	\$10.60	\$10.60	This rate = MSW Yard fee / 2
Per Can Rate - 32 gallon	After 3 cans	\$3.20	\$3.53	\$3.55	This rate - Min Gate fee / 3
Green Waste - Ton		\$42.25	\$42.07	\$42.05	These rates adjusted by 0% (contractor rate)
Green Waste - Yard		\$6.20	\$6.17	\$6.15	
Minimum Gate Fee - Green Waste		\$6.10	\$6.07	\$6.05	
Mixed Load - Additional Charge		\$18.90	\$18.82	\$18.80	
Appliances		\$10.40	\$10.36	\$10.35	
Oil Filters - Small		\$0.35	\$0.35	\$0.35	
Oil Filters - Medium		\$0.65	\$0.65	\$0.65	
Oil Filters - Large		\$0.90	\$0.90	\$0.90	
Concrete - Ton		\$66.25	\$65.97	\$65.95	
Dirt - Ton		\$66.25	\$65.97	\$65.95	
Sheetrock - Clean		\$42.25	\$42.07	\$42.05	These rates adjusted by 0% (contractor rate)
Sheetrock - Dirty		\$66.25	\$65.97	\$65.95	
Tires - Bicycle		\$1.20	\$1.19	\$1.20	
Tires - Motorcycle		\$2.30	\$2.29	\$2.30	
Tires - Passenger Car		\$3.45	\$3.44	\$3.45	
Tires - Passenger Car with Rim		\$5.40	\$5.38	\$5.40	
Tires - Truck		\$7.35	\$7.32	\$7.30	
Tires - Truck with Rim		\$9.90	\$9.86	\$9.85	
Tires - Tractor		43.65 - 330.05	43.65 - 330.05	43.65 - 330.05	
E-Waste - Computers		No Charge	No Charge	No Charge	
E-Waste - Monitors		No Charge	No Charge	No Charge	
Scrap Metal		No Charge	No Charge	No Charge	

* Rates are rounded to the nearest five cents

SWS Transfer Station Agreement

		Cost/Rev	Adjustment Period	Adjustment Method	Index Used	Cost Group
1,2,4	Construction / Lease	\$2.36 / MSW ton	Annual	100% of index change	CPI - US Cities CPI-U	Base Rate as Adjusted
3	Construction / Lease	\$10.00 / MSW ton	Time to Time	Per City	N/A	Pass Through
1,2	Fuel		Annual	100% of index change	eia CA #2 Diesel Retail all sellers	Base Rate as Adjusted
	Disposal - Landfill		Time to Time	Per Landfill Agreement	N/A	Pass Through
9	Disposal - Processing		Time to Time	Per Processor Agreements	N/A	Pass Through
1,2	Operating Costs		Annual	100% of index change	CPI - US Cities CPI-U	Base Rate as Adjusted
	Per Ton Contractor Gate					
4	City Franchise Fee	\$2.00	Time to Time	Per City	N/A	Pass Through
4	MSWMA Fee	\$5.00	Time to Time	Per MSWMA	N/A	Pass Through
6,7,8	TOTAL GATE FEE					

Notes

- 1 Agreement should state mutually agreed upon Index if Index becomes unavailable
- 2 June to June change
- 3 Lease rate replaces construction rate January 1, 2017 - \$10.00 per ton MSW
- 4 Part of Construction rate left in gate rate to cover triple net lease costs (adjusts by CPI) starting January 1, 2017. i.e.. Prop tax, Insurance & R&M.
- 4 Agreement should state initial rate, subject to change by City / MSWMA action
- 5 Exhibit of calculation to be made part of agreement
- 6 SWS requests new rate by Aug 15, City approves by Oct 15, Pub Notice given by Nov 1, Adjusted Rate goes into effect following January 1.
- 7 Per Yard Gate Fee shall be equal to 24.05% of per ton contractor gate fee PLUS per ton City & MSWMA fees divided by 5.54 (MSWMA yards / ton)
- 8 Rate change is calculated as follows: % annual adjustment X actual prior year (July to June) component cost = new funds needed / total gate revenue
= % adjustment to gate rate.
- 9 Processing contract mutually agreed to with city - i.e. PRS grinding yard rate charged SWS for greenwaste.

City can direct SWS to implement other programs, provided the costs of such programs are covered through increased rates.

Trips	1114		
Miles per trip	136	240	176%
Miles	151504	249600	165%
Fuel cost	\$ 101,582.21	\$ 145,858.71	144%
Cost per mile	\$ 0.67	\$ 0.58	

Index for 2015	3.192	2.782
Gallons	31,824.00	52,429.44
Miles per gallon	4.76	4.76

Trips	1040	
Miles per trip	240	
Miles	249600	
Miles per gallon	4.76	-23640.3336
Gallons	52,429.44	
Fuel index	2.782	
Recalculated fuel c	145,858.71	
Fuel cost change	44,276.50	

Revenue - Jack	3391323
Revenue - Gordon	3326699
Difference	64623.31

Expenses - Jack	3299676
Expenses - Gordon	3279940
Difference	19735.78

Net - Jack	91646.81
Net - Gordon	46759.28
Difference	44887.53

RESOLUTION NO. 2016-**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH ADOPTING SOLID WASTE COLLECTION RATE SCHEDULE ADJUSTMENTS FOR FIVE YEAR PERIOD COMMENCING JANUARY 1, 2017- DECEMBER 31, 2021****WHEREAS:**

1. The City of Ukiah ("City") provides solid waste collection services to residents and businesses in the City through a First Amended and Restated Waste Collection Agreement ("Collection Agreement"), dated October 7, 2015, between the City and Ukiah Waste Solutions, Inc. ("Company"); and

2. Section 6.1 of the Collection Agreement adopted rates for the waste collection services described in Section 5 of the agreement and Section 6.2 provides for annual modification of those rates based on increases or decreases in the Consumer Price Index, the Fuel Index and Recycling Reduction and Pass-Through Costs. Pass-Through Costs include the cost of disposing of collected solid waste at the Ukiah Transfer Station; and

3. Section 6.4 of the Collection Agreement provides that every five years, beginning no later than April 2, 2016, for the rates effective on January 1, 2017, and every five years thereafter, the City shall conduct a review of the rates to determine whether the automatic annual adjustments adequately account for the actual increases or decreases in the Company's reasonable operating costs; and

4. In conducting the five year rate review the City may conduct such investigation as it deems appropriate and the Company must cooperate with that investigation which may include the inspection and copying of Company records and a Review or Audit of the Company's financial records by City retained Certified Public Accountant ("CPA"); and

5. In the Collection Agreement, the City and the Company have agreed that the five year rate review shall be conducted in accordance with the procedures and standards in Proposition 218 (California Constitution, Article 13D, Section 6); and

6. The City staff and its retained CPA conducted an investigation they deemed appropriate, including a review of the Company's financial statements, as reviewed by Moss Adams, LLP, a major national accounting firm, and other Company financial records; and

7. The results of the investigation and the staff's recommendations, including the data relied upon and the staff's analysis and recommendations, were summarized in the Agenda Summary Report for the City Council meeting on September 21, 2016, and have been publically available on the City's website at <http://www.cityofukiah.com/solidwastenotice/>; and

8. This same information is deemed a "City Manager's Report" and recommendation pursuant to Ukiah City Code Section 3952; and

9. Forty-seven days prior to the hearing scheduled for November 16, 2016, the City has provided direct mail notice, a true and correct copy of which is attached hereto as Exhibit A, to every owner of property in the City, as listed on the Mendocino County tax records, and every customer of curbside waste collection services in the City; and

10. The City Clerk has published notice in the Ukiah Daily Journal of the proposed rate adjustments in compliance with Ukiah City Code Section 3954; and

11. After conducting the hearing on November 16, 2016, the City received [REDACTED] written protests to the proposed rate schedule, which was less than 50% of the affected property owners; and

12. The City Council is scheduled to further consider the proposed rate adjustments at a hearing conducted pursuant to Ukiah City Code Section 3955 on December 7, 2016; and

13. After conducting the hearing on November 16, 2016, and considering all of the evidence, statements and arguments presented during the hearing and considering the written protests filed pursuant to Proposition 218, the City Council determined that the proposed initial rate schedule, attached hereto as Exhibit B ("Initial Rate Schedule") complies with Proposition 218 and that said rates provide reasonable rate adjustments which are fair to both the Company and the ratepayers;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ukiah hereby adopts the Initial Rate Schedule, as set forth in Exhibit B, subject to final consideration thereof at a hearing on December 7, 2016.

BE IT FURTHER RESOLVED that the rate schedule adopted by this Resolution shall be effective on January 1, 2017, unless otherwise ordered by the City Council on December 7, 2016. All prior rate schedules in conflict herewith are repealed upon the effective date of the new schedule. All other contract conditions for service remain unaltered and in full effect and the City Clerk shall cause the publication of this resolution in the Ukiah Daily Journal within 10 days following Council action on December 7, 2016, pursuant to the provisions of Section 3957 of the Ukiah City Code.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ukiah on the 7th day of December 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk

EXHIBIT A

City of Ukiah

**NOTICE OF PUBLIC HEARING ON PROPOSED SOLID WASTE COLLECTION AND DISPOSAL SERVICE
RATE SCHEDULE ADJUSTMENTS**

(Please share this information with tenants)

Hearing Date & Time: November 16, 2016 at 6:15 p.m. or as soon thereafter as possible

Hearing Location: City of Ukiah, Council Chambers

300 Seminary Avenue, Ukiah, CA 95482

The City of Ukiah City Council ("City") will conduct a public hearing on November 16, 2016 on proposed increases in the monthly solid waste collection and disposal (solid waste) rates applicable to all parcels in the City of Ukiah, including the parcel for which you are shown as the property owner of record based on the County of Mendocino 2015/2016 Secured Tax Roll, and/or at which you are shown as the customer billed for solid waste service. If adopted, the rate increases will be reflected on utility bills dated on or after January 1, 2017 and for bills issued on or after January 1, 2018, 2019, 2020 and 2021.

This Notice of Public Hearing provides information regarding the proposed rate adjustment to the City's solid waste collection and disposal service customers pursuant to the requirements of California Constitution Article XIII D Section 6 (commonly referred to as Proposition 218). The proposed rate adjustments will be presented to the City Council for consideration and possible adoption on November 16, 2016, commencing at 6:15 p.m. in the Council Chambers located at 300 Seminary Avenue. This notice also provides information on how rates are calculated, the reasons for the proposed rate adjustments, how customers can receive more information on the effect of the proposed rate adjustments on their solid waste collection and disposal service, and how to file a protest against the proposed rate adjustments. At the public hearing, the City Council will consider all written protests against the proposed fee or charge, and all other comments submitted in writing prior to the hearing or expressed during the hearing.

The Amount of the Fee Imposed on Each Parcel:

The proposed rate increase, as of January 2017, is 3.56% - 9.38%, depending on the size of the service received. During the next four years, including January 2018, January 2019, January 2020, and January 2021, the rates will increase or decrease based on the following changes to indexes and pass-through costs: (1) the percentage change in the Consumer Price Index, All Urban Consumers, U.S. City Average ("CPI") over the previous year, (2) the percentage change, June over June of the previous year, in the Energy Information Administration Petroleum & Other Liquids index over the base year ending June 30, 2015, (3) any changes to the gate fee at the Ukiah Transfer Station, (4) any changes to costs paid by the franchisee to process recyclables, and (5) changes in regulatory fees, all in accordance with the Contract for Collection, Transportation and Disposal of Garbage, Refuse and Rubbish and Recycling of Recyclable Materials from within the City of Ukiah ("Waste Collection Contract") between the City and Ukiah Waste Solutions, Inc., a private company. After the January 2017 rate increase, the rates will automatically increase or decrease each year in accordance with the Waste Collection Contract, which will be available for inspection at the Civic Center.

The following table indicates the existing and proposed monthly solid waste service rates for residential service to each parcel in the City of Ukiah, beginning January 1, 2017:

[illegible]

Notice of Public Hearing – Solid Waste Collection and Disposal Service Rate (continued)

The Reason for and Basis Upon Which the Fee Increase was Calculated:

The Waste Collection Contract requires a rate review every 5 years, beginning in 2016. The 3.56% - 9.38% rate increases were calculated after considering the franchisee's rate request, studying the reviewed financial statements and carefully evaluating the changes in fuel costs, the implementation of the mixed organic waste collection system, and other operating costs of Ukiah Waste Solutions for the period ending December 31, 2015. The proposed increase results primarily from a \$12/ton increase of the landfill closure surcharge on the gate fee at the Ukiah transfer station. The 9.83% increase in the fee for a 10-gallon service results from the need to recover the full cost of that service. Further detail on how these rates were calculated is available on the City's website at <http://www.cityofukiah.com>.

Submit a Written Protest: City Clerk, 300 Seminary Avenue, Ukiah, CA 95482

An owner or tenant of property receiving solid waste service from the City may protest the proposed solid waste collection and disposal rates by submitting a written protest by mail or in person to the City Clerk. Written protests must be received (not postmarked) by the City Clerk before or during the public hearing. Any protest submitted by e-mail or other electronic means will not be accepted. To be valid, protests must be signed by the property owner or tenant, and must identify the property by street address or Mendocino County Assessor's Parcel Number of the property receiving solid waste service. Only one written protest per identified parcel or property will be counted for purposes of determining whether there is a majority protest. In accordance with California Constitution, Article 13D, Section 6(a)(2), if, by the close of the public hearing, written protests against the proposed solid waste collection and disposal rates are filed by a majority of the affected property owners, the City Council will not approve the proposed solid waste rates. The City reserves the right to verify whether any person filing a protest is an owner or a renter legally obligated to pay the fee. To assist with this verification, the City requests inclusion of the applicable utility account number on the protest.

EXHIBIT B

**CURBSIDE SOLID WASTE COLLECTION
INITIAL RATE SCHEDULE, EFFECTIVE
January 1, 2017**

Service Level	2017 Rate
Curbside Service	
No Service & 10 gallon can rate	\$ 5.25
20 gallon can rate	\$ 10.48
32 gallon can rate	\$ 18.82
68 gallon can rate	\$ 44.47
95 gallon can rate	\$ 62.65
Other combinations - rate per gallon	\$ 0.73
1 yard bin rate	\$ 124.55
1.5 yard bin rate	\$ 147.17
2 yard bin rate	\$ 196.25
3 yard bin rate	\$ 294.35
4 yard bin rate	\$ 392.47
6 yard bin rate	\$ 588.71
Packout Service	
10 gallon can rate	\$ 7.69
20 gallon can rate	\$ 13.15
32 gallon can rate	\$ 23.06
68 gallon can rate	\$ 54.16
95 gallon can rate	\$ 78.24
Other combinations - rate per gallon	\$ 0.84
Remote Area Service	
Add to the Packout Service rate.	\$ 7.69
In areas with limited access, an additional fee is charged to fund the costs of special equipment and special handling necessary to provide garbage pickup services. This fee is in addition to the "Packout Service" fee listed in this schedule.	
Commercial / Multi-Family Service	
10 gallon can rate	\$ 5.45
20 gallon can rate	\$ 10.87
32 gallon can rate	\$ 19.54
68 gallon can rate	\$ 46.18
95 gallon can rate	\$ 65.08
1 yard bin rate	\$ 124.55
1.5 yard bin rate	\$ 147.17
2 yard bin rate	\$ 196.25
3 yard bin rate	\$ 294.35
4 yard bin rate	\$ 392.47
6 yard bin rate	\$ 588.71

**Ukiah Waste Solutions Curbside Rate
Annual Adjustment Calculations
Effective Date January, 2017
Using 2015 Year Data**

Gate fee @ \$92.90/ton, including Transfer Station surcharge increase of \$12.00

Comparison Year Costs		Index	Increase / Decrease Allowed	
TOTAL COSTS	<u>\$3,104,807.31</u>			
Less: Fuel Cost	\$161,619.67	Fuel	(20,751.97)	
Less Disposal Fees - Garbage	\$834,295.54	SWS TS Gate	120,221.99	a \$ 11.70 change
5% Diversion of MOW (507 tons)			(41,168.40)	
Less Disposal Fees - Mixed Organic Waste	\$53,177.98	Negotiated	20,409.71	
Gate fee for MOW diversion (507 tons)			21,047.14	
Less City Landfill Closure Costs	\$60,000.00	Set by City	0.00	
Less City Commercial Oversight fee	\$9,999.96	Set by City	0.00	
Collection Costs before Recycle Credit	<u>\$1,985,714.16</u>			
Recycle Credit	\$0.00		(17,234.05)	
Change in Franchise Fee & Billing Costs			15,518.18	
Collection COSTS Subject to CPI adj.	<u>\$1,985,714.16</u>	CPI	20,055.71	
			<u>118,098.31</u>	TOTAL

Revenue base	Residential	Commercial	Roll Off	Total Revenue
	26.89%	66.32%	6.79%	100.00%
2016 Comparison Year Revenue	<u>\$885,313.25</u>	<u>\$2,183,651.40</u>	<u>\$223,687.95</u>	<u>\$3,292,652.60</u>
Fuel Cost	(\$5,579.69)	(\$13,762.48)	(\$1,409.79)	(\$20,751.96)
Disposal Fees - MOW	\$5,487.67	\$13,535.50	\$1,386.54	\$20,409.71
Gate fee for MOW diversion (507 tons)	\$5,659.06	\$13,958.23	\$1,429.85	\$21,047.14
5% Diversion of MOW (507 tons)	(\$11,069.17)	(\$27,302.44)	(\$2,796.80)	(\$41,168.41)
Recycle Credit	(\$4,633.81)	(\$11,429.43)	(\$1,170.80)	(\$17,234.04)
Landfill closure cost	\$0.00	\$0.00	\$0.00	\$0.00
Commercial Oversight fee	\$0.00	\$0.00	\$0.00	\$0.00
Other Regulatory & Governmental Costs	\$0.00	\$0.00	\$0.00	\$0.00
Disposal Fees - Garbage	\$32,324.73	\$79,729.92	\$8,167.34	\$120,221.99
CPI adjustment	\$5,392.49	\$13,300.73	\$1,362.49	\$20,055.71
Total before franchise and billing fees	\$912,894.53	\$2,251,681.43	\$230,656.78	\$3,395,232.74
Franchise Fee	\$4,058.93	\$9,658.11	\$989.35	\$14,706.39
Billing Fee	\$811.79	\$0.00	\$0.00	\$811.79
Adjusted revenue	<u>\$917,765.25</u>	<u>\$2,261,339.54</u>	<u>\$231,646.13</u>	<u>\$3,410,750.92</u>
Revenue Adjustment	<u>\$32,452.00</u>	<u>\$77,688.14</u>	<u>\$7,958.18</u>	<u>\$118,098.32</u>

Rate adjustment as a percent	3.59%
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**Ukiah Waste Solutions Curbside Rate
Annual Adjustment Calculations
Effective Date January, 2017
Using 2015 Year Data**

Fuel - June to June (Fuel Index)

June 2015	June 2016	Index Increase (Decrease)
\$3.192	\$2.782	-\$0.410
		Fuel % Change
		-12.84%

CPI - June to June (Index)

June 2015	June 2016	Index Increase (Decrease)
238.638	241.038	2.400
		CPI % Change
		1.01%

Transfer Station Fee (Disposal Fees - Garbage) Jan to Jan

January 2016	January 2017	Increase (Decrease)
Landfill surcharge	\$12.00	
Change for operations	(\$0.30)	
\$81.20	\$92.90	11.700
		Transfer Station Fee % Change
		14.41%

Mixed Organic Waste Disposal Fee (Disposal - Green Waste) Jan to Jan

January 2016	January 2017	Increase (Decrease)
\$30.00	\$41.51	\$ 11.51
		Disposal Fee - Green Waste % Change
		38.38%

Landfill Closure Costs Jan to Jan

January 2016	January 2017	Increase (Decrease)
\$60,000.00	\$60,000.00	\$ -
		Landfill Closure Costs % Change
		0.00%

Commercial Oversight Fee Jan to Jan

January 2016	January 2017	Increase (Decrease)
\$10,000.00	\$10,000.00	\$ -
		Commercial Oversight Fee % Change
		0.00%

Recycle Credit June to June

	Tons	Value/Ton	Credit
June 2016	3,446.81	\$5.00	\$ 17,234.05
			Recycle Credit
			\$ 17,234.05

City Franchise Fee	15%	City Billing Fee - Residential Customers	3%
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Ukiah Waste Solutions, Inc.

2017 RATE ADJUSTMENT

Gate Fee @ \$92.90, including Transfer Station surcharge increase of \$12.00

2017 Adjustment

Final Adjustment

\$118,098.32

% Rate Adjustment

3.59%

Revenue base

Residential
Commercial
Roll Off
Total Revenue base

Comparison Year Revenue	Adjusted FA 2016 Revenue
\$885,313.25	\$917,096.00
\$2,183,651.40	\$2,262,044.49
\$223,687.95	\$231,718.35
\$3,292,652.60	\$3,410,858.83

SUMMARY OF RATE ADJUSTMENT FOR STANDARD SERVICES

YEAR 2017 Service Level	Current 2016 Rate	New 2017 Rate	Effective Percentage Adjustment	Total Monthly Adjustment	Rate Per Gallon / Yard
Curbside Service					
No Service & 10 gallon can rate	\$ 4.80	\$ 5.25	9.38%	\$ 0.45	\$ 0.525
20 gallon can rate	\$ 10.12	\$ 10.48	3.56%	\$ 0.36	\$ 0.524
32 gallon can rate	\$ 18.17	\$ 18.82	3.58%	\$ 0.65	\$ 0.588
68 gallon can rate	\$ 42.93	\$ 44.47	3.59%	\$ 1.54	\$ 0.654
95 gallon can rate	\$ 60.48	\$ 62.65	3.59%	\$ 2.17	\$ 0.659
Other combinations - rate per gallon	\$ 0.70	\$ 0.73	4.29%	\$ 0.03	\$ 0.730
1 yard bin rate	\$ 120.23	\$ 124.55	3.59%	\$ 4.32	\$ 124.55
1.5 yard bin rate	\$ 142.07	\$ 147.17	3.59%	\$ 5.10	\$ 98.11
2 yard bin rate	\$ 189.45	\$ 196.25	3.59%	\$ 6.80	\$ 98.13
3 yard bin rate	\$ 284.15	\$ 294.35	3.59%	\$ 10.20	\$ 98.12
4 yard bin rate	\$ 378.87	\$ 392.47	3.59%	\$ 13.60	\$ 98.12
6 yard bin rate	\$ 568.31	\$ 588.71	3.59%	\$ 20.40	\$ 98.12
Packout Service					
10 gallon can rate	\$ 7.42	\$ 7.69	3.64%	\$ 0.27	\$ 0.769
20 gallon can rate	\$ 12.69	\$ 13.15	3.62%	\$ 0.46	\$ 0.658
32 gallon can rate	\$ 22.26	\$ 23.06	3.59%	\$ 0.80	\$ 0.721
68 gallon can rate	\$ 52.28	\$ 54.16	3.60%	\$ 1.88	\$ 0.796
95 gallon can rate	\$ 75.53	\$ 78.24	3.59%	\$ 2.71	\$ 0.824
Other combinations - rate per gallon	\$ 0.81	\$ 0.84	3.70%	\$ 0.03	\$ 0.840
Remote Area Service					
Add to the Packout Service rate.	\$ 7.42	\$ 7.69	3.64%	\$ 0.27	N/A
In areas with limited access, an additional fee is charged to fund the costs of special equipment and special handling necessary to provide garbage pickup services. This fee is in addition to the "Packout Service" fee listed in this schedule.					
Commercial / Multi-Family Service					
10 gallon can rate	\$ 5.01	\$ 5.45	8.78%	\$ 0.44	\$ 0.545
20 gallon can rate	\$ 10.49	\$ 10.87	3.62%	\$ 0.38	\$ 0.544
32 gallon can rate	\$ 18.86	\$ 19.54	3.61%	\$ 0.68	\$ 0.611
68 gallon can rate	\$ 44.58	\$ 46.18	3.59%	\$ 1.60	\$ 0.679
95 gallon can rate	\$ 62.82	\$ 65.08	3.60%	\$ 2.26	\$ 0.685
1 yard bin rate	\$ 120.23	\$ 124.55	3.59%	\$ 4.32	\$ 124.55
1.5 yard bin rate	\$ 142.07	\$ 147.17	3.59%	\$ 5.10	\$ 98.11
2 yard bin rate	\$ 189.45	\$ 196.25	3.59%	\$ 6.80	\$ 98.13
3 yard bin rate	\$ 284.15	\$ 294.35	3.59%	\$ 10.20	\$ 98.12
4 yard bin rate	\$ 378.87	\$ 392.47	3.59%	\$ 13.60	\$ 98.12
6 yard bin rate	\$ 568.31	\$ 588.71	3.59%	\$ 20.40	\$ 98.12

Recycle Credit Analysis

2015	Tons
Jul	271.08
Aug	267.38
Sep	264.86
Oct	270.22
Nov	281.71
Dec	323.02

2016	
Jan	308.39
Feb	278.95
Mar	336.72
Apr	263.66
May	282.03
Jun	298.79

Curbside	3,446.81	Tons
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2015-16	\$102.07	Annual average actual market price
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Recycle Credit 2016 \$17,234.05

UWS disposal rate for MOW

Current 2016 Tip Fee	\$30.00
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Plus:

Cold Creek Compost Increase	\$10.00
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Push Wall Construction	\$1.51
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New MOW Tip Fee	\$41.51
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Push Wall Construction	\$17,267.26
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Divide by 5 year payout	\$3,453.45
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2015 GW tons	1,775.38
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Additional MOW diversion	507.00
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Total adjusted tons	2,282.38
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Divide by 2015 GW Tons + adjustment	\$1.51
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Ukiah Waste Solutions Curbside Agreement

		Cost/Rev	Adjustment Period	Adjustment Method	Index Used	Cost Group
1,2	Fuel		Annual	100% of index change	eia Ca #2 Diesel Retail all sellers	Base Rate as Adjusted
	Disposal - Solid Waste		Time to Time	Per TS (SWS) Agreement	N/A	Pass Through
1,2	Operations (all other costs)		Annual	100% of index change	CPI - US Cities CPI-U	Base Rate as Adjusted
3	Recycle Reduction		Annual	Per Recycle Agreement	Rec Market Value Grid - \$5 base	Operating Cost Reduction
1,2	Green Waste Disposal	\$30 / Ton	Annual	Up to CPI (Contractor Choice)	CPI - US Cities CPI-U	Base Rate as Adjusted
1,2,8	Food Waste Disposal (Comm)	Up to \$40 / ton	Annual	Up to CPI (Contractor Choice)	CPI - US Cities CPI-U	Base Rate as Adjusted
4	City Franchise Fee	15%	Time to Time	City Action	N/A	Pass Through
4	City Bill Fee	3%	Time to Time	City Action	N/A	Pass Through
4	City Oversight Fee	\$10,000.00	Time to Time	City Action	N/A	Pass Through
4	City Landfill Closure Fee	\$60,000.00	Time to Time	City Action	N/A	Pass Through
6,9	TOTAL NET COST					

Notes

- 1 Agreement should state mutually agreed upon Index if Index becomes unavailable
- 2 June to June change
- 3 Recycle Agreement with PRS renewable every 5 years with Base Market Value per mixed ton to provide for Rev sharing with City (reduction of operating costs).
- 4 Agreement should state initial rate, subject to change by City action
- 5 Exhibit of calculation to be made part of agreement
- 6 UWS requests new rate by Aug 15, City approves by Oct 15, Pub Notice given by Nov 1, Adjusted Rate goes into effect following January 1.
- 7 Agreement must provide for City Flow Control with language that directs flow to contractor facilities when available.
- 8 FOOD WASTE - UWS will implement a pilot and or full commercial food waste program in place by June 2013 provided proper permits can be obtained
Details still to be worked out.
- 9 Rate change is calced as follows: % annual adjustment X actual prior year (July to June) actual component cost = new funds needed / collection revenue
= % adjustment per rate. New cost adj dollars (fuel, disposal, city fees etc..) need to be adjusted for city fees - CPI adj does not.

RE-OPENER - the contract should have a mutual re-opener for other new items

Ukiah Waste Solutions, Inc.
Statement of Profit & Loss
For The Year Ended December 31, 2015

	UWS	
	Profit & Loss	% of
	Y/E 12/31/10	Revenue
Revenue		
Residential	885,300.00	26.36%
Commercial	2,183,700.00	65.02%
Roll-Off	223,700.00	6.66%
Recycling	53,100.00	1.58%
Misc. Income	12,900.00	0.38%
Total Revenue	3,358,700.00	100.00%
Cost of Goods Sold		
Franchise fees	478,800.00	14.26%
Disposal Fees MSW	880,700.00	26.22%
Disposal Fees Greenwaste	53,200.00	
Landfill Closure Costs	60,000.00	1.79%
Billing Fee - City of Ukiah	26,600.00	0.79%
Commercial Oversight - City of Ukiah	10,000.00	0.30%
Hauling	100.00	0.00%
Total Cost of Goods Sold	1,509,400.00	44.94%
Gross Margin	1,849,300.00	55.06%

Ukiah Waste Solutions, Inc.
Statement of Profit & Loss
For The Year Ended December 31, 2015

	UWS	
	Profit & Loss	% of
Labor Expense		
Wages	363,600.00	10.83%
Vacation / Sick Pay		0.00%
Payroll Taxes	35,100.00	1.05%
Health Insurance	77,500.00	2.31%
Health Savings Acct (HSA)	6,700.00	0.20%
Worker's Comp	47,600.00	1.42%
Uniforms	1,900.00	0.06%
Drug Screens	1,000.00	0.03%
Outside Labor	3,200.00	0.10%
Total Labor Expense	536,600.00	15.98%
Shop Labor Expense		
Wages	95,300.00	2.84%
Wages - Overtime	10,900.00	0.32%
Payroll Taxes	9,200.00	0.27%
Uniforms	2,000.00	0.06%
Total Shop Labor	117,400.00	3.50%
Vehicle Operating Expenses		
Fuel - Diesel	161,600.00	4.81%
Vehicle Licenses	11,800.00	0.35%
Tire Usage / R&M	83,900.00	2.50%
Outside Repairs	3,100.00	0.09%
Property Damage Expense		0.00%
Total Vehicle Operating Expense	260,400.00	7.75%
Equipment & Facility Rent		
Equipment Rental	345,200.00	10.28%
Facility Rent	65,700.00	1.96%
Utilities - Facility	5,000.00	0.15%
Building & Maint. Supplies	4,100.00	0.12%
Other facility operating	1,200.00	0.04%
Equipment repairs and maintenance	6,100.00	0.18%
Total Equipment Rent	427,300.00	12.72%
Insurance Expense		
General Liability	37,500.00	1.12%
Total Insurance Expense	37,500.00	1.12%
Other Operating Expenses		
Operating Supplies	7,200.00	0.21%
	7,200.00	0.21%
Total Operating Expenses	1,386,400.00	41.28%

Printed 11/10/2016

Ukiah Waste Solutions, Inc.
Statement of Profit & Loss
For The Year Ended December 31, 2015

	UWS	
	Profit & Loss	% of
Administrative Wages		
Wages	56,200.00	1.67%
Wages - Overtime		0.00%
Payroll Taxes	4,500.00	0.13%
Group Insurance		0.00%
Temp Wages - Admin		0.00%
Total Administrative Wages	60,700.00	1.81%
Other Administrative Expenses		
Telephone	11,100.00	0.33%
Office	20,600.00	0.61%
Postage	800.00	0.02%
Accounting	9,600.00	0.29%
Consulting / Professional	26,300.00	0.78%
Legal	38,900.00	1.16%
Bad Debt Expense	2,600.00	0.08%
Advertising & Promotion	4,200.00	0.13%
Charitable Contributions	3,900.00	0.12%
Dues & Subscriptions	200.00	0.01%
Security	100.00	0.00%
Business License	1,000.00	0.03%
Permits	1,400.00	0.04%
Business property tax	5,400.00	0.16%
Miscellaneous	22,200.00	0.66%
Total Admin Expenses	148,300.00	4.42%
Total Admin Expenses, incl. wages	209,000.00	6.22%
Income from Operations (EBITDA)	253,900.00	7.56%
Other Expenses		
Interest on Loans	24,500.00	0.73%
Deprec. Exp - Collection Vehicles	(1,800.00)	-0.05%
Amortization Exp - Org Costs	118,000.00	3.51%
Amortization Exp - Covenants		0.00%
State Income Taxes	900.00	0.03%
Interest income	(15,800.00)	-0.47%
Total Other Expenses	125,800.00	3.75%
Net Income / (Loss)	128,100.00	3.81%

Ukiah Waste Solutions, Inc.
Statement of Profit & Loss
For The Year Ended December 31, 2010

	UWS	
	Profit & Loss	% of
	Y/E 12/31/10	Revenue
Revenue		
Residential	806,433.60	24.01%
Commercial	1,856,695.20	55.28%
Roll-Off	75,811.40	2.26%
Recycling	41,755.91	1.24%
Misc. Income	27,610.18	0.82%
Total Revenue	2,808,306.29	83.61%
Cost of Goods Sold		
	403,341.40	12.01%
Disposal Fees MSW	693,250.45	20.64%
Disposal Fees Greenwaste	72,000.00	
Landfill Closure Costs	60,000.00	1.79%
Billing Fee - City of Ukiah	24,177.67	0.72%
Commercial Oversight - City of Ukiah	9,999.96	0.30%
Hauling	383.08	0.01%
Total Cost of Goods Sold	1,263,152.56	37.61%
Gross Margin	1,545,153.73	46.00%

Ukiah Waste Solutions, Inc.
Statement of Profit & Loss
For The Year Ended December 31, 2010

	UWS	
	Profit & Loss	% of
Labor Expense		
Wages	338,481.84	10.08%
Vacation / Sick Pay	(4,829.20)	-0.14%
Payroll Taxes	28,753.78	0.86%
Health Insurance	78,387.99	2.33%
Health Savings Acct (HSA)	7,265.92	0.22%
Worker's Comp	29,493.12	0.88%
Uniforms	1,108.25	0.03%
Drug Screens	1,060.12	0.03%
Outside Labor	2,849.93	0.08%
Total Labor Expense	482,571.75	14.37%
Shop Labor Expense		
Wages	84,858.42	2.53%
Wages - Overtime	12,215.22	0.36%
Payroll Taxes	8,492.62	0.25%
Uniforms	1,630.46	0.05%
Total Shop Labor	107,196.72	3.19%
Vehicle Operating Expenses		
Fuel - Diesel	200,641.15	5.97%
Vehicle Licenses	13,539.13	0.40%
Tire Usage / R&M	70,142.16	2.09%
Outside Repairs	7,169.90	0.21%
Property Damage Expense	3,122.27	0.09%
Total Vehicle Operating Expense	294,614.61	8.77%
Equipment & Facility Rent		
Equipment Rental	326,521.88	9.72%
Facility Rent	66,210.29	1.97%
Utilities - Facility	3,553.45	0.11%
Building & Maint. Supplies	2,476.39	0.07%
Equipment repairs and maintenance	0.00	0.00%
Total Equipment Rent	398,762.01	11.87%
Insurance Expense		
General Liability	60,412.85	1.80%
Total Insurance Expense	60,412.85	1.80%
Other Operating Expenses		
Operating Supplies	12,690.95	0.38%
	12,690.95	0.38%
Total Operating Expenses	1,356,248.89	40.38%

Ukiah Waste Solutions, Inc.
Statement of Profit & Loss
For The Year Ended December 31, 2010

	UWS	
	Profit & Loss	% of
Administrative Wages		
Wages	54,919.62	1.64%
Wages - Overtime	51.02	0.00%
Payroll Taxes	4,790.02	0.14%
Group Insurance	0.00	0.00%
Temp Wages - Admin	0.00	0.00%
Total Administrative Wages	59,760.66	1.78%
Other Administrative Expenses		
Telephone	13,325.93	0.40%
Office	11,168.28	0.33%
Postage	1,310.83	0.04%
Accounting	22,379.99	0.67%
Consulting / Professional	28,894.48	0.86%
Legal	18,270.10	0.54%
Bad Debt Expense	5,204.07	0.15%
Advertising & Promotion	4,555.86	0.14%
Charitable Contributions	3,792.39	0.11%
Dues & Subscriptions	1,484.69	0.04%
Security	47.32	0.00%
Business License	1,000.26	0.03%
Permits	2,826.55	0.08%
Miscellaneous	25,957.61	0.77%
Total Admin Expenses	140,218.36	4.17%
Total Admin Expenses, incl. wages	199,979.02	5.95%
Income from Operations (EBITDA)	(11,074.18)	-0.33%
Other Expenses		
Interest on Loans	74,075.83	2.21%
Deprec. Exp - Collection Vehicles	0.00	0.00%
Amortization Exp - Org Costs	0.00	0.00%
Amortization Exp - Covenants	126,812.76	3.78%
State Income Taxes	160.00	0.00%
Interest income		0.00%
Total Other Expenses	201,048.59	5.99%
Net Income / (Loss)	(212,122.77)	-6.32%

Ukiah Waste Solutions, Inc.
Rate Comparison

Jurisdiction	Monthly Rate	
	32-Gal Cart	2 Yard Bin
City of Ukiah	\$18.17	\$189.45
City of Willits	\$22.45	\$261.66
Brooktrails	\$31.79	\$272.71
City of Cloverdale	\$21.94	\$215.71
City of Lakeport	\$21.98	\$386.00
City of Fort Bragg	\$31.18	\$311.61
County of Mendocino Inland WM	\$22.75	\$275.55
County of Mendocino Coastal WM	\$24.32	\$288.77
County of Mendocino North SWOW	\$42.06	\$357.05
County of Mendocino South Coast SWOW	\$37.93	\$353.55
Proposed 2017 City of Ukiah Rate	\$18.82	\$196.25

Ukiah Waste Solutions, Inc.
2017 RATE ADJUSTMENT OVERVIEW

COMPARISON OF RATE ADJUSTMENT WITH SURCHARGE ALTERNATIVES

YEAR 2017	Current 2016 Rate	2017 Rate No Surcharge	2017 Rate \$10 Surcharge	2017 Rate \$11 Surcharge	2017 Rate \$12 Surcharge
Service Level					
<u>Curbside Service</u>					
No Service & 10 gallon can rate	\$ 4.80	\$ 5.00	\$ 5.20	\$ 5.20	\$ 5.25
20 gallon can rate	\$ 10.12	\$ 10.03	\$ 10.41	\$ 10.45	\$ 10.48
32 gallon can rate	\$ 18.17	\$ 18.01	\$ 18.69	\$ 18.76	\$ 18.82
68 gallon can rate	\$ 42.93	\$ 42.56	\$ 44.15	\$ 44.31	\$ 44.47
95 gallon can rate	\$ 60.48	\$ 59.96	\$ 62.20	\$ 62.43	\$ 62.65
Other combinations - rate per gallon	\$ 0.70	\$ 0.69	\$ 0.72	\$ 0.72	\$ 0.73
1 yard bin rate	\$ 120.23	\$ 119.20	\$ 123.66	\$ 124.10	\$ 124.55
1.5 yard bin rate	\$ 142.07	\$ 140.85	\$ 146.12	\$ 146.64	\$ 147.17
2 yard bin rate	\$ 189.45	\$ 187.82	\$ 194.85	\$ 195.55	\$ 196.25
3 yard bin rate	\$ 284.15	\$ 281.71	\$ 292.25	\$ 293.30	\$ 294.35
4 yard bin rate	\$ 378.87	\$ 375.61	\$ 389.67	\$ 391.07	\$ 392.47
6 yard bin rate	\$ 568.31	\$ 563.42	\$ 584.51	\$ 586.61	\$ 588.71
<u>Packout Service</u>					
10 gallon can rate	\$ 7.42	\$ 7.36	\$ 7.63	\$ 7.66	\$ 7.69
20 gallon can rate	\$ 12.69	\$ 12.58	\$ 13.05	\$ 13.10	\$ 13.15
32 gallon can rate	\$ 22.26	\$ 22.07	\$ 22.89	\$ 22.98	\$ 23.06
68 gallon can rate	\$ 52.28	\$ 51.83	\$ 53.77	\$ 53.96	\$ 54.16
95 gallon can rate	\$ 75.53	\$ 74.88	\$ 77.68	\$ 77.96	\$ 78.24
Other combinations - rate per gallon	\$ 0.81	\$ 0.80	\$ 0.83	\$ 0.84	\$ 0.84
<u>Remote Area Service</u>					
Add to the Packout Service rate.	\$ 7.42	\$ 7.36	\$ 7.63	\$ 7.66	\$ 7.69
In areas with limited access, an additional fee is charged to fund the costs of special equipment and special handling necessary to provide garbage pickup services. This fee is in addition to the "Packout Service" fee listed in this schedule.					
<u>Commercial / Multi-Family Service</u>					
10 gallon can rate	\$ 5.01	\$ 5.20	\$ 5.40	\$ 5.40	\$ 5.45
20 gallon can rate	\$ 10.49	\$ 10.40	\$ 10.79	\$ 10.83	\$ 10.87
32 gallon can rate	\$ 18.86	\$ 18.70	\$ 19.40	\$ 19.47	\$ 19.54
68 gallon can rate	\$ 44.58	\$ 44.20	\$ 45.85	\$ 46.02	\$ 46.18
95 gallon can rate	\$ 62.82	\$ 62.28	\$ 64.61	\$ 64.84	\$ 65.08
1 yard bin rate	\$ 120.23	\$ 119.20	\$ 123.66	\$ 124.10	\$ 124.55
1.5 yard bin rate	\$ 142.07	\$ 140.85	\$ 146.12	\$ 146.64	\$ 147.17
2 yard bin rate	\$ 189.45	\$ 187.82	\$ 194.85	\$ 195.55	\$ 196.25
3 yard bin rate	\$ 284.15	\$ 281.71	\$ 292.25	\$ 293.30	\$ 294.35
4 yard bin rate	\$ 378.87	\$ 375.61	\$ 389.67	\$ 391.07	\$ 392.47
6 yard bin rate	\$ 568.31	\$ 563.42	\$ 584.51	\$ 586.61	\$ 588.71



ITEM NO.: 12a

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: AUTHORIZE EXECUTION OF AMENDMENT TO THE AGREEMENT WITH GHD IN AN AMOUNT NOT TO EXCEED \$130,746 FOR SUPPLEMENTAL DESIGN SERVICES FOR THE REDWOOD BUSINESS PARK TRANSPORTATION IMPROVEMENTS AND THE TALMAGE INTERCHANGE PROJECTS AND APPROVE BUDGET AMENDMENT

Summary: City Council will consider authorizing an amendment to the professional services agreement with GHD for supplemental services for the Redwood Business Park Transportation Improvements and the Talmage Interchange Projects. City Council will also consider authorizing a budget amendment for the additional services.

Background and Discussion: Staff has been working with GHD to finalize the plans and bid documents for the Redwood Business Park Transportation Improvements and the Talmage Interchange Projects. Preliminary design work began in March 2010. Since then, various elements of the design work have been analyzed. Staff has requested additional items to be included in the final design of the projects. These additional items include: Airport Park Boulevard pavement reconstruction design; corresponding Low Impact Development design triggered by the pavement reconstruction; modification of the traffic signal design to include GridSmart video detection systems at Airport Park Boulevard and Commerce Drive and at S. State Street and Hastings Avenue / Washington Avenue; an update of the specifications to match the most current version of the City's standard specifications; and bid period support. Since these work tasks are not included in GHD's current scope of work, staff requested a proposal (Attachment #1) to complete the supplemental design work. Staff recommends approval of this amendment along with approval of the budget amendment so that the City's consultant will remain on task to complete the plans and bid documents for the City's project. Staff reviewed the proposal for the additional work and found the proposed fee of \$130,746 to be commensurate with the scope of work.

FISCAL IMPACT:				
Budget Amendment Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$130,746	Engineering Reserve for Projects	#25024210.80230	Yes ☒ No ☐	#1213-142

RECOMMENDED ACTION(S): Authorize execution of amendment to the agreement with GHD in an amount not to exceed \$130,746 for supplemental design services for the Redwood Business Park Transportation Improvements and the Talmage Interchange Projects and approve budget amendment.

ALTERNATIVES: Choose not to approve recommended action and provide direction to staff.

Citizens advised: Matt Kennedy, GHD
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Contact/Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works / City Engineer
Attachment: 1. GHD proposal dated November 4, 2016

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



November 4, 2016

Reference No. 8490078/8410035

Tim Eriksen
Public Works Director / City Engineer
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Re: Proposal for Professional Engineering Services: Supplemental Design Services for the Redwood Business Park Transportation Improvements and Talmage Road Interchange Projects, Ukiah, CA

Dear Mr. Eriksen:

GHD is pleased to provide this proposal for professional engineering services for additional design efforts and coordination on the Redwood Business Park Transportation Improvements and Talmage Road Interchange Projects (Agreement dated March 9, 2010). This proposal is based on our recent discussions regarding design revisions, additional project elements to be included, assisting with and coordinating right-of-way needs, and coordination with other consultants. Also as requested is the inclusion of bid period services for the Redwood Business Park Transportation Improvements.

Background

These projects began preliminary design in March 2010, and have since undergone a number of alterations and alternatives investigating various elements of the Redwood Business Park area, including bicycle connectivity, use of roundabouts, pavement reconstruction options, and signal improvements. Additional project coordination was also needed for the Costco project and Caltrans. The designs for a new sewer main, road widening, Talmage Road interchange options and other items were included but later removed. The environmental review process for both the Costco project and Talmage Road Interchange project also contributed to the overall schedule.

The Final plans, technical specifications and opinion of probable cost for the Redwood Business Park Transportation Improvements project are complete and the final deliverable is ready to be provided to the City to advertise for bids. These bid documents were prepared in close coordination with the City, and include all of the confirmed project elements. The 95% design submittal for the Talmage Road Interchange project is currently being reviewed by Caltrans and the City.

This proposed Scope of Services includes additional design services and coordination requested by the City for the Redwood Business Park Transportation Improvements and Talmage Road Interchange Projects. These services include previous authorized out-of-scope design revisions, ongoing coordination, inclusion of pavement reconstruction design for Airport Park Boulevard, inclusion of Low Impact Development (LID) design for Airport Park Boulevard, and bid phase services for the Redwood Business Park Transportation Improvements project. A key goal of this scope of services is to finalize the design of the Redwood Business Park Transportation Improvements project and deliver construction documents for bidding.



Redwood Business Park (RBP) Transportation Improvements Project

Task 1. Coordination and Final Design Revisions

This task includes additional design and coordination efforts GHD has performed and is in the process of completing for the Redwood Business Park Transportation Improvements Project, as well as previous and on-going project coordination:

- The City retained a consultant to design improvements on Washington Avenue at South State Street. These improvements include new ADA ramps, pedestrian pushbuttons, and new paving. The improvements overlap with the Redwood Business Park Transportation Improvements. At the request of the City, GHD contacted the consultant to coordinate the designs, exchange CAD design files, and update the Redwood Business Park plans to remove new push buttons from the project, show and label new ADA ramps by others, new striping, and other improvements. GHD also reviewed the design prepared by the consultant and provided suggestions on revising the placement of new pedestrian pushbutton posts to meet ADA requirements.
- GHD has coordinated with the City on finalizing the bid documents (plans and technical specifications), including revising the City Specification number for the project, updating to the City's current specification template, notice to bidders and other areas of the front-end and back-end contract, revising requirements for construction survey to include it as a separate bid item, revising requirement for construction material testing to make it the responsibility of the City rather than the contractor, confirming contract language to be included regarding the City's funding/financing source for the project, updating contractor requirements for traffic control and traffic signal shut-down, and addressing any final City comments prior to production of bid documents.
- The City requested GHD to revise the design of the modified traffic signal at the Washington Avenue / Hastings Avenue / South State Street intersection to eliminate the existing and modified vehicle detector loop system and replace it with a new video detection system manufactured by GRIDSMART Technologies, Inc.
- The City requested GHD to revise the design of the video detection system at the new signalized intersection at Commerce Drive / Airport Park Boulevard to specify a video detection system manufactured by GRIDSMART Technologies, Inc. The previously specified system was VersiCam manufactured by Iteris, Inc.
- The City requested GHD include the design of an asphalt sidewalk connecting the new ADA ramp at the northeast corner of Hastings Avenue / South State Street to the driveway of 1195 South State Street. The nearest connecting sidewalk on the east side of South State Street is about 200 feet north of this driveway. This design was completed as requested within our previously authorized budget. Following a QC review of the design it was determined that including this segment of sidewalk presented a liability because it would encourage pedestrians to proceed down a walkway that lacks contiguous sidewalks. This issue was discussed with the City, the City agreed, and the design was removed.

Task 2. Airport Park Boulevard (APB) Pavement Reconstruction

GHD will complete the final design of the pavement reconstruction for Airport Park Boulevard. This design was prepared to an approximate 95% design level in the May 2011 design submittal, and was subsequently removed from the project and the remaining task budget was repurposed for other and



changing project elements at the City's direction. The May 2011 design consisted of 6.5" of hot mix asphalt over 24" of aggregate base (equivalent Traffic Index of 10.5), significantly deeper than the existing failing pavement section, which consists of 4" - 5" of pavement over 8" - 12" of aggregate base (equivalent Traffic Index of 6.0). The existing shallow pavement section will require additional subgrade excavation to provide the depth needed to achieve the required Traffic Index of 10.5 and still conform to existing edge constraints (i.e., curb and gutter). Utility potholing information obtained during previous project tasks will be used in the design and incorporated into the plans, and we will coordinate with the City on any additional utility potholing which may be needed. The length of roadway requiring reconstruction was previously confirmed to extend from Talmage Road in the north to the vicinity of the Tractor Supply Company in the south, approximately 2,100 linear feet.

As part of the design, GHD will evaluate possible options to a traditional pavement structural section to reduce the section thickness and associated cost. These options could include lime treatment of subgrade, subgrade enhancement geotextiles, fiber-reinforced hot mix asphalt, deep lift of asphalt, or a combination of options. We will meet with the City to review and discuss the options and confirm the approach to be implemented in the final design. Options will include sections that maintain a minimum of 1 foot from subgrade to existing utilities (2 feet for PG&E).

Other design elements of the pavement reconstruction include construction of deeper median curbs or other subsurface barrier to minimize root and water intrusion into the pavement section and subgrade, removal and possible replacement of existing subdrains along the medians to remove seasonal shallow groundwater, and utilization of deep asphalt pavement sections over existing shallow storm drain crossings.

Additional drawings will include demolition and improvement plans, typical sections, cross-sections every 50-ft, striping and signing plans, and related details.

We will prepare a pre-final design consisting of plans, special provisions and opinion of probable construction cost for City review. We will meet with the City to review comments and complete a page-turn review of the plans before requesting authorization for final design.

Task 3. APB Low Impact Development (LID)

A new storm water requirement since the original contract that affects road reconstruction projects like this one is the implementation of LID stormwater quality improvements. The City has adopted the *City of Santa Rosa and County of Sonoma Stormwater Low Impact Development Technical Design Manual* (Manual) to meet State requirements. For a Phase 1 city, the manual requires implementation of LID for "Street, road, highway, or freeway construction or reconstruction, creating or replacing 10,000 square feet or more of impervious surface," with "reconstruction" being defined as work that replaces road surface down to subgrade, as this project must accomplish.

GHD will develop an LID strategy and prepare concept typical details that repurpose existing turf and landscaped areas adjacent to Airport Park Boulevard into new LID features to achieve the LID Goal established in the Manual. Median areas will also be used where possible and as width and pavement slopes allow. Inlets in the existing curbs must be provided to convey stormwater into LID areas. A key goal will be to minimize the amount of demolition needed to implement required LID areas while taking advantage of existing landscaped areas. We will meet with the City to review and discuss the LID strategy and confirm the approach and methods to be implemented in the final design.

LID details, sections and plan view layouts will be developed and incorporated into the project Drawings. A Preliminary SUSMP design technical memorandum will be prepared in accordance with the LID manual requirements and submitted with the pre-final design. The technical memorandum will summarize the



methodology, approach, calculations and sizing of the LID features using the Manual LID calculators. A Final SUSMP addressing City comments will be submitted with the final design submittal.

Deliverables:

- Pre-Final Submittal:
 - Plans (3 hard copies on bond, 22"x34", electronic PDF).
 - Special Provisions (3 hard copies, electronic PDF).
 - Opinion of Probable Construction Cost (3 hard copies, electronic pdf)
 - Preliminary SUSMP documentation (3 hard copies, electronic pdf)
- Final Submittal:
 - Mylar Plans (Per Contract)
 - Special Provisions (Per Contract)
 - Opinion of Probable Construction Cost (Per Contract)
 - Final SUSMP documentation (3 hard copies, electronic pdf)

Task 4. RBP Transportation Improvements Project Bid Period Support

As directed by the City, GHD will respond to technical inquiries during bidding via written addenda. This scope is based upon the preparation of up to two (2) written addenda related to technical changes to or interpretations of the Bid Documents.

GHD's Project Manager will attend a pre-bid meeting as the City's technical representative for the project to assist in describing the project scope to prospective bidders and answering technical questions.

GHD will review the bids received for completeness and provide a letter of recommendation for award to the City.

Task 5. Talmage Road Interchange Services

The Talmage Road Interchange project design (revised 95% Plans, Specifications and Estimate) is currently undergoing review by the City and Caltrans District 1. Over the course of the last year GHD has coordinated closely with Caltrans District 1 Design, Traffic Operations and Traffic Safety divisions to complete revisions to the design requested by Caltrans, including widening of travel lanes to accommodate a STAA semi-truck (design vehicle), performing vehicle simulations, removing additional trees, and modifying the design of the existing off-ramp gore split area.

The design requires the City to relinquish or otherwise provide City right-of-way to the State to accommodate the widening of the southbound off-ramp to westbound Talmage Road. The right-of-way efforts included in our approved scope of services were to prepare linework of the proposed right-of-way area, providing the proposed right-of-way linework to the Caltrans District 1 Right-of-Way division for review. GHD's additional efforts have included coordinating with Caltrans and the City on the method to legally transfer the City's right-of-way to the State, and assisting the City with the right-of-way documentation and transfer process. To facilitate and expedite this process, we propose additional budget be allocated for this ongoing effort.

The previous project amendment included the preparation of a Storm Water Pollution Prevention Plan (SWPPP) because the project area of disturbance is greater than 1 acre. This requirement remains, but GHD recommends that the SWPPP document be prepared by a third party hired by the construction contractor, as is customary with Caltrans construction projects. While some SWPPP effort is still needed



to outline the requirements of the SWPPP, the remaining budget (\$2,600) will be applied to other tasks proposed herein.

GHD proposes to provide the following additional professional services for the Talmage Road Interchange project:

Task 5.1 Right-of-Way Services

GHD will provide right-of-way coordination and support services including preparing right-of-way plans and linework in Microstation format, providing right-of-way information to the Caltrans District 1 right-of-way division, coordinating with Caltrans and the City on the method to legally transfer the City's right-of-way to the State, assisting the City with title report procurement, and assisting the City with the right-of-way transfer process. Included in this task is additional subconsultant survey efforts (Rau and Associates).

Task 5.2 Storm Water Pollution Prevention Plan (SWPPP)

GHD will apply \$2,600 of the original \$4,694 budget to prepare a SWPPP document toward the Right-of-Way Services task.

Proposed Fee

GHD proposes to complete this scope of services (Tasks 1 – 5) for a time-and-materials fee not to exceed \$130,746 without written authorization from the City per the attached fee estimate (Attachment 1). Services not included in this proposal can be provided on a time-and-materials basis per the attached GHD Standard Fee Schedule (Attachment 2) or by a negotiated fee. We are available to begin immediately upon acceptance of this proposal receipt of an executed contract amendment. We propose to work efficiently to meet the City's and other stakeholder's expectations and goals for this project.

Summary

GHD is committed to continuing to provide the City with the high-quality service and flexibility you have come to expect. We understand that these projects have been ongoing for some time, and that there have been numerous changes in direction and approach throughout the course of the projects to address options the City wanted to explore and new issues as they arise. We are excited at the prospect of completing the designs so the City can advertise them for bidding and begin construction.

Before beginning we will work with you to develop a schedule that aligns with the City's project funding requirements with a general goal to complete the final deliverable for the Redwood Business Park Transportation Improvements project this winter so the project can be advertised for bids during late winter / early spring 2017 with construction anticipated to start in late spring / early summer.



We welcome the opportunity to continue to work with the City of Ukiah and the project stakeholders on this important project, and look forward to contributing to its success. Should you have any questions, please do not hesitate to contact me.

Sincerely,
GHD Inc.

A handwritten signature in blue ink, appearing to read "Matt Kennedy", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Matt Kennedy, PE, TE
Project Manager

Attachments:

1. GHD Fee Estimate
2. Standard Fee Schedule

Cc: Bill Silva, PE
Project Principal



GHD - PROJECT FEE ESTIMATING SHEET

Project Name: Redwood Business Park / Talmage Interchange

Client: City of Ukiah

Prepared by: Matt Kennedy

Date: November 4, 2016

Job Number: 8490078/8410035

		LABOR COSTS										FEE COMPUTATION			
	LABOR CATEGORY > RATE >	PD	Job Mgr.	Civil Eng.	Sr. Traff Eng.	Traff Eng.	Sr Proj. Scientist	CAD Designer	WP	PA	TOTAL HOURS	*OTHER DIRECT COSTS	Sub- con- sultant(s)	TOTAL FEE	
Task / Item		\$225 /Hr	\$195 /Hr	\$160 /Hr	\$195 /Hr	\$165 /Hr	\$140 /Hr	\$125 /Hr	\$100 /Hr	\$100 /Hr					
TASK-1.0 RBP Coordination & Final Design Revisions															
1.1 Consultant and City Coordination		1	8	8						1	18	\$108		\$3,273	
1.2 Final Design Revisions		1	8	8	1			16			34	\$204		\$5,464	
SUBTOTAL TASK 1.0		2	16	16	1	0	0	16	0	1	52	\$312	\$0	\$8,737	
TASK- 2.0 APB Pavement Reconstruction															
2.1 Pavement Reconstruction Strategy		1	16	24				8			49	\$294		\$8,479	
2.2 Pre-Final Design		2	64	80				80			226	\$1,356		\$37,086	
2.3 Final Design		2	40	64				64			170	\$1,020		\$27,510	
SUBTOTAL TASK 2.0		5	120	168	0	0	0	152	0	0	445	\$2,670	\$0	\$73,075	
TASK- 3.0 APB Low Impact Development															
3.1 LID Concept & Strategy		1	24	32				12			69	\$414		\$11,939	
3.2 Pre-Final Design		1	32	40				40			113	\$678		\$18,543	
3.3 Final Design		1	24	32				32			89	\$534		\$14,559	
SUBTOTAL TASK 3.0		3	80	104	0	0	0	84	0	0	271	\$1,626	\$0	\$45,041	
TASK- 4.0 RBP Bid Period Support															
4.1 Bid Period Services		1	6	8				8	1	1	25	\$150		\$4,025	
SUBTOTAL TASK 4.0		1	6	8	0	0	0	8	1	1	25	\$150	\$0	\$4,025	
TASK- 5.0 Talmage Road Interchange															
5.1 R/W Services			4	4							8	\$104	\$1,000	\$2,524	
5.2 SWPPP				-16							-16	-\$96		-\$2,656	
SUBTOTAL TASK 5.0		0	4	-12	0	0	0	0	0	0	-8	\$8	\$1,000	-\$132	
PROJECT TOTALS		11	226	284	1	0	0	260	1	2	785	\$4,766	\$1,000	\$130,746	

*OTHER DIRECT COSTS include telephone, mileage, printing, photocopies and other miscellaneous direct expenses.



Fee Schedule

2016 USA West Fee Schedule

Principals:

Level E	\$185 – 205
Level F	\$220 – 250

Associates:

Level D	\$160 – 170
Level E	\$180 – 195
Level F	\$215 – 240

Specialist:

Level B	\$170
Level C	\$180
Level D	\$190
Level E	\$210 – 230
Level F	\$250

Engineers:

Level A	\$110 – 115
Level B	\$115 – 125
Level C	\$135 – 145
Level D	\$150 – 165
Level E	\$175 – 195
Level F	\$210 – 235

Geologists/Hydrogeologists:

Level A	\$110
Level B	\$120
Level C	\$130 – 150
Level D	\$155 – 180
Level E	\$185 – 200
Level F	\$210

Environmental Planners:

Level A	\$115
Level B	\$125
Level C	\$130
Level D	\$135 – 150
Level E	\$160 – 190
Level F	\$205 – 210

Environmental Chemists:

Level A	\$115
Level B	\$125
Level C	\$130
Level D	\$135 – 150
Level E	\$160 – 190

Environmental Scientists:

Level A	\$95 – 105
Level B	\$110 – 120
Level C	\$125 – 130
Level D	\$130 – 145
Level E	\$160 – 175
Level F	\$195 – 205

**Industrial Hygienists /
Safety Professionals:**

Level A	\$105
Level B	\$115 – 120
Level C	\$125 – 135
Level D	\$145 – 160
Level E	\$170 – 180

Technicians/Technologists:

Level A	\$80
Level B	\$95
Level C	\$110 – 115
Level D	\$120 – 135
Level E	\$140 – 155
Level F	\$170 – 190

Draft/CADD:

Level A	\$75
Level B	\$85 – 90
Level C	\$95
Level D	\$110 – 120
Level E	\$125 – 155
Level F	\$165

Technical Apprentices:

\$80 - 90

Intern:

\$73.00

Administrative Support:

\$62.00



Fee Schedule

2016 USA West Fee Schedule

Employee time will be billed in accordance with the fees listed above. These rates are subject to change on a semi-annual basis. For other than professional employees, time spent over 8 hours per day, time spent on swing shifts, and time spent on Saturdays will be charged at 1.5 times the hourly billing rate. Work on Sundays will be charged at 2.0 times the hourly billing rate and holiday work will be charged at 2.5 times the hourly billing rate. All field personnel charges are portal to portal. Professional employees will not be charged out at premium charge rates for overtime work.

Expenses and other similar project related costs are billed out at cost plus 15%. The cost of using equipment and specialized supplies is billed on the basis of employee hours dedicated to projects. Our rates are:

- A. Office consumables: \$6.00/hr
- B. Environmental Dept/Construction Inspector consumables: \$11.00/hr
- C. Survey Field consumables: \$15.00/hr
- D. Various Environmental, Construction and Land Surveying equipment: At market B. C. D.

Payment for work and expenses is due and payable upon receipt of our invoice. Amounts unpaid thirty (30) days after the issue date of our invoice shall be assessed a service charge of one and one half (1.5) percent per month.

(*) These rates do not apply to forensic-related services, or to work for which Prevailing Wage obligations exist. It is the responsibility of the client to notify GHD Inc in writing if Prevailing Wage obligations are applicable, in which case the fees will be adjusted proportionate to the increase in labor cost.



ITEM NO.: 12b

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: APPROVAL OF AMENDMENT NO. 2 TO GHD, INC. IN THE AMOUNT OF \$102,938 FOR ENGINEERING DESIGN AND CONSTRUCTION OVERSIGHT SERVICES FOR WELLS #4 AND #9 AND CORRESPONDING BUDGET AMENDMENT

Summary: Council will consider approving a contract amendment with GHD, Inc. for additional engineering and construction oversight services for wells #4 and #9.

Background: On April 2, 2014 Council awarded a contract to GHD in the amount of \$359,610 for the design of new well 9 and the analysis of the rehabilitation or replacement of existing well 4 (Attachment #1). On February 4, 2015, Council received a technical memo regarding the basis of design for well #4 and approved contract Amendment Number 1 (Attachment #2) for final design in the amount of \$222,232. Following completion of the plans and specifications, the project was put out to bid on November 10, 2015, and bids were opened on December 9, 2015. Council rejected bids on December 16, 2015, due to irregularities in all of the bids received. Bids were reissued on January 1, 2016, and opened on February 24, 2016, with a total of three bids received. On March 2, 2016, Council awarded the bid to NorCal Pump and Well Drilling, Inc. for drilling and construction of wells #4 and #9.

On March 17, 2016, bids were released for the site improvements for wells #4 and #9. The bids were opened April 26, 2016. Council awarded a contract to Western Water Constructors, Inc. on May 4, 2016. Drilling began on May 23, 2016, and was completed on September 16, 2016. Work on the site improvement phase began on September 26, 2016, and is scheduled to be complete in late spring of 2017.

Discussion: During the course of the entire project from the bid process to the well drilling and installation phase, additional construction oversight services were needed from GHD, Inc. (Attachment #3). In addition to the rebidding process, other design work included optimizing electrical services, pumps, and motors was required in response to final well capacities. Finally, GHD had to redesign the driveway entrance at well #9 to conform to County standards as a condition of obtaining a County Encroachment Permit. Significant staff time was expended at both sites throughout the course of the project to minimize the need for additional consultant hours.

Continued on Page 2

RECOMMENDED ACTION(S): Approval of Amendment No. 2 to GHD, Inc. in the amount of \$102,938 for engineering design and construction oversight services for Wells #4 and #9 and corresponding budget amendment.

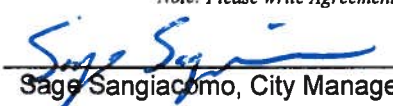
ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: Sage Sangiacomo, City Manager
Prepared by: Sean White, Director of Water and Sewer and Jarod Thiele, Public Works Management Analyst
Coordinated with: Tim Eriksen, Director of Public Works/City Engineer
Presenters: Sean White, Director of Water and Sewer and Jarod Thiele, Public Works Management Analyst
Attachments: 1. GHD contract for Design of New Well 9 and Analysis of Existing Well 4
2. Amendment No. 1
3. Amendment No. 2

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

More specifically, Amendment 2 includes the following scope:

- Specification 16-01, Installation of Wells 4 and 9:
 - Rebidding the construction installation of Replacement Well #4 and New Well #9.
 - Attending the pre-bid meetings.
 - Additional construction phase activities associated with the Contractor's submittals required prior to well construction
 - Additional field activities during the drilling, installation, development and testing of Test Well #4, Production Well #4, Test Well #9 and Production Well #9.
 - Creation of graphic representation of Well #9 relative to Orr Creek for public presentation to City Council.
- Specification 16-02, Site Improvements for Wells 4 and 9:
 - Attending the pre-bid meeting.
 - Additional design and construction services to increase the pumping capacity at Well #4
 - Additional design and construction services to decrease the pumping capacity at Well #9.

FISCAL IMPACT:				
Budget Amendment Amount in 16-17 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$102,938	Water Operations	#82024410.52100	Yes ☒ No ☐	COU No. 1314-200



13c

MEETING DATE:

April 2, 2014

AGENDA SUMMARY REPORT

SUBJECT: AWARD OF CONTRACT TO GHD IN THE AMOUNT OF \$359,610 FOR THE DESIGN OF NEW WATER WELL #9 AND THE REHABILITATION OF WATER WELL #4 AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT FOR 10% OF THE CONTRACT AMOUNT IF NECESSARY

Background: On January 15, 2014, City Council authorized staff to release the Request for Proposal (RFP) for the Rehabilitation of Well #4 on Lorraine Street. The City Council further directed Engineering Staff to amend the RFP to include the design and ultimate construction of a new well. This was accomplished and the RFP was released on February 11, 2014.

Discussion: Proposals were received on March 6, 2014, at 2 pm. Three proposals were received: GEI Consultants with optional tasks totaling \$299,229; GHD, Inc tasks totaling \$273,654 and Luhdorff & Scalmanini tasks totaling \$186,547. It is important to note that professional service contracts are not a "bid" and the selected consultant is not dependent on the dollar amount of the proposal, but on the qualifications of the consulting team presented in the proposal.

Upon independent review by the selection committee, consisting of Engineering Staff and Water Production Staff, it was undecided as to which of the consulting teams were the most qualified. All three consulting firms were interviewed by the selection committee and it was unanimous that GHD was the most qualified and had the most familiarity with the Scope of Work. It is important to note that the proposals all had different approaches to the projects which led to many assumptions and very different cost structures.

Once GHD was chosen, staff started a negotiation with the professionals at GHD to proof the scope of services so that all items were included and the new well could likely stay on schedule to be in production in August of this year. This is a very aggressive schedule; however, City staff and GHD are confident that this scope allows the aggressive schedule to occur. The revised scope of services is attached with a cost of \$359,610.

Fiscal Impact:

☐ Budgeted FY 13/14

☒ New Appropriation

☐ Not Applicable

☒ Budget Amendment Required

Amount Budgeted
\$0

Source of Funds (title and #)
Water 82024410.52100

Account Number
82000000.30007

Addit. Appropriation Requested
\$395,571

Recommended Action(s): Award of contract to GHD for the design of new water well #9 and the rehabilitation of water well #4 and authorize the City Manager to execute an amendment for 10% of the contract amount if needed

Alternative Council Option(s): N/A

Citizens advised: N/A

Requested by: Tim Eriksen, Director of Public Works/City Engineer

Prepared by: Jarod Thiele, Public Works Project Analyst

Coordinated with: Jane Chamber, City Manager

Attachments: 1) Scope of Work; 2) Fee Schedule

Approved: _____
Jane Chambers, City Manager

Con # 1314-250

AGREEMENT FOR
PROFESSIONAL CONSULTING SERVICES

This Agreement, made and entered into this 16th day of April, 2014 ("Effective Date"), by and between CITY OF UKIAH, CALIFORNIA, hereinafter referred to as "City" and GHD, INC., a Corporation organized and in good standing under the laws of the state of California, hereinafter referred to as "Consultant".

RECITALS

This Agreement is predicated on the following facts:

- a. City requires consulting services related to the design of new water well #9 and the rehabilitation of water well #4.
- b. Consultant represents that it has the qualifications, skills, experience and properly licensed to provide these services, and is willing to provide them according to the terms of this Agreement.
- c. City and Consultant agree upon the Scope-of-Work and Work Schedule attached hereto as Attachment "A", describing contract provisions for the project and setting forth the completion dates for the various services to be provided pursuant to this Agreement.

TERMS OF AGREEMENT

1.0 DESCRIPTION OF PROJECT

- 1.1 The Project is described in detail in the attached Scope-of-Work (Attachment "A").

2.0 SCOPE OF SERVICES

- 2.1 As set forth in Attachment "A".
- 2.2 Additional Services. Additional services, if any, shall only proceed upon written agreement between City and Consultant. The written Agreement shall be in the form of an Amendment to this Agreement.

3.0 CONDUCT OF WORK

- 3.1 Time of Completion. Consultant shall commence performance of services as required by the Scope-of-Work upon receipt of a Notice to Proceed from City and shall complete such services within a reasonable time agreed upon by City and Consultant from receipt of the Notice to Proceed. Consultant shall complete the work to the City's reasonable satisfaction, even if contract disputes arise or Consultant contends it is entitled to further compensation.

4.0 COMPENSATION FOR SERVICES

- 4.1 Basis for Compensation. For the performance of the professional services of this Agreement, Consultant shall be compensated on a time and expense basis not to exceed a guaranteed maximum dollar amount of \$359,610. Labor charges shall be based upon hourly billing rates for the various classifications of personnel employed by

Consultant to perform the Scope of Work as set forth in the attached Attachment B, which shall include all indirect costs and expenses of every kind or nature, except direct expenses. The direct expenses and the fees to be charged for same shall be as set forth in Attachment B. Consultant shall complete the Scope of Work for the not-to-exceed guaranteed maximum, even if actual time and expenses exceed that amount.

- 4.2 Changes. Should changes in compensation be required because of changes to the Scope-of-Work of this Agreement, the parties shall agree in writing to any changes in compensation. "Changes to the Scope-of-Work" means different activities than those described in Attachment "A" and not additional time to complete those activities than the parties anticipated on the date they entered this Agreement.
- 4.3 Sub-contractor Payment. The use of sub-consultants or other services to perform a portion of the work of this Agreement shall be approved by City prior to commencement of work. The cost of sub-consultants shall be included within guaranteed not-to-exceed amount set forth in Section 4.1.
- 4.4 Terms of Payment. Payment to Consultant for services rendered in accordance with this contract shall be based upon submission of monthly invoices for the work satisfactorily performed prior to the date of the invoice less any amount already paid to Consultant, which amounts shall be due and payable thirty (30) days after receipt by City. The invoices shall provide a description of each item of work performed, the time expended to perform each task, the fees charged for that task, and the direct expenses incurred and billed for. Invoices shall be accompanied by documentation sufficient to enable City to determine progress made and to support the expenses claimed.

5.0 ASSURANCES OF CONSULTANT

- 5.1 Independent Contractor. Consultant is an independent contractor and is solely responsible for its acts or omissions. Consultant (including its agents, servants, and employees) is not the City's agent, employee, or representative for any purpose.

It is the express intention of the parties hereto that Consultant is an independent contractor and not an employee, joint venturer, or partner of City for any purpose whatsoever. City shall have no right to, and shall not control the manner or prescribe the method of accomplishing those services contracted to and performed by Consultant under this Agreement, and the general public and all governmental agencies regulating such activity shall be so informed.

Those provisions of this Agreement that reserve ultimate authority in City have been inserted solely to achieve compliance with federal and state laws, rules, regulations, and interpretations thereof. No such provisions and no other provisions of this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between Consultant and City.

Consultant shall pay all estimated and actual federal and state income and self-employment taxes that are due the state and federal government and shall furnish and pay worker's compensation insurance, unemployment insurance and any other benefits required by law for himself and his employees, if any. Consultant agrees to indemnify and hold City and its officers, agents and employees harmless from and against any claims or demands by federal, state or local government agencies for any such taxes or benefits due but not paid by Consultant, including the legal costs associated with defending against any audit, claim, demand or law suit.

Consultant warrants and represents that it is a properly licensed professional or professional organization with a substantial investment in its business and that it maintains its own offices and staff which it will use in performing under this Agreement.

- 5.2 Conflict of Interest. Consultant understands that its professional responsibility is solely to City. Consultant has no interest and will not acquire any direct or indirect interest that would conflict with its performance of the Agreement. Consultant shall not in the performance of this Agreement employ a person having such an interest. If the City Manager determines that the Consultant has a disclosure obligation under the City's local conflict of interest code, the Consultant shall file the required disclosure form with the City Clerk within 10 days of being notified of the City Manager's determination.

6.0 INDEMNIFICATION

- 6.1 Insurance Liability. Without limiting Consultant's obligations arising under Paragraph 6.2 Consultant shall not begin work under this Agreement until it procures and maintains for the full period of time allowed by law, surviving the termination of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with its performance under this Agreement.

A. Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office ("ISO) Commercial General Liability Coverage Form No. CG 20 10 10 01 and Commercial General Liability Coverage – Completed Operations Form No. CG 20 37 10 01.
2. ISO Form No. CA 0001 (Ed. 1/87) covering Automobile Liability, Code 1 "any auto" or Code 8, 9 if no owned autos and endorsement CA 0025.
3. Worker's Compensation Insurance as required by the Labor Code of the State of California and Employers Liability Insurance.
4. Errors and Omissions liability insurance appropriate to the consultant's profession.

B. Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall apply separately to the work performed under this Agreement, or the aggregate limit shall be twice the prescribed per occurrence limit.
2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.

3. Worker's Compensation and Employers Liability: Worker's compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.
4. Errors and Omissions liability: \$1,000,000 per occurrence.

C. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to the City, its officers, officials, employees and volunteers; or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages

- a. The City, its officers, officials, employees and volunteers are to be covered as additional insureds as respects; liability arising out of activities performed by or on behalf of the Consultant, products and completed operations of the Consultant, premises owned, occupied or used by the Consultant, or automobiles owned, hired or borrowed by the Consultant for the full period of time allowed by law, surviving the termination of this Agreement. The coverage shall contain no special limitations on the scope-of-protection afforded to the City, its officers, officials, employees or volunteers.
- b. The Consultant's insurance coverage shall be primary insurance as respects to the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be in excess of the Consultant's insurance and shall not contribute with it.
- c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, officials, employees or volunteers.
- d. The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. Worker's Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from Consultant's performance of the work, pursuant to this Agreement.

3. Professional Liability Coverage

If written on a claims-made basis, the retroactivity date shall be the effective date of this Agreement. The policy period shall extend for the duration of the design project.

4. All Coverages

Each Insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

E. Acceptability of Insurers

Insurance is to be placed with admitted California insurers with an A.M. Best's rating of no less than A- for financial strength, AA for long-term credit rating and AMB-1 for short-term credit rating.

F. Verification of Coverage

Consultant shall furnish the City with Certificates of Insurance and with original Endorsements effecting coverage required by this Agreement. The Certificates and Endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The Certificates and Endorsements are to be on forms provided or approved by the City. Where by statute, the City's Workers' Compensation - related forms cannot be used, equivalent forms approved by the Insurance Commissioner are to be substituted. All Certificates and Endorsements are to be received and approved by the City before Consultant begins the work of this Agreement. The City reserves the right to require complete, certified copies of all required insurance policies, at any time. If Consultant fails to provide the coverages required herein, the City shall have the right, but not the obligation, to purchase any or all of them. In that event, the cost of insurance becomes part of the compensation due the contractor after notice to Consultant that City has paid the premium.

G. Subcontractors

Consultant shall include all subcontractors or sub-consultants as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor or sub-consultant. All coverage for sub-contractors or sub-consultants shall be subject to all insurance requirements set forth in this Paragraph 6.1.

- 6.2 Indemnification. Notwithstanding the foregoing insurance requirements, and in addition thereto, Consultant agrees, for the full period of time allowed by law, surviving the termination of this Agreement, to indemnify the City for any claim, cost or liability that arises out of, or pertains to, or relates to any negligent act or omission or the willful misconduct of Consultant in the performance of services under this contract by Consultant, but this indemnity does not apply to liability for damages for death or bodily injury to persons, injury to property, or other loss, arising from the sole negligence, willful misconduct or defects in design by the City, or arising from the active negligence of the City.

"Indemnify," as used herein includes the expenses of defending against a claim and the payment of any settlement or judgment arising out of the claim. Defense costs include all costs associated with defending the claim, including, but not limited to, the fees of attorneys, investigators, consultants, experts and expert witnesses, and litigation expenses.

References in this paragraph to City or Consultant, include their officers, employees, agents, and subcontractors.

7.0 CONTRACT PROVISIONS

- 7.1 Ownership of Work. All documents furnished to Consultant by City and all documents or reports and supportive data prepared by Consultant under this Agreement are owned and become the property of the City upon their creation and shall be given to City immediately upon demand and at the completion of Consultant's services at no additional cost to City. Deliverables are identified in the Scope-of-Work, Attachment "A". All documents produced by Consultant shall be furnished to City in digital format and hardcopy. Consultant shall produce the digital format, using software and media approved by City. Any reuse without written verification or adaptation by consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to Consultant, and City shall indemnify and hold harmless Consultant from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting from.
- 7.2 Governing Law. Consultant shall comply with the laws and regulations of the United States, the State of California, and all local governments having jurisdiction over this Agreement. The interpretation and enforcement of this Agreement shall be governed by California law and any action arising under or in connection with this Agreement must be filed in a Court of competent jurisdiction in Mendocino County.
- 7.3 Entire Agreement. This Agreement plus its Attachment(s) and executed Amendments set forth the entire understanding between the parties.
- 7.4 Severability. If any term of this Agreement is held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in effect.
- 7.5 Modification. No modification of this Agreement is valid unless made with the agreement of both parties in writing.
- 7.6 Assignment. Consultant's services are considered unique and personal. Consultant shall not assign, transfer, or sub-contract its interest or obligation under all or any portion of this Agreement without City's prior written consent.
- 7.7 Waiver. No waiver of a breach of any covenant, term, or condition of this Agreement shall be a waiver of any other or subsequent breach of the same or any other covenant, term or condition or a waiver of the covenant, term or condition itself.
- 7.8 Termination. This Agreement may only be terminated by either party: 1) for breach of the Agreement; 2) because funds are no longer available to pay Consultant for services provided under this Agreement; or 3) City has abandoned and does not wish to complete the project for which Consultant was retained. A party shall notify the other party of any alleged breach of the Agreement and of the action required to cure the breach. If the

breaching party fails to cure the breach within the time specified in the notice, the contract shall be terminated as of that time. If terminated for lack of funds or abandonment of the project, the contract shall terminate on the date notice of termination is given to Consultant. City shall pay the Consultant only for services performed and expenses incurred as of the effective termination date. In such event, as a condition to payment, Consultant shall provide to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Consultant under this Agreement. Consultant shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder, subject to off-set for any direct or consequential damages City may incur as a result of Consultant's breach of contract.

7.9 Duplicate Originals. This Agreement may be executed in duplicate originals, each bearing the original signature of the parties. When so signed, each such document shall be admissible in administrative or judicial proceedings as proof of the terms of the Agreement between the parties.

8.0 NOTICES

Any notice given under this Agreement shall be in writing and deemed given when personally delivered or deposited in the mail (certified or registered) addressed to the parties as follows:

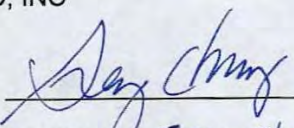
CITY OF UKIAH
DEPT. OF PUBLIC WORKS
300 SEMINARY AVENUE
UKIAH, CALIFORNIA 95482-5400

GHD, INC
ATTN: MATT KENNEDY
2235 MERCURY WAY, SUITE 150
SANTA ROSA, CA 95407

9.0 SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement the Effective Date:

GHD, INC

BY: 

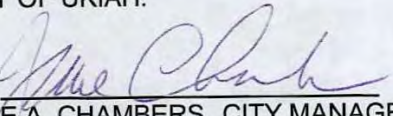
PRINT NAME: Greg Chung

98-04-25935

IRS IDN Number

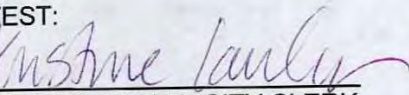
4/15/2014
Date

CITY OF UKIAH:

BY: 

JANE A. CHAMBERS, CITY MANAGER

4/16/2014
Date

ATTEST: 

KRISTINE LAWLER, CITY CLERK

4/16/2014
Date

Scope of Work (Basic Services)

Based on GHD's project understanding and with review of the Request for Proposal, GHD has prepared the following Scope of Work.

Execution of the Scope of Work

The Request for Proposal provides a detailed scope of work for the Consultant. GHD has reviewed this scope and it is incorporated in our proposal by reference. Below is a summary of the main components of the Scope of Work. In order to facilitate the timely delivery of the two project objectives, GHD proposes that portions of the projects be undertaken concurrently. The design of the rehabilitation or replacement of Well #4 overlaps with aspects of the design/installation of Well #9. Once these projects are started it is likely that additional opportunities for concurrent completion of tasks will be identified. GHD has the resources to provide higher staffing levels when multiple tasks are active simultaneously. Completing tasks simultaneously significantly reduces the overall project duration and costs, and increases the flexibility of project execution.

The first Phase of this project (GHD Phase 01) is primarily associated with Well #9. Task 1 under GHD Phase 01 is associated with project kickoff applicable to both Well #9 and Well #4. Tasks associated with the Well #9 are Task 2 through Task 11 under GHD Phase 01. The work associated with Well #4 will begin later in this project and GHD will track this work as Phase 02 under this contract. Under Phase 02 Tasks 1 and 2 are related to the Well #4 rehabilitation design. The Project Phases and Tasks are identified below:

Well #9 Design, Bidding and Installation (GHD Phase 01)

- Task 1. Project Award and Preliminaries (Well #9 and Well #4 contracting kickoff)*
- Task 2. Well #9 Location Evaluation and Field Investigation*
- Task 3. Well #9 Concept Design Drawings to Qualified Drilling Contractors*
- Task 4. Well #9 Detailed Well Design and Bid Documents*
- Task 5. Well #9 Site: 4-inch Test Well (Recommended Optional Service)*
- Task 6. Well #9 Installation*
- Task 7. Well #9 Aquifer (Pump) Testing and Pump Design Refinement*
- Task 8. Well #9 Reporting and Closeout*
- Task 9. Well #9 Site, Building, Distribution Piping and Disinfection Design*
- Task 10. Well #9 Bid Phase and Construction Engineering Support*
- Task 11. Well #9 Construction Management and Inspection*

Well #4 Rehabilitation Design (GHD Phase 02)

- Task 1. Well #4 Field Investigation*
- Task 2. Well #4 Rehabilitation Specifications*

Additional details related to each of the Phases and associated Tasks are provided below:

Well #9 Design, Bidding and Installation (GHD Phase 01)

Task 1 – Project Award and Preliminaries

GHD understands that one of the most critical aspects of this well installation and rehabilitation project is timeliness. Based on prior experience, it is recognized that drilling contractors are frequently booked out several months in advance. Therefore, in order to deliver Well #9 on schedule, GHD proposes to identify and contact suitable drilling contractors immediately following the contract award. Discussions with contractors suitable for the rehabilitation of Well #4 will also be completed early in the project to avoid potential delays as a result of unavailability. GHD will continue monitoring of contractors' availability throughout the well assessment and design phases.

This task also includes preliminary activities such as a detailed review of the 2006 Well Siting Study, available supporting documentation for both Well #9 and Well #4 and an initial site inspection at both locations to assess general site access requirements. After these initial steps are completed, the Well #9 and Well #4 work will be managed separately as Phase 01 and Phase 02. This Task includes:

- City of Ukiah contract, data review, kick-off meeting, and initial site visit
- Identify qualified drilling contractors and well rehabilitation contractors
- Identify availability of qualified drilling contractors (critical path)
- Discussions and / or meetings with contractors to establish interest in these projects

Task 2 – Well #9 Location Evaluation and Field Investigation

GHD understands that a final location for Well #9 has not been selected but the site located on Brush Street is being seriously considered. The final selection of a site is a critical path decision for the City. Identifying the location of the new well is a requirement for preparation of the California Department of Public Health (CDPH) water source permit documents. Selection of the site is also required before the detailed design documents can be issued to drilling contractors. GHD's approach includes the installation and testing of a relatively low-cost Test Well at the well site. In the event that the chosen site has a critical flaw such as poor water quality or low yield an alternative site can be used. This task includes the following:

- Establish location for Well #9
- Prepare draft CDPH permit application and supporting information (i.e. Drinking Water Source Assessment and Protection report)
- Meet with CDPH to discuss schedule and well location

Assumptions: GHD assumes that the City has notified the CDPH of the intent to install a new well and that they are in agreement with the proposed well. GHD also assumes that the CEQA permitting has been obtained or is being addressed by the City. GHD also assumes that the site has been cleared for hazardous materials concerns. GHD has the expertise to assist the City with hazardous materials and/or CEQA permitting if needed.

Task 3 – Well #9 Concept Design Drawing Provided to Qualified Drilling Contractors

GHD's approach is to engage the interest of drilling contractors early this construction season by providing early notice of the intent of well installation and a Conceptual Design Drawing of Well #9. This Conceptual Design Drawing would be sent to qualified drillers to allow them to initiate preparation of bids and to provide comments regarding scheduling and other constraints. This Conceptual Design Drawing can be prepared quickly and is expected to shorten the overall schedule by clarifying the basic project before beginning detailed design. By providing early notice to drillers, the City will learn of drillers availability and by providing a Conceptual Design Drawing the City can ask for a fast response to the final bid without risk that drillers will decline to respond. This Task includes the following:

- Preparation of Concept Design Drawing
- City review of Concept Design Drawing
- Issue Concept Design Drawing to qualified drilling contractors
- Respond to questions and changes in driller availability and schedule

Task 4 – Well #9 Detailed Well Design and Bid Documents

As requested in the RFP, GHD will prepare 95% draft drawings and technical specifications for the installation of Well #9 and submit these draft specifications to the City for review and comment. Because the Conceptual Design Drawing will have been previously completed, the City and GHD can use this Task to focus on important details such as which site is selected and the logistics of the well installation. A conditional well screen and pump will be specified (for bid purposes) with a note indicating that these specific aspects of the design are to be confirmed after the results of the Test Well (Task 5) and Pumping Test (Task 7) are available. One meeting will be completed with the City prior to the 95% design to make sure all aspects of the design are incorporated. This Task includes the following:

- Prepare draft 95% design specifications for Well #9
- Meet with the City to discuss specifications
- Submission of 95% design specifications to the City for review and comment
- Submission of 100% design specifications to the City for bidding to qualified drilling contractors
- Response to questions during Contractor bid preparation
- Review of bids
- Acceptance of winning bid
- Schedule start of drilling

Note: In the project fee proposal this Task includes the design of the well. The well pad, pump, wellhead, piping, disinfection system, electrical, instrumentation, SCADA, building, and site improvement elements are described below under Task 9.

Task 5 – Well #9 Site: Install 4-Inch Test Well, Test Setup and Analysis

The City has previously installed a test boring near the proposed Brush Street well site. Subsequent to the interview for this project the test boring results were provided to GHD. The City's test boring identified permeable sediment types (gravel) but test pumping was not completed and neither soil or water samples were collected for analysis. Task 5 proposes that a Test Well be completed as part of the installation of Well #9. The Test Well proposed in this Task is recommended after review of the City's test boring data. Design and analysis associated with the Test Well is included in the schedule and cost. GHD believes that there is a high probability that the Test Well will confirm that the selected site is appropriate for the installation of Well #9. Therefore, it is proposed that the Test Well and installation of Well #9 will be performed during the same mobilization. The Test Well program results will be used to refine the well design specification such as depth, screen interval and filter pack.

Performing the Test Well and Well #9 installations concurrently will reduce mobilization costs and expedite the field program. During the Test Well drilling activities, soil samples for sieve analysis and water quality samples will be collected by the drilling contractor and the analysis will be performed by GHD on an expedited turn around. The findings will be used to complete the final design specification for the City, and facilitate the procurement of well construction materials. This Task includes the following:

- Observe installation of Test Well
- Analysis of the geophysical log of the Test Well boring
- Review of soil sample sieve analysis
- Design and review of contractor aquifer permeability testing
- Design and review of water quality sampling and analysis
- Well screen design adjustments based on Test Well sieve analysis

Assumptions: This Task anticipates three days of on-site observation during the installation of the Test Well for the collection of soil samples for sieve analysis and lithologic logging of the boring. It also includes two additional days of on-site time during the setup and performance of the aquifer permeability tests. It includes specialized equipment such as a transducer and a depth to water meter needed for permeability testing. The costs assume that the drilling contractor will manage the discharge of groundwater and fluids during these tests. Laboratory fees will be billed directly to the City. The drilling contractor will subcontract for the sieve analysis and geophysical log of the Test Well. GHD will collect the water samples and submit these to the City's preferred laboratory for analysis. The City can provide up to 3 short term site visits during test pumping by the contractor for the purpose of verifying contractor adherence to the test pumping procedures developed by GHD. The purpose of this test pumping is to obtain high quality groundwater samples and to gain an estimation of aquifer hydraulic conductivity.

Task 6 – Well #9 Installation

The installation of a municipal well is a complex process where on-site observation is required at critical times. This Task is related to observation of the drilling contractor during key events and responding to the conditions which are encountered. It is not necessary that GHD technical staff be on-site for all drilling activities. This Task includes the following:

- Review of procurement of well screen and casing by drilling contractor
- Observe pilot hole installation and provide verification of aquifer material
- Observation of Well #9 casing installation
- Observation of well seal placement
- Observation of the development of Well #9 at start and end of these activities

Assumptions: This Task includes five days of on-site observation during the installation of the pilot boring and installation of the well casing. The costs assume that the drilling contractor will manage the drill cuttings and discharge of drilling fluids during the installation. The drilling contractor is also responsible for coordinating required drilling permits and regulatory well inspections.

Task 7 – Well #9 Aquifer (Pump) Testing and Pump Design Refinement

After Well #9 is installed and developed the well driller will install a temporary pump and run a step-drawdown aquifer pumping test. This test will be followed by a constant rate aquifer test that will range in duration from 24 to 72 hours depending on site conditions. GHD will set up and monitor test equipment installed in the Test Well and Well #9 during these aquifer tests. GHD will analyze the aquifer test data and provide this analysis in the final report. The aquifer test results will also be used by GHD to refine the pump design as needed and to finalize the permit documents.

- Well #9 aquifer/step and constant rate pumping tests and analysis
- Production pump size design refinement

Assumptions: This Task includes five days of on-site observation during the aquifer testing process. GHD assumes that the Test Well will remain in place for use after the installation of Well #9. It is assumed that Well #9 will be installed 20 to 30 feet from the Test Well (Recommended Optional Service Task 5). The Test Well remains for future use during operation of Well #9. Both Well #9 and the Test Well will be monitored during the pumping tests. After final site selection GHD will review the area near the new well to identify potential observation wells. Monitoring of these wells may be completed as an additional task. The costs assume that the drilling contractor will manage the discharge of groundwater during the test. This test is performed for 24 to 72 hours. GHD assumes that the City will provide up to six (6) short term site visits to verify that the contractor is adhering to the test protocol developed by GHD. These visits may be need to be conducted after or before normal working hours.

Task 8 – Well #9 Project Reporting and Closeout

Project reporting includes documenting the activities performed during the well installation and testing. This information is also used to complete the CDPH permitting process.

- Prepare final well installation report including as-built drawings
- Finalize and submit CDPH permit documents

Task 9 – Well #9 Site, Building, Distribution Piping and Disinfection Design

The completion of this task tracks concurrently with the design and installation of Well #9. The well site, building, distribution and treatment design includes the following elements:

- Site topographic survey
- Geotechnical investigation
- Well head and appurtenances
- Pump sizing and selection
- Site improvements (excavation, grading, paving, fencing & gates)
- Yard piping valves and appurtenances
- Wood frame well and pump building
- Chlorination system
- Building HVAC mechanical system
- Electrical, interior and exterior lighting, instrumentation and SCADA for the well pump and chlorination system

- Coordination with the City Electrical Department for the electrical service, and
- Connection to the existing 16" distribution main located approximately 200 feet to the north in Brush Street.

We understand the City is converting to liquid chlorine as the disinfectant at all of its groundwater pump stations instead of using chlorine gas.

Topographic Survey (Subconsultant: Rau & Associates): This task includes performing a topographic field survey which may be accomplished by a combination of GPS and conventional surveying methods.

- Perform a topographic survey for the Project. All survey work will be performed under the direction of a Licensed Land Surveyor.
- Call USA a minimum of 48 hours prior to field survey to request mark-out of existing utilities. These utilities will be documented in the survey.
- The survey will utilize GPS and/or conventional survey techniques to map the Project area including the following:
 - Builds - adjacent to the project, major angle points, finished floors, major utility connection points with surface evidence;
 - Utilities (with surface evidence) - storm drains/inlets, manholes (all), water valves, electrical vaults, monitoring wells, fuel storage, overhead utility lines, invert elevations of dipped utilities;
 - Sidewalks, curbs and gutters - top/toe slope elevations, grade breaks, angle points, begin/end of curves, ADA ramps;
 4. Landscape- trees over 6-inch in diameter, outline of divisions of lawn to shrubbery, main irrigation controllers and valves, fences;
 - Hardscape- concrete/utility/gravel paths angle points, grade breaks, begin/end curve;
 - Other data that could affect the project- Photos, dipping of manholes, etc.
- Horizontal coordinates and vertical elevations will be based on existing City of Ukiah and County of Mendocino monuments and survey control located within 300 feet of the site. In the absence of substantial monuments, an assumed vertical datum will be used. Substantial durable control points will be set during the survey to re-establish the survey control for future survey work including construction staking.
- An AutoCAD base map of the Project area will be produced from the survey for development of drawings in subsequent tasks.
- Preparation of easement documents, including legal description and plat.

Geotechnical Investigation (Subconsultant: Rau & Associates): This task includes performing site investigations and soil borings and laboratory analysis, and development of geotechnical recommendations for the design of the new building and associated site structural improvements. It is anticipated that four to six borings will be sufficient to characterize the soils for the development of structural and civil design recommendations. Borings will be advanced to a depth of no more than 15 feet and one boring to a depth of 35 feet. The results of the geotechnical investigation will be summarized in a geotechnical investigation report. The recommendations in the Geotechnical Report will be reviewed and used as the basis for the predesign evaluation and subsequently for the preparation of contract documents.

Review Background Information: This task includes contacting the various utility providers with utilities within the project limits to request utility information and records, if any, principally to determine the surface and subsurface location of various utilities which may conflict with the improvements. Utility potholing is not included in this scope of work.

Design Charrette and Site Visit: GHD will organize and facilitate a design charrette with City Public Works Department and Water Treatment Plant staff and key GHD design team members. The purpose of the design charrette is to establish the basis of design for the building, well head, pump, piping and appurtenances, site, and associated details. During the charrette we will review previous well building and site designs, and discussing elements and details of those designs, including what worked, what didn't

work, and details and elements to be incorporating into this project. Following the design charrette the group will visit Well No. 7 and Well No. 8. A total of 8 hours for each of the Civil Engineer, Electrical Engineer, Structural Engineer and Project Manager are budgeted for this task.

Construction Documents: GHD will prepare construction contract documents: drawings, specifications, and opinion of probable construction costs for this element of the project. Documents will be submitted for City review and comment at 95% and 100% design levels. The 95% submittal will also be submitted to the Building Department for permit review. Following the receipt of the City's review comments and Building Department comments on the 95% submittal GHD will finalize the design for public bidding. Construction contract documents for bid will be submitted at the 100% (Final) design completion, and will address City comments. The bid submittal will include stamped and signed drawings on Mylar, City front end specifications, technical specifications, and opinion of probable construction cost for the project.

Submittals:

- Easement documents (legal description and plat)
- Geotechnical Investigation Report (3 hard copies, 1 electronic copy)
- Basis of Design Tech Memo (3 hard copies, 1 electronic copy)
- 95% Plans, Specifications & Opinion of Probable Cost (3 full-size copies of drawings, specifications, cost, 1 electronic copy)
- 100% (final) Plans, Specifications & Opinion of Probable Cost (1 full-size Mylar copy of drawings, 10 full-size copies of drawings, specifications, cost, 1 electronic copy)

Task 10 – Well #9 Bid Phase and Construction Engineering Support

GHD will respond to technical inquiries during bidding via written addenda. This scope is based upon the preparation of up to one (1) written addenda related to changes to or interpretations of the Bid Documents and submitting a PDF of the Addendum. CAD drafting time is not included. This Task does not include construction observation or inspection services.

GHD will provide construction engineering support services through the duration of construction.

Task 11 – Well #9 Construction Management and Inspection Services

This task assumes the contractor has been allowed sixty (60) working days for completion of all work under the Construction Contract for the Well #9 site, building, and piping construction.

Task 11.1 – Pre-Construction

This task includes project administration, coordination, organizing the pre-construction meeting and document pre-construction conditions:

Task 11.1.1 Project Administration and Coordination

- Budget and schedule tracking
- Provide project and contract oversight

Task 11.1.2 Schedule and Cost breakdown review

- On-site inspector/observer will review the contractor's schedule and cost breakdown of bid items.

Task 11.1.3 Pre-Construction Meeting

- Facilitate the pre-construction meeting and discuss issues such as design approach, project concepts, overall project review, and construction procedures.
- Preparation of meeting notes and agenda.
- Coordination with City Staff, City Building Inspector and City utility service providers.

Task 11.1.4 Photo log/pre-construction inspection

- Photograph documentation of prior conditions.

Task 11.2 – Construction Phase – Construction Management
GHD will coordinate between the Contractor, design team, City of Ukiah, and other parties throughout course of the project. It is assumed that the City will handle and respond to public concerns/complaints.

Task 11.2.1 Progress Pay Requests
GHD will review Contractor monthly payment requests, negotiate differences in payment quantities, and prepare and submit monthly payment requests to City.

Task 11.2.2 Project Files
GHD will maintain project records and files.

Task 11.2.3 Progress Meetings
The On-site inspector/observer will attend project meetings and prepare agenda, attend, and meeting minutes, as needed. This scope of work assumes one progress meeting per week (up to 12 meetings). The Construction Manager will attend up to 5 meetings.

Task 11.2.4 Schedule Monitoring

- The inspector will monitor the Contractor's construction schedule and progress for adherence to project schedule, coordinate with the Contractor on maintaining activities, notify Contractor of any schedule concerns, review any schedule revisions, and negotiate time extensions.
- Coordinate with the Contractor to provide City staff with sufficient advance notice for any construction activities which may affect or require City resources.

Task 11.2.5 Submittals

- Coordinate and manage Submittal and Shop Drawings reviews – including maintaining submittal log (up to 12 hours of review and processing time). This scope item also includes an allowance for up to 4 resubmittals.
- Provide technical review and response

Task 11.2.6 Request for Information/Contract Change Orders (RFI's/CCO's)

- Manage Contractor correspondence including Requests for Information (RFIs), Potential Change Orders (PCOs) and Change Orders – include technical / engineering assistance & review, maintaining logs, prepare and transmit responses and coordinate with other parties to develop responses.
- Allowance for up to 3 Change Orders and 12 RFI's.

Task 11.2.7 Oversight
GHD will provide senior level oversight of project, including reviewing progress pay requests, correspondence, meeting minutes, RFI's and CCO's, as needed (up to 2 hours for Principal and 12 hours for Construction Manager).

Task 11.3 – Daily Observation/Inspection
GHD will provide part-time daily construction observation/inspection to document construction progress, site cleanliness, potential future conflicts, and contractor issues.

Task 11.3.1 Daily Inspection
Provide part-time on-site construction observation and inspection to check on the Contractor's general conformance with the project plans and specifications. The period of construction will be staffed at ½ time during construction (4 hours a day on site). It is anticipated that the City Building inspector will be present during required Building Department inspections.

- Prepare daily observation reports including digital photo logs of progress
- Maintain job set plans with markup depicting any changes
- Collect and maintain all material tags and testing tags/reports.
- Review traffic control and monitor Contractor daily activities for possible impacts to public – check for adequate noticing in alignment with traffic control set up

- Review Contractor's erosion control plan, check for conformance with the construction documents, and monitor for implementation of BMPs on timely manner

Task 11.4 – Project Closeout

Task 11.4.1 Final Documentation. GHD will prepare final project closeout documents including the following:

- Final project summary letter
- Complete project photo log in CD format
- Approved submittals
- Inspection and observation reports
- All materials testing and inspection records and final reports (provided by City and third party inspectors)
- Labor compliance documentation - contractor prevailing wage reports (if required and provided)
- Meeting records

Task 11.4.2 Record Drawings

Prepare and transmit Record As-Built drawings to City, incorporating any field changes, change orders or other changes deemed necessary by the Engineer or City, and existing conditions located by the Contractor. One (1) red-lined bond hard copy with consolidated construction changes will be submitted to the City for their records.

Task 11.4.3 Notice of Completion/Retention

GHD will assist the City in preparing the Notice of Completion and coordinate payment processing of retention.

Well #4 Rehabilitation/Replacement Design (Phase 02)

The primary objective of the rehabilitation of Well #4 is to maintain production, therefore non-invasive and non-destructive techniques for assessing the condition of the well will be employed. This will reduce the well downtime as far as practicable and maintain water production throughout the project. GHD will use a sub-contractor to video survey of the inside of the well casing after the pump is removed by the City's contractor. The assessment will involve the use of a submersible down-hole camera to evaluate the condition of the well casing. The results of the evaluation will be used to prepare recommendations which will consist of redevelopment, relining or replacement. These options vary widely in cost and complexity of implementation. The RFP did not request that this proposal provide costs for these different options. The scope of work for this Task assumes that GHD will perform the evaluation and develop the approach for one of these three options.

Task 1 – Well #4 Field Investigation

GHD will review available information related to Well #4. A problem assessment letter will be prepared including a Concept Drawing of the well as it currently exists. This problem assessment will be used as a basis for discussions with the City and the video sub-contractor to develop an approach to inspecting the condition of the well.

- Preparation of Tech Memo with Concept Drawings
- Field survey

Task 2 – Well #4 Rehabilitation Specifications

GHD will prepare specifications for well redevelopment or well relining which the City will use to secure a contractor to perform the pump removal and well redevelopment/relining. In the event that well replacement is recommended as the preferred alternative, GHD will prepare a Tech Memo instead of specifications. This Tech Memo will outline options for replacement for the City's consideration. This Task does not include a detailed design or installation of a replacement for Well #4.

- Evaluation and specifications for rehabilitation of Well #4
- Meet with the City to discuss specifications prior to submittal
- Prepare 95% design specifications
- Prepare 100% design specification after City Review

Exclusions

The following services are excluded from the scope of services to be provided by GHD under this Agreement.

- All work involved in preparing and obtaining cooperative agreements and approval of cooperative agreements.
- Any services associated with the identification, handling, containment, abatement, disposal, or in any other respect related to asbestos or hazardous materials.
- Preparation of environmental documents and related special studies in support of the project.
- Materials testing during construction for conformance with contract requirements.

Assumptions

This Scope of Services relies upon certain mutual assumptions, based upon the information available at the time of execution of the Agreement. Should these assumptions subsequently be found changed or otherwise invalid, the terms of this Agreement, including the scope, schedule, and terms of compensation, shall be modified accordingly by mutual Agreement. The following mutual assumptions are essential elements of this Agreement:

- Deliverables will be subject to review by the City of Ukiah, and except as otherwise stated herein, will be prepared in accordance with the applicable requirements of each in effect at the time of execution of this Agreement.
- Due to the schedule and emergency nature of the Project and the agencies with approval authority over the Project, changes to the Project or its approval process may occur during the life of the Project, necessitating corresponding changes in the services required to accomplish the Project. Changes to the Project may result from changes in policy by governing or reviewing agencies, in response to public comments, and other causes which cannot reasonably be foreseen at this time. Changes to the approval process or requirements may result from new or revised legislation by governing bodies, or new or revised regulations promulgated by a number or regulatory agencies. It is recognized that should significant changes to the Project or its approval process occur which could not have been foreseen at the time of execution of this Agreement, the scope, schedule, and/or compensation for services to be provided under this Agreement shall be modified accordingly.
- Utility facilities and utility easements will be accurately located and marked in the field by the respective utility owners prior to commencement of geotechnical explorations.
- It is assumed that the soils encountered in the soil borings will not have significant depths of strata subject to liquefaction. If weak soils are encountered (i.e., standard blow count lower than 7 blows per foot) for any significant depth, additional work may be necessary to determine the effect of seismic forces on the wall and/or fill, as it may cause lurching, seismic consolidation, or liquefaction with resultant differential settlement.
- Cost of Mylar production assumes 40 full-size 22"x34" sheets.
- Construction of Well #9 site improvements, piping, building and appurtenances is assumed to require 60 working days. The actual number working days will be contingent upon the timing of well installation and testing, and final pump selection and availability. A construction hiatus may be required depending upon the pump/motor, VFD and MCC lead time.

Services to be Provided by City

The City of Ukiah will:

1. Provide access rights to all portions of the Project site, as necessary for base mapping, design of the project, and all associated investigations.
2. Furnish to GHD for use on this project copies of all available previous studies, reports, ordinances, surveys, drawings, existing maps, and utility information applicable to the Project.
3. GHD shall be entitled to rely upon the accuracy of data and information provided by the City or others without independent review or evaluation.
4. Review and provide comments on submittals provided by GHD.
5. Except as specifically stated otherwise herein, act as Applicant and pay all fees:
 - a. For all required permits, and
 - b. Associated with surveying and mapping activities.
6. Provide for use by GHD current Preliminary Title Reports for all affected properties.
7. Pay all fees, except as specifically stated herein to be included in Basic Services.
8. Provide all required right-of-way appraisal and acquisition services.
9. Prepare and issue all required Notices to Relocate existing utility facilities.
10. Provide after-hours site visits during the pumping of the Test Well and aquifer/pump testing of Well #9.

Said services are not included within the Scope of Services to be provided by GHD under this Agreement.



GHD Inc. - PROJECT FEE ESTIMATING SHEET

Project Name: Well #9 Development and Well #4 Rehabilitation Project
 Prepared by: Kent O'Brien / Ash Sutherland/Matt Kennedy
 Job Number: 840900497

Client:
 Date: March 24, 2014

Task / Item	LABOR CATEGORY > RATE >	LABOR COSTS														FEE COMPUTATION			
		PD Matt \$180 /Hr	JM Kent \$195 /Hr	GEO Eliz/Jed \$155 /Hr	GEO Dave \$155 /Hr	Elec Eng. \$175 /Hr	Staff Eng. \$135 /Hr	GEO Hammy \$105 /Hr	Const. Mgmt. \$180 /Hr	Const. Insp. \$160 /Hr	Const. Engr \$160 /Hr	Proj. Coord. \$125 /Hr	CAD \$120 /Hr	WP \$95 /Hr	PA \$95 /Hr	TOTAL HOURS	Expenses And Subs	*OTHER DIRECT COSTS	TOTAL FEE
Project Start:																			
TASK- 1.0 Project Award and Preliminaries																			
1.1 Initial Site Visit			8	8												16		\$96	\$2,896
1.2 Identify Availability of Qualified Contractors			6		16											22		\$132	\$3,782
1.2 Data Review Well #9 and Well #4		5	10	10	12			4							4	45		\$270	\$7,330
SUBTOTAL TASK 1.0		5	24	18	28	0	0	0	0	0	0	0	0	0	4	83	0	\$498	\$14,008
Well #9 Design, Bidding and Installation																			
TASK- 2.0 Well #9 Location Evaluation and Field Investigation																			
2.1 Establish Location of Well #9		2	4	4	16											26		\$156	\$4,356
2.2 Prepare Drinking Water Source Assessment and Protection		2	2	16	2			16						4	10	54		\$324	\$7,164
SUBTOTAL TASK 2.0		4	6	20	18	0	0	16	0	0	0	0	0	4	10	80	0	\$480	\$11,560
TASK- 3.0 Well #9 Concept Design Drawings to Qualified Drilling Contractors																			
3.1 Preparation of Concept Design Drawings		1	4		16								12	4		37		\$222	\$5,482
3.2 Response to City Review of Concept Design Drawings					8								4	2		14		\$84	\$1,994
3.3 Response to Questions and Changes in Contractor Availability			2		8								1	1		12		\$72	\$1,917
SUBTOTAL TASK 3.0		1	6	0	32	0	0	0	0	0	0	0	0	17	7	63	0	\$378	\$9,393
TASK- 4.0 Well #9 Detailed Well Design and Bid Documents																			
4.1 Prepare 95% Design for Well #9 (Drilling Contractor)		2	15	5	24								20	16	4	66		\$516	\$12,596
4.2 Submission of 100% Well Design to City for Bidding		2	5		16								8	8	2	41		\$246	\$5,971
4.3 Schedule Start of Drilling		2	4		8											14		\$84	\$2,464
SUBTOTAL TASK 4.0		6	24	5	48	0	0	0	0	0	0	0	28	24	6	141	0	\$846	\$21,031
TASK- 5.0 Well #9 Site: Install 4-Inch Test Well, Test Setup and Analysis																			
5.1 Test Well Installation / Sieve Testing / Permeability Testing / Sampling		1	3		6			24								34	1000	\$204	\$5,419
5.2 Review of Laboratory Information and Analysis of Data			4		6			8								18		\$108	\$2,658
SUBTOTAL TASK 5.0		1	7	0	12	0	0	32	0	0	0	0	0	0	0	52	1000	\$312	\$8,077
TASK- 6.0 Well #9 Installation																			
6.1 Pilot Hole Drilling			1		2			6								9	600	\$54	\$1,789
6.2 Well Boring/Reaming Drilling		1	2		4			4								11		\$66	\$1,676
6.3 Casing and Well Seal Installation		1	4		8			32								45	800	\$270	\$6,630
6.4 Well Development Observation			2		8			24								34	300	\$204	\$4,654
SUBTOTAL TASK 6.0		2	9	0	22	0	0	66	0	0	0	0	0	0	0	99	1700	\$594	\$14,749
TASK- 7.0 Aquifer (Pump) Testing and Pump Design Refinement																			
7.1 Pumping Test and report			8		8		24	40					4	8	10	102	1600	\$612	\$14,642
SUBTOTAL TASK 7.0		0	8	0	8	0	24	40	0	0	0	0	4	8	10	102	1600	\$612	\$14,642
TASK- 8.0 Well #9 Reporting and Closeout																			
8.1 Prepare Final Report and As-Built Drawings		8	16		24			24								72		\$432	\$11,232
8.2 Prepare CDPH Permit Application			8	36				10					8	15		77		\$462	\$11,037
8.3 Submit CDPH Permit Application and Well #9 Report		4	8		8			5								25		\$150	\$4,195
SUBTOTAL TASK 8.0		12	32	36	32	0	0	39	0	0	0	0	8	15	0	174	0	\$1,044	\$26,464



GHD Inc. - PROJECT FEE ESTIMATING SHEET

Project Name: Well #9 Development and Well #4 Rehabilitation Project

Client:

Prepared by: Kent O'Brien / Ash Sutherland/Matt KennedyDate: March 24, 2014Job Number: 840900497

		LABOR COSTS															FEE COMPUTATION		
LABOR CATEGORY >		PD	JM	GEO	GEO	Elec	Staff	GEO	Const.	Const.	Const.	Proj.	CAD	WP	PA	TOTAL	Expenses And Subs	*OTHER DIRECT COSTS	TOTAL FEE
RATE >		Matt	Kent	Eliz/Jed	Dave	Eng.	Eng.	Harmony	Mgmt.	Insp.	Engr	Coord.				HOURS			
Task / Item		\$180	\$195	\$155	\$155	\$175	\$135	\$105	\$180	\$160	\$160	\$125	\$120	\$95	\$95				
		/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr	/Hr				
TASK- 9.0 Site, Building, Distribution Piping and Disinfection Design																			
9.1 Perform Site Topo Survey		1	1										4		1	7	5000	\$42	\$5,982
9.2 Geotechnical Investigation		1	1		2			4								8	13200	\$48	\$14,358
9.3 Design Charrette & Site Visit		8	8			8								1	1	26		\$156	\$4,746
9.4 Prepare 95% Design (PS&E)		16	2	2		8	232						128	2	2	392		\$2,352	\$64,392
9.5 Prepare 100% Design (PS&E)		16	2	2		8	148						88	2	2	268		\$2,608	\$38,508
SUBTOTAL TASK 9.0		42	14	4	2	24	380	4	0	0	0	0	220	5	6	701	18200	\$5,206	\$117,981
TASK- 10.0 Bid Phase and Construction Engineering Support																			
10.1 Bid Phase Services		2	2				8								2	14		\$84	\$2,104
10.2 Construction Engineering Support		6	4			6	24						8		2	50		\$300	\$7,600
SUBTOTAL TASK 10.0		8	6	0	0	6	32	0	0	0	0	0	8	0	4	64	0	\$384	\$9,704
TASK- 11.0 Construction Management and Inspection Services																			
11.1 Pre-Construction									8		14	4				26		\$156	\$4,336
11.2 Construction Management			2						32			20	18		2	74		\$444	\$12,234
11.3 Daily Observation/Inspection										360	16					376		\$4,056	\$64,216
11.4 Project Closeout									4		6	12	4		2	28		\$168	\$4,018
SUBTOTAL TASK 11.0		0	2	0	0	0	0	0	44	360	56	34	4	0	4	504	0	\$4,824	\$84,804
WELL #9 TASKS 1 THROUGH 10 TOTALS		81	138	83	202	30	436	197	44	360	56	34	293	69	36	2,063	\$ 22,500	\$ 15,178	\$ 332,423
Percentage Hours		4%	7%	4%	10%	1%	21%	10%	2%	17%	3%	2%	14%	3%	2%	100%			
Well #4 Rehabilitation/Replacement Design																			
TASK- 1.0 Well #4 Field Investigation																			
1.1 Field Survey					18											18	3500	\$108	\$6,398
1.2 Evaluation and Design for Rehabilitation of Well #4			4	4	20											28		\$168	\$4,668
1.3 Recommendations Technical Memorandum			8		20											28		\$168	\$4,828
1.4 Preparation of Concept Drawings		1	4		8								8	4	2	27		\$162	\$3,892
SUBTOTAL TASK 1.0		1	16	4	66	0	0	0	0	0	0	0	8	4	2	101		\$606	\$19,786
TASK- 2.0 Well #4 Rehabilitation Specifications																			
2.1 Prepare 95% Design Specifications		4	2		16										12	34		\$204	\$4,934
2.2 Submission of 100% Design Specification to City for Bidding		2	1		8										4	17		\$102	\$2,467
SUBTOTAL TASK 2.0		6	3	0	24	0	0	0	0	0	0	0	0	16	2	51		\$306	\$7,401
WELL #4 TASKS 1 and 2 TOTALS		7	19	4	90	0	0	0	0	0	0	0	8	20	4	152		\$912	\$27,187
Percentage Hours		5%	13%	3%	59%	0%	0%	0%	0%	0%	0%	0%	5%	13%	3%	100%			
PROJECT TOTALS		88	157	87	292	30	436	197	44	360	56	34	301	89	40	2,215		\$16,090	\$359,610

*OTHER DIRECT COSTS include telephone, mileage, printing, photocopies and other miscellaneous direct expenses.

CITY OF UKIAH
AMENDMENT NO. 1
TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES
DATED FEBRUARY 17, 2015

TERMS AND CONDITIONS

All terms and conditions of the Agreement for Professional Consulting Services dated April 16, 2014 shall remain in force and effect except as modified by this first amendment.

AUTHORIZATION

Upon execution of this amendment, service provider is authorized to provide the service described under the Scope of Additional Work identified in this Amendment No. 1.

SCOPE OF ADDITIONAL WORK

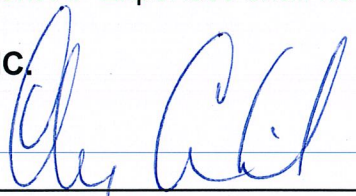
Work authorized by this amendment shall include that work described in the January 28, 2015 Amendment for Engineering Design, Geotechnical and Construction Oversight Services for Water Well #4 Rehabilitation and New Water Well #9 Project.. A copy of said letter is included in this first amendment at Attachment A.

COMPENSATION

Compensation for the performance of the additional work shall be in accordance with Attachment A. Expenses shall not exceed a maximum total cost of \$222,232

GHD, INC.

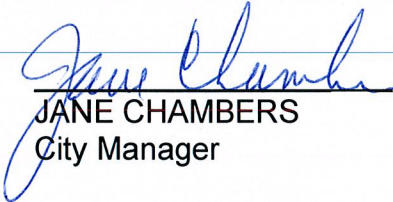
BY:


ALEX CULICK
Principal

2/23/15
DATE

CITY OF UKIAH

BY:


JANE CHAMBERS
City Manager

3/5/15
DATE



Attachment A

January 28, 2015

Mr. Jarod Thiele
Public Works Project Analyst
City of Ukiah
300 Seminary Avenue
Ukiah CA 95482-5400

Our ref: 84/11192/10

Your ref: COU# 1314-200

RE: Amendment for Engineering Design, Geotechnical and Construction Oversight Services for Water Well #4 Rehabilitation and New Water Well #9 Project

Dear Mr. Thiele:

GHD is pleased to provide the City of Ukiah (City) with this Scope and Fee for additional services on the Engineering Design, Geotechnical and Construction Oversight Services for Water Well #4 Rehabilitation and New Water Well #9 Project, dated March 6, 2014 (Contract #1314-200). This proposal is for additional activities associated with the design and construction installation of Replacement Well #4 on the same property (APN 003-572-15-00) as the existing Well #4, and the design and construction of New Well #9 near the intersection of North Orchard Avenue / Brush Street. This project is derived from the findings developed during the site evaluation tasks previously performed under this contract. The original scope of services included the design and installation of New Well #9 on a privately owned parcel located at the intersection of Brush Street / Orr Street, and the hydrogeologic evaluation of existing Well #4.

Project Background

The evaluation, design and construction of new Well #9 at a site adjacent to Brush Street / Orr Street was the primary focus of the work conducted by GHD under Contract #1314-200, which began in April 2014. In May 2014 environmental screening of the properties near the Proposed Well #9 site identified two nearby fuel storage and dispensing facilities which have records of hydrocarbon soil and groundwater contamination. Soil and groundwater sampling in 2014 at the former Tidewaters Bulk Fuel Terminal 600 feet west of the Proposed Well #9 site indicated significant concentrations of diesel contamination in the groundwater. This contamination could result in more stringent water quality monitoring requirements and possibly the need for water treatment if Proposed Well #9 was installed at this location. Based on this discovery, GHD recommended the following actions:

- 1) The design of Proposed Well #9 is put on hold while environmental testing by others at the former Tidewater Bulk Facility is completed so a more thorough evaluation of the contamination levels and potential risks to the well operation can be evaluated.
- 2) Other sites are considered for the Proposed Well #9 project.
- 3) GHD proceeds with the field investigations and evaluation of existing Well #4 for rehabilitation or replacement.

The City agreed with these recommendations, design efforts associated with Well #9 were put on hold, and project resources were shifted to begin evaluation of existing Well #4. Existing Well #4 has been off-line due to reoccurring detections of bacteria in extracted groundwater. Also, approximately the lower 100-feet of the well casing had previously collapsed. GHD's evaluation of existing Well #4 indicates that the installation of a

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new replacement well at the same property is recommended instead of rehabilitation of existing Well #4 due to the following issues:

- A split in the well casing observed in a well CCTV video inspection – this split indicates structural weakness;
- Extensive plugging of the well screen;
- Lack of a proven sanitary well seal;
- Re-occurring bacteria contamination issues;
- High risk that aggressive rehabilitation will end in well failure.
- High risk and cost of proper abandonment should failure occur.

The City and GHD held a meeting on June 19, 2014 at the existing Well #4 site. During this meeting GHD recommended that further work related to the Brush Street / Orr Street new Well #9 site remain on hold while environmental testing is performed by others, and that the scope of services and budget should be re-appropriated for the design and installation of Replacement Well #4 including building and site improvements, and destruction of Existing Well #4. Once the subsurface environmental testing and review is completed at the former Tidewaters Bulk Fuel Terminal and an evaluation of the new Well #9 site is completed the City could reauthorize the design of New Well #9.

Design of Replacement Well #4 progressed during the months of June, July and August. During this time the City decided to evaluate options for purchasing the parcel behind existing Well #4 and relocating Replacement Well #4 to this parcel, which is currently an open field. The City subsequently entered into discussions with the property owner, and design of Replacement Well #4 was temporarily put on hold based on the potential for the well site to change and to preserve design budget.

In August 2014 the subsurface environmental testing at the former Tidewater Bulk Facility was completed by others. The test results indicated that shallow soil and groundwater contamination is present, but that it does not appear to have migrated below shallow confining clay layers. As a precautionary measure, GHD has recommended that New Well #9 be sited near the intersection of North Orchard Avenue / Brush Street. This site is further east of the contamination source and provides greater separation and reduces the risk of potentially drawing petroleum hydrocarbon contamination to New Well #9.

By November 2014 discussions with the property owner adjacent to the existing Well #4 site were not progressing, the City determined that the purchase of the parcel would not move forward, and that design of Replacement Well #4 on the existing Well #4 parcel should continue.

Scope and Budget Update

Some design work was undertaken on the proposed Well #9 site at Brush Street / Orr Street prior to the suspension of Well #9 work and shift of project resources to design Replacement Well #4. Most of the design work completed for the Proposed Well #9 site at Brush Street / Orr Street project is directly transferrable to the Replacement Well #4 project, and has been used to develop the Replacement Well #4 project. It is expected that the design of the Replacement Well #4 and the chlorination and control building will be directly transferrable back to the Proposed Well #9 design at North Orchard Avenue / Brush Street when that effort restarts.

The estimated hours for the design of the Replacement Well #4 project have been adjusted based on the City's authorization to proceed with the design of Replacement Well #4 and the reuse of similar design work already completed for Proposed Well #9.

This revised budget estimate provided with this proposal includes a summary of the overall budget status of the work associated with the Proposed Well #9 project and a detailed Scope of Services for the Replacement Well #4 project. This proposed Scope of Services consists of and amends the following key elements:

- Design, bid support and occasional contractor oversight during drilling and well construction of Replacement Well #4;
 - Installation of a Test Well and associated hydrogeologic evaluation of the existing Well #4 site;
 - Installation of Replacement Well #4;

- Design, bid support and construction management / observation services for Replacement Well #4 control and chlorination building, site improvements, well head, pump and water distribution piping;
- Destruction of existing Well #4;
- Assistance to the City in preliminary evaluation of other locations for the Proposed Well #9;
- Design, bid support and occasional contractor oversight during drilling and well construction of new Well #9;
 - Installation of a Test Well at the new Well #9 site;
 - Installation of new Well #9;
- Design, bid support and construction management / observation services for new Well #9 control and chlorination building, site improvements, well head, pump and water distribution piping;

The table below summarizes budget spent on each task under Contract #1314-200, budget adjustments based on efforts completed, and the estimated percent completion as of January 25, 2015.

Task No.	Task Name	Original Budget	Proposed Budget	Budget Change	Effort	Budget Remaining	% Complete
1	Project Award and Preliminaries	\$14,008	\$8,698	(\$5,310)	\$8,698	\$0	100%
2	Well #9 Location Evaluation and Field Investigation	\$11,560	\$7,308	(\$4,252)	\$7,126	\$182	98%
3	Well #9 Concept Design Drawings to Qualified Drilling Contractors	\$9,393	\$9,393	\$0	\$5,353	\$4,040	57%
4	Well #9 Detailed Well Design and Bid Documents	\$21,031	\$21,031	\$0	\$19,905	\$1,126	95%
5	Well #9 Site: Install 4-Inch Test Well, Test Setup and Analysis	\$8,077	\$8,077	\$0	\$0	\$8,077	0%
6	Well #9 Installation	\$14,749	\$14,749	\$0	\$0	\$14,749	0%
7	Well #9 Aquifer (Pump) Testing and Pump Design Refinement	\$14,642	\$14,642	\$0	\$0	\$14,642	0%
8	Well #9 Reporting and Closeout	\$26,464	\$26,464	\$0	\$0	\$26,464	0%
9	Well #9 Site, Building, and Utility Design	\$117,991	\$117,991	\$0	\$47,448	\$70,543	40%
10	Well #9 Bid Phase and Construction Engineering Support	\$9,704	\$9,704	\$0	\$96	\$9,608	1%
11	Well #9 CM / Inspection Services	\$84,804	\$84,804	\$0	\$0	\$84,804	0%
12	Well #4 Field Investigation	\$19,786	\$29,348	\$9,562	\$27,886	\$1,462	95%
13	Well #4 Rehabilitation Specifications	\$7,401	\$7,401	\$0	\$2,589	\$4,812	35%
	TOTAL	\$359,610	\$359,610	\$0	\$119,101	\$240,509	33%

Tasks 12 and 13 were used both to evaluate the rehabilitation of existing Well #4 and to begin the design of the Replacement Well #4. When the City authorized GHD to proceed with Replacement Well #4 design and re-appropriate existing budget, additional tasks were added to the project to allow the design team to move forward with the design of Replacement Well #4 and to manage the efforts on individual tasks separately from Well #9 efforts.

Integrated Project Approach

The Scope of Services for the design of the Replacement Well #4 is comparable to and integrated with the Scope of Services for the Proposed Well #9 project. The approach to the Replacement Well #4 scope of services is to integrate it with the New Well #9 tasks to develop a combined set of construction documents for both well sites. One set of construction documents will be developed for Replacement Well #4 and New Well #9 drilling and well development and one set of construction documents will be developed for Replacement Well #4 and New Well #9 building, site and utility improvements. This approach integrates both well sites into a single project, which will provide the City with cost savings during design, well drilling and construction. This approach is also expected to improve the attractiveness of the project to well drilling and construction contractors. Construction management and observation services for both wells would also be integrated.

Scope of Services for Replacement Well #4

Following authorization to proceed with the evaluation and design of Replacement Well #4, additional project tasks were established, and budget was re-appropriated to those tasks for Well #4 efforts. The following are the proposed Scope of Services for Replacement Well #4.

The Project Tasks are identified below:

- Task 14. Replacement Well #4 Project Preliminaries and Site Investigation
- Task 15. Replacement Well #4 Concept Design Drawings
- Task 16. Replacement Well #4 Detailed Well Design, Specifications, and Bid Documents
- Task 17. Install 6-Inch Test Well, Test Setup and Analysis
- Task 18. Replacement Well #4 Installation
- Task 19. Aquifer (Pump) Testing and Pump Design Refinement
- Task 20. Replacement Well #4 Reporting and Closeout
- Task 21. Replacement Well #4 Site, Building and Utility Design
- Task 22. Bid Phase and Construction Engineering Support
- Task 23. Construction Management and Inspection Services
- Task 24. Well #4 Destruction

Task 14 – Replacement Well #4 Project Preliminaries and Site Investigation

GHD understands that one of the most critical aspects of this well destruction and installation project is timeliness. Discussions with drilling contractors suitable for the Replacement Well #4 project have been in progress due to the communication in place from the Proposed Well #9 project which will avoid potential delays as a result of unavailability of drilling contractors. GHD will continue monitoring of drilling contractors' availability throughout the upcoming assessment and design phases.

GHD understands that a final location for Replacement Well #4 has been selected to remain within the existing Well #4 site. The final selection of the well location is a critical path in order to prepare for site access issues regarding on site activities for the destruction of Well #4 and installation of Replacement Well #4 within the limited space available.

This task includes preliminary activities such as a detailed review of the 2006 Well Siting Study, available supporting documentation for the existing Well #4 and a preliminary field investigation performed concurrently with the geotechnical investigation to assess potential environmental concerns left in place at the existing Well #4. This Task includes:

- City of Ukiah data review, kick-off meeting, and initial site visit;

- Identifying qualified drilling contractors pertaining to the destruction and installation activities to be performed;
- Identifying availability of qualified drilling contractors (critical path);
- Discussions and / or meetings with contractors to establish and maintain interest in these projects;
- Perform on site environmental investigation concurrently with geotechnical drilling in order to confirm the diesel AST and associated piping has not affected the integrity of the site;
- Establish location for Replacement Well #4;
- Prepare draft CDPH permit application and supporting information (i.e., Drinking Water Source Assessment and Protection report); and
- Meet with CDPH to discuss schedule and well replacement location.

Assumptions: GHD assumes that the City has notified the CDPH of the intent to install a new well and that they are in agreement with the proposed well. GHD also assumes that the CEQA permitting has been obtained or is being addressed by the City and that the site has been cleared for hazardous material concerns. GHD has the expertise to assist the City with hazardous materials and/or CEQA permitting if needed.

Task 15 – Replacement Well #4 Specifications and Preliminary Concept Design Drawings

GHD's approach is to engage the interest of drilling contractors early this construction season by providing early notice of the intent of well installation and a Preliminary Conceptual Design Drawings of the Test Well and Replacement Well #4. These Conceptual Design Drawings would be sent to qualified drillers to allow them to initiate preparation of bids and to provide comments regarding scheduling and other constraints. These Conceptual Design Drawings can be prepared quickly and are expected to shorten the overall schedule by clarifying the basic project before beginning detailed design. By providing early notice to drillers, the City will learn of driller's availability and by providing a Conceptual Design Drawing the City can ask for a fast response to the final bid without risk that drillers will decline to respond. This Task includes the following:

- Preparation of Concept Design Drawings for Installation;
- City review of Concept Design Drawings;
- Issue Concept Design Drawing to qualified drilling contractors; and
- Respond to questions and changes in driller availability and schedule.

Task 16 – Replacement Well #4 Detailed Well Design and Bid Documents

GHD will prepare 95% draft design drawings and technical specifications for the installation of Replacement Well #4 and submit these draft specifications and drawings to the City for review and comment. Because the Preliminary Design Drawings for new Well #9 will have been previously completed, the City and GHD can use this Task to focus on important details such as the logistics of the well installation. A conditional well screen and pump will be specified (for bid purposes) with a note indicating that these specific aspects of the design are to be confirmed after the results of the Test Well (Task 17) and Pumping Test (Task 19) are available. One meeting will be completed with the City prior to the 95% design to make sure all aspects of the design are incorporated. This Task includes the following:

- Prepare draft 95% design drawings and specifications for Replacement Well #4;
- Meet with the City to discuss the design;
- Submission of 95% design to the City for review and comment;
- Submission of 100% design to the City for bidding to qualified drilling contractors;
- Response to questions during Contractor bid preparation;
- Review of bids;
- Acceptance of winning bid; and
- Schedule start of drilling.

Note: In the project fee proposal this Task includes the design of the well. The well pad, pump, wellhead, piping, disinfection system, electrical, instrumentation, supervisory control and data acquisition (SCADA), building, and site improvement elements are described below under Task 21.

Task 17 – Install 6-Inch Test Well, Test Setup and Analysis

Task 4 proposes that a Test Well be completed as part of the installation of Replacement Well #4. The Test Well proposed in this Task is recommended after review of the City's existing Well #4 data. Design and analysis associated with the Test Well is included in the schedule and cost. GHD believes that there is a high probability that the Test Well will confirm the design details appropriate for the installation of Replacement Well #4. The Test Well program results will be used to refine the well design specification such as depth, screen interval(s) and filter pack.

During the Test Well drilling activities, soil samples for sieve analysis and water quality samples will be collected and the analysis will be performed on an expedited turn around. The findings will be used to complete the final design specification for the City and facilitate the procurement of well construction materials. This Task includes the following:

- Observe installation of Test Well;
- Analysis of the geophysical log of the Test Well boring;
- Review of soil sample sieve analysis;
- Design and review of contractor aquifer permeability testing;
- Design and review of water quality sampling and analysis; and
- Well screen design adjustments based on Test Well sieve analysis.

Assumptions: This Task anticipates three days of on-site observation during the installation of the Test Well for the collection of soil samples for sieve analysis and lithologic logging of the boring. It also includes two additional days of on-site time during the setup and performance of the aquifer permeability tests. It includes equipment such as a transducer and a depth to water meter needed for permeability testing. The costs assume that the drilling contractor will manage the discharge of groundwater and fluids during these tests. Laboratory fees will be billed directly to the City. The drilling contractor will subcontract for the sieve analysis and geophysical log of the Test Well. GHD will collect the water samples and submit these to the City's preferred laboratory for analysis. The City can provide up to 3 short term site visits during test pumping by the drilling contractor for the purpose of verifying contractor adherence to the test pumping procedures developed by GHD. The purpose of this test pumping is to obtain high quality groundwater samples and to gain an estimation of aquifer hydraulic conductivity.

Task 18 – Replacement Well #4 Installation

The installation of a municipal well is a complex process where on-site observation is required at critical times. This Task is related to observation of the drilling contractor during key events and responding to the conditions which are encountered. It is not necessary that GHD technical staff be on-site for all drilling activities. This Task includes the following:

- Review of procurement of well screen and casing by drilling contractor;
- Observe pilot hole installation and provide verification of aquifer material;
- Observation of Replacement Well #4 casing installation;
- Observation of well seal placement; and
- Observation of the development of Replacement Well #4 at start and end of these activities.

Assumptions: This Task includes five days of on-site observation during the installation of the pilot boring and installation of the well casing. The costs assume that the drilling contractor will manage the drill cuttings and discharge of drilling fluids during the installation. The drilling contractor is also responsible for coordinating required drilling permits and regulatory well inspections.

Task 19 – Aquifer (Pump) Testing and Pump Design Refinement

After Replacement Well #4 is installed and developed the well driller will install a temporary pump and run a step-drawdown aquifer pumping test. This test will be followed by a constant rate aquifer test that will range in duration from 24 to 72 hours depending on site conditions. GHD will set up and monitor test equipment installed in the Test Well and Replacement Well #4 during these aquifer tests. GHD will analyze the aquifer test data and provide this analysis in the final report. The aquifer test results will also be used by GHD to refine the pump design as needed and to finalize the permit documents.

- Replacement Well #4 aquifer/step and constant rate pumping tests and analysis
- Production pump size design refinement

Assumptions: This Task includes five days of on-site observation during the aquifer testing process. GHD assumes that the Test Well will remain in place for use after the installation of Replacement Well #4. It is assumed that Replacement Well #4 will be installed 30 to 50 feet from the Test Well. The Test Well remains for future use during operation of Replacement Well #4. Both Replacement Well #4 and the Test Well will be monitored during the pumping tests. GHD will review the area near the wells to identify potential observation wells. Monitoring of these wells may be completed as an additional task. The costs assume that the drilling contractor will manage the discharge of groundwater during the test. This test is performed for 24 to 72 hours. GHD assumes that the City will provide up to six (6) short term site visits to verify that the contractor is adhering to the test protocol developed by GHD. These visits may need to be conducted after or before normal working hours.

Task 20 – Replacement Well #4 Project Reporting and Closeout

Project reporting includes documenting the activities performed during the well installation and testing. This information is also used to complete the CDPH permitting process.

- Prepare final well installation report including as-built drawings.
- Finalize and submit CDPH permit documents.

Task 21 – Replacement Well #4 Site, Building and Utility Design

The completion of this task tracks concurrently with the design and installation of Replacement Well #4 and completion of the design of New Well #9. Replacement Well #4 and New Well #9 construction documents will be integrated into a single package for bidding purposes. The well site, building, distribution piping, utilities and treatment design includes the following elements:

- Site topographic survey
- Geotechnical investigation and report
- Basis of Design technical memorandum
- Well head and appurtenances
- Pump sizing and selection
- Site demolition, clearing and grubbing
- Site improvements (excavation, grading, paving, fencing & gates)
- Yard piping valves and appurtenances
- Finalize design of wood frame chlorination and control building
- Chlorination system
- Building HVAC mechanical system
- Electrical, interior and exterior lighting, instrumentation and SCADA for the well pump and chlorination system
- Coordination with the City Electrical Department for the electrical service, and
- Connection to the existing distribution main located in Lorraine Street.

Based on the outcome of the Design Charrette and subsequent meetings and discussions regarding the chlorination system, the City has selected the Arden TriChlor tablet chlorination system for Replacement Well #4 and New Well #9. This system will be incorporated into the project design, along with other elements documented in the Basis of Design technical memorandum.

The structural and architectural design of the New Well #9 chlorination and control building was completed to approximately a 60% design level. It is assumed that this building design will be retained and utilized for the chlorination and control building for the Replacement Well #4.

Task 21.1 – Topographic Mapping and Boundary Survey (Subconsultant: Rau & Associates)

This task includes performing a topographic field survey which may be accomplished by a combination of GPS and conventional surveying methods.

A topographic map of the Well #4 parcel with improvements will be completed. Limits will include features within the fence lines of the existing parcel and out into the street frontage (approximately 50 feet of street in both directions from lot frontage) to show any evidence of overhead or underground utilities and drainage patterns. The existing sanitary sewer pipeline in Lorraine Street from Betty Street south to trunk sewer pipeline in Talmage Frontage Road will also be surveyed to determine its capacity to handle overboard discharges during well operation. A boundary survey of the subject parcel will be performed, corner monuments set or existing fences tagged for reference, and a Record of Survey filed showing the boundary relative to the existing fences.

Task 21.1.1 Data and Records Research; Landowner Contacts

Data and records research services will be performed to support Project design surveys, topographic mapping, location of boundaries, and production of the Record of Survey Map. The City of Ukiah is to supply a current Title Report to discover any easements of record. Data and records research activities will include title analysis, reduction/calculation of record data, and boundary analysis. The adjoining neighbors will be notified that field survey work is being done for the City.

Task 21.1.2 – Field Surveys

Topographic mapping will include the existing improvements on the parcel as well as visible utilities and utility appurtenances (manholes, valve covers, splice boxes, etc.) and the streetscape (curb, gutter, sidewalk on both sides) in front of the parcel. A boundary survey will be done to establish/confirm the limits of the parcel. It is anticipated that the Boundary Survey will have to extend over onto Orchard Avenue and possibly south to Talmage or west to Waugh Lane, since the original subdivision along Lorraine was done in the 1950s. Two days of field surveys is budgeted for this task.

Task 21.1.3 – Office Topographic Mapping

Topographic mapping will be done from the field surveys performed in accordance with applicable City of Ukiah accuracy standards. Topographic base maps will be prepared for the project site as well as the streetscape fronting the project site. Mapping will be provided at a 1 inch = 20 feet horizontal scale with 1-foot contour intervals, using industry standards of accuracy. Up to five hard copies and two CD's of the electronic version of the mapping will be delivered to the City.

Task 21.1.4 – Office Boundary Mapping

Boundary resolution will be performed in the office using field ties to existing monuments. It is anticipated that at least three monuments of record will be found within tolerances sufficient to allow the boundaries to be established. The evidence found will be shown on a preliminary boundary map and the boundary resolved. The resolved boundary shall be added to the topographic map to complete it for design purposes. The Title Report will be studied for any easements of record. If there are any easements of record which cross the subject parcel, they shall be plotted to show the area encumbered.

Task 21.1.5 – Set Boundary Monuments

The boundary will be monumented at the angle points, or if fence posts are at or near the location of the property boundary corner, the fence post will be tagged in lieu of a monument being placed.

Task 21.1.6 – Record of Survey Map

A Record of Survey Map will be prepared and submitted to the Mendocino County Surveyor for map checking. Services to be performed include production of the map, plan check processing, and recordation of the map. Payment of the County's plan check and recordation fees are included in this task.

Task 21.2 – Geotechnical Investigation (Subconsultant: Rau & Associates):

The following geotechnical services will be provided by Geotechnical Subconsultant.

Task 21.2.1 – Private Landowner and Public Agency Notifications

Notification to the adjoining land owners and the County Division of Environmental Health will be provided about the plan to conduct field investigations on City of Ukiah owned property in order to prevent false alarms and concerns about drilling without permits.

Task 21.2.2 – Field Exploration

A geotechnical investigation will be conducted including 3 to 4 borings in the designated area, using a drill rig (appropriately cleaned to prevent contamination) to depths ranging from 10 to 15 feet within the identified Project Area limits for Wellhead Structure. Borings will be used to assess the properties of in-situ subgrade soils (Atterberg Limits, Expansion Index) and to evaluate the potential for adverse conditions such as soft soils or high groundwater. In addition, one soil boring will be drilled up to approximately 35 feet in depth near the proposed wellhead structures to assess potential for liquefaction. It is anticipated that observations of the drilling logs will be sufficient to be able to state that the liquefaction potential is sufficiently low to not require computer evaluation. If computer evaluation of liquefaction potential becomes necessary, the work will be an additional cost to the project and will be authorized by a change to the professional services agreement.

The Geotechnical Subconsultant will log the borings and collect soil samples.

Task 21.2.3 – Geotechnical Laboratory Testing

Laboratory tests will be performed on selected soil samples to evaluate pertinent physical and engineering properties. Tests may include R-Value for the structural section in the yard area around the well and wellhead structures, corrosion potential, maximum wet density of subgrade soils, unconfined compressive strength, and Atterberg (Plasticity Index) limits. Substitute laboratory test may be performed depending on the conditions encountered during field exploration.

The laboratory testing will include one remolded shear test to aid in determining the allowable soil parameters for design of the structures sited on reprocessed fill. Three or four moisture/density tests, four abbreviated hydrometer tests to determine percentage of silt and clay, and one gradation to determine liquefaction potential of a representative gravel lens (if encountered) will complete the testing program.

Task 21.2.4 – Engineering Analysis and Report Preparation

Results of field exploration and laboratory tests, and chemical analysis will be used to determine geotechnical parameters for the planned construction elements of the Project. Recommendations for pavement or gravel surface section designs, trench excavation stability and backfill, and site grading will be provided. A written report will be prepared under the direction of a Registered Civil and Geotechnical Engineer. A section will be included in the geotechnical report for the project to describe conditions encountered and provide design parameters for the wellhead structure foundations, including maximum design bearing pressure and passive pressure for lateral resistance, as well as recommendations for subsurface and surface drainage elements around the structures.

Task 21.2.5 – Plan Check

A review of Project plans and specifications will be performed by Geotechnical Subconsultant for the 100% and Final submittals in order to confirm that the plans and specifications are in general conformance with the findings and recommendations relative to the geotechnical investigation.

Task 21.2.6 – Meetings

Geotechnical Subconsultant's representatives will attend up to two (2) meetings with City of Ukiah to discuss geotechnical issues.

Task 21.3 – Asbestos and Lead Survey Report

This task includes performing a lead and asbestos report prior to the destruction of any above ground structures. Asbestos and lead sampling is not included in this scope of work.

Task 21.4 – Review Background Information

This task includes contacting the various utility providers with utilities within the project limits to request utility information and records, if any, principally to determine the surface and subsurface location of various utilities which may conflict with the improvements. Utility potholing is not included in this scope of work.

GHD will visit the Well # 4 site and surrounding area with the City to assess and document the existing conditions, verify the topographic survey, and site the new chlorination and control building and associated site improvements. Attendance by the lead design engineer and project manager are at two in-person meetings is also included in this task.

Task 21.5 – 95% Design Submittal

GHD will prepare 95% construction contract documents: drawings, specifications, and opinion of probable construction costs for the building and site improvements. Documents will be submitted for City review and comment. The 95% submittal will also be submitted to the Building Department for permit review. GHD will meet with the City to review and confirm comments prior to finalizing the design for bidding.

Task 21.6 – 100% (Final) Design Submittal

Following the 95% design review meeting GHD will finalize the design for public bidding. Construction contract documents for bid will be submitted at the 100% (Final) design level, and will address City comments. The bid submittal will include stamped and signed drawings on Mylar, City front end specifications, technical specifications, and opinion of probable construction cost for the project.

Submittals:

- Topographic Survey Map.
- Easement documents (legal description and plat).
- Geotechnical Investigation Report (3 hard copies, 1 electronic copy).
- 95% Plans, Specifications & Opinion of Probable Cost (3 full-size copies of drawings, specifications, cost, 1 electronic copy).
- 100% (final) Plans, Specifications & Opinion of Probable Cost (1 full-size Mylar copy of drawings, 10 full-size copies of drawings, specifications, cost, 1 electronic copy).

Task 22 – Bid Phase and Construction Engineering Support

GHD will respond to technical inquiries during bidding via written addenda. This scope is based upon the preparation of up to one (1) written addenda related to changes to or interpretations of the Bid Documents and submitting a PDF of the Addendum. CAD drafting time is not included. This Task does not include construction observation or inspection services.

GHD will provide construction engineering support services through the duration of construction.

Task 23 –Construction Management and Observation Services

This task assumes the contractor has been allowed a total of one hundred ten (110) working days for completion of all work under the Construction Contract for the New Well # 9 and Replacement Well #4 site, building, and piping construction. This scope augments Task 11, which is CM and Observation for New Well #9 based on the estimated additional fifty (50) working days of contract time.

Task 23.1 – Pre-Construction

This task includes project administration, coordination, organizing the pre-construction meeting and document pre-construction conditions:

Task 23.1.1 – Project Administration and Coordination

- Budget and schedule tracking
- Provide project and contract oversight

Task 23.1.2 – Schedule and Cost breakdown review

- On-site inspector/observer will review the contractor's schedule and cost breakdown of bid items.

Task 23.1.3 – Pre-Construction Meeting

- Facilitate the pre-construction meeting and discuss issues such as design approach, project concepts, overall project review, and construction procedures.
- Preparation of meeting notes and agenda.
- Coordination with City Staff, City Building Inspector and City utility service providers.

Task 23.1.4 – Photo log/pre-construction inspection

- Photograph documentation of prior conditions.

Task 23.2 – Construction Phase – Construction Management

GHD will coordinate between the Contractor, design team, City of Ukiah, and other parties throughout course of the project. It is assumed that the City will handle and respond to public concerns/complaints.

Task 23.2.1 – Progress Pay Requests

GHD will review Contractor monthly payment requests, negotiate differences in payment quantities, and prepare and submit monthly payment requests to City.

Task 23.2.2 – Project Files

GHD will maintain project records and files.

Task 23.2.3 – Progress Meetings

The On-site observer will attend project meetings and prepare agenda and meeting minutes, as needed. This scope of work assumes one progress meeting per week (up to 12 meetings). The Construction Manager will attend up to 5 meetings.

Task 23.2.4 – Schedule Monitoring

- The observer will monitor the Contractor's construction schedule and progress for adherence to project schedule, coordinate with the Contractor on maintaining activities, notify Contractor of any schedule concerns, review any schedule revisions, and negotiate time extensions.
- Coordinate with the Contractor to provide City staff with sufficient advance notice for any construction activities which may affect or require City resources.

Task 23.2.5 – Submittals

- Coordinate and manage Submittal and Shop Drawings reviews – including maintaining submittal log (up to 12 hours of review and processing time). This scope item also includes an allowance for up to 4 resubmittals.
- Provide technical review and response

Task 23.2.6 – Request for Information/Contract Change Orders (RFIs/CCOs)

- Manage Contractor correspondence including Requests for Information (RFIs), Potential Change Orders (PCOs) and Contractor Change Orders (CCOs) – include technical / engineering assistance & review, maintaining logs, prepare and transmit responses and coordinate with other parties to develop responses.
- Allowance for up to 2 Change Orders and 6 RFIs.

Task 23.2.7 – Oversight

GHD will provide senior level oversight of project, including reviewing progress pay requests, correspondence, meeting minutes, RFIs and CCOs, as needed (up to 2 hours for Principal and 6 hours for Construction Manager).

Task 23.3 – Daily Observation

GHD will provide part-time daily construction observation to document construction progress, site cleanliness, potential future conflicts, and contractor issues.

Task 23.3.1 – Daily Observation

Provide part-time on-site construction observation to check on the Contractor's general conformance with the project plans and specifications. The period of construction will be staffed at ½ time during construction (4 hours a day on site). It is anticipated that the City Building inspector will be present during required Building Department inspections.

- Prepare daily observation reports including digital photo logs of progress
- Maintain job set plans with markup depicted any changes
- Collect and maintain all material tags and testing tags/reports.
- Review traffic control and monitor Contractor daily activities for possible impacts to public – check for adequate noticing in alignment with traffic control set up
- Review Contractor's erosion control plan, check for conformance with the construction documents, and monitor for implementation of BMPs on timely manner

Task 23.4 – Project Closeout

GHD will prepare final project closeout documents including the following:

- Final project summary letter
- Complete project photo log in CD format
- Approved submittals
- Inspection and observation reports
- All materials testing and inspection records and final reports (provided by City and third party inspectors)
- Labor compliance documentation - contractor prevailing wage reports (if required and provided)
- Meeting records

Task 23.4.2 – Record Drawings

Prepare and transmit Record drawings to City, incorporating any field changes, change orders or other changes deemed necessary by the Engineer or City, and existing conditions located by the Contractor. One (1) red-lined bond hard copy with consolidated construction changes will be submitted to the City for their records.

Task 23.4.3 – Notice of Completion/Retention

GHD will assist the City in preparing the Notice of Completion and coordinate payment processing of retention.

Task 24 – Well #4 Destruction

This Task is related to observation of the drilling contractor during key events and responding to the conditions which are encountered in order to ensure correct destruction techniques have been followed. This Task includes the following:

- Review of destruction design by drilling contractor.
- Observation of Well #4 conductor casing and well destruction.

Assumptions: This Task includes two days of on-site observation during the destruction of the existing well. The costs assume that the drilling contractor will manage the drill cuttings and discharge of drilling fluids during the destruction. The drilling contractor is also responsible for coordinating required drilling permits and regulatory inspections.

Proposed Budget

The table below summarizes proposed budget for Replacement Well #4 tasks, efforts completed, and the estimated percent completion as of January 25, 2015. Any efforts that exceed proposed budgets will be managed by GHD such that the overall project budget is not exceeded without prior written approval of the City.

Task No.	Task Name	Original Budget	Proposed Budget	Budget Change	Effort	Budget Remaining	% Complete
14	Well #4 Project Preliminaries	\$0	\$12,942	\$0	\$28,091	(\$15,149)	217%
15	Well #4 Concept Design Drawings	\$0	\$11,607	\$0	\$8,744	\$2,863	75%
16	Well #4 Detailed Well Design and Bid Documents	\$0	\$10,904	\$0	\$21,780	(\$10,876)	200%
17	Well #4 Test Well	\$0	\$12,423	\$0	\$0	\$12,423	0%
18	Well #4 Installation	\$0	\$16,051	\$0	\$0	\$16,051	0%
19	Well #4 Aquifer (Pump) Testing and Pump Design Refinement	\$0	\$7,796	\$0	\$0	\$7,796	0%
20	Well #4 Reporting and Closeout	\$0	\$15,561	\$0	\$0	\$15,561	0%
21	Well #4 Site, Building, and Utility Design	\$0	\$76,667	\$0	\$26,751	\$49,916	35%
22	Well #4 Bid Phase and Construction Engineering Support	\$0	\$5,582	\$0	\$0	\$5,582	0%
23	Well #4 CM / Inspection Services	\$0	\$45,485	\$0	\$0	\$45,485	0%
24	Well #4 Destruction	\$0	\$7,214	\$0	\$0	\$7,214	0%
	TOTAL	\$0	\$222,232	\$0	\$85,366	\$136,866	38%

The table below summarizes the overall budgets that have been utilized through January 25, 2015 toward the Proposed Well #9 project and the Replacement Well #4 project, compared to funds that will be necessary for GHD to complete the design and construction of both Proposed Well #9 and Replacement Well #4.

Project Phase	Cost
Well #9 and Well #4 Rehabilitation Project (Current Contract)	
Original Contract Budget	\$359,610
Authorized Expenditures	\$119,101
Original Contract Budget Remaining	\$240,509
Replacement Well #4 (Proposed Amendment)	
Proposed Amendment Budget	\$222,232
Authorized Expenditures	\$85,366
Proposed Amendment Budget Remaining	\$136,866
Total Project Budget (Contract + Amendment)	\$581,842

Assumptions and Exclusions

This Scope of Services relies upon certain assumptions, based upon the information available at the time of execution of the Agreement, and exclusions. Should these assumptions and exclusions subsequently be found changed or otherwise invalid, the terms of this Agreement, including the scope, schedule, and terms of compensation, shall be modified accordingly by mutual Agreement. The following assumptions and exclusions are essential elements of this Scope of Services:

- Deliverables will be subject to review by the City of Ukiah, and except as otherwise stated herein, will be prepared in accordance with the applicable requirements of each in effect at the time of execution of this Agreement.
- Due to the schedule and emergency nature of the Project and the agencies with approval authority over the Project, changes to the Project or its approval process may occur during the life of the Project, necessitating corresponding changes in the services required to accomplish the Project. Changes to the Project may result from changes in policy by governing or reviewing agencies, in response to public comments, and other causes which cannot reasonably be foreseen at this time. Changes to the approval process or requirements may result from new or revised legislation by governing bodies, or new or revised regulations promulgated by a number or regulatory agencies. It is recognized that should significant changes to the Project or its approval process occur which could not have been foreseen at the time of execution of this Agreement, the scope, schedule, and/or compensation for services to be provided under this Agreement shall be modified accordingly.
- Utility facilities will be accurately located and marked in the field by the respective utility owners prior to commencement of geotechnical explorations.
- It is assumed that the soils encountered in the soil borings will not have significant depths of strata subject to liquefaction. If weak soils are encountered (i.e., standard blow count lower than 7 blows per foot) for any significant depth, additional work may be necessary to determine the effect of seismic forces on the wall and/or fill, as it may cause lurching, seismic consolidation, or liquefaction with resultant differential settlement.
- Cost of Mylar production assumes 40 full-size 22"x34" sheets.
- Construction of Replacement Well #4 site improvements, utilities, building and appurtenances is assumed to require 50 working days. The estimated total number of working days for both Replacement Well #4 and Proposed Well #9 is 110 working days. The actual number working days will be contingent upon the timing of well installation and testing, and final pump selection and availability. A construction hiatus may be required depending upon the pump/motor, VFD and MCC lead time.
- All work involved in preparing and obtaining cooperative agreements and approval of cooperative agreements is excluded.

- Any services associated with the identification, handling, containment, abatement, disposal, or in any other respect related to asbestos or hazardous materials is excluded except as stated in the Scope of Services.
- Preparation of environmental documents and related special studies in support of the project is excluded.
- Materials testing during construction for conformance with contract requirements is excluded.
- Inspection of contractor's work and materials for certification purposes is excluded.

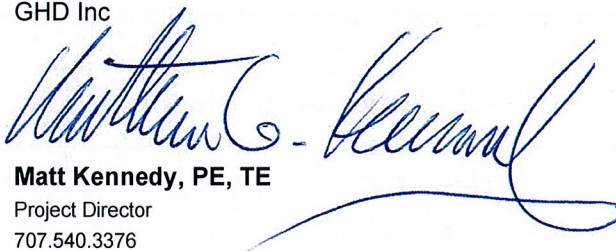
Services Provided by the City

The City of Ukiah will:

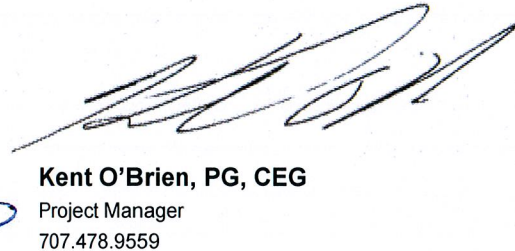
1. Provide access to all portions of the Project site, as necessary for base mapping, design of the project, and all associated investigations.
2. Furnish to GHD for use on this project copies of all available previous studies, reports, ordinances, surveys, drawings, existing maps, and utility information applicable to the Project.
3. Locate water, electrical power, sanitary sewer and storm sewer utilities as part of the Underground Service Alert (USA) requirements.
4. GHD shall be entitled to rely upon the accuracy of data and information provided by the City or others without independent review or evaluation.
5. Review and provide comments on submittals provided by GHD.
6. Except as specifically stated otherwise herein, act as Applicant and pay all fees:
 - a. For all required permits, and
 - b. Material testing during construction.
7. Provide for use by GHD current Preliminary Title Reports for all affected properties.
8. Pay all fees, except as specifically stated herein to be included in Basic Services.
9. Provide all required right-of-way appraisal and acquisition services.
10. Prepare and issue all required Notices to Relocate existing utility facilities.
11. Provide after-hours site visits during the pumping of the Test Well and aquifer/pump testing of Replacement Well #4.

Said services are not included within the Scope of Services to be provided by GHD under this Agreement. GHD is committed to the City of Ukiah and the successful completion of this project in 2015. It is our goal to complete the design of the project by April 2015 so the City can advertise for bids and authorize construction during the summer of 2015. Please feel free to contact Kent or me if you have any questions about this proposal or need any additional information.

Sincerely
GHD Inc



Matt Kennedy, PE, TE
Project Director
707.540.3376



Kent O'Brien, PG, CEG
Project Manager
707.478.9559

Attachments:

1. Budget Estimate Spreadsheet
2. GHD Standard Rates



October 28, 2016

Mr. Jarod Thiele
Public Works Project Analyst
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482-5400

Our ref: 84/11192/10

Your ref: COU# 1314-200

RE: Amendment No. 2 for Engineering Design, Geotechnical and Construction Oversight Services for Water Well #4 Rehabilitation and New Water Well #9 Project

Dear Mr. Thiele:

GHD Inc. (GHD) is pleased to provide the City of Ukiah (City) with this proposal for additional bid period and construction period services for the Water Well #4 Rehabilitation and New Water Well #9 Project, dated April 16, 2014 (Contract No. 1314-200). This amendment request is for additional activities associated with the following:

- Specification 16-01:
 - o Rebidding the construction installation of Replacement Well #4 and New Well #9.
 - o Attending the pre-bid meetings.
 - o Additional construction phase activities associated with the Contractor's submittals required prior to well construction
 - o Additional field activities during the drilling, installation, development and testing of Test Well #4, Production Well #4, Test Well #9 and Production Well #9.
 - o Creation of graphic representation of Well #9 relative to Orr Creek for public presentation to City Council.
- Specification 16-02:
 - o Attending the pre-bid meeting.
 - o Additional design and construction services to increase the pumping capacity at Well #4
 - o Additional design and construction services to decrease the pumping capacity at Well #9.

Specification 16-01: Additional Bidding and Construction Support Services

The scope of services for bid support services is similar in both Contract No. 1314-200 for design of Well #9, and Amendment No. 1 which added design of Well #4. Bid support services are provided as subtasks under Task 10 and Task 22. The scope was limited to responding to questions from bidding contractors

and as-needed technical support for the City. The bid support scope did not include GHD attendance at pre-bid meetings.

At the City's request GHD attended the first pre-bid meeting for Specification 16-01. Bids were received from two drilling companies. Both bids had errors in response that caused the City to reject both bids. One bidder took exception to the requirements of the specification and the other did not acknowledge receipt of all addendums. GHD clarified the requirements in the specifications and drawings, and reissued a new set of Mylar drawings for bidding. GHD also attended the pre-bid meeting for the rebid of Specification 16-01.

The scope of work associated with Contractor submittals required prior to well construction includes reviews of multiple Contractor submittals and resubmittals of the project construction schedule, well abandonment plan, water pollution control plan, and premobilization submittals. Contractor submittals were significantly lacking in information required by the contract.

GHD's project team also attended multiple unbudgeted conference calls and meetings with the City and Contractor to assist in submittal requirements and to assist the Contractor in preparing the required plans and submittals.

The construction contract schedule was extended beyond the contract working days. As requested by the City, GHD provided additional field observation and construction documentation support services throughout the schedule extension.

The Contractor struggled to develop Well #4, requiring multiple remobilizations to the site to perform additional well development and CCTV video inspections. GHD provided additional field observation services and technical advice during this time including reviews of two additional CCTV inspection videos of the well.

Worked with the City and NorCal Pump and Drilling to develop a Mud Plan prior to the drilling of new Well 9, to minimize the impact to the formation from the drilling fluid. GHD provided oversight during the entire drilling process, well installation and development of the new Well 9. GHD provided additional support to the City during the setup and performance of the well pump test and discharge water management. Water management required additional support due to the increased flow achieved from expected rate.

At the request of the City, GHD prepared a graphic of Well #9 relative to Orrs Creek including presentation of e-log and lithologic data for public presentation during a City Council meeting. The graphic will be conceptual in nature but based on actual field data, and will show and label well features, casing, perforations, clay / gravel / sand layers, static ground water, groundwater draw down during sustained pumping, and Orrs Creek water level. The intent of the graphic is to demonstrate to the City Council that there is no hydrologic / hydraulic connection between the groundwater supplied by Production Well #9 and surface waters in Orrs Creek.

Specification 16-02 Site Design Revisions

The scope of services was limited to responding to questions from bidding contractors and as-needed technical support for the City. The bid support scope did not include GHD attendance at pre-bid meetings. At the City's request GHD attended the pre-bid meeting for Specification 16-02.

The scope of work associated with well pumping capacity is related to the estimated production of Well #4 following completion of well construction and development being greater than the design production, and the estimated production of Well #9 following completion of well construction and development being less than the design production. Both Well #4 and Well #9, and their related building and site piping and equipment were designed based on a firm pumping capacity of 900 gallons per minute (gpm) utilizing 100

horsepower pumps. Upon completion of the monitoring/test wells at each site and pump testing of those wells it was determined Well #4 is capable of achieving a firm pumping capacity of 1,300 gpm with acceptable drawdown, and Well #9 is capable of achieving a firm pumping capacity of 700 gpm with an acceptable drawdown. The City has approved construction of both wells and site improvements. Revisions to the construction documents are required to increase the pumping capacity at Well #4 and decrease the pumping capacity at Well #9. Also Well #9 was installed at a different location than was shown on the drawings and staked in the field. These revisions include:

- PCO #001: Revisions to the specified pump duty condition and pump and motor horsepower at Well #4;
- PCO #001: Revisions to Well #4 electrical service size, transfer switch, conduits and conductors, and associated electrical equipment to support a higher horsepower pump;
- PCO #001: Revisions to electrical equipment at Well #4 to support a higher pumping rate;
- PCO #002: Adding a Mendocino County Standard commercial driveway entrance and wider gate at the Well #9 site;
- PCO #002: Revising the location of the Well #9 well head, enclosure and associated electrical and piping to reflect the location the well was actually constructed.
- PCO #003: Revisions to the Well #4 site utility plan and development of a PCO to remove items of work which were completed by others.
- PCO #004: The addition of solenoids on valves and related electrical and instrumentation improvements in the well buildings at Well #4 and Well #9 to allow for automated or remote operations.
- Preparing, issuing, reviewing and negotiating change orders associated with the design revisions.

These design revisions require changes to construction contract drawings and the specifications. The table below summarizes the additional professional service fees for these services.

Task No.	Task Description	Cost
10	Spec 16-01 Bid Support	\$15,004
	Spec 16-01 Construction Support (Well #9)	\$7,600
22	Spec 16-01 Construction Support (Well #4)	\$4,731
27	Spec 16-01 Well Drilling/Construction Support	\$61,092
28	Spec 16-02 Well Site Design Revision	\$14,511
Totals		\$102,938

The table below is a summary of the overall project budget reflecting approved and pending amendments.

Well #9 and Well #4 Rehabilitation Project	Cost
Original Contract Budget	\$359,610
Amendment No. 1 – Well #4 Replacement (approved)	\$222,232
Total Project Budget (Current Contract)	\$581,842
Amendment No. 2 – Bid & Construction Services (pending)	\$102,938
Total Project Budget (Contract + Amendment Nos. 1 and 2)	\$684,780

Please feel free to contact Dave or myself if you have any questions about this proposal or need any additional information.

Sincerely
GHD Inc.

A handwritten signature in blue ink, appearing to read "Matt Kennedy", with a long, sweeping underline.

Matt Kennedy, PE, TE

Associate / Construction Manager
707.540.3376

A handwritten signature in blue ink, appearing to read "David J. Vossler", with a large, stylized "D" and "V".

David J. Vossler, PG

Associate / Project Manager
707.540.9954



GHD - PROJECT FEE ESTIMATING SHEET

Project Name: Ukiah Well #4 / #9 Drilling and Site Improvements

Client: City of Ukiah

Prepared by: Dave Vossler/Matt Kennedy

Date: October 28, 2016

Job Number: 8411192

		LABOR COSTS										FEE COMPUTATION			
Task / Item	LABOR CATEGORY >	PM	Sr. Civil	Civil Eng.	Sr. Elec.	Elec. Eng.	Sr. Geologist	Proj. Geologist	CAD Design	WP	PA	TOTAL HOURS	*OTHER DIRECT COSTS	Sub-con-sultant(s)	TOTAL FEE
	RATE >	\$175 /Hr	\$195 /Hr	\$145 /Hr	\$170 /Hr	\$135 /Hr	\$175 /Hr	\$150 /Hr	\$125 /Hr	\$100 /Hr	\$100 /Hr				
TASK- 10.0 Well #9 Bid Phase & Construction Engr															
10.1 Spec 16-01 Additional Bid Support		20	16	8			16	16	8	1	1	86	\$824		\$15,004
10.2 Spec 16-01 Additional Const Support		8	4				16	16				44	\$220		\$7,600
SUBTOTAL TASK 10.0		28	20	8	0	0	32	32	8	1	1	130	\$1,044	\$0	\$22,604
TASK- 22.0 Well #4 Bid Phase & Construction Engr															
22.1 Spec 16-01 Additional Const Support		8	8				8				2	26	\$171		\$4,731
SUBTOTAL TASK 22.0		8	8	0	0	0	8	0	0	0	2	26	\$171	\$0	\$4,731
TASK- 27.0 Well Drilling/Construction Support															
27.1 Spec 16-01 Submittals & Meetings		1	13				16				1	31	\$186		\$5,796
27.2 Spec 16-01 Field Construction Assistance							275					275	\$3,025		\$51,150
27.3 Spec 16-01 Develop Presentation Graphics			2				8	8	8			26	\$156		\$4,146
SUBTOTAL TASK 27.0		1	15	0	0	0	299	8	8	0	1	332	\$3,367	\$0	\$61,092
TASK- 28.0 Well Site Design Revisions															
28.1 Spec 16-02 Well #4 Design Revisions (PCO#001)		1	12	16	8	8			6			51	\$306		\$8,331
28.2 Spec 16-02 Well #9 Design Revisions (PCO #002)		1	2	8	1				4			16	\$96		\$2,491
28.3 Spec 16-02 Well #4/9 Design Revisions (PCO #003)		1	2	8	3	6			4			24	\$144		\$3,689
SUBTOTAL TASK 28.0		3	16	32	12	14	0	0	14	0	0	91	\$546	\$0	\$14,511
PROJECT TOTALS		40	59	40	12	14	339	40	30	1	4	579	\$5,128	\$0	\$102,938

*OTHER DIRECT COSTS include telephone, mileage, printing, photocopies and other miscellaneous direct expenses.



ITEM NO.: 12c

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: AWARD OF CONTRACT TO SMB ENVIRONMENTAL FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE UKIAH LANDFILL CLOSURE PROJECT IN THE AMOUNT OF \$147,977 AND APPROVAL OF CORRESPONDING BUDGET AMENDMENT

Summary: Council will consider awarding a contract to SMB Environmental for the preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project.

Background: EBA Engineering prepared an Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City for the Ukiah Landfill Closure Project in order to comply with the California Environmental Quality Act (CEQA).

This document was sent to the State Clearinghouse for the required 45-day public review period. This period started on February 24, 2016, and ended on April 8, 2016. Comments were received from CalRecycle, North Coast Regional Water Quality Control Board, and Water and Power Law Group representing Vichy Springs Resort.

Discussion: The environmental review process rendered comments that staff felt required more analysis. The analysis that is required involves a more robust environmental review. Staff is recommending that the MND document be bolstered through an Environmental Impact Report (EIR).

A Request for Proposal (RFP) was prepared and released on October 14, 2016 (Attachment #1). Three proposals were received by the November 4, 2016 deadline. Proposals were received from De Novo Planning Group (\$99,915), SMB Environmental (\$147,977) and TRC (\$248,400).

The review committee consisted of Public Works Director Eriksen, Deputy Public Works Director Seanor, Interim Planning Director Thompson, Associate Planner Johnson and Public Works Management Analyst Thiele. The committee discussed the proposals and rated the one received from SMB Environmental the highest and are recommending Council award a contract for the preparation of an EIR. SMB Environmental has subcontracted with the City for the preparation of the environmental document for the Recycled Water Project (Attachment #2). Staff feels confident they can meet the timeline set out in the RFP.

FISCAL IMPACT:				
Budget Amendment Amount	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$147,977	Landfill Operations and Maintenance	#70024500.52100	Yes ☒ No ☐	N/A

RECOMMENDED ACTION(S): Award of contract to SMB Environmental for the preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project in the amount of \$147,977 and approval of corresponding budget amendment.

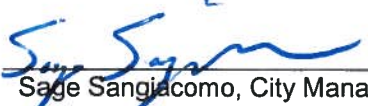
ALTERNATIVES: N/A

Citizens advised: N/A
Requested by: Tim Eriksen, Director of Public Works/City Engineer
Prepared by: Jarod Thiele, Public Works Management Analyst
Coordinated with: David Rapport, City Attorney and Rick Seanor, Deputy Director of Public Works
Presenter: Tim Eriksen, Director of Public Works/City Engineer
Attachments: 1. Request for Proposal
2. Proposal from SMB Environmental

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



**PUBLIC WORKS DEPARTMENT
REQUEST FOR PROPOSAL**

**PREPARATION OF AN ENVIRONMENTAL IMPACT
REPORT (EIR) FOR THE UKIAH LANDFILL CLOSURE
PROJECT**

PROPOSAL DUE: NOVEMBER 4, 2016

GENERAL INFORMATION / PROJECT LOCATION

The City of Ukiah, with a population of 16,075 people, is located approximately 115 miles north of San Francisco, CA on the US Highway 101 corridor. Ukiah is also the retail service hub to an area reaching a 50-mile perimeter and experiences a daytime service population exceeding 35,000 people. The City of Ukiah has Closure Plans developed for the Final Closure of the Ukiah Landfill which have been prepared by EBA Engineering of Santa Rosa, CA.

LANDFILL ENVIRONMENTAL SETTING, BACKGROUND AND HISTORY

This information be found in Attachment 1 (included at the end of this document) which was prepared by EBA Engineering as part of an Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND can be downloaded here:

<https://cityofukiah.box.com/UkiahLandfillClosureProject>

LANDFILL CLOSURE REQUIREMENTS

Closure of the Landfill will be performed in accordance with the applicable regulatory standards prescribed in the California Code of Regulations (CCR) [i.e., 27 CCR, Chapters 3 and 4 and CFR, Subpart F]. The components and systems required for closure of the Landfill include the final cover and grading design to control storm water, potential infiltration and accommodate future settlement, drainage and erosion control systems, landfill slope stability, landfill gas (LFG) control systems, leachate control systems, and construction quality assurance (CQA). The closure includes the replacement and removal of several storm drain outfalls that discharge to an unnamed tributary of Sulfur Creek located along the northern boundary of the landfill footprint. In addition, the work includes the maintenance of an existing sedimentation basin located on the eastern end of the landfill. Both of these activities are subject to permitting from applicable agencies for work conducted within jurisdictional waters of the US and State.

PROJECT ISSUES

Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Noise, Public Services, Recreation/Parks, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Water Supply, Wetland/Riparian, Land use, Cumulative Effects. These issues were identified when the Initial Study/MND was filed with the State Clearinghouse. There may be additional or fewer project issues.

The City of Ukiah requests proposals from qualified firms to provide professional services for the Preparation of an Environmental Impact Report (EIR) for this project.

SCOPE OF SERVICES

The scope of services for the Preparation of an Environmental Impact Report is listed below. All services shall be provided in accordance with the City's draft professional services agreement, a sample of which is attached as Attachment "A". The Consultant's proposal shall include, but not be limited to the following:

- Act as an Authorized Representative for the City of Ukiah.
- Conduct an initial site visit and coordination meeting with City of Ukiah staff and EBA

Engineering.

- Review the Final Closure and Post Closure Maintenance Plans.
- Prepare an administrative draft EIR for review by city staff, legal counsel and EBA Engineering.
- Prepare the Notice of Preparation (NOP) and submit to the State Clearing House (SCH) and the Interested Party List (IPL).
- Conduct Public Scoping meeting in accordance with Section 15083 of the CEQA Guidelines.
- Prepare and circulate the final EIR to the SCH and IPL. CEQA Guidelines (Section 15132) specify that the Final EIR shall consist of:
 - a. The Draft EIR or a revision of the draft.
 - b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
 - c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
 - d. The responses of the lead agency to significant environmental points raised in the review and consultation process.
 - e. Any other information added by the lead agency.
- Receive comments on the EIR.
- Coordinate responses to comments received with City, legal counsel and EBA Engineering.
- Respond to comments received.
- Present comments and responses to the Ukiah City Council when the EIR is certified. This could require presence at several City Council meetings.
- File Notice of Determination (NOD) with the Mendocino County Clerk if project is approved. File NOD with the SCH as the project requires discretionary approval from both CalRecycle, the North Coast Regional Water Quality Control Board, and California Department of Fish and Wildlife.

SCHEDULE

- Proposals received for the Preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project: 2:00 pm, November 4, 2016
- City Council award of professional services agreement to selected consultant: November 16, 2016
- Consultant prepares and circulates all Administrative, Draft and Final EIR: April 3, 2017
- Respond to comments: June 1 through June 30, 2017
- Certify EIR: August 2, 2017

FILING FEES

- The City will pay the cost of all Filing fees including but not limited to SCH, CDFW and Mendocino County Recording Fees. The City will require 3 weeks notice to prepare the payments.

HARD COPY SUBMISSION OF DOCUMENTS

- Consultant shall pay the cost of copying and delivering all required hard copy and electronic submittals to the SCH and IPL.

CONSULTANT'S PROPOSAL

Proposals shall be labeled "Proposal – Preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project".

Proposals shall be submitted to:

Jarod Thiele, Management Analyst
City of Ukiah, Department of Public Works
300 Seminary Avenue
Ukiah, CA 95482-5400

Five (5) copies of the PROPOSAL are required. Proposals must be received prior to 2:00 PM, November 4, 2016.

Proposals shall include as a minimum the following:

Project approach and schedule

Describe the proposed approach and procedures to be used in completing the tasks described in the Scope of Services. Include a proposed schedule showing completion of the various tasks.

Cover letter

The cover letter should include a brief overview of the specific approach and procedures the firm proposes to complete the tasks described in the Scope of Services. An explanation of why the specific plan detailed in the proposal is the best plan for the City should be included. The cover letter must be signed by an official authorized to bind the successful firm contractually and shall contain a statement to the effect that the proposal is a firm offer for a minimum period of thirty (30) days after the submittal date. The letter accompanying the proposal shall also provide the following: name, title, address, and telephone number of individuals with the authority to negotiate a contract and bind the consultant to the terms of the contract.

Project team

Describe the qualifications and experience of the firm as related to the project, and the proposed staff to be assigned to this project. Describe the qualifications and experience of any proposed sub-consultants and identify the work they will accomplish. Firms, sub-consultants and proposed staff must demonstrate experience with similar projects. Staff proposed to be in charge of the project must demonstrate significant experience supervising similar work. Describe the proposed team organization, current and previous work assignments, and man-hours budgeted for each team member. Provide the name and brief resume of the individual who will be in responsible charge of the project along with the names and brief resumes of the firm's staff who will be assigned to the project.

Fee proposal

Provide a fee proposal based on an hourly rate schedule with a “not to exceed” maximum cost for all work identified in the Scope of Services. Indicate if travel time, mileage, and per diem will be charged. Include any sub-consultant or sub-contractor cost. Additionally, please identify miscellaneous costs associated with this proposal. Submit a copy of your firm’s current itemized hourly rate fee schedule along with the Fee Proposal in a separate sealed envelope.

References

Provide a list of similar projects for which the firm has completed similar projects with a list of at least three client references associated with these projects. Include client references for any proposed sub-consultants. Provide names of contact person, addresses and telephone numbers for all client references.

Exceptions

Identify any exceptions you are proposing with respect to the Scope of Services. Additionally, if there are any exceptions to the City’s insurance requirements and/or the City’s draft professional services agreement as shown in the attachments, the Consultant should list the exceptions in the proposal.

SPECIAL PROPOSAL REQUIREMENT

Proposal documents shall be produced on recycled paper, when practicable. The proposal front cover shall be labeled in such a way as to identify that the document was produced on recycled paper and the pages of the proposal shall be produced double sided, where feasible.

INSURANCE REQUIREMENTS

The insurance requirements are set forth in Attachment “B”.

EVALUATION OF CONSULTANT’S PROPOSAL

The following evaluation criteria will be used in evaluating and selecting candidates:

1. Candidate’s specialized experience and technical competence as applicable to the services required. Resumes must be furnished for the proposed team members and team leader.
2. Candidate’s past record of performance, on similar projects, including control of costs, quality of work, and completion in a timely manner.
3. Candidate’s capacity to perform the work in a timely fashion. A proposed work plan and organization chart should be included.
4. Candidate’s familiarity with the type of problems applicable to the project.
5. Candidate’s demonstrated experience in preparation of an EIR.

RIGHT OF REFUSAL

The City reserves the right to reject any and all proposals without qualifications. Proposals will be considered only in their entirety. The City reserves the right to negotiate the specific requirements and costs using the selected proposal as a basis.

QUESTIONS

Questions shall be directed to Jarod Thiele, Management Analyst, City of Ukiah, Department of Public Works, 300 Seminary Avenue, Ukiah, CA 95482-5400, voice phone: (707) 463-6755, fax phone: (707) 463-6204, email (preferred contact method): jthiele@cityofukiah.com

ATTACHMENT "A"

AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES [Design Professional]

This Agreement, made and entered into this ____ day of _____, 2016 ("Effective Date"), by and between CITY OF UKIAH, CALIFORNIA, hereinafter referred to as "City" and _____, a _____ [sole proprietorship, corporation, partnership, limited partnership, limited liability company, etc] organized and in good standing under the laws of the state of _____, hereinafter referred to as "Consultant".

RECITALS

This Agreement is predicated on the following facts:

- a. City requires consulting services related to _____.
- b. Consultant represents that it has the qualifications, skills, experience and properly licensed to provide these services, and is willing to provide them according to the terms of this Agreement.
- c. City and Consultant agree upon the Scope-of-Work and Work Schedule attached hereto as Attachment "A", describing contract provisions for the project and setting forth the completion dates for the various services to be provided pursuant to this Agreement.

TERMS OF AGREEMENT

1.0 DESCRIPTION OF PROJECT

- 1.1 The Project is described in detail in the attached Scope-of-Work (Attachment "A").

2.0 SCOPE OF SERVICES

- 2.1 As set forth in Attachment "A".
- 2.2. Additional Services. Additional services, if any, shall only proceed upon written agreement between City and Consultant. The written Agreement shall be in the form of an Amendment to this Agreement.

3.0 CONDUCT OF WORK

- 3.1 Time of Completion. Consultant shall commence performance of services as required by the Scope-of-Work upon receipt of a Notice to Proceed from City and shall complete such services within _____ from receipt of the Notice to Proceed. Consultant shall complete the work to the City's reasonable satisfaction, even if contract disputes arise or Consultant contends it is entitled to further compensation.

4.0 COMPENSATION FOR SERVICES

- 4.1 Basis for Compensation. For the performance of the professional services of this Agreement, Consultant shall be compensated on a time and expense basis not to exceed a guaranteed maximum dollar amount of \$--- ----. Labor charges shall be based upon hourly billing rates for the various classifications of personnel employed by Consultant to perform the Scope of Work as set forth in the attached Attachment B, which shall

include all indirect costs and expenses of every kind or nature, except direct expenses. The direct expenses and the fees to be charged for same shall be as set forth in Attachment B. Consultant shall complete the Scope of Work for the not-to-exceed guaranteed maximum, even if actual time and expenses exceed that amount.

- 4.2 Changes. Should changes in compensation be required because of changes to the Scope-of-Work of this Agreement, the parties shall agree in writing to any changes in compensation. "Changes to the Scope-of-Work" means different activities than those described in Attachment "A" and not additional time to complete those activities than the parties anticipated on the date they entered this Agreement.
- 4.3 Sub-contractor Payment. The use of sub-consultants or other services to perform a portion of the work of this Agreement shall be approved by City prior to commencement of work. The cost of sub-consultants shall be included within guaranteed not-to-exceed amount set forth in Section 4.1.
- 4.4 Terms of Payment. Payment to Consultant for services rendered in accordance with this contract shall be based upon submission of monthly invoices for the work satisfactorily performed prior to the date of invoice less any amount already paid to Consultant, which amounts shall be due and payable thirty (30) days after receipt by City. The invoices shall provide a description of each item of work performed, the time expended to perform each task, the fees charged for that task, and the direct expenses incurred and billed for. Invoices shall be accompanied by documentation sufficient to enable City to determine progress made and the expenses claimed.

5.0 ASSURANCES OF CONSULTANT

- 5.1 Independent Contractor. Consultant is an independent contractor and is solely responsible for its acts or omissions. Consultant (including its agents, servants, and employees) is not City's agent, employee, or representative for any purpose.

It is the express intention of the parties hereto that Consultant is an independent contractor and not an employee, joint venturer, or partner of City for any purpose whatsoever. City shall have no right to, and shall not control the manner or prescribe the method of accomplishing those services contracted to and performed by Consultant under this Agreement, and the general public and all governmental agencies regulating such activity shall be so informed.

Those provisions of this Agreement that reserve ultimate authority in City have been inserted solely to achieve compliance with federal and state laws, rules, regulations, and interpretations thereof. No such provisions and no other provisions of this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between Consultant and City.

Consultant shall pay all estimated and actual federal and state income and self-employment taxes that are due the state and federal government and shall furnish and pay worker's compensation insurance, unemployment insurance and any other benefits required by law for himself and his employees, if any. Consultant agrees to indemnify and hold City and its officers, agents and employees harmless from and against any claims or demands by federal, state or local government agencies for any such taxes or benefits due but not paid by Consultant, including the legal costs associated with defending against any audit, claim, demand or law suit.

Consultant warrants and represents that it is a properly licensed professional or professional organization with a substantial investment in its business and that it maintains its own offices and staff which it will use in performing under this Agreement.

- 5.2 Conflict of Interest. Consultant understands that its professional responsibility is solely to City. Consultant has no interest and will not acquire any direct or indirect interest that would conflict with its performance of

the Agreement. Consultant shall not in the performance of this Agreement employ a person having such an interest. If the City Manager determines that the Consultant has a disclosure obligation under the City's local conflict of interest code, the Consultant shall file the required disclosure form with the City Clerk within 10 days of being notified of the City Manager's determination.

6.0 INDEMNIFICATION

6.1 Insurance Liability. Without limiting Consultant's obligations arising under Paragraph 6.2 Consultant shall not begin work under this Agreement until it procures and maintains for the full period of time allowed by law, surviving the termination of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with its performance under this Agreement.

A. Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office ("ISO) Commercial General Liability Coverage Form No. CG 20 10 10 01 and Commercial General Liability Coverage – Completed Operations Form No. CG 20 37 10 01.
2. ISO Form No. CA 0001 (Ed. 1/87) covering Automobile Liability, Code 1 "any auto" or Code 8, 9 if no owned autos and endorsement CA 0025.
3. Worker's Compensation Insurance as required by the Labor Code of the State of California and Employers Liability Insurance.
4. Errors and Omissions liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

B. Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall apply separately to the work performed under this Agreement, or the aggregate limit shall be twice the prescribed per occurrence limit.
2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
3. Worker's Compensation and Employers Liability: Worker's compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.
4. Errors and Omissions liability: \$1,000,000 per occurrence.

C. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the

option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to the City, its officers, officials, employees and volunteers; or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages

- a. The City, its officers, officials, employees and volunteers are to be covered as additional insureds as respects; liability arising out of activities performed by or on behalf of the Consultant, products and completed operations of the Consultant, premises owned, occupied or used by the Consultant, or automobiles owned, hired or borrowed by the Consultant for the full period of time allowed by law, surviving the termination of this Agreement. The coverage shall contain no special limitations on the scope-of-protection afforded to the City, its officers, officials, employees or volunteers.
- b. The Consultant's insurance coverage shall be primary insurance as respects to the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be in excess of the Consultant's insurance and shall not contribute with it.
- c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, officials, employees or volunteers.
- d. The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. Worker's Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from Consultant's performance of the work, pursuant to this Agreement.

3. Professional Liability Coverage

If written on a claims-made basis, the retroactivity date shall be the effective date of this Agreement. The policy period shall extend from ----- to -----.

4. All Coverages

Each Insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

E. Acceptability of Insurers

Insurance is to be placed with admitted California insurers with an A.M. Best's rating of no less than A- for financial strength, AA for long-term credit rating and AMB-1 for short-term credit rating.

F. Verification of Coverage

Consultant shall furnish the City with Certificates of Insurance and with original Endorsements effecting coverage required by this Agreement. The Certificates and Endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The Certificates and Endorsements are to be on forms provided or approved by the City. All Certificates and Endorsements are to be received and approved by the City before Consultant begins the work of this Agreement. The City reserves the right to require complete, certified copies of all required insurance policies, at any time. If Consultant fails to provide the coverages required herein, the City shall have the right, but not the obligation, to purchase any or all of them. In that event, after notice to Consultant that City has paid the premium, the cost of insurance may be deducted from the compensation otherwise due the contractor under the terms of this Contract.

G. Subcontractors

Consultant shall include all sub-contractors or sub-consultants as insured under its policies or shall furnish separate certificates and endorsements for each sub-contractor or sub-consultant. All coverage for sub-contractors or sub-consultants shall be subject to all insurance requirements set forth in this Paragraph 6.1.

- 6.2 Indemnification. Notwithstanding the foregoing insurance requirements, and in addition thereto, Consultant agrees, for the full period of time allowed by law, surviving the termination of this Agreement, to indemnify the City for any claim, cost or liability that arises out of, or pertains to, or relates to any negligent act or omission or the willful misconduct of Consultant and its agents in the performance of services under this contract, but this indemnity does not apply to liability for damages for death or bodily injury to persons, injury to property, or other loss, arising from the sole negligence, willful misconduct or defects in design by the City, or arising from the active negligence of the City.

"Indemnify," as used herein includes the expenses of defending against a claim and the payment of any settlement or judgment arising out of the claim. Defense costs include all costs associated with defending the claim, including, but not limited to, the fees of attorneys, investigators, consultants, experts and expert witnesses, and litigation expenses.

References in this paragraph to City or Consultant, include their officers, employees, agents, and subcontractors.

7.0 CONTRACT PROVISIONS

- 7.1 Documents and Ownership of Work. All documents furnished to Consultant by City and all documents or reports and supportive data prepared by Consultant under this Agreement are owned and become the property of the City upon their creation and shall be given to City immediately upon demand and at the completion of Consultant's services at no additional cost to City. Deliverables are identified in the Scope-of-Work, Attachment "A". All documents produced by Consultant shall be furnished to City in digital format and hardcopy. Consultant shall produce the digital format, using software and media approved by City.

- 7.2 Governing Law. Consultant shall comply with the laws and regulations of the United States, the State of

California, and all local governments having jurisdiction over this Agreement. The interpretation and enforcement of this Agreement shall be governed by California law and any action arising under or in connection with this Agreement must be filed in a Court of competent jurisdiction in Mendocino County.

- 7.3 Entire Agreement. This Agreement plus its Attachment(s) and executed Amendments set forth the entire understanding between the parties.
- 7.4 Severability. If any term of this Agreement is held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in effect.
- 7.5 Modification. No modification of this Agreement is valid unless made with the agreement of both parties in writing.
- 7.6 Assignment. Consultant's services are considered unique and personal. Consultant shall not assign, transfer, or sub-contract its interest or obligation under all or any portion of this Agreement without City's prior written consent.
- 7.7 Waiver. No waiver of a breach of any covenant, term, or condition of this Agreement shall be a waiver of any other or subsequent breach of the same or any other covenant, term or condition or a waiver of the covenant, term or condition itself.
- 7.8 Termination. This Agreement may only be terminated by either party: 1) for breach of the Agreement; 2) because funds are no longer available to pay Consultant for services provided under this Agreement; or 3) City has abandoned and does not wish to complete the project for which Consultant was retained. A party shall notify the other party of any alleged breach of the Agreement and of the action required to cure the breach. If the breaching party fails to cure the breach within the time specified in the notice, the contract shall be terminated as of that time. If terminated for lack of funds or abandonment of the project, the contract shall terminate on the date notice of termination is given to Consultant. City shall pay the Consultant only for services performed and expenses incurred as of the effective termination date. In such event, as a condition to payment, Consultant shall provide to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Consultant under this Agreement. Consultant shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder, subject to off-set for any direct or consequential damages City may incur as a result of Consultant's breach of contract.
- 7.9 Duplicate Originals. This Agreement may be executed in duplicate originals, each bearing the original signature of the parties. When so signed, each such document shall be admissible in administrative or judicial proceedings as proof of the terms of the Agreement between the parties.
- 8.0 NOTICES
Any notice given under this Agreement shall be in writing and deemed given when personally delivered or deposited in the mail (certified or registered) addressed to the parties as follows:

CITY OF UKIAH _____
DEPT. OF PUBLIC WORKS _____
300 SEMINARY AVENUE _____
UKIAH, CALIFORNIA 95482-5400

9.0 SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement the Effective Date:

CONSULTANT

BY: _____

Date

PRINT NAME: _____

IRS IDN Number

CITY OF UKIAH

BY: _____

SAGE SANGIACOMO
CITY MANAGER

Date

ATTEST

KRISTINE LAWLER
CITY CLERK

Date

ATTACHMENT “B”

INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant(s) shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant(s), his agents, representatives, or employees.

I. Minimum Scope of Insurance

Coverage shall be at least as broad as:

- A. Insurance Services Office **Commercial General Liability** coverage (Form No. CG 20 10 10 01 and Commercial General Liability – Completed Operations Form No. CG 20 37 10 01).
- B. Insurance Services Office form number CA 0001 (Ed. 1/87) covering **Automobile Liability**, code 1 (any auto).
- C. **Workers’ Compensation** insurance as required by the State of California and Employer’s Liability Insurance.
- D. **Errors and Omissions liability** insurance appropriate to the consultant’s profession. Architects’ and engineers’ coverage is to be endorsed to include contractual liability.

II. Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- A. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage including **operations, products and completed operations**, as applicable. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Insurance must be written on an occurrence basis.
- B. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage. Insurance must be written on an occurrence basis.
- C. Workman’s Compensation Employer’s Liability: \$1,000,000 per accident for bodily injury or disease.
- D. Errors and Omissions liability: \$1,000,000 per occurrence. If written on a claims-made basis, insurance coverage must cover claims filed within 3 years after contract work completed.

III. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the insurer to reduce or eliminate such deductibles or self-insured retentions with respect to the City, its officers, officials, employees and volunteers; or the Consultant to provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses; or to approve the deductible without a guarantee.

IV. REQUIRED Insurance Provisions

Proof of **general liability and automobile liability** policies are to contain, or **be endorsed** to contain, the following provisions:

- A. The City, its officers, officials, employees, and volunteers are to be covered as **ADDITIONAL INSURED** with respect to liability arising out of automobiles owned, leased, hired or borrowed by

or on behalf of the contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment, furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance, or as a separate owner's policy.

B. The workers' compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City. NOTE: You cannot be added as an additional insured on a workers' compensation policy.

C. For any claims related to this project, the Consultant's insurance coverage shall be **primary insurance** with respect to the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Consultant's insurance and shall not contribute with it.

D. Each insurance policy required by this clause shall be endorsed to state that coverage shall **not be canceled** by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

V. RATING - Acceptability of Insurers

Insurance is to be placed with admitted California insurers with a current A.M. Best's rating of no less than A- for financial strength, AA for long-term credit rating and AMB-1 for short-term credit rating.

VI. Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be **on forms provided by the City**. If endorsements are on forms other than the City's forms, those endorsements must provide coverage that is equivalent to or better than the forms requested by the City. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

VII. Subcontractors

If Consultant uses subcontractors or sub-consultants, it shall cover them under its policies or require them to separately comply with the insurance requirements set forth in Paragraph 6.1 of Attachment "A"

If you have questions regarding our insurance requirements contact:

**Risk Manager
(707) 463-6287 or FAX (707) 463-6204**

Revised: 11/20/08

**CITY OF UKIAH LANDFILL ENVIRONMENTAL SETTING, BACKGROUND
AND HISTORY**

Environmental Setting

The Ukiah Landfill is located at 3100 Vichy Springs Road, approximately three miles east of Ukiah in Mendocino County, California. The property is identified as Mendocino County Assessor's Parcel number 178- 130-01. The landfill occupies approximately 40 acres of permitted landfill area on a 283.5-acre parcel having a maximum width of approximately 1,000 feet in the north-south direction and a maximum length of about 3,500 feet in the east-west direction. Existing ground surface elevations at the landfill range from approximately 710 feet above mean sea level (MSL) near the western footprint, to about 970 feet MSL along the southeast footprint. The landfill has been graded to form a series of flat terraces stepping down from south to north. The landfill surface is covered with seasonal grasses. A City-owned shooting range is situated on the Landfill property approximately 2,000 feet northeast of the waste management unit footprint. Zoning for the project site is designated as Public Facilities by the Mendocino County General Plan.

Land adjacent to the landfill property is zoned primarily as rangeland and is used for grazing. Dwellings within 1,000 feet of the landfill property include a group of structures owned by the Vichy Springs Investment Group that are located within 500 feet of the landfill's south property line and a single-family residence located approximately 900 feet west of the landfill's western property boundary. A rural residential development is located approximately one-quarter mile west of the landfill property boundary. A housing development is also located along the south side of Vichy Springs Road and westward of the Vichy Springs Resort. The entire development is approximately 1,000 feet southward of the landfill property boundary and is separated from the Landfill by an intervening ridge.

It should be noted that the City owns an approximate 97-acre parcel (Assessor's Parcel No. 178-210-01) that adjoins a portion of the landfill's southern property boundary. This property, which has been previously identified as the "Gun Club Parcel", was purchased as a buffer zone to limit future development adjacent to the Landfill. The Gun Club Parcel is a separate parcel and is not considered part of the landfill property.

The Ukiah Landfill is located in the foothills along the eastern margin of Ukiah Valley, which is a fault-bound, structural basin in the Northern Coast Range Geologic province. Virtually the entire northern portion of the Coast Range Geologic province east of the San Andreas Fault is underlain by Franciscan assemblage bedrock. The landfill site is located near the boundary of the Coastal and Central belts of the Franciscan assemblage. The Central belt is largely composed of a tectonic melange composed of numerous large, discontinuous bodies of graywacke sandstone, metagraywacke, greenstone, chert, and serpentinite in a highly sheared and deformed shale matrix.

During Miocene time (approximately 23 million years before present; m.y.b.p) a relatively large elongate basin began subsiding in the vicinity of Ukiah, in response to extensional stresses associated with translational displacement along the north-northwest trending Maacama Fault, and less obvious sub-parallel strike-slip faults to the west. Erosion of the surrounding Franciscan basement, and continued basin subsidence throughout Pliocene-Pleistocene time (from ~5 m.y.b.p. to 10,000 years ago), has resulted in the accumulation of a thick section of alluvial, fluvial and lacustrine deposits. The alluvial and fluvial deposits are represented by lenticular bodies of orange-brown to brown clayey and silty sands and gravels. Alternatively, the lacustrine deposits are represented by thick blue-gray claystone and siltstone units with occasional sand and gravel lenses. The maximum thickness of the continental basin deposits is estimated to be in excess of 2,000 feet (Cardwell, 1965).

Other geologic units in the Ukiah area include older Pleistocene continental terrace deposits, younger Pleistocene continental terrace deposits, and Holocene alluvium. The older Pleistocene continental terrace deposits consist of heavily dissected, partially consolidated or cemented, lenticular beds of gravel, sand, silt, and clay. These deposits are lithologically similar to the underlying continental basin deposits; however, the terrace deposits generally contain less silt and clay-sized material. The older continental terraces are typically found at higher elevations along the margins of the Ukiah basin. The younger terrace deposits consist of similar materials. However, they are typically present at lower elevations, and are less consolidated, less cemented, and less dissected than the older terrace deposits. The Holocene alluvial deposits consist of unconsolidated sand, gravel, silt, and clay units that were deposited along active stream channels and flood plains during the last 10,000 years. The alluvial deposits are present in all major valleys and many of the minor stream courses.

A regional seismicity and faulting study was conducted to develop estimates of Holocene fault potential at the site and maximum probable earthquakes which could affect the project site. The nearest known Holocene faults are those associated with the Maacama fault zone, located approximately 1 kilometer west of the project site. There are no known Holocene faults within the site boundaries.

Groundwater conditions at the project site is well defined and has been monitored for many years pursuant to regulatory requirements in accordance with Monitoring and Reporting Order No. R1-2002-0061. Currently there are 18 groundwater monitoring wells that are used to perform compliance monitoring in both the alluvial deposits and the continental basin deposits.

Groundwater elevation data was used to evaluate groundwater flow direction and gradient conditions within the respective water-bearing zones. Since the Quaternary alluvial deposits are confined to the unnamed ephemeral creek's depositional channel, the direction of groundwater flow within these deposits generally coincides with the axis of the creek. This translates to an overall westerly groundwater flow component with a hydraulic gradient of approximately 0.03 feet/foot.

Groundwater flow conditions within the Plio-Pleistocene continental basin deposits exhibit converging groundwater flow components on either side of the unnamed ephemeral creek. In general, a northwesterly groundwater flow component predominates on the south side of the creek (i.e., beneath the landfill), whereas a south-southwesterly groundwater flow component is present north of the creek. These flow components appear to converge in proximity of the creek, whereupon groundwater flows westerly down the axis of the canyon. These potentiometric surface conditions generally mimic the topography, which is fairly typical in mountainous terrain. The hydraulic gradient along the flanks of the creek ranges from approximately 0.1 feet/foot on the north flank to approximately 0.04 to 0.06 feet/foot on the south flank, whereas the gradient along the axis of the creek is approximately 0.02 feet/foot.

Background and History

Waste disposal operations at the Landfill began in 1955 at the eastern end of the landfill footprint and progressed upslope and westward. During the 1970's, the unnamed ephemeral creek was realigned northward to maximize the available fill area, and a soil berm was constructed along the toe of the landfill to separate the waste from the realigned creek channel. The method of operation during the Landfill's development was a fill and cover approach in a canyon/gully terrain. The Landfill operated as a nonhazardous Class III solid waste disposal site servicing the City of Ukiah and the surrounding area. The types of waste received included garbage, rubbish, demolition and construction waste, brush, stumps, large appliances diverted as scrap metal and street refuse. The Landfill ceased operations in September 2001.

Environmental monitoring at the Landfill was originally regulated under Order 75-43 in conformance with Title 23 of the California Code of Regulations (23 CCR). In September 1993, Order 75-43 was amended by Order 93-83 as a mechanism to implement State Water Resources Control Board Resolution No. 93-62 and federal municipal solid waste regulations (i.e., "Subtitle D") per Title 40 of the Code of Federal Regulations (40 CFR), Parts 257 and 258. Concurrent with this amendment was the preparation of a Report of Waste Discharge for the purpose of formally updating the Landfill's WDRs and to address groundwater impacts previously identified at the site. The combination of these two documents was subsequently used by the NCRWQCB to issue new WDRs (Order 94-123) for the site in October 1994.

In the Fall of 1995, an Engineering Feasibility Study (EFS) was conducted by Dames & Moore to evaluate corrective action alternatives for the mitigation of groundwater impacts and to assess potential leachate management options. Findings from the EFS included recommendations to upgrade the groundwater monitoring network, performance of a health-based risk assessment, and modification of the leachate collection/management facilities. The monitoring system upgrades and health-based risk assessment were subsequently completed in the Fall of 1996. Modifications to the leachate collection/management facilities, which included the diversion of collected leachate to an aboveground storage tank and pumping to the City's sewer piping system via a combination force main/gravity drain, were also completed in the Fall of 1996.

Following completion of the respective corrective action measures, the site was monitored on a quarterly basis in accordance with Order 94-123. On June 27, 2002, the NCRWQCB adopted the current WDRs (Order R1-2002-0061) for the site to address interim closure, corrective action needs, and submittal of plans to complete cap construction in accordance with 27 CCR. Order R1-2002-0061 is the currently monitoring document for the project site.

Proposal

Preparation of an Environmental Impact Report (EIR) for the City of Ukiah Landfill Closure Project



Prepared by



November 4, 2016





November 4, 2016

City of Ukiah
Attn: Jarod Thiele, Management Analyst
300 Seminary Avenue
Ukiah, CA 95482-5400

Subject: Proposal – Preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project

Dear Mr. Thiele:

SMB Environmental, Inc. (SMB) is pleased to submit this Proposal to the City of Ukiah (City) to prepare an Environmental Impact Report (EIR) for the Ukiah Landfill Closure Project (Proposed Project).

SMB is a California-based environmental consulting firm that specializes in providing environmental, regulatory, and public relations support for a variety of solid waste, water resources, and wastewater plans, projects, and programs. SMB has direct experience in preparing environmental compliance documents to meet the California Environmental Quality Act (CEQA). In particular, SMB has significant experience and expertise in successfully completing environmental compliance documentation, including EIRs, and obtaining all of the necessary federal, state, and local regulatory approvals. SMB also helps clients with their public involvement and education activities associated with controversial projects.

Our overall approach for this project is to prepare a legally defensible EIR document so the City can implement the landfill closure plan. Key elements include working in partnership with the City, EBA Engineering (EBA), and the City's legal staff/counsel to develop a strategy for CEQA compliance that can withstand public scrutiny and potential legal challenge. Specifically, it is our opinion that the January 2016 Initial Study/Mitigated Negative Declaration (IS/MND) was a through document that can and should be built upon in a/the subsequent EIR. However, it appears that the adjacent landowner, Vichy Springs Resort, have specific issues with some of the conclusions with Aesthetics/Visual, Air Quality, Hydrogeology, Noise, Traffic sections as well as CEQA procedural protocols. Our approach would be to prepare a focused EIR document per CEQA Guidelines Section 15063(c)(3)) and which primarily highlights and focuses extensively on these issues. This approach will save the City a significant amount of time and money by not

wasting time and energy on issues that have already been resolved. Further, this approach will provide a robust analysis of the issues at hand and will provide the City with either:

- 1) A thorough analysis of the specific issues identified above in a manner that with the implementation of appropriate mitigation measures or feasible alternatives, it can be reasonably determined that the potentially significant impacts would be avoided or reduced to less than significant levels; or
- 2) Come to the conclusion that the environmental impact(s) of the Proposed Project, including any feasible alternative(s) or mitigation measure(s), may in fact be significant and unavoidable and provide the City with the necessary documentation required to prepare a *Statement of Overriding Consideration(s)*. A *Statement of Overriding Consideration* is basically a document, which states that even though the Proposed Project would result in one or more unavoidable impacts, other stated benefits are sufficient to warrant Project Approval, which can only be done through the preparation of a legally defensible EIR.

Either way, our approach is the best plan for the City as it will provide flexibility and will provide the City with the legally defensible CEQA documentation necessary to move forward and implement the Landfill Closure Project in the fastest and least expensive manner.

At SMB, we strive to bring the best team for the project, irrespective of corporate affiliation. For this project, we have enlisted the support of a select group of highly experienced consultants. Together, we provide you with the necessary specialized expertise in aesthetics/visual, air quality, hydrogeology, noise, and traffic, among other disciplines as necessary. Further, we provide you with the depth and breadth and the experience of a large firm, but more importantly, we provide you with the personal attention and commitment from senior-level people that you can trust to be there from the beginning through the end of the project to make sure that the job gets done right. I have personally known and/or worked with these key team members for over 10-15 years and together, the SMB Team provides you with a team you can trust. The SMB provides the City with the following benefits:

- **Solid Waste Project Experience and Expertise.** We have proven experience in successfully completing similar solid waste projects throughout California.
- **Full Range of CEQA Services.** Our range of CEQA environmental compliance services and technical resources will allow us to prepare a legally defensible EIR and obtain permits and regulatory approval(s) on-time and within budget.
- **Specialized Expertise in Critical EIR Resource Categories.** The SMB Team is comprised of senior level consultants in the environmental resource areas of critical importance to

this particular project including: aesthetics/visual, air quality, hydrology/geology, noise and traffic, among others.

- **Project Management Skills.** At SMB we use highly effective management tools for prioritization, schedule/document control, permitting, environmental, public outreach, and budget and schedule controls.

Thank you for the opportunity to submit our qualifications and I look forward to working with you again. As the President of SMB, I have the authority to sign and commit the firm to this contract. I will personally manage this effort and you have my commitment that I will do everything within my power and control to ensure that this project is a success for you and the City. We do not have any exceptions to the City's insurance requirements and/or the City's draft professional services agreement as shown in the attachments of the City's Request for Proposals. This Proposal is a firm-offer for a minimum of 30-days from the date of this letter. If you have any questions regarding this proposal, please feel free to call me at 916-517-2189, email me at Steve@smbenvironmental.com, and/or at the address below. Thank you for your consideration.

Sincerely,



Steve M. Brown
President/Principal

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SECTION 1 – INTRODUCTION AND APPROACH

SMB Environmental, Inc. (SMB) provides the City of Ukiah (City) with the technical resources, skills, experience, and the necessary range of services to effectively prepare an environmental impact report (EIR) pursuant to the requirements of CEQA to support the City's Landfill Closure Project (Project/Proposed Project).

PROJECT UNDERSTANDING

The City is proposing to implement landfill closure for the Ukiah Landfill and the EIR will allow the City to obtain the necessary permits and implement the landfill closure. Typically, landfill closures do not require EIRs, because (1) they are required by state regulations and (2) they make the environment better by complying with state regulations. Landfill closures can result in some negative effects during construction such as noise, traffic, or fugitive dust. However, these are short-term effects that and can usually be reduced to less than significant levels with the implementation of mitigation measures.

The January 2016 Initial Study/Mitigated Negative Declaration (IS/MND) evaluated the Final Closure Plan and determined that all potential environmental impacts could be mitigated to a level that would be less than significant. However, comments on the IS/MND and opposition to the Final Closure Plan by the adjacent landowner, Vichy Springs Resort, have resulted in the City needing to prepare an Environmental Impact Report (EIR). Specifically, Vichy Springs Resort appears to be primarily concerned about the long-term impacts of the landfill closure, especially the potential visual impacts. As a result, it appears that aesthetics/visual impacts will be the main issue to be addressed in the EIR. In addition, they are concerned with air quality, noise, traffic, and hydrology/geology. SMB agrees that a well-prepared and certified EIR that focuses on these key topics will provide the City with more protection from legal challenges than the IS/MND.

APPROACH

Our overall approach for this project is to prepare a legally defensible EIR document so the City can implement the landfill closure plan. Key elements include working in partnership with the City, EBA Engineering (EBA), and the City's legal staff/counsel to develop a strategy for CEQA compliance that can withstand public scrutiny and potential legal challenge.

It is our opinion that the January 2016 IS/MND, prepared by EBA was a thorough document that can and should be built upon in a/the subsequent EIR. However, it appears that the adjacent landowner, Vichy Springs Resort, have specific issues with some of the conclusions with Aesthetics/Visual, Air Quality, Hydrology/Geology, Noise, Traffic sections as well as CEQA procedural protocols. Our approach would be to prepare a focused EIR document per CEQA Guidelines Section 15063(c)(3)) and which primarily highlights and focuses extensively on these issues. Specifically, our approach is to include full EIR Chapters for these key resource areas. For example, our approach in the Aesthetics/Visual Chapter of the EIR will address the visual impacts of the landfill closure and potential mitigation measures. Our approach will be to include a view shed analysis to identify locations that have views of the landfill and photo simulations to show what the landfill will look like after closure. Also, with agreement from the

City, we will analyze a closure alternative that would not use the synthetic cover, but a more traditional soil cover. This traditional soil cover alternative would likely produce a significant amount of air quality (i.e. Fugitive dust), traffic, and noise impacts over the Proposed synthetic cover. This can be an effective tool to demonstrate how much worse impacts could be in comparison to the Proposed Project with a synthetic cover.

After reviewing the IS/MND, it is our opinion that the other resource areas that have not been commented upon should be able to rely upon the analysis provided in the Initial Study/MND. These resource areas will be summarized in an EIR Chapter “Other CEQA Considerations” and a typical analysis might only need a few paragraphs to summarize the findings in the Initial Study/MND. This approach will save the City a significant amount of time and money by not wasting time and energy on issues that have already been resolved. Further, this approach will provide a robust analysis of the issues at hand and will provide the City with either:

- 1) A thorough analysis of the specific issues identified above in a manner that with the implementation of appropriate mitigation measures or feasible alternatives, it can be reasonably determined that the potentially significant impacts would be avoided or reduced to less than significant levels; or
- 2) Come to the conclusion that the environmental impact(s) of the Proposed Project, including any feasible alternative(s) or mitigation measure(s), may in fact be significant and unavoidable and provide the City with the necessary documentation required to prepare a *Statement of Overriding Consideration(s)*. A *Statement of Overriding Consideration* is basically a document, which states that even though the Proposed Project would result in one or more unavoidable impacts, other stated benefits are sufficient to warrant Project Approval, which can only be done through the preparation of a legally defensible EIR.

Either way, our approach is the best plan for the City as it will provide flexibility and will provide the City with the legally defensible CEQA documentation necessary to move forward and implement the Landfill Closure Project in the fastest and least expensive manner.

SECTION 2 – SCOPE OF WORK

This section provides the specific tasks that the SMB Team will employ to carryout our approach as described in Section 1 and to successfully complete this assignment. Our experience has demonstrated that a task-based approach to the work provides opportunities to concisely meet project objectives, ensures frequent and timely opportunities for review and input, and facilitates the adherence to project schedule and budget, thereby making for optimum and efficient use of staff resources.

TASK 1 - PREPARE PROGRAM DESCRIPTION AND ALTERNATIVES

The SMB team will conduct an initial site visit and a coordination meeting with the City staff and EBA. In addition, SMB will then prepare an accurate description of the Project and associated alternatives using existing information on the Proposed Program as provided by the City and/or EBA. The details of the Final Closure Plan will be clearly presented in the EIR Project Description Section and those details will be analyzed in the appropriate resources section. Specifically, we will use the project description from the IS/MND as a starting place for describing the main features of the Final Closure Plan. In addition, the SMB Team will work with the City and EBA to develop a complete and concise description of the Project that articulates the Project's goals and objectives, the geographic location and footprint for all the physical improvements associated with the Proposed Project, and a comprehensive description of the Proposed Project's technical, operational, economic, engineering, and construction features/details as well as reasonable alternatives to avoid or reduce potentially significant impacts, including the No Project Alternative. We will work closely with City Staff and EBA Engineering to make sure that we fully understand the components of the Final Closure Plan. The Final Closure Plan has several components that will improve the environment from the existing setting. These elements include:

- Final Cover Design;
- Final Grading, Drainage, and Erosion Control;
- Landfill Gas Control;
- Landfill Leachate Control; and
- Construction Quality Assurance

After closure activities the Final Post Closure Maintenance Plan (FPCMP) will be implemented. Maintenance activities will include:

- Final cover inspection and maintenance;
- Landfill settlement monitoring and maintenance;
- LFG monitoring and maintenance;
- Groundwater systems monitoring and maintenance;
- Storm water monitoring;
- Access road/bench maintenance;
- Drainage systems inspection and maintenance; and
- Site security inspection and maintenance.

Changes in the Project Description in an EIR after environmental analysis has commenced can result in having to redo that analysis and can be expensive. Therefore, SMB will prepare and submit an electronic copy of the Project Description and Alternatives Chapter for the EIR for internal team review to ensure that we are all on the same page before extensive environmental analysis is started. After the City's internal team review and comment, this will be the basis for moving forward with the preparation of the focused EIR.

TASK 2 - PREPARE NOTICE OF PREPARATION (NOP)

SMB will prepare the Notice of Preparation (NOP) to meet CEQA requirements. The NOP will include a summary of the Project Description and alternatives as developed above and will identify the range of issues that will be considered in the EIR in addition to those issues anticipated to have no or less than significant impacts. SMB will prepare and submit an electronic copy of an Administrative Draft NOP for internal team review and comment. Upon receipt of a consolidated set of comments, SMB will then prepare copies of the NOP to undergo the 30-day public review. SMB will deliver the required copies to the State Clearinghouse, the Interested Party List, and Mendocino County on behalf of the City.

TASK 3 - CONDUCT SCOPING MEETINGS

SMB proposes to conduct two (2) public scoping meetings to receive oral and written comments on the previously released NOP for the EIR. SMB will prepare a power-point presentation to introduce the Project, the CEQA process, provide a sign-in sheet for attendees, answer questions related to the CEQA process, and compile notes regarding comments and issues raised at the meeting. After completion of the 30-day public review of the NOP, SMB will compile and summarize the major written and oral public comments in a brief memorandum and identify our approach to addressing these issues in the focused EIR.

TASK 4 - CONDUCT AGENCY CONSULTATION

SMB staff will informally consult with the agencies and/or the interested parties that provided substantive comments during the NOP process or have expressed interest in a specific component of the project implementation. We have found that proactive and direct consultation with involved state, federal, and/or local agencies and other interested parties such as Vincy Springs Resort early-on during the preparation of the EIR can help resolve issues and misunderstandings resulting in significant time and cost savings. SMB will prepare and deliver an electronic copy of all meeting notes to the City from each meeting with various agencies or individuals as identified above.

TASK 5 - PREPARE ADMINISTRATIVE DRAFT EIR

SMB will prepare an Administrative Draft EIR, consistent with CEQA requirements. First, SMB will compile comments from the NOP review process to refine the scope of services and consideration in the EIR. SMB will evaluate the Proposed Project and alternatives consistent with CEQA requirements. The Administrative Draft EIR will contain the following contents:

- Executive Summary
- Goals and Objectives of the Project
- Documents Incorporated by Reference
- Description of the Proposed Project and Alternatives
- Description of existing environmental conditions within the Project area
- A discussion of potential environmental impacts associated with implementation of the Proposed Project using criteria outlined in CEQA guidelines
- Description of mitigation measures for identified potentially significant environmental effects
- Discussion of a reasonable range of alternatives to be evaluated to reduce and/or avoid any identified environmental impacts identified above.
- Documentation of consultation and coordination with interested federal, state, and/or local agencies
- List of Preparers
- References and supporting information

It is our opinion that the January 2016 IS/MND, prepared by EBA was a thorough document that can and should be built upon in a/the subsequent EIR. However, it appears that the adjacent landowner, Vichy Springs Resort, have specific issues with some of the conclusions with Aesthetics/Visual, Air Quality, Hydrology/Geology, Noise, Traffic sections as well as CEQA procedural protocols. It is our opinion that the other resource areas that have not been commented upon should be able to rely upon the analysis provided in the Initial Study/MND. These resource areas will be summarized in an EIR Chapter “Other CEQA Considerations” and a typical analysis might only need a few paragraphs to summarize the findings in the Initial Study/MND. This approach will save the City a significant amount of time and money by not wasting time and energy on issues that have already been resolved. Our approach would be to prepare a focused EIR document per CEQA Guidelines Section 15063(c)(3)) and which primarily highlights and focuses extensively on these issues. Specifically, our approach is to include full EIR Chapters for the following key resource areas:

AESTHETIC/VISUAL

The SMB Team will prepare an aesthetics/visual analysis in and attempt to help resolve the issues associated with the Vichy Springs Resort and their view of the Ukiah Landfill. We understand that they are primarily concerned that the synthetic cover would look like AstroTurf and would not blend in with the natural setting of the area. Specifically, they are concerned that if the cover was green it would stick out in the summer as the natural vegetation is typically brown. And vice versa - if the cover was brown in the winter when the hills are green, it would stick out as being brown. We have been in discussions with EBA and manufacturers of synthetic covers and will provide visual simulations of what the various colors could be to blend in. For instance, they can manufacture the covers in almost any color that you

want and can blend in to the natural environment. Perhaps a combination of a brown and green cover would blend in the best for this location. For this section, we propose to work with the City and Vichy Springs during the NOP and Scoping Process and develop visual simulations of the view-shed with a synthetic cover as provided in the simple examples below. These are crude examples and actual visual simulations will be more robust and from different angles and views from Vichy Springs Resort.

Aerial of Landfill in Natural State



Example Visual Simulation of Site with Green Synthetic Cover



Example Visual Simulation with a Brown Synthetic Cover**Example Simulation of a Green and Brown Synthetic Cover**

In addition, we will provide visual simulations for the changing seasons and other examples as necessary to provide an adequate visual simulation analysis for the EIR.

AIR QUALITY

The SMB Team will conduct an air quality analysis in accordance with guidance from the MCAQMD *CEQA Air Quality Guidelines*. The SMB Team will evaluate emissions from project construction and operation.

The analysis would be conducted for daily and annual emissions of carbon monoxide (CO), nitrogen oxides (NOx), reactive organic gases (ROG), sulfur oxides (SOx), particulate matter less than 10 microns (coarse or PM10), and particulate matter less than 2.5 microns (fine or PM2.5). The Mendocino County Air Quality Management District (MCAQMD) is currently designated “nonattainment” for state and national ozone ambient air quality standards for PM10. The overall goal of the air quality analysis would be to help ensure that the proposed project would be constructed and operated in compliance with CEQA, the MCAQMD PM10 Attainment Plan, and applicable air quality regulations.

The key components, assumptions, data sources, methodology, and goals for the air quality analysis would be formalized in consultation and coordination and in the form of a Technical Report. The air quality analysis would identify all applicable mitigation measures available to reduce potentially significant air quality impacts. The air quality analysis would address particulate matter, fugitive dust, and combustion emissions, health impacts, naturally occurring asbestos, and greenhouse gas (GHG) emissions associated with the construction and operational activities with the proposed project. Specifically, the SMB Team will:

- Prepare a summary of the regional and local air quality setting as the setting pertains to the project. Also summarize the local and regional meteorology, topographic factors affecting pollutant dispersion, and ambient air monitoring data. Current air quality management efforts that may have an effect on the project will also be identified as well as sensitive air pollutant receptors in the vicinity of the proposed project.
- Estimate average short-term construction (including fugitive dust) and long-term operation-related criteria air pollutant emissions associated with the proposed project. The estimates will be prepared using the California Air Resources Board’s CalEEMod, EMFAC, and OFFROAD emission models. Identify whether the air quality emissions from these activities would exceed applicable significance thresholds.
- Based on applicable laws, policies, and regulations, develop significance criteria to be applied to the air quality impact analysis. Assess the level of impact based on the identified significance criteria and the air quality levels for the project.
- In support of the quantification of GHG emissions from construction and operational activities, prepare a summary of statewide planning efforts relative to climate change and the generation of GHG emission, including Assembly Bill 32, Executive Order S-01-07 and the reporting and recommendations to date of the California EPA Climate Action Team. As appropriate use GHG information contained in the Initial Study/MND Appendix C (Greenhouse Gas Emissions Study prepared by Illingworth & Rodkin, Inc.).

NOISE

The SMB Team will conduct a noise analysis focused on temporary construction activities of the proposed project, which would require the use of heavy construction equipment and on-road haul truck trips. Operation would not likely generate a substantial amount of noise because it would only entail on-

going environmental monitoring and maintenance. The noise analysis will address impacts at nearby sensitive receptors, which include the Vichy Springs Resort and single-family residences south of the project site.

Several short-term (typically 10 minutes) noise measurements will be performed at locations in the vicinity of the project site and at sensitive receptors. Noise from heavy construction equipment and on-road haul trucks will be modeled and noise levels will be estimated at nearby sensitive receptors. Compliance with noise standards in the Mendocino County Noise Element of the General Plan and exterior noise limit standards in the Mendocino County Municipal Code will be discussed. Specifically, the SMB Team will:

- Provide background information on noise and vibration and analysis of project noise and vibration.
- Summarize applicable noise regulations, policies, and standards, including those contained in Mendocino County Noise Element of the General Plan and exterior noise limit standards in the Mendocino County Municipal Code.
- Conduct several short-term noise measurements (typically 10 minutes) in the project area to describe existing levels at the project site and at nearby sensitive receptors.
- Describe and discuss any existing major noise sources in the project area.
- Identify the noise-sensitive land uses or activities that could be affected by the proposed project.
- Based on applicable laws, policies, and regulations, the noise analysis will develop significance criteria to be applied to the impact analysis. The analysis will assess the level of impact based on the identified significance criteria and the noise modeled for the proposed project.
- Analyze noise from construction and project operations. Noise from construction will be estimated based on the construction schedule and equipment list provided by the Applicant.
- Identify feasible and appropriate mitigation measures to avoid or reduce adverse noise impacts.
- Consider potential cumulative noise impacts resulting from the proposed project with other past, present, and reasonably foreseeable future projects affecting noise conditions. Additionally, we will identify any noise or vibration impacts that cannot be reduced to less-than-significant levels.
- Prepare a Noise Section for the EIR (Administrative Draft and Draft) based on the noise analysis.

HYDROLOGY/GEOLOGY

The SMB Team will address the potential hydrology and water quality-related impacts of the proposed project in accordance with CEQA requirements. These consist of stormwater quality, surface drainage and erosion, creek flow and water quality, and flooding. Our evaluation will include surface water issues associated with ongoing leachate management and disposal. The impact assessment of surface water will address whether implementation of the proposed project would result in environmental impacts as defined under CEQA. Under our approach, the SMB Team will:

- Develop a regional and site-specific hydrologic setting using information from flood risk maps, other background materials, information available from the City, and site reconnaissance. We

will identify significant surface drainage features.

- Perform a site reconnaissance of the Ukiah Landfill, surrounding vicinity, and surface water features.
- Review proposed closure plans as relevant to site hydrology and use this review to evaluate proposed stormwater management measures for their effectiveness in reducing stormwater quality impacts and providing sufficient surface drainage.
- Summarize policies and regulations of the jurisdictional agencies that apply to the project, constraints that these policies and regulations pose to the project, and compliance activities or permits required by these agencies.
- Assess potential hydrology-related impacts of the proposed plan at the project level. Assess the potential for the project to adversely affect storm water quality, drainage, flooding, and erosion. The impact analysis will specifically consider the project's impacts on local surface water features (unnamed water features).
- Describe and evaluate storm water facilities proposed under the project in the context of onsite erosion, sedimentation, and offsite impacts associated with erosion and flooding.
- Evaluate groundwater beneath the site using current available groundwater information. Impact analysis will consider groundwater occurrence, flow direction, recharge potential, and potential for changes in groundwater flow and quality. This analysis will focus on potential adverse impacts to neighboring sites, especially Vichy Springs Resort.
- Identify mitigation measures for identified impacts and evaluate their potential effectiveness.

Issues associated with geology and geologic hazards are not expected to represent unique potential impacts under CEQA. However, the Geology and Soils section will address pertinent CEQA issues as related to the proposed landfill cover and closure. Geologic issues include the stability of slopes and landfill cover integrity under static forces (i.e. gravity) and dynamic forces (i.e. earthquake ground shaking), especially in an area where slopes will contact shallow groundwater. Although this project is not in a region of comparably high seismicity, grounds shaking or improperly engineered slopes could cause slope failure resulting in property loss, operational delays, and to a lesser extent, injury or loss of life. Under our scope the SMB Team will:

- Develop the regional and local geologic setting using available data and information from the source including the U.S. Geological Survey (USGS), the California Geological Survey (CGS), and Mendocino County. No additional geologic testing is included in this scope of work.
- Identify and plot the major earthquake fault systems and discrete faults in the region, their

distance to the project site, earthquake histories, potential to generate large earthquake magnitudes, and their general potential to affect the project site.

- Assess static and seismic slope stability and the potential for erosion hazards on the site during construction of the cover and landfill closure.
- Describe and evaluate proposed project grading including the amount of disturbance, depth of fills, and final topographic configurations. This task will also include an assessment of the existing groundwater conditions and how they would relate to geology and geologic hazards.
- With the information and data gathered from the above tasks, the SMB Team will prepare an environmental setting for the EIR that addresses site geology, soils, seismicity, and the regulatory framework. Based on the setting information and the significance criteria, The SMB Team will analyze the potential impacts the project may have on the local geology. Where necessary, The SMB Team will propose mitigation that could reduce impacts to less than significant.

TRAFFIC

While traffic concerns are cited in comment letters, the concern is primarily related to traffic-related noise and not roadway or intersection capacity. Regardless, the SMB Team will address any traffic issues that may arise during the Project. The SMB Team has considerable experience working on landfill projects including closure projects and we do not believe that there is much more to add to the analysis provided in the January 2016 IS/MND. The project traffic trips will be approximately 30 two-way trips per day over the 6-month construction period and far less after closure is complete. There is probably no need for a stand-alone Traffic Chapter. However, the SMB team will review and confirm if the IS/MND Traffic analysis conclusion is correct in that no mitigation measures are needed. If so, this will be presented in a brief section to be provided in the Draft EIR and will be one of the-resource topics under “Resources Without Project Impacts” in the chapter “Other CEQA Issues”. If not we will prepare a traffic section in the EIR with the incorporation of mitigation measures.

TASK 6 - PREPARE PUBLIC DRAFT EIR

Upon receipt comments from the City and/or EBA, the SMB Team will revise the Administrative Draft EIR document to reflect the recommended changes and will prepare a Final Screen-Check Public Draft EIR for final review prior to going out for public review. After any minor changes, this version of the document will constitute the Public Draft EIR and will be distributed for a 45-day public review period. As part of this effort, SMB will prepare the necessary Notice of Completion (NOC) and Notice of Availability (NOA) documents and assist the City in distributing the Public Draft EIR to the Public, including the IPL. In order to avoid making and mailing out numerous unnecessary copies of the Draft EIR, SMB recommends sending out the notices out to all appropriate parties with information as to how

to obtain a copy of the Public Draft EIR. SMB will also prepare electronic copies of the document that can be distributed or made available on the City's website as well. During the 45-day public Review period, SMB will conduct a Public meeting to receive public comments on the Public Draft EIR.

TASK 7 - PREPARE RESPONSES TO COMMENTS

Upon completion of the 45-day public review period, SMB will compile the comments received and prepare appropriate responses. The responses to comments package will include:

- Comment letters received during the public review period with individual comments delineated.
- Responses to each individual comment as prepared by the SMB Team, EBA, and/or City staff.

These responses to comments will be sent to the City and/or EBA for internal review.

TASK 8 - PREPARE FINAL EIR, FINDINGS, MITIGATION MONITORING AND REPORTING PLAN

The SMB Team will prepare an administrative Draft of the Final EIR, Findings, and Mitigation Monitoring and Reporting Plan (MMRP) that presents:

- Discussion of issues and responses to comments.
- Comment letters received during the public review period.
- Changes, corrections, or modifications to the Public Draft EIR resulting from the comments received. Changes will be made as errata to the Public Draft EIR; the entire text of the Public Draft EIR will not be revised and reprinted.
- Description of mitigation measures to be adopted as part of project implementation, including identifying responsible parties for mitigation implementation, monitoring, and approval.

SMB will submit an electronic copy of the Administrative Draft of the Final EIR, Findings, and MMRP to the City for internal review and comment. Upon receipt of comments, SMB will prepare the Final EIR, Findings, and MMRP for public distribution. SMB will attend the City Council Meeting where the City Council will consider certifying the EIR and approving the Project.

TASK 9 – PROJECT MEETINGS, MANAGEMENT, AND COORDINATION

At SMB, we believe that full participation of City staff and frequent and open communication with other stakeholders such as the adjacent landowner, Vichy Springs Resort, among others, to discuss tasks and consider emerging issues are the most important tool to ensure a “no surprises” outcome. This approach minimizes reactive work, thereby maintaining alignment with objectives, increasing efficiency, and minimizing costs.

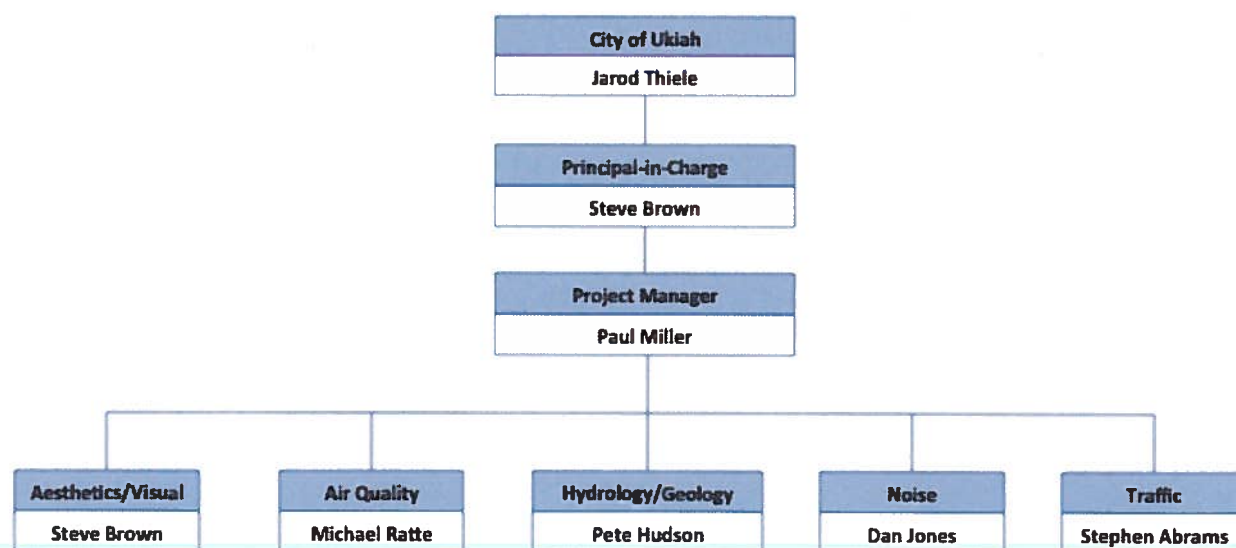
- **Kick-off Meeting.** On receipt of Notice to Proceed, SMB will meet with the City, EBA, and it's the City's legal staff/counsel to coordinate data transfer and review existing information regarding the Proposed Project. The purpose of this meeting would be to confirm the Program's objectives, identify and confirm the Proposed Project's facilities and any alternatives, and discuss the specific environmental criteria to be used. The purpose of this meeting also is to confirm all project assumptions, discuss project roles and responsibilities, ensure compatibility in Program schedules, define communication protocols, document methods of analysis, and generally ensure that the team is aware of the overall Program description and characteristics being designed.
- **Program Coordination Meetings/Conference Calls.** SMB will conduct periodic Program coordination meetings/conference calls with the City and/or EBA as appropriate throughout the duration of the project. The purpose of these meetings is to effectively review project status, identify and resolve any technical, cost, or schedule issues, and to ensure that the project is on track and will be successful. In addition, SMB will coordinate and consult with all appropriate local and state regulatory agencies as needed to ensure compliance with CEQA requirements. Due to the nature of this kind of project, it is likely that the completion of the environmental review activities will require at least one field site visit/meeting with the City and several meetings with the City, and EBA as well as attendance at two formal City Council Meetings to present and then adopt the environmental document.
- **Progress Reporting and Monthly Billing.** SMB will prepare and submit monthly progress reports with monthly payment request. The monthly progress report will include an overview of work accomplished during the previous month; a description of current key activities and an updated schedule for each task and subtask; a list of problem areas, if any, and proposed corrective actions; a list of tasks for the following month; a tally showing total contract budget, monthly invoiced amounts, cumulative amount invoiced, and project billings to the end of project, and a schedule summary indicating whether the project is on schedule and any schedule concerns or critical path items (including a Recovery Plan/Schedule for any activities that fall more than two weeks behind schedule).

SECTION 3 – PROJECT TEAM

SMB has assembled an experienced team of planners, scientists, and regulatory specialists to successfully complete the EIR required for the implementation of the Proposed Project. SMB is a California based corporation with specialized expertise in preparing environmental documentation for solid waste, water, wastewater, and recycled water projects in northern California. At SMB, we strive to bring the best team to the client and for the project, irrespective of corporate affiliation. As a result, we have alliances with a select group of independent consultants with specialized expertise in air quality, hydrogeology, noise, and traffic. Together, we provide you with the depth and breadth and the experience of a large firm, but more importantly, we provide you with the personal attention and commitment from senior-level people that you can trust to be there from the interview through the end of the project to make sure that the job gets done right.

Summarized below are brief summaries of the key SMB Team members that will be preparing the environmental document for this effort. Figure 1 provides an illustration as to how the key members are organized, corresponding to the key environmental resources areas that need to be analyzed. As requested, Table 1 provides a summary of the availability and commitment of each member to this project. As requested, full resumes of these individuals are located in Appendix A of this Proposal. SMB's Steve Brown will serve as the overall Principal-in-Charge for this project and will be the day-to-day contact for the City.

Figure 1 – Project Team Organization



Steve Brown has over 25 years of experience specializing in providing environmental, regulatory, and public relations support for a variety of solid waste, water resources, wastewater, recycled water, engineering, and energy projects. Steve has prepared numerous EIRs and has direct experience in preparing environmental compliance documents to meet the CEQA, CEQA-Plus, and NEPA requirements and coordinating public involvement programs for a wide variety of public and private projects. Steve has extensive experience and expertise in working on large, complex and controversial projects including solid waste planning and development, water supply development; and wastewater reclamation and recycling. Specifically, Steve has prepared numerous source reduction and recycling plans and programs pursuant to AB 939 that recommended a variety of materials recovery facilities, landfill expansions and closures, and recycling programs to reduce solid waste going into landfills. Specifically, Steve prepared waste characterization studies on landfills in San Bernardino County, Marin County, and Sacramento County.

For this assignment, Steve will serve as the overall Principal-in-Charge providing the City with the single day-to-day contact and responsibility for this Project to be successful. As founder and president of SMB, Steve will ensure that the Project will be completed successfully on-time and within budget. In addition, Steve will also take the lead on providing the aesthetics and visual simulations analysis chapter of the EIR as he has extensive experience in providing visual simulations for visual impacts of proposed projects in environmental documents, including EIRs.

Table 1 Project Team Availability and Commitment			
Project Team Member	Availability (Percentage) ¹	Availability (Hours) ¹	Hours Committed to Project ²
Steve Brown	45%	648	186
Paul Miller	40%	576	164
Michael Ratte	40%	576	92
Pete Hudson	60%	864	180
Dan Jones	60%	864	48
Stephen Abrams	55%	972	76
Clerical/Graphics	100%	1440	216
Totals		4,896	962
¹ Based on 160 hours available per month through August 2017			
² Based on Scope of Services as described in Section 2 and Cost Estimate as presented in Sealed Envelope			



Paul Miller is an environmental professional with more than 25 years of experience in providing services and products to government agencies and private sector corporations. His technical areas of expertise include CEQA project management and technical analyses in the areas of land development, energy, integrated waste management, air quality, noise and hazardous materials. With a broad range of environmental skills, he has applied his background to CEQA since 1986 and has been an integral in the preparation of over 500 CEQA environmental documents, including project manager for more than 18 major Environmental Impact Reports.

He has been the project manager or a key team leader for five state agencies (California Public Utilities Commission (CPUC), California Energy Commission (CEC), CalRecycle, the former California Integrated Waste Management Board, and the State Water Resources Board, Central Valley Region) on projects of statewide importance. Paul managed the Ukiah Landfill Permit Revision Supplemental EIR and the Cold Creek Compost Facility EIR, both in Ukiah, CA. Paul has also managed landfill closure EIRs in Bakersfield and West Contra Costa County, CA.

Michael Ratte has been a practicing meteorologist and air quality specialist within the consulting business for 25 years. Mike's technical expertise includes CEQA/NEPA environmental planning, air emissions inventories, ambient air monitoring, atmospheric dispersion modeling, air quality permitting, health risk assessments, and climate change analyses. He has worked extensively for local, state, and federal agencies, as well as a wide array of commercial businesses and industries. His recent projects involved transportation facilities (airports, roadways, and marine ports), land development (residential/commercial/institutional), landfills/composting, and mining/quarry operations. He is well versed in a wide array of air emission models including, EMFAC, OFFROAD, NONROAD, MOVES, CalEEMod, and AP-42; dispersion models such as AERMOD, EDMS, HARP, and CAL3QHC; with strong data management and ACCESS programming skills. Mike has worked on EIRs within the Mendocino County Air Quality Management District jurisdiction and has conducted air quality analyses for landfills in Manteca and Bay Point, CA.



Dan Jones' technical experience includes CEQA compliance, air quality, greenhouse gas emissions, health risk assessments, noise, and integrated waste management. Dan's technical noise experience includes short-term and long-term noise monitoring and construction equipment and traffic noise modeling. Dan is proficient in a variety of air emissions models including CalEEMod, California Air Resources Board's EMFAC and OFFROAD, and Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model. Dan also has technical experience working with dispersion modeling data and health risk assessments. Dan will be responsible for conducting the noise analysis and noise section of the EIR.



Pete Hudson brings more than 28 years of broad-based experience in engineering geology, hydrogeology, geotechnical and surface water hydrology. Pete has provided geological, geotechnical, geophysical and hydrogeological technical support for numerous landfill related CEQA and NEPA documents, as well as resource management plans and feasibility and constraints studies. He has been lead analyst and technical advisor responsible for assessing potential impacts associated with issues specific to landfill projects in San Diego as well as Yuba and Sonoma County. Assessment of landfill cover, slope analysis, Leachate Collection and Recovery System (LCRS) operations analysis, levee stability, ground settlement, and contaminated groundwater represent just some of the challenging technical issues Pete has addressed on similar projects. Pete brings this unique experience and understanding of the critical hydrologic, geologic and water quality technical issues related to landfill planning and assessment from a CEQA perspective to bear on this project.



Stephen Abrams is a Registered Professional Traffic Engineer in California and has over 20 years of traffic engineering experience. He provides on-call traffic engineering services to various cities throughout northern California, including the City of Walnut Creek and the City of Orinda and previously served five years as the contract City traffic engineer for the City of El Cerrito. Mr. Abrams has extensive experience with landfill traffic studies and has provided traffic engineering services to the following landfills: Fairmead Landfill, Redwood Landfill and Recycling Center, Keller Canyon Landfill, Kiefer Landfill, Kirby Canyon Landfill, Campo Landfill, Tri Cities Landfill, Vasco Landfill and Altamont Landfill. Mr. Abrams would manage the transportation issues associated with this project.



SECTION 4 – RELEVANT EXPERIENCE AND REFERENCES

SMB is a California-based environmental consulting firm that specializes in providing environmental, regulatory, and public relations support for a variety of solid waste, water and wastewater plans, projects, and programs. SMB has direct experience in preparing environmental compliance documents to meet CEQA, CEQA-Plus and/or NEPA requirements, securing grants for clients from federal and state sources, following legislative and regulatory changes for clients, and coordinating public involvement programs for a wide variety of public and private projects. The SMB Team has senior level consultants with decades of experience working with similar projects. Together, we provide our clients with a comprehensive understanding of the issues associated with these kinds of projects in northern California. Presented below is a small listing of similar and recent projects that the SMB Team and individual team members have completed and/or are currently working on to demonstrate our ability to prepare environmental compliance documents on-time and within budget. We encourage you to contact these individuals who can attest to our abilities, capabilities, and expertise on CEQA related matters and completing projects successfully on a fast-track basis.

**UKIAH RECYCLED WATER PROJECT, CITY OF UKIAH**

SMB prepared an IS/MND and EA-FONSI (i.e. CEQA-Plus document) for the City of Ukiah's proposed Recycled Water Project. The purpose of the Proposed Project is to replace/augment existing water supplies in Ukiah Valley. Recycled water use within the Ukiah Valley would offset existing and future water demands for irrigation and frost protection of agricultural land, and in doing so, would support



the local agricultural industry. It would also offset urban irrigation demands, ease storage limitations at the Ukiah Wastewater Treatment Plant (UWWTP), and reduce treated wastewater discharges to the Russian River. The Proposed Project was developed through an extensive engineering and feasibility study process, culminating in a recommended or preferred alternative. The basis for the Proposed Project for the environmental analysis is identified as the Preferred Alternative in Chapter 7 of the City's February 2012 *Recycled Water Master Plan*. The

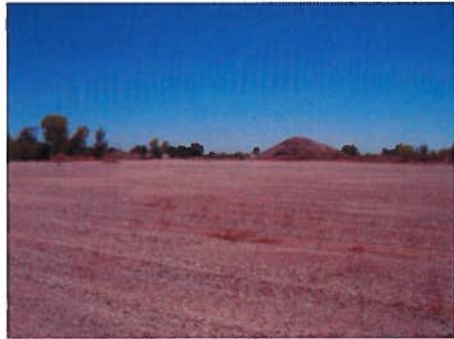
Proposed Project/Action would consist of 9.4 -miles of recycled water pipeline ranging in size from of 8- to 16-inch to provide recycled water from the City's existing Ukiah WWTP to approximately 990 acres of agricultural and urban landscape irrigation lands within the Ukiah Valley. Specifically, a total of 44 parcels covering 703 acres would be supplied with 1,234 AFY of recycled water for irrigation purposes. In addition, about 284 acres would be supplied with 142 AFY of recycled water for frost protection. The

Initial Study/Mitigated Negative Declaration was certified and adopted by the City Council on June 5, 2013. SMB is currently assisting the City in securing SRF funds.

Client: City of Ukiah, CA
Contact: Jarod Thiele
Phone Number: (707) 463-6755
Email Address: Jthiele@cityofukiah.com
Address: 300 Seminary Avenue
Ukiah, CA 95482
Dates: September 2012 through June 2013, and ongoing

GLENN COUNTY SOLID WASTE CONVERSION FACILITY EIR

SMB Team members recently managed the Glenn County Solid Waste Conversion Facility (GCSWCF) project EIR. The project site is in unincorporated Glenn County, approximately three miles west of Hamilton City and five miles east of Orland. The project would include the construction and operation of a municipal solid waste (MSW) materials recovery facility (MRF) and anaerobic digestion (AD) facility.



The Glenn County Landfill is nearing capacity and is scheduled for closure soon. The project is intended to provide a replacement solid waste management system for Glenn County and is proposed to include incoming MSW from the City of Chico, helping with waste diversion goals. The combined waste streams of Glenn County and Chico would average up to 400 tons per day (based on 5 days per week) and peak incoming materials could reach 500 tons per day. The project is currently on hold awaiting potential modification requested by the County Board of Supervisors.

Client: Glenn County Planning & Public Works Agency
Contact: Andy Popper, Associate Planner
Address: 777 North Colusa Street
Willows, CA 95988
Phone: (530) 934-6530

OLIVE PIT MINING AND RECLAMATION PROJECT EIR

The project is located in the City of Irwindale, in Los Angeles County. In partnership with the City of Irwindale, the project applicant, United Rock Products will resume mining operations of the eastern side on the reclaimed 32- acre pad and a water retention feature on the west side.

SMB Team members prepared the Air Quality/GHG and Noise sections for the EIR. The noise analysis included measurements of existing noise, estimating levels resulting from the mining and reclamation, and modeling estimated noise levels of traffic generated by the project. The air quality analysis also included estimations of emissions, as well as a health risk assessment of project emissions (primarily diesel truck emissions). Environmental impacts were compared to the SCAQMD thresholds and guidelines.



Appropriate mitigation measures were developed to reduce noise impacts, diesel particulate matter emissions and fugitive dust missions from on-site equipment, and NOx emissions from haul trucks. The EIR has been certified and all legal challenges were dropped in 2016.

Client: Harvey Meyerhoff Consulting Group
Contact: Jeff Harvey, Principal
Address: 2810 Cazadero Drive
Carlsbad, CA 92009
Phone: (916) 799-6065

FORWARD LANDFILL EXPANSION SUPPLEMENTAL EIR

The existing Forward, Inc. Landfill is comprised of the former Forward, Inc. Class II landfill and the former Class III City of Stockton Austin Road Sanitary Landfill. These two landfills were combined into the current Forward Inc. facility in 2002; filling in of a wedge of airspace between them; allowing lower base grades, and expanding the hours of operation which were assessed in the 2000 Consolidated Forward Landfill Environmental Impact Report EIR.

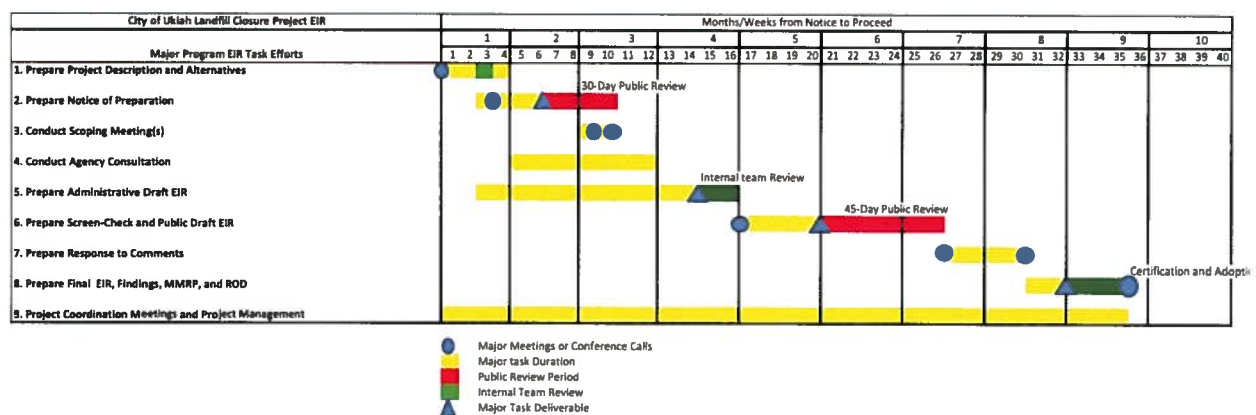


SMB Team members prepared the EIR Air Quality chapter (based on an SCS Engineers tech report) and wrote the EIR Noise Chapter. The Supplemental EIR (published in 2012) is an expansion of the existing 567-acre Forward Landfill to approximately 751 acres. The changes would: (1) expand the landfill to contiguous parcels (2) increase the remaining landfill capacity by 32.0 million cubic yards (3) allow disposal at the landfill to continue until approximately 2039. The project is currently on hold, and will potentially be revised, due to concerns from the Airport Land Use Commission.

Client: Grasseti Environmental Consulting
Contact: Richard Grasseti
Address: 7008 Bristol Drive
Berkeley, CA 94705
Phone: (510) 849-2354

SECTION 5 - PROPOSED SCHEDULE

As shown below, SMB proposes to complete the CEQA EIR within approximately 9 months from notice-to-proceed. This includes the required 30-day NOP noticing review period, the 45-day public draft review period, and the 10-day public review of the Final EIR (i.e. approximately of 3.0 months of the required public review). We will make every attempt to meet the estimated schedule for those work tasks under our control. Changes in the Project/Program Description can adversely affect overall Project EIR schedule. We cannot be held responsible for schedule delays caused by lack of responsiveness to meeting and report review deadlines by the City and/or other responsible agencies or entities, extended review of deliverables, or lack of clarification and guidance on those issues from the City that may arise during the Project.



SECTION 6- EXCEPTIONS

SMB does not have any exceptions to the City's insurance requirements and/or the City's draft professional services agreement as shown in the attachments of the City's Request for Proposals.

APPENDIX A - RESUMES

Title
Principal

Education
B.S. in Business Administration-
Marketing, California State
University, Chico

B.A. in Geography, California State
University, Chico

Experience
25 years

Affiliations
Association of California Water
Agencies
California WaterReuse Association

Summary

Steve Brown has over 25 years of experience specializing in providing environmental, regulatory, and public relations support for a variety of solid waste, water resources, engineering, and energy projects. He has direct experience in preparing environmental compliance documents to meet the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements, conducting management audits, following legislative and regulatory changes for clients, and coordinating public involvement programs for a wide variety of public and private projects.

Steve's broad background includes preparing numerous source reduction and recycling plans and programs for a variety of cities and counties pursuant to AB939 to divert solid waste from landfills. Specifically, Steve prepared waste characterization studies on landfills in San Bernardino County, Marin County, and Sacramento County.

In particular, Steve has significant experience and expertise in successfully completing environmental compliance documentation and obtaining all of the necessary federal, state, and local regulatory approvals for linear projects including pipelines and canals. Steve also has extensive public education experience.

Relevant Experience

Ukiah Water Recycling Project, City of Ukiah

Project Manager. Steve managed and prepared an Initial Study Mitigated Negative Declaration for the City of Ukiah's proposed Recycled Water Project. The purpose of the Proposed Project is to replace/augment existing water supplies in Ukiah Valley. Recycled water use within the Ukiah Valley would offset existing and future water demands for irrigation and frost protection of agricultural land, and in doing so, would support the local agricultural industry. It would also offset urban irrigation demands, ease storage limitations at the Ukiah Wastewater Treatment Plant (UWWTP), and reduce treated wastewater discharges to the Russian River. The Proposed Project was developed through an extensive engineering and feasibility study process, culminating in a recommended or preferred alternative. The basis for the Proposed Project for the environmental analysis is identified as the Preferred Alternative in Chapter 7 of the City's February 2012 *Recycled Water Master Plan*. The Proposed Project/Action would consist of 9.4 - miles of recycled water pipeline ranging in size from 8- to 16-inch to provide recycled water from the City's existing Ukiah WWTP to approximately 990 acres of agricultural and urban landscape irrigation lands within the Ukiah Valley. Specifically, a total of 44 parcels covering 703 acres would be supplied with 1,234 AFY of recycled water for irrigation purposes. In addition, about 284 acres would be supplied with 142 AFY of

recycled water for frost protection. The Initial Study/Mitigated Negative Declaration was certified and adopted by the City Council on June 5, 2013.

Los Carneros - Recycled Water Pipeline Project, Los Carneros Water District

Project Manager. Steve is preparing an Initial Study/Mitigated Negative Declaration and an Environmental Assessment/Finding of No Significant Impact on the Los Carneros Recycled Water Pipeline Project that proposes to construct an approximately 12-mile recycled water pipeline to serve the 5,700 acres of agricultural land within the District. The Proposed Project would consist of a 6 to 24-inch pipeline system that would connect to the planned 24-inch recycled water pipeline to serve the Stanly Ranch/St. Regis area from the Napa Sanitation District's Imola Wastewater Treatment Plant. The Los Carneros Project would connect to the end of the Stanly Ranch/St. Regis pipeline and construct a new pipeline system from that point on for approximately 12 miles up and through the District. The proposed pipeline system would be located within existing roadway and would not require any pump stations or storage facilities. The Proposed Project would serve approximately 140 parcel or 3,400 acres of irrigable land within the District with a recycled water supply that meets Title 22 requirements of approximately 1,650 acre-feet per year.

Pleasanton Recycled Water Project – Environmental Issues and Constraints Report, City of Pleasanton

Project Manager. Steve managed the Environmental Issues and Constraints Report for the City of Pleasanton's Recycled Water Project. The Proposed Project/Action includes the upgrade and expansion of Dublin San Ramon Sanitation District's existing wastewater treatment plant (WWTP) to provide a recycled water supply of approximately 2,500 afy to meet recycled water demand in the City's service area and offset deliveries from the city's groundwater supplies and water supply purchases from Zone 7. The Proposed Project/Action also includes the construction of up to approximately 20- miles (103,100 linear feet) of pipeline ranging in diameter from 6-inches to 36-inches as well as the conversion of the existing Tassajara Reservoir to a recycled water storage facility. Steve is currently assisting the City in preparing an Initial Study/Mitigated Negative Declaration and Environmental Assessment/Finding of No Significant Impact to meet both CEQA and NEPA requirements.

Mountain View Recycled Water Project – Environmental Issues and Constraints Report, City of Mountain View

Project Manager. Steve managed the Environmental Issues and Constraints Report for the City of Pleasanton's Recycled Water Project. The Proposed Project/Action is for the expansion of the City's existing Recycled Water Project to provide an additional approximately 1,125 afy to meet recycled water demand in the City's service area through 2035. The Palo Alto Regional Water Quality Control Plant (RWQCP) will produce all of the recycled water. The Proposed Project/Action includes the construction of up to approximately 8 miles (42,800 linear feet) of pipeline ranging in diameter from 6-inches to 24-inches. The pipeline facilities would be located primarily in existing roadways. In addition, the Proposed Project/Action will also include the construction of two (2) storage tanks (i.e. 1.6 million gallons (mg) and 2.9 mg) and six (6) pump stations.

San Francisco Bay Division Pipeline 3 and 4 Crossover Facilities, San Francisco Public Utilities Commission

Environmental Project Manager. Steve managed the preparation of the Initial Study/Mitigated Negative Declaration for the San Francisco Bay Division Pipelines 3 and 4 Crossover Facilities Project. The project involves the construction of three crossover facilities to interconnect the San Francisco Public Utilities Commission's (SFPUC's) Bay Division Pipelines Number (No.) 3 and No. 4 to improve system reliability in the event of an earthquake. Crossover valves and connections would be constructed within subsurface, concrete - lined vaults, which would be approximately 61 by 35 feet in area and 20 feet deep. An emergency

generator, propane tank, and communication equipment would be installed on two concrete pads adjacent to each vault, and at one location (Guadalupe River site), a third pad would support a transformer.

Mare Island Naval Shipyard EPA Water Infrastructure Grant Environmental Compliance

Project Manager. Managed the preparation of CEQA and NEPA environmental documentation for the rehabilitation and replacement of the sanitary sewer facilities at the former Mare Island Naval Shipyard. As part of the environmental review, Steve prepared an Environmental Information Document (EID)

Wastewater Treatment and Reclamation Plant Upgrade Project EIR, City of St. Helena

Project Director/Manager. Managed the preparation of an environmental impact report for the City of St. Helena's proposed upgrades to its wastewater treatment and reclamation plant. The primary goal and objective of the Proposed Project is to provide the additional treatment capacity necessary at the WWTRP to meet waste discharge requirements (WDRs) issued by the SFBWRQCB and to be consistent with the City of St. Helena's General Plan (1993a). Specifically, the goals and objectives of the Project are to construct facilities to ensure that: effluent discharged to the Napa River meets or exceeds the current discharge limitations; effluent applied to the spray field meets or exceeds the current and future WDRs reclamation quality; and effluent is treated to Title 22 tertiary standards in anticipation of future potential projects to deliver reclaimed water from the WWTRP to offsite locations for non-potable reuse.

Harding Drain Bypass Project EIR, City of Turlock

Project Manager. Managed the EIR for this six-mile, 60-inch pipeline that would convey the City's tertiary treated water directly to the San Joaquin River for discharge and disposal, bypassing the Harding Drain. Steve assisted the City in developing the Petition for Change in Discharge for the State Water Resources Control Board, and permitting strategies for the necessary federal, state, and local permits and regulatory approvals, including a Section 404 Permit, 401 Water Quality Certification, NPDES Discharge Permit, 1601 Streambed Alteration Agreement, and encroachment permits.

Wastewater Pipeline/Outfall Project EIR, City of Ceres

Project Manager. Managed the environmental documentation and permitting for this 18-inch, 13-mile pipeline and pump station, planned to convey up to two million gallons per day (mgd) of primarily treated wastewater from the city's wastewater treatment plant to the city of Turlock's wastewater treatment plant. The project team developed a mitigation monitoring and reporting plan strategy to reduce the environmental impact to less-than-significant levels as well as a permitting strategy to obtain the necessary permits for construction.

Sanitary Sewer Overflow Elimination Program EIR, Vallejo Sanitation and Flood Control District

Project Manager. Managed the preparation of environmental documentation for the implementation of various project components, including the development of storage and conveyance improvements to eliminate unauthorized sanitary sewer overflows associated with the existing sewer system. He prepared addendums, initial studies, negative declarations and other CEQA documents, mitigation measures, and environmental training identified in the Program EIR.

Wet-Weather Storage Facility EIR, Vallejo Sanitation and Flood Control District

Project Manager. Managed the EIR preparation that evaluated the construction and operation of a new storage facility that would have a total capacity of approximately 8.6 million gallons.

Wet Weather Improvements Project, Central Marin Sanitation Agency

Project Director/Manager. Managed the preparation of an Initial Study leading to the adoption of a Mitigated Negative Declaration for the construction and operations of the Central Marin Sanitation Agency's

(CMSA) propose Wet Weather Improvements Project. The purpose of the improvements is to improve CMSA's wastewater treatment plant so that it can handle wet weather flows that meet a five year design flow event and accommodate an influent collection system hydraulic limit of 125 million gallons per day.

South Trunk Sanitary Sewer Relief Project, City of San Mateo

Project Manager. Steve managed the preparation of an Initial Study/Mitigated Negative Declaration for the City of San Mateo's proposed capacity improvements to the South Trunk Sanitary Sewer System to allow the City to move forward with its planned new development and redevelopment in the South Trunk area. The proposed project included the construction of approximately 8,500 linear feet of new sanitary sewer pipelines ranging in size from 15 inches to 24 inches in diameter to serve the planned new development and the redevelopment areas. This project was one of the mitigation measures identified in the City's General Plan Update EIR and agreed to as part of the approvals for the new development and redevelopment in the area. This project was successfully completed on a fast track basis and was on time and with budget.

Sanitary Sewer Rehabilitation and Replacement Project, Napa Sanitation District

Project Manager. Steve managed the environmental documentation that analyzed the potential effects of the District's proposed sanitary sewer rehabilitation and replacement project on East Spring Street and Montecito Boulevards in the City of Napa, California. The purpose of the project is to correct infiltration and inflow (I/I) problems and bring the existing system up to current District standards. Phase I of the project consisted of slip-lining approximately 11,500 linear feet of pipeline. Phase II included replacing approximately 5,000 linear feet of pipeline with new polyvinyl chloride (PVC) pipe. Steve managed the preparation of all of the CEQA documentation as well as CEQA-Plus documents including a separate Cultural Resources Investigation Report and a Biological Resources Effects report to support obtaining State Revolving Funds from the State Board through the U.S. Environmental Protection Agency.

PAUL MILLER

Managing Principal, Senior Noise Analyst, Environmental Services

Paul Miller is an environmental professional with more than 30 years of experience in providing services and products to government agencies and private sector corporations. His technical areas of expertise include CEQA project management and technical analyses in the areas of solid waste, integrated waste management, energy, air quality, noise and hazardous materials. He has been the project manager or a key team leader for five state agencies (CalRecycle, the former California Integrated Waste Management Board, California Public Utilities Commission (CPUC), California Energy Commission (CEC), and the State Water Resources Board, Central Valley Region) on projects of statewide importance. Paul has consistently been involved in the project management of CEQA documents for solid waste facilities since 1989. These CEQA documents have analyzed Countywide Integrated Waste Management Plans, new landfills, landfill expansions, landfill closures, Materials Recovery Facilities (MRFs), solid waste transfer stations, compost facilities, anaerobic digester facilities, various permit revisions, and one plasma arc gasification facility. In 2011 he completed two Program EIRs on anaerobic digesters, one for CalRecycle (with mixed solid wastes as the feedstock) and one for a Waste Discharge General Order for dairy manure digesters and co-digesters in the Central Valley Region.

Relevant Projects

Education

M.S., Zoology and
Entomology, Colorado State
University

B.A., Zoology, Miami
University

25+ Years Consulting Experience

Ecology Consultants, Inc.
Environmental Measurements,
Inc.
EarthMetrics, Inc.
Aspen Environmental Group
North State Resources
Environmental Science
Associates

Certifications

California Registered
Environmental Assessor
(REA) 1989 - 2012

Certificate of Integrated
Waste Management, San
Francisco State University

Professional Affiliations

Air and Waste Management
Association; Board Member
Mother Lode Chapter of
Golden West Section.

Ukiah Landfill Permit Revision Supplemental EIR. *Project Manager.* The City of Ukiah proposed to increase the amount of solid waste accepted each day at its landfill, located just east of the City. By increasing the daily disposal rate from about 98 tons per day to 190 tons per day, the project would reduce the projected life of the landfill. Paul was project manager for a highly contentious Supplemental EIR that was prepared for the project. The Supplemental EIR addressed the issues of additional traffic and the impacts of traffic-related noise and air quality.

Cold Creek Compost Facility EIR, Ukiah, CA. *Project Manager and Air Quality Analyst.* An EIR was prepared for a compost facility owned and operated by Cold Creek Compost, Inc. in Potter Valley, Mendocino County. The facility was permitted to compost animal wastes, but the applicant wanted to compost other wastes such as grape pomace, restaurant wastes, fish wastes, and green waste. After the County prepared a negative declaration for the project and issued a use permit for the expanded activities, a court challenge determined that an EIR was needed. In addition to overall project management for this highly contentious facility EIR (for a facility that was already built and operating), Paul prepared the air quality section that reviewed odor analyses for several solid waste project EIRs. The reviews resulted in the development of a Progressive Odor Mitigation Measure to address future odors from the facility. The EIR addressed water quality and hydrology, odor, traffic, noise, air quality, visual impacts, and public health and safety (particularly with respect to the fungus *Aspergillus sp.*). The project generated considerable controversy and opposition from the facility's neighbors in Potter Valley. The EIR was certified in 1998 and has withstood legal challenge.

Bakersfield City Sanitary Landfill Closure/Post-Closure Maintenance Plans EIR. *Project Manager.* Paul managed preparation of a Draft EIR for the Final Closure/ Postclosure Maintenance Plans for the Bakersfield City Sanitary Landfill. The main goal of the project was the cost-effective and environmentally sound closure of the landfill. The landfill, closed since the early 1980s, was a large plateau below a residential community. Before closure plans could be developed, the extent of a historic burn dump was determined, and it was concluded that some residences were built over the historic burn

Relevant Experience (Continued)

dump. The results of the preliminary testing and environmental analysis led to major changes in the project, and the Draft EIR that ESA prepared was never published. Kern County was originally the lead agency for CEQA, but relinquished this role to the City of Bakersfield.

West Contra Costa Landfill Closure CEQA Technical Assistance. *Project Manager.* Paul managed the technical assistance for the environmental review for several landfill closure-related projects in Contra Costa County. The first project was an initial study and a negative declaration for a proposed soil remediation facility to be located on a closed portion of the Class II West Contra Costa Sanitary Landfill (WCCSL). The soil remediation facility would remove petroleum contaminants by heating the soil to a sufficient temperature. The design, construction, and operation of the facility took into account the potential for destabilization due to differential settlement of the underlying landfill material, and the possibility for explosions caused by landfill gas. The facility was designed to protect the soil and clay cover caps, which prevented water infiltration into the landfill refuse.

The second project was to assist the County in preparing an EIR for the closure of the Class I hazardous waste portion of the WCCSL. The role on this project was to prepare the request for proposals for the EIR, assist in selection of an EIR consultant, and review draft environmental documents.

The third project was preparation of another initial study/negative declaration for the WCCSL, which covered the closure of the Class II portion of the WCCSL and a revised operating permit for the landfill.

Forward Inc. Landfill EIR, Stockton California. *Air Quality, Greenhouse Gas Emissions and Noise Analyst.* The existing Forward, Inc. Landfill is an approximately 567-acre facility comprised of the former Forward, Inc. 157-acre Class II landfill and the former 410-acre Class III City of Stockton Austin Road Sanitary Landfill. These two landfills were combined into the current Forward Inc. facility in 2002 under Use Permit application UP-00-0007 which comprised combining these landfills into a single Class II facility; filling in of a wedge of airspace between them; allowing lower base grades, and expanding the hours of operation which were assessed in the 2000 Consolidated Forward Landfill Environmental Impact Report ER-00-0002.

The project analyzed in the EIR (published in 2012) is an expansion of the existing 567-acre Forward Landfill to approximately 751 acres. The proposed project would make the following changes: (1) expand the Forward Landfill to contiguous parcels (2) increase the remaining landfill capacity by approximately 32.0 million cubic yards (cy) (3) relocate approximately 3,000 feet of the South Branch of the South Fork of Littlejohns Creek (4) Allow cannery waste processing in areas of site that are not being used for disposal at the time, and (5) allow disposal at the landfill to continue until approximately 2039 (compared to the current closure estimate of 2021). The EIR was certified by San Joaquin County in 2013 but the project has not been approved.

Redwood Landfill Expansion EIR, Marin County, CA. *Senior Air Quality and Noise Analyst.* An EIR was prepared for a proposed expansion of the Redwood Landfill in Marin County. The proposed project would increase total capacity, increase the allowable daily disposal rate, develop a Class II cell, change the processing of sewage sludge, and expand the landfill's existing co-composting facility. Paul responded to a variety of public comments regarding air quality issues, such as the new federal diesel emission regulations, and potential noise effects on wildlife.

Yolo County Central Landfill Subsequent Environmental Impact Report. *Air Quality and Noise Analyst.* Paul was the air quality and noise analyst for an EIR for proposed revisions to the Solid Waste Facilities Permit for the Yolo County Central Landfill. The County, which owns the landfill, proposed several innovative design and management techniques, including use of a landfill bioreactor cell, landfill mining to remediate groundwater issues and to develop additional capacity, development of a materials recovery facility, increased beneficial use of landfill gas, and a composting operation. The EIR also evaluated a proposed height extension for the landfill, and examined impacts associated with development of an off-site soil borrow area. The EIR analyzed the full suite of potential environmental effects, including hydrology, geology, air quality (including odors and health

Relevant Experience (Continued)

risks from toxic air contaminants), noise, aesthetics, traffic, biology, and cultural resources. The EIR was certified in 2005.

Austin Road Landfill Expansion EIR, Stockton, CA. *Project Manager.* Paul managed an EIR for the proposed expansion of the Austin Road Landfill that provided the City of Stockton with an additional 50 years of capacity. The project called for realignment of a branch of Little Johns Creek, which divided the landfill and the proposed expansion area, and expanded the permitted landfill area both horizontally and vertically. The realignment required a Streambed Alteration Agreement with the California Department of Fish and Game. The project was approved and the City shortly thereafter sold to a private company. The landfill was sold with an increased value because of the increased capacity in the Solid Waste Facilities Permit. The Austin Road Landfill has been merged with the adjacent Forward Landfill.

Keller Canyon Landfill Supplemental EIR, Pittsburg, California. *Project Director.* Paul was the project director for two years on this CEQA document but changed companies before the Supplemental Draft EIR was completed. The Supplemental EIR will be prepared on an application to modify the Conditions of Approval (COA) for the Land Use Permit (LUP). Keller Canyon Landfill (KCL), a wholly-owned subsidiary of Republic Waste, has submitted an application to modify the Conditions of Approval (COA) for their Land Use Permit (LUP) to enable them to accept more waste on daily basis. The landfill has been in continuous operation for twenty years, since 1992. This modification would include an increase in the maximum allowable tonnage of disposed waste from 3,500 tons per day (TPD) to 4,900 TPD; and would also include permitting a new category of so-called “non-landfilled materials,” including greenwaste for use as alternative daily cover (ADC) and inert materials used for paving and other beneficial on-site uses. KCL is not proposing to expand the total capacity of the landfill, to alter or modify existing environmental controls, to expand laterally or upward, to change hours of operation, or to increase the daily allowable level of traffic, which stands at 320 one-way truck trips per day. The proposed modifications may also require a revision of other permits, including the facility’s Solid Waste Facility Permit (SWFP).

Time Extension of Importation of Contra Costa County Waste to the Altamont Landfill EIR. *Project Manager.* Paul was project manager for the EIR that analyzed a two-year extension of, and 1,000-ton-per-day increase in, the existing waste-import agreement between Contra Costa County and Alameda County. Contra Costa County municipal solid waste was hauled to the Altamont Sanitary Landfill primarily from the Acme Fill Transfer Station, and a limited amount of refuse was transported from the Waste Management System Exchange Site. EIR economists evaluated the factors that needed to be considered in developing a fee, or surcharge, for waste imported from other counties, and analyzed research papers for establishing import fees. The EIR was certified in December 1991.

Altamont Landfill Reclassification EIR. *Project Manager.* Paul managed the EIR for the reclassification of the Altamont Sanitary Landfill from Class III to a Class II landfill. Altamont accepts solid waste from jurisdictions in Alameda County and the City and County of San Francisco. The EIR analyzed the change in the liner that was necessary and identified the potential for a loss of “air space”, because of the necessary separation between the Class II and Class III landfill cells. The EIR identified the types of waste that could be handled in the

Class II cell and also identified the disconnect between State and federal regulations, because the federal regulations have no equivalent to the California Class II landfill designation.

Altamont Landfill and Resource Recovery Facility Expansion EIR. *Project Manager/Project Director.* Paul was Project Manager originally and then Project Director (retained by the County of Alameda) for the preparation of a Program EIR on the construction of a 850-acre Class II landfill adjacent to an existing Class III landfill. The landfill accepts solid waste from jurisdictions in Alameda County, the City and County of San Francisco, and Contra Costa County. The expanded landfill is the largest in Northern California. The project increased the daily amount of waste the landfill is allowed to receive and expanded the landfill service area to include additional communities. The draft EIR evaluated impacts of the proposed expansion on special-status

Relevant Experience (Continued)

species; provided visual simulations of the landfill during operation and at closure; examined issues related to a potential historic trail near the landfill; and incorporated the results of the latest geologic and hydrologic studies on the landfill site. A watershed evaluation was performed to determine which communities might send solid waste to Altamont. The Final EIR Response to Comments Addendum incorporated a new alternative (a smaller, 710-acre expansion and lower daily tonnage limit), which was approved by the County in lieu of the original project.

Ostrom Road Landfill Permit Modifications EIR, *Project Director*. An EIR was prepared on proposed modifications to the Ostrom Road Landfill's conditional use permit, solid waste facility permit, and waste discharge requirements. The project modifications revise the site grading plan, increase the allowable height and slope of the finished landfill, increase the maximum daily tonnage limit from 1,000 tons per day to 3,000 tons per day, and increase the allowable number of trucks delivering wastes to the facility. The objectives of the project were to increase the landfill capacity, optimize use of the lined area, and enable the landfill operator, Yuba-Sutter Disposal, Inc., to accept wastes from a wider area. The project does not laterally expand the landfill, change the types of waste accepted, or change the landfill's environmental controls or monitoring systems. The EIR analyzed geology, hydrology and water quality, air quality, traffic circulation and safety, hazardous materials, noise, and aesthetics. The EIR was certified in 1999.

New Jamestown Landfill EIR. *Project Manager*. Paul was project manager for the EIR, which was certified, for a proposed Class III Sanitary Landfill in Tuolumne County. The proposed site was located in the Sierra Nevada foothills approximately one mile southeast of the town of Jamestown. The existing landfill, located adjacent to the proposed site, was to close soon due after exhausting its remaining capacity. The EIR discussed several variants to the project, including the export of wastes, the application of balefilling (the baling of solid waste prior to disposal), and a reduced height alternative. Analysis topics also include public health and safety, air quality, hydrology, geology, noise, visual quality, and traffic. Although the EIR was certified, the project itself was never approved.

Nevada County Landfill Improvements. *Project Manager*. Paul was the project manager for providing technical advice to Nevada County regarding the CEQA approach to a number of improvements proposed for the McCourtney Road Landfill. The landfill improvements consist of a number of construction projects, including the installation of lined septage ponds, sedimentation basins, entrance buildings, composting pilot projects, and a landfill gas flare pilot project.

MICHAEL RATTE

Senior Air Quality Scientist, Environmental Services

Michael Ratte is a Senior Air Quality Scientist at RCH Group. Mike has been a practicing meteorologist and air quality specialist within the consulting business for 25 years. Mike's technical expertise includes NEPA/CEQA environmental planning, air emissions inventories, ambient air monitoring, atmospheric dispersion modeling, air quality permitting, health risk assessments, and climate change analyses. He has worked extensively for local, state, and federal agencies, as well as a wide array of commercial businesses and industries. His recent projects involved transportation facilities (airports, roadways, and marine ports), land development (residential/commercial/institutional), landfills/composting, and mining/quarry operations. He is well versed in a wide array of air emission models including, EMFAC, OFFROAD, NONROAD, MOVES, CALEEMod, and AP-42; dispersion models such as AERMOD, EDMS, and CAL3QHC; with strong data management and ACCESS programming skills.

Relevant Projects

Education

B.S. Meteorology, Lyndon State College

25 Years Consulting Experience

TRC
Radian/URS
Environmental Science Associates
KB Environmental Sciences

Certifications

Professional Affiliations

Air and Waste Management Association.

Association of Environmental Professionals

Athens Services Materials Recovery Facility / Transfer Station (MRF/TS), Irwindale, California. Conducted an air quality analysis and health risk assessment for a proposed 300,000 square foot MRF/TS. Construction, operational activities, and truck and automotive traffic are planned. The analysis included air emissions, dust, and odors that may have an effect on local and/or regional air quality.

Brisbane Baylands, Brisbane, California. Conducted a health risk assessment for the construction activities and operational emissions for four build alternatives. The Developer-Sponsored Project includes approximately 7 million square feet of office/ retail /industrial/institutional uses, 5 million square feet of residential (4,434 residential units) and approximately 205 acres of upland open space/open area. The Community Preferred Plan includes up to approximately 8 million square feet of office/industrial/commercial/ institutional space, no residential development and approximately 330 acres of open space.

California Public Utilities Commission (CPUC) Fulton-Fitch Mountain Reconductoring Project. The Fulton-Fitch Mountain 60 kilovolt Reconductoring

Project proposes to reinforce the electric system in Sonoma County by replacing the existing wires on a 9.9 mile, single-circuit power line between Fulton and Healdsburg. Mike is reviewing the Proponent's Environmental Assessment related to air quality and greenhouse gas emissions for completeness, identifying deficiencies, revising, if necessary, the baseline assessment and project impact analysis, and assessing the effectiveness of proposed measures in reducing impacts. The air quality assessment will be documented in a CEQA Environmental Impact Report presenting the calculation of construction emissions, comparison to significance thresholds, and an assessment of ambient air quality impacts on sensitive receptors.

Central Amador Water Pioneer Water Rehabilitation Project, Amador County, California. Prepared an Air Quality Technical Report for the Central Amador Water Pioneer Water Rehabilitation Project. The proposed project includes an approximately 9,250 foot, cross country and in road potable water distribution pipeline. Construction emissions were estimated using the Sacramento Metropolitan Air Quality Management District Road Construction Emission Model compared to Amador County Air Pollution Control District significance thresholds. GHG emissions from construction activities were compared to the GHG threshold of 1,100 metric tons. Mitigation measures to reduce impacts to a less-than-significant level included implementation of fugitive dust and combustion emission reduction measures.

Eagle Mountain Pumped Storage Hydroelectric Project, Palm Desert, California. Conducted an air quality assessment for a 1,300 Megawatt pumped storage project. Water would be pumped from a lower pit/reservoir to

Relevant Experience (Continued)

an upper pit/reservoir during periods of low demand to generate peak energy during periods of high demand. Air quality assessment addressed construction emissions (five year schedule with extensive equipment usage), cost estimate of mitigation measures, operational emissions, and climate change analysis (including benefits from the use of wind and solar power).

East Bay Regional Park District Public Safety Modernization Project, Lake Chabot, California. The proposed project includes the development of a new public safety headquarters (approximately 32,000 square feet), new service yard buildings (approximately 4,500 square feet), associated 103 space secured parking lot (approximately 42,000 square feet), 59 space public parking lot (approximately 16,000 square feet), new SCCY shop (approximately 6,200 square feet), approximately 3,800 linear feet of fire water main pipeline, and associated facilities, approximately 1,000 linear feet of water line pipeline, and associated facilities (such as 10,000 gallon tank), and trail relocation within approximately five acres of land at the Anthony Chabot Regional Park. Completed the construction and operational emissions inventory to quantify criteria pollutant emissions associated with the project. The health risk assessment was conducted for construction impacts and operational impacts from the fire pump engine. Mitigation measures to reduce impacts to a less-than-significant included incorporation of best management practices for fugitive dust, and tier 2 construction equipment.

Forward Landfill, Manteca, California. Air quality and health risk environmental documentation for the proposed expansion of the Forward Landfill was conducted. The analysis included air emissions from haul truck and landfill gas and projected site life and landfill capacity under existing actual and permitted conditions with new gas-fired combustion engines or landfill gas flares as a part of the proposed project.

Keller Canyon Landfill, Bay Point, California. Conducted a health risk assessment for plans to increase the maximum amount of waste received by the landfill from 3,500 to 4,900 tons per day. The increase of combustion equipment (dozers, loaders) and annual truck trips were analyzed as well as the increase in fugitive landfill gas emissions and landfill flare usage. The baseline impacts also included the use of landfill gas to energy engines and additional flaring.

Life Sciences Campus, South San Francisco, California. The project proposed to demolish an existing 260,000 square foot warehouse and construct a 260,000 square foot campus and a detached five level parking structure. Conducted air quality and health risk assessment related to the projects impacts on nearby sensitive receptors and developed greenhouse gas emissions mitigation measures resulting from a transportation reduction program and LEED Silver.

Moss Landing Desalination Plant, Moss Landing, California. The proposed Moss Landing desalination plant will produce 13,404 acre foot per year (afy) of potable water. The desalination plant will provide 3,652 afy of "new water" to customers in North Monterey County and 9,752 afy to the Monterey Peninsula, to offset mandated water supply diversion curtailments on the Carmel River and Seaside Basin. Updated the Air Quality and Greenhouse Gas sections of the Environmental Impact Report. Key updated items include construction and operational emission estimates using updated PG&E GHG emission factors, the Sacramento Metropolitan Air Quality Management District's Roadway Construction model, and California Air Resources Board (CARB) emission models such as EMFAC/OFFROAD emission factors.

Oak Knolls Mixed Use Community Plan, Oakland, California. Conducted air quality analysts for the Oak Knoll Mixed Use Community Plan. The project site consists of approximately 165 acres of the 183-acre former Oak Knoll Naval Medical Center Oakland property. The project would create a mixed-use development consisting of residential neighborhoods (approximately 935 dwelling units), commercial development (72,000 square feet), and open space and recreational facilities (61 acres). A health risk assessment (HRA) for existing and future sensitive receptors was conducted based on the California Office of Environmental Health Hazard Assessment's Air Toxics Hot Spots Program Guidance Manual for Preparation of HRAs. The HRA also included nearby permitted sources, Interstate 580, and local roadways using USEPA's AERMOD dispersion model. The project would be developed in three phases over approximately five to ten years. Construction activities within

Relevant Experience (Continued)

Phase II and III would potentially impact proposed residences within previous phases as well as existing sensitive receptors. Mitigation measures to reduce impacts to a less-than-significant level included implementation of enhanced construction equipment exhaust emissions reduction measures.

Olive Pit Mine, Irwindale, California. Conducted a health risk assessment for operations in association with the Olive Pit Mining & Reclamation Master Plan. The total anticipated production of the extraction operations is estimated to be 32 million tons (21.3 million cubic yards). Average production is anticipated to be 1 million tons of aggregate per year.

Permanente Quarry, California. Conducted a health risk assessment for operations in association with the Permanente Quarry Master Reclamation Plan. The assessment accounted for diesel emissions from off-road equipment, haul trucks, fugitive dust from material handling, wind erosion, and unpaved roadways. Cancer risks and health impacts (chronic and acute) from potential exposure to diesel exhaust, crystalline silica, and other air toxics emissions at off-site receptors were determined based on a multi-phase project implementation.

Phillips 66 Oil Spill Remediation, Concord, California. Conducted a health risk assessment for remediation of an oil spill. The proposed project would include removal and transport of contaminated soils. The site chemicals of potential concern are benzene, toluene, ethylbenzene, and total xylenes; polycyclic aromatic hydrocarbons; and naphthalene. Excavation would involve excavators, loaders, and haul trucks. From beginning to end the proposed project would take two months or 40 work days. United States Environmental Protection Agency's AP-42 was used to quantify fugitive dust emissions from material loading/unloading, wind erosion, and travel on unpaved surfaces. Mitigation measures to reduce impacts to a less-than-significant included incorporation of best management practices for fugitive dust, and tier 2 construction equipment.

Pilarcitos Quarry, California. Conducted a health risk assessment for plans to expand mining operations onto a west-facing slope located adjacent to and immediately north of the current mining area. This expansion area is approximately 20 acres in size. The baseline annual operations include 450,000 tons of aggregate processing and 100,000 tons of concrete recycling. The aggregate processing would increase to 1 million tons with the project expansion (with corresponding increases in haul trucks).

Port of Richmond Terminal 3 Log Export Facility, Richmond, California. RCH staff acted as air quality analysts for the Port of Richmond Terminal 3 Log Processing and Export Facility in Richmond, CA. The project would include the development and operation of a log export facility at an existing facility at the Port of Richmond, on an approximately 12.2-acre site. The proposed facility would receive logs by truck from a site in West Sacramento that would be prepared for shipment, then loaded onto ocean-going ships while berthed at Terminal 3. Operational equipment would include an excavator, front loaders, and street sweeper. An operational emissions inventory was developed for worker vehicles, truck trips, ocean going vessels, and onsite equipment. CARB's OFFROAD emissions model was used to estimate emissions from off-road operational equipment. CARB's EMFAC2014 emissions model was used to estimate emissions from truck trips and worker automobile trips. USEPA's Current Methodologies in Preparing Mobile Source Port-Related Emissions and other guidance was used to estimate emissions from marine vessel operations. The health risk assessment focused on health impacts on nearby existing residences and recreational areas.

San Luis Obispo Anaerobic Digestion Facility, San Luis Obispo, California. The Hitachi Zosen Inova Anaerobic Digestion Facility consists of establishing an anaerobic digestion plant to process green and food waste. Biogas would be directly combusted in a combined heat and power (CHP) plant; generating environmentally friendly electricity and heat. Alternatively, the biogas would be processed and upgraded for use as an alternative vehicle fuel. A gas flaring system would be included to ensure that any excess biogas is incinerated. Construction-related (motor vehicles, haul trucks, and equipment) emissions were based on CalEEMod, and CARB's EMFAC and OFFROAD. Operational emissions associated with the CHP as well as a flare were based on guidance from USEPA AP-42 and manufacturer specifications. Emissions were compared to

Relevant Experience (Continued)

the San Luis Obispo County Air Pollution Control District's CEQA Air Quality Handbook. Mitigation measures included a Selective Catalyst Reduction System with Oxicat for the CHP unit.

Sonoma Compost, Petaluma, California. Developed a health risk assessment for a proposed construction of a new compost facility in Sonoma County. The assessment included air emissions from haul truck and composting activities (using windrow, pseudo-biofilter, or aerated static pile). Three potential facility locations were evaluated.

Treasure Island, San Francisco, California. Conducted a construction emissions inventory and development of mitigation measures for an 18-year Redevelopment Plan. The Redevelopment Plan included over 8,000 residential units, a retail and recreational component. Mitigation measures designed to reduce fugitive dust, combustion emissions, and GHG quantities was developed.

UCSF Research Building and Parking Garage Expansion, San Francisco, California. The SFGH project is expected to include construction of a five-story research building (approximately 175,000 square feet) on two acres. The project would include construction activities and operational emissions from motor vehicles, an emergency generator, and fume hoods. The SFGH project would also include an expansion of the existing SFGH parking garage. Construction-related (motor vehicles, haul trucks, and equipment) emissions were based upon the duration, work area footprint, and equipment needs anticipated for the project combined with CalEEMod. Operational emissions associated with the emergency generator and fume hoods were based on guidance from USEPA, CARB, and BAAQMD. The health risk assessment (HRA) was conducted following methodologies in OEHHA's Air Toxics Hot Spots Program Guidance Manual for Preparation of HRAs. A screening analysis was conducted on the full chemical inventory (over 400 compounds) for the fume hoods accounting for the amount of chemical and its toxicity. Approximately ten compounds were then analyzed within a full HRA.

Walmart, Ukiah, California. Developed a health risk assessment for the expansion and alteration of an existing Walmart store. The project would expand the existing 109,030 square foot store by 47,621 square feet for a total of 156,651 square feet. The assessment included air emissions from delivery trucks and impacts on nearby residences.

PETER HUDSON PG, CEG

Principal/Senior Geologist

Pete Hudson has more than 28 years of broad-based experience in engineering geology, hydrogeology, environmental, geotechnical and surface water. He is a professional geologist and certified engineering geologist in the state of California and a registered geologist/engineering geologist in the state of Washington. His general responsibilities include providing geological, geotechnical, geophysical and hydrogeological technical support in water quality assessments, water resource and geological studies for planning, permit assistance, environmental impact assessments with emphasis on hydrological and geologic issues, soils investigations and erosion/geomorphic investigations, planning/policy assessments, and mitigation planning and monitoring. Pete has authored numerous geo-science and hydrology-related technical sections under CEQA and NEPA and provides technical input and senior review for completion of work products including EIRs and EISs, and EAs. Pete contributes his technical expertise to resource management plans, reclamation/restoration plans, erosion control plans, draft permits, (e.g., NPDES), land development environmental feasibility analyses, and site selection/constraints studies. Pete is a Qualified SWPPP Practitioner (QSP) as required under California's Construction General Permit.

Education

BA, Geology, San Francisco State University

Pre-Engineering Coursework. San Francisco State University

Certifications / Registrations

Professional Geologist, California (Registration No. 6730)

Certified Engineering Geologist, California (Registration No. 2368)

Qualified SWPPP Developer QSD/Practitioner QSP

Specialized Coursework

Soil and Foundation Engineering, UC Berkeley, 2005

Seismicity and Geotechnical Earthquake Engineering, UC Berkeley, 2003

Earthquake Regulations Laws, and Policies, UC Berkeley, 2002

Evaluation and Mitigation of Seismic Hazards, UC Berkeley, 2000

Seismic Hazards Analysis, Association of Engineering Geologists, 1997

Professional Affiliations

Association of Engineering and Environmental Geologists (AEG)

RELEVANT PROJECT EXPERIENCE

San Rafael Rock Quarry Amended Reclamation Plan and Amended Quarry Permit EIR. San Rafael, Marin County, CA. *Geologic and Hydrogeologic Analyst –Reviewer.* Pete provided senior technical input and oversight for the preparation of the geology and seismicity and hydrology chapters of the EIR. Pete coordinated and led the technical aspects of the sampling program developed for fugitive dust emissions and crystalline silica. Main technical issues involved erosion and storm water and post reclamation conversion to a marina. Pete provided senior review of the DEIR.

CalAm Coastal Water Project EIR, Monterey County, CA. *Lead Geologist/Hydrogeologist.* Pete provided geotechnical and hydrogeologic technical support for the analysis of local and regional groundwater

PETER HUDSON PG, CEG

Principal/Senior Geologist

impacts connected with this multi-dimensional and highly visible project. Pete was involved with senior review, preparation of master responses, and provision of technical expertise to the team in the areas of groundwater, hydrology, and geology. Technical areas included beach bluff erosion protection, subsurface beach intake wells, water conveyance pipelines, and aquifer storage and recovery.

Fairfield-Suisun Sewer District (FSSD) Outfall Study, System and Treatment Master Plan EIR. *Senior Geologist and Hydrologist.* Pete supervised completion of geology and hydrology analyses and preparation of chapters for the EIR. He provided senior review for key technical issues including the project proximity to active faults, structural integrity of levees, performance of outfall structures, and competence of engineered fills. He also reviewed surface water modeling assumptions and provided input to EIR presentation of data. He assisted the technical team with the analysis of regional groundwater impacts and the effect on local groundwater conditions.

Lehigh/Permanente Quarry EMSA Project EIR, Cupertino, CA, *Senior Geologist.* Pete assisted the EIR team with geological and hydrology-related technical issues and coordinated the effort to assess the site for the presence of asbestos and crystalline silica to support the CEQA analysis. Pete worked with EIR technical staff to scope the geologic analysis, identify issues, develop mitigation, and he provided senior technical review of the geology CEQA chapter.

San Francisco Public Utilities Commission (SFPUC) Niles Dam and Sunol Dam Removal Project. *Senior Geologist/Hydrogeologist.* Conducted preliminary analysis of groundwater, site geology, and potentially hazardous sediments in connection with the proposed removal of existing dams in Niles Canyon. Work included review of comprehensive hydrology, sedimentation transport, and erosion report prepared by an outside consultant and supervision of hydrology and geology chapters of the EIR. Issues included impact of dam removal on groundwater levels and the impact of those lowered levels on riparian areas and biota.

Livermore-Amador Valley Water Management Agency Export Pipeline Facilities Project Program EIR. *Geologist/Hydrogeologist.* Pete completed technical review of key CEQA technical sections and remained involved in the project through its implementation. He provided technical assistance regarding surface water quality, waste discharge requirements, and NPDES during the construction phase. He also consulted with the client, contractor and other ESA staff on mitigation monitoring for surface water quality.

EBMUD Water Treatment and Transmission Improvements Program (WTTIP) EIR. *Senior Geologist and Hydrologist.* ESA led the consulting team in the preparation an EIR for EBMUD's Water Treatment and Transmission Improvement Program (WTTIP) project. EBMUD facilities serving the project area provide water supply and treatment to the Cities of Moraga, Orinda, Lafayette and portions of Walnut Creek in the East-of-Hills (EOH) service area. Generally, the program responds to the need to reliably meet supply demands, improving aging infrastructure and technology, improving daily warm weather operating efficiency and meeting regulatory standards.

Treasure Island/Yerba Buena Redevelopment Plan EIR. *Senior Geologist/ Hydrologist.* Pete is technical team leader for the hydrology and geotechnical issues for the proposed Treasure Island Development Plan. With a team consisting of in-house hydrologists and a geotechnical subconsultant, ESA is tackling the issues of flooding, sea level rise, surface water flow, soil and groundwater contamination, settlement, and potential seismic instability for this challenging development on Treasure Island. The proposed project is a nearly 10-year, phased redevelopment to create a new mixed use community.

LANDFILL SPECIFIC

Keller Canyon Subsequent EIR, Pittsburg, Contra Costa County, *Senior Geologist/Hydrologist.* Pete was responsible for the geologic and hydrologic analysis of the proposed changes to the Keller Canyon Landfill under the 2009 Subsequent EIR effort. The proposed project was to increase the maximum daily tonnage; a change that would increase the daily accumulation rate of waste. Tasks included reviewing all

PETER HUDSON PG, CEG

Principal/Senior Geologist

geotechnical, geologic, and drainage work that had been completed at the landfill since the 1990 EIR. Analysis included in- depth review of CCR Title 27 compliance, seismic considerations, and a review of the previous work completed to reduce slope instability.

Hanson Sand Mining EIR, San Francisco Bay *Senior Technical Review*. Pete provided senior technical review of the hydrology section of the EIR as well as technical input throughout the course of the project. Technical issues involved the fate and transport of sands and the long-term impacts of legacy mining on borrow areas.

Redwood Landfill Solid Waste Facilities Permit Revision EIR, *Senior Geologist*. Pete has been involved in this project since 2000 in a technical advisory role for issues dealing with landfill cover, slope analysis, the Leachate Collection and Recovery System (LCRS) operations analysis and levee stability. This project is located on the Bay mud along the banks of the Petaluma River and thus presents challenging issues for geotechnical stability and groundwater/leachate management. Pete provided technical assistance and contributed to the initial EIR sections on geology and hydrology.

Ostrom Road Landfill Development EIR, *Senior Geologist, Hydrogeologist*. Pete was the primary analyst and EIR sections author for the geology and seismicity section and assisted with technical input for the hydrology section. The EIR analyzed the impacts of a new landfill in the eastern portion of Yuba County. Groundwater and maintaining a 5-foot separation due to shallow water table was a primary issue. Other issues included slope stability and the effects of earthquakes generated on the fault in the eastern Central Valley. Liquefaction issues were a concern due to alluvial soils and the proximity to Best Slough, the Dry Creek flood way.

South San Francisco Materials Recycling Facility EIR, *Senior Geologist*. Pete provided geological and geotechnical support and analysis for EIR on proposed Materials Recycling Facility in an industrial area at the edge of the San Francisco Bay. Engineering challenges of this project included excavation of a subsurface underpass in an area with shallow groundwater, high hydrostatic pressures, the presence of bay mud and fill materials. Other CEQA issues included hazards associated with liquefaction, settlement of artificial fill, bayward slope protection, foundation design, historic groundwater contamination and lead contamination in existing soils.

Gregory Landfill, San Diego, California -- Proposed Landfill EIR Review. *Primary Technical Reviewer*. Pete assisted ESA's client with developing focused technical comments on the EIR prepared for the proposed construction of the Gregory Canyon Landfill, San Diego. Reviewed various geologic, hydrologic and geotechnical reports focusing on landfill construction within a mountain canyon. Issues included tectonic considerations, proximity to groundwater, flooding, fractured bedrock, groundwater flow in fractured bedrock, and potential for static and seismically-induced landsliding of natural slopes and the refuse prism.

DAN JONES

Associate, Environmental Services

Dan Jones is an Environmental Services Associate at RCH Group. Dan's technical experience includes CEQA compliance, air quality, greenhouse gas emissions, health risk assessments, noise, and integrated waste management. Dan's technical noise experience includes short-term and long-term noise monitoring and traffic noise modeling. Dan is proficient in a variety of air emissions models including CalEEMod, EMFAC, OFFROAD, and Road Construction Emissions Model. Dan also has technical experience working with dispersion modeling data and health risk assessments.

Education

BS, Environmental Policy
Analysis & Planning, University
of California, Davis, CA

Certifications

California Air Resources Board
Accredited GHG Verifier of
Emissions Data Reports for
Mandatory Reporting

Professional Affiliations

Association of Environmental
Professionals

Waste Management Projects

Athens Services Materials Recovery Facility / Transfer Station (MRF/TS), Irwindale, California. Provided technical support for an air quality analysis, greenhouse gas, health risk assessment, and noise analysis and helped prepare the environmental impact report for a proposed 300,000 square foot MRF/TS. Construction, operational activities, and truck and automotive traffic are planned. The analysis included air emissions, dust, and odors that may have an effect on local and/or regional air quality. The noise analysis included short-term and long-term noise measurements of the project site and modeled traffic noise impacts on existing sensitive receptors.

Blue Line Biogenic CNG Facility, South San Francisco, California. Conducted the air quality analysis for a CEQA addendum that reviewed proposed modifications to the Blue Line Biogenic CNG Facility Project. Blue Line Transfer, Inc. proposed to develop an Anaerobic Digestion Facility that would be capable of processing 10,000 tons per year of food waste and green waste into biogas that would be cleaned and converted into biogenic CNG. The project was expected to produce 56,000 diesel equivalent gallons per year of CNG, enough fuel for four to five CNG-fueled collection vehicles. The modifications included increasing peak design capacity of the anaerobic digester facility from 10,000 to 11,200 tons per year. Another modification allowed the Biogas CNG station to connect to a PG&E natural gas line to blend PG&E natural gas with the biogas, which allowed the facility to refuel their entire CNG fleet on-site. The analysis concluded that the modifications would not change the conclusions or mitigation measures in the IS/MND.

Forward Landfill, Manteca, California. Air quality, greenhouse gas, noise and public health environmental documentation for the proposed expansion of the Forward Landfill was conducted. The proposed project includes the expansion of landfill capacity and a creek realignment, which would allow disposal at the landfill to continue until approximately 2031. The analysis included air and greenhouse gas emissions from haul trucks and landfill gas and projected site life and landfill capacity under existing actual and permitted conditions with new gas-fired combustion engines or landfill gas flares as a part of the proposed project. The noise analysis include short-term and long-term noise measurements at locations around the perimeter of the landfill boundary.

Glenn County Solid Waste Conversion Facility, Glenn County, California. Prepared the environmental impact report for the proposed municipal solid waste transfer station and anaerobic digestion facility. The Glenn County Landfill is nearing capacity and is scheduled for closure in approximately December 2016. The project is intended to provide a replacement solid waste management system for Glenn County.

North Richmond Chip & Grind, Richmond, California. Conducted a greenhouse gas emissions analysis for the relocation of the North Richmond Chip & Grind Facility. The project would relocate the facility, which would involve construction at the new location, and expand the maximum tonnage allowance of wood and green material to 500 tons per day. Construction emissions were estimated using CalEEMod and operational emissions were estimated using CARB's EMFAC 2011 for onroad mobile sources. Emissions from the project were found to be below BAAQMD greenhouse gas significance thresholds.

Relevant Experience (Continued)

Recology Vallejo Permit Revisions, Vallejo, California. Prepared the Initial Study/ Mitigated Negative Declaration for the Permit Revisions at Recology Vallejo. Recology Vallejo sought to obtain a Solid Waste Facility Permit (SWFP) for a large-volume transfer station, which would allow the operator to increase its permitted daily processing capacity to 300 tons per day of mixed recyclables and organics. The facility was processing approximately 177 tons per day of mixed recyclables and organics. The project would also allow for the inclusion of food waste into the existing green waste collection service. The SWFP would apply to the entire 9.4-acre property and would include both the recycling and food/green waste activities.

San Luis Obispo Anaerobic Digestion Facility, San Luis Obispo, California. The Hitachi Zosen Inova Anaerobic Digestion Facility consists of establishing an anaerobic digestion plant to process green and food waste. Biogas would be directly combusted in a combined heat and power (CHP) plant; generating environmentally friendly electricity and heat. Alternatively, the biogas would be processed and upgraded for use as an alternative vehicle fuel. A gas flaring system would be included to ensure that any excess biogas is incinerated. Construction-related (motor vehicles, haul trucks, and equipment) emissions were based on CalEEMod, and CARB's EMFAC and OFFROAD. Operational emissions associated with the CHP as well as a flare were based on guidance from USEPA AP-42 and manufacturer specifications. Emissions were compared to the San Luis Obispo County Air Pollution Control District's CEQA Air Quality Handbook. Mitigation measures included a Selective Catalyst Reduction System with Oxicat for the CHP unit.

Sierra Waste Recycling & Transfer Station, Sacramento, CA. Prepared the new Solid Waste Facility Permit for a large volume transfer station and prepared the Transfer/Processing Report. After receiving the SWFP in 2012, Sierra Waste requested additional assistance from to process a Permit Modification that would allow for increased traffic, beyond the limits in the SWFP. Working with Sierra Waste's project engineer and the LEA, the permit modification and allowed for the increased traffic levels, which were consistent with the Passenger Car Equivalents (PCEs) originally analyzed in the CEQA document.

Valley Springs Recycling Center Conditional Use Permit, Calaveras County, California. Prepared the Initial Study/ Mitigated Negative Declaration for the Valley Springs Recycling Center. Valley Springs Recycling Center has been operating since 2010 on three parcels zoned as M2 industrial. The zoning permits the recycling of paper, cans and glass, but the operator would like to accept additional materials from public and commercial sources. Valley Springs Recycling applied for a Conditional Use Permit in 2013 to collect additional materials including E-waste, non-ferrous metals, ferrous metals, and mixed recyclables. The environmental review included mitigation measures for the proper handling of non-ferrous and ferrous metals

STEPHEN ABRAMS

Senior Traffic Engineer

Stephen Abrams has over 20 years of experience in the fields of traffic engineering and transportation planning. He joined the firm in 1995, expanding their capabilities in the areas of computer applications and environmental review. During his career, Mr. Abrams has successfully managed a broad range of traffic engineering and transportation planning projects and has developed a strong reputation for resolving complex issues on both large and controversial projects.

He has proven himself to be one of the most capable in the industry, at handling sensitive political situations and is highly respected for his presentation skills, and his work as an expert witness on transportation planning issues. By successfully representing both private and public sector clients, on the most challenging traffic engineering and environmental review issues, Mr. Abrams has repeatedly proven his abilities and integrity.

Traffic Impact Studies

Mr. Abrams specializes in the preparation of traffic impact studies (TIS) for both large and small projects and began his career preparing environmental impact reports. Since then he has become a specialist on the review of CEQA and NEPA legal issues as they relate to traffic and transportation. In addition, Mr. Abrams has an excellent understanding of the entire range of environmental review subject areas and how these relate to decisions about transportation. The following are some examples of the hundreds of traffic impact studies that he has prepared: *San Francisco Central Freeway Areawide TIS, Concord Lowe's TIS, Streets of Brentwood TIS, Orinda Gateway Valley TIS, Antioch City Gate Project TIS, Stonecreek Los Banos TIS, Modesto Target Expansion TIS.*

Transportation Planning

Mr. Abrams has extensive transportation and master planning experience. He prefers working on projects from the beginning design stages, so decisions on transportation facilities and improvements can be made up front, instead of becoming mitigations. Selected examples of his many traffic planning studies include: *Bayshore Corridor Transit System Planning Study, SF Comprehensive Bicycle Plan, Gavilan Community College Master Plan, Lower Fillmore Revitalization Project Traffic and Parking Plan, Union City General Plan/Redevelopment Plan Update*

Additional Areas of Specialized Interest

Mr. Abrams has a broad range of traffic engineering experience that includes many complex studies of public transportation, parking issues, construction traffic control, pedestrian and bicycle analyses, accident analyses, and development of transportation systems management (TSM) programs.



ITEM NO.: 13a

MEETING DATE: November 16, 2016

AGENDA SUMMARY REPORT

SUBJECT: INTRODUCTION OF THE ORDINANCE AMENDING SECTION 2000.3 IN CHAPTER 12 IN DIVISION 1 OF THE UKIAH CITY CODE, ENTITLED "UKIAH SKATE PARK RULES AND REGULATIONS" PERTAINING TO HOURS OF SKATE PARK OPERATIONS

Summary: Council will consider an ordinance amending the Ukiah Skate Park Rules and Regulations to specify the hours of use.

Background: In 2005, the City of Ukiah was awarded a \$500,000 competitive grant from the State of California Department of Parks and Recreation for the development of the Ukiah Skate Park. A Skate Park Committee along with hundreds of local community members and businesses participated in the development of the Ukiah Skate Park contributing enormous amounts of volunteer time, and held numerous meetings and fundraisers to raise matching funds. In December 2010, the main portion of the park was opened for skate boarding. In February 2011, the Ukiah City Council adopted the Section §2000.3, Chapter 12 "Ukiah Skate Park Rules and Regulations". The purpose of the chapter is to comply with the California Health and Safety Code Section §1115800 that requires skate park operations to adopt an ordinance requiring a person riding skateboards, in-line skates, and other self-propelled wheeled apparatus at the facility to wear a helmet, elbow pads and knee pads. This Ordinance also contains the skate park's hours of operations.

The "Ukiah Skate Park Rules and Regulations" section currently reads as follows;

The hours of the skate park shall be from dawn to dusk. Use of the park at any other time is prohibited unless a special permit is secured and approved by the city manager or his or her designee.

City staff would like Council to consider amending this section to read;

Hours: The hours of use of the skate park shall be from 8 a.m. to 5 p.m. during standard time and 8 a.m. to 8 p.m. during daylight savings time.

In August City Staff posted a notice of temporary rule change with the notification of the above hours. Staff has not received any calls objecting to the change of hours. Park Staff open and close the Skate Park daily. With the current hours being dawn to dusk, this can lead to confusion for those using the park

Continued on Page 2

RECOMMENDED ACTION(S): Introduce the Ordinance by title only amending Section §2000.3 of Chapter 12, Division 1 of the Ukiah City Code, entitled "Ukiah Skate Park Rules and Regulations" pertaining to hours of skate park operations.

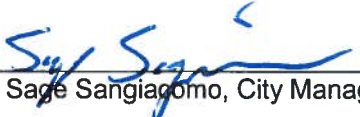
ALTERNATIVES: Remand to staff with direction.

Citizens advised:	N/A
Requested by:	Tami Bartolomei, Community Services Administrator and Jarrod Meyer, Parks Supervisor
Contact/Prepared by:	Tami Bartolomei, Community Services Administrator
Coordinated with:	Sage Sangiacomo, City Manager and David Rapport, City Attorney
Presenter:	Tami Bartolomei, Community Services Administrator
Attachment:	1. Skate Park Ordinance

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

as the hours vary based on season. Having consistent hours will enable skaters to plan around the established hours and will help avoid conflicts related to skate park hours. This also creates a consistent schedule for City Staff who open and close the skate park. City Staff researched other skate park hours such as Willits Skate Park and staff found they have their park hours as proposed.

Discussion: Staff recommends introducing the ordinance by title only amending Section 2000.3 of Chapter 12, Division 1 of the Ukiah City Code, entitled "Ukiah Skate Park Rules and Regulations" pertaining to hours of skate park operations.

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

ORDINANCE NO.**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTION 2000.3 IN CHAPTER 12 IN DIVISION 1 OF THE UKIAH CITY CODE, ENTITLED "UKIAH SKATE PARK RULES AND REGULATIONS"**

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

SECTION ONE.

Ukiah City Code Section 2000.3 in Division 1, Chapter 12 of the Ukiah City Code, is hereby amended to read as follows (*unchanged text is omitted and is shown by "*" * *)*:

§ 2000.3: UKIAH SKATE PARK RULES AND REGULATIONS

* * *

E. Regulation of Use and Rules of Conduct: Any person using the skate park shall comply with the following rules and regulations:

1. Hours: The hours of use of the skate park shall be from 8 a.m. to 5 p.m. during standard time and 8 a.m. to 8 p.m. during daylight savings time. Use of the park at any other time is prohibited unless a special permit is secured and approved by the city manager or his or her designee

* * *

SECTION TWO.

1. Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Ukiah hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.
2. Publication: Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.
3. Effective Date: The ordinance and shall become effective thirty (30) days after its adoption.

Introduced by title only on November 16, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted on _____, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephen G. Scalmanini, Mayor

ATTEST:

Kristine Lawler, City Clerk