

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
October 2, 2019
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on October 2, 2019, having been legally noticed on September 27, 2019. Mayor Mulheren called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Jim O. Brown, Stephen G. Scalmanini, Douglas F. Crane, and Maureen Mulheren. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR MULHEREN PRESIDING.

The Pledge of Allegiance was led by Dina Polkinghorne, Project Sanctuary.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Proclamation Recognizing the Month of October as Domestic Violence Awareness Month in the City of Ukiah

Presenter: Mayor Mulheren.

Proclamation was received by Lydia Lopez, Project Sanctuary.

b. Proclamation of the Ukiah City Council Recognizing California Clean Air Day as October 2, 2019.

Presenter: Mayor Mulheren.

Proclamation was received by Eileen Mitro and Judy Lyria, Climate Action Mendocino representatives.

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

a. Approval of the Minutes for the September 18, 2019, Regular Meeting.

Motion/Second: Brown/Crane to approve Minutes of September 18, 2019, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

- a. Adoption of Resolution (2019-46) to Extend the Declaration of a Local Emergency Related to the 2019 Winter Storm Event – *Community Services*.

- b. Authorize City Manager to Execute Construction Administration Services Agreement (*COU No. 1920-163*) with Mead and Hunt Inc. for Runway 15-33 Pavement Rehabilitation Phase 1 Construction and Approve Corresponding Budget Amendment – *Airport*.

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

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

9. **COUNCIL REPORTS**

Presenter:

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

Presenters:

- Upcoming activities and events – Sage Sangiacomo, City Manager.
- Construction Updates – Tim Eriksen, Public Works Director / City Engineer.
- Sales Agreement for Gobbi St Property – Sage Sangiacomo.

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

a. Annual Review and Possible Approval of the Fee Schedule for the Ukiah Police Department.

Presenter: Justin Wyatt, Police Chief.

PUBLIC HEARING OPENED AT 6:20 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 6:21 P.M.

Motion/Second: Crane/Scalmanini to approve the Fee Schedule for the Ukiah Police Department. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

RECESS: 6:22 – 6:23 P.M. (to address technical issues)

b. Appeal of Planning Commission Decision to Deny a Request for Waiver from Location Limitations for Proposed Cannabis Microbusiness Located at 270, 272, and 274 East Smith Street.

Presenters: Craig Schlatter, Community Development Director and Mireya Turner, Associate Planner.

PUBLIC HEARING OPENED AT 6:39 P.M.

Applicant Comment: Jay Donnellan and Ashley Bargaenquast, Legal Counsel.

Public Comment: Ron Meaux, Eloisa Gonzalez, Rod Phillips, and Rob Gitlin,

Additional Applicant Comment: Ashley Bargaenquast, Legal Counsel and Jay Donnellan.

PUBLIC HEARING CLOSED AT 7:06 P.M.

Motion/Second: Scalmanini/Mulheren to overturn the Planning Commission's denial of the Request for Waiver from Location Limitations for a proposed cannabis microbusiness at 270, 272 and 274 East Smith Street, granting the waiver and allowing the proposed Major Use Permit application to proceed with the following Findings:

1. The powers of operation for the two respective organizations – the proposed business and the church - are appropriate to meet the requirements of the code, without interfering with each other.
2. The distance of entrances to the mobilehome park and the proposed mitigations of the 7 ft. wall, with separate trees on two sides of the property, including the property line between the mobilehome park and the subject business property, do therefore meet the requirements for separation from the residential usage.

Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, and Mulheren. NOES: Orozco and Brown. ABSENT: None. ABSTAIN: None.

RECESS: 7:25 – 7:32 P.M.

12. **UNFINISHED BUSINESS**

a. Receive Report Regarding Review of Ordinance for Marijuana Dispensaries and Provide Direction as Necessary.

Presenters: Craig Schlatter, Community Development Director and Michelle Irace, Planning Manager.

Council Consensus directs staff to agendize an item for discussion, education, and to provide some alternatives and clarification regarding policy choices.

Council Consensus to bring this item back annually for Council's review.

b. Determination of Notification of Intent to Adjust Curbside Collection and Transfer Station Service Rates.

Presenter: Dan Buffalo, Finance Director.

Motion/Second: Brown/Scalmanini to confirm the determination of the City Manager of compliance with the provisions of the agreements between the City of Ukiah and Ukiah Waste Solutions, Inc. and Solid Waste Systems, Inc. regarding the company's notice of intent to adjust curbside collection and transfer station rates. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: Crane.

c. Approval of Notice of Completion for Recycled Water Project, Phases 1 - 3, Specification No. 17-08.

Presenter: Sean White, Water Resources Director.

Motion/Second: Crane/Scalmanini to approval of Notice of Completion for Recycled Water Project, Phases 1 - 3, Specification No. 17-08. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

d. Authorize Execution of Amendment to the Agreement with GHD in an Amount not to Exceed \$13,930 for Additional Services for the Traffic Analysis for Ukiah Schools and Surrounding Area.

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

Motion/Second: Crane/Brown to authorize execution of amendment to the agreement (1718-214-A1) with GHD in an amount not to exceed \$13,930 for additional services for the Traffic Analysis for Ukiah Schools and Surrounding Area. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS

a. Receive and Approve Report of Citywide Engineering and Traffic Survey.

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

Motion/Second: Crane/Brown to approve report of citywide engineering and traffic survey. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

b. Nomination and Possible Adoption of Resolution Making an Appointment to the Planning Commission to Fill the Remaining Term of Christopher Watt.

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Brown/Scalmanini to accept the nomination of Ruth Louise Van Antwerp, and adopt the resolution (2019-47) making the appointment to the Planning Commission to filling the remaining term of Christopher Watt, expiring in December 2022. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

c. Discussion and Possible Action Regarding the Cancellation of the October 16, 2019, City Council Regular Meeting, with the Option for the Mayor and/or City Manager to Call for a Special Meeting on an Alternate Date if Time Sensitive Business Arises.

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Crane/Orozco to approve the cancellation of the October 16, 2019, Regular City Council Meeting with the option for the Mayor and/or City Manager to call for a special meeting on an alternate date if time sensitive business arises. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

d. Receive Updates on City Council Committee and Ad Hoc Assignments and, if Necessary, Consider Modifications to Assignments and/or the Creation/Elimination of Ad hoc(s).

Presenters: Sage Sangiacomo, City Manager; Councilmembers Orozco and Brown; and Mayor Mulheren.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:22 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel—Anticipated Litigation

(Government Code Section 54956.9(d))

A. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (Number of potential cases: 1.)

B. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Number of potential cases: 1)

b. Conference with Legal Counsel—Anticipated Litigation

Government Code Section 54956.9(d)(2)

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (Number of potential cases: 1)

c. Conference with Legal Counsel – Existing Litigation

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

Name of case: *Vichy Springs Resort v. City of Ukiah, Et Al*; Case No. SCUK-CVPT-2018-70200

d. 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*

e. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-273-19-00 and 002-273-30-00

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Bank of America

Under Negotiation: Price & Terms of Payment

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-192-14-00 (280 E. Standley)

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Onetogether Solutions

Under Negotiation: Price & Terms of Payment

g. Conference with Labor Negotiator (54957.6)

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: Fire Unit

No report out was received.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.



Kristine Lawler, City Clerk