



City Council Regular Meeting

AGENDA

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

May 2, 2018 - 6:00 PM

1 ROLL CALL

2 PLEDGE OF ALLEGIANCE

3 PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

- 3.a. [Proclamation Recognizing the Human Race in Mendocino County on May 5, 2018.](#)

Recommended Action: Present Proclamation recognizing the Human Race in Mendocino County on May 5, 2018.

[Attachment 1 - Human Race Proclamation](#)

[Attachment 2 - Human Race Poster](#)

- 3.b. [Presentation of the City of Ukiah's Ongoing Community Housing Satisfaction Survey.](#)

Recommended Action: Receive presentation regarding the Community Housing Satisfaction Survey.

[Attachment 1 - Community Housing Satisfaction Survey Results](#)

- 3.c. [Presentation Regarding the New MyGov Business License Software.](#)

Recommended Action: Council will receive presentation from Staff regarding the new MyGov business license software.

[None](#)

- 3.d. [Status Report, Discussion and Possible Action Regarding the Ukiah Valley Sanitation District's Litigation Against the City of Ukiah Related to the Operation of the Sanitary Sewer System.](#)

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

[Attachment 1 - UVSD Litigation Update Box Files location](#)

4 PETITIONS AND COMMUNICATIONS

5 APPROVAL OF MINUTES

- 5.a. [Approval of the April 16, 2018, Special Meeting Minutes](#)
Recommended Action: Approve the Minutes of April 16, 2018, a Special Meeting, as submitted.
[Attachment 1 - Draft Minutes for April 16, 2018](#)
- 5.b. [Approval of the April 18, 2018, Regular Meeting Minutes](#)
Recommended Action: Approve the Minutes of April 18, 2018, a Regular Meeting, as submitted.
[Attachment 1 - Draft Minutes of April 18, 2018](#)
- 5.c. [Approval of the April 25, 2018, Special Meeting Minutes](#)
Recommended Action: Approve the Minutes of April 25, 2018, a Special Meeting, as submitted.
[Attachment 1 - Draft Minutes of April 25, 2018](#)

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.

- 7.a. [Possible Adoption of the Proposed Adult Use Cannabis Retail Ordinance.](#)
Recommended Action: Staff asks that the City Council adopt the Adult Use Cannabis Retail Ordinance.
[Attachment 1 - Adult-Use Retailer Ordinance Introduced](#)
- 7.b. [Report of Acquisition of Services from PG&E for Surveying of PG&E Power Lines at the Ukiah Landfill as Required for Landfill Closure Project, in the Amount of \\$11,110](#)
Recommended Action: Receive and file report on acquisition of services from PG&E for surveying of PG&E power lines at the Ukiah Landfill as required for landfill closure project, in the amount of \$11,110
[Attachment 1 - PG&E Agreement to survey landfill power lines](#)

8 AUDIENCE COMMENTS ON NON-AGENDA ITEMS

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

9 COUNCIL REPORTS

10 CITY MANAGER/CITY CLERK REPORTS

11 PUBLIC HEARINGS (6:15 PM)

12 UNFINISHED BUSINESS

- 12.a. Possible Adoption of a Residential Density Calculation Ordinance Amending Various Sections of Chapter 2, Division 9 of the Ukiah City Code to Set Forth in Greater Detail the Procedure for Calculating Residential Density.

Recommended Action: Adopt Residential Density Calculation Ordinance amending various sections of Chapter 2, Division 9 of the Ukiah City Code to set forth in greater detail the procedure for calculating residential density.

Attachment 1 - Residential Density Ordinance

13 NEW BUSINESS

- 13.a. Adoption of Resolution Supporting Proposition 69 and Opposing the Repeal of SB 1: The Road Repair and Accountability Act of 2017.

Recommended Action: Adopt resolution supporting Proposition 69 and opposing the repeal of SB 1: the Road Repair and Accountability Act of 2017.

Attachment 1 - Resolution Yes-on-Prop-69-Oppose-SB-1-repeal

Attachment 2 Fact Sheet Prop 69

Attachment 3 Fact Sheet SB-1

Attachment 4 Signup-Form

- 13.b. Consider a Memorandum of Understanding (MOU) with the County of Mendocino Regarding the Request for Proposal Process to Establish an Exclusive Operating Area (EOA) for Emergency Ambulance Services for Inland Mendocino County.

Recommended Action: Approve the memorandum of understanding with the County of Mendocino regarding the request for proposal process to establish an exclusive operation area for emergency ambulance service for inland Mendocino County.

Attachment 1 - Memorandum of Understanding

- 13.c. Receive Updates on City Council Committee and Ad Hoc Assignments.

Recommended Action: Receive report(s).

Attachment 1 - 2018 City Council Special Assignments & Ad Hoc

14 CLOSED SESSION – CLOSED SESSION MAY BE HELD AT ANY TIME DURING THE MEETING.

- 14.a. 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

Recommended Action: Confer in Closed Session

None

- 14.b. Conference with Legal Counsel – Existing Litigation
(Government Code Section 54956.9(d)(1))

Name of case: Ukiah Valley Sanitation District v. City of Ukiah, Sonoma County Superior

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.

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Proclamation Recognizing the Human Race in Mendocino County on May 5, 2018.

DEPARTMENT: Clerk/Admin

PREPARED BY: Kristine Lawler

ATTACHMENTS:

[Attachment 1 - Human Race Proclamation](#)

[Attachment 2 - Human Race Poster](#)

Summary: Council will present a Proclamation recognizing the Human Race Day in Mendocino County on May 5, 2018.

Background: The Human Race is a proven fundraising event for all non-profit organizations across the United States. The event continues to grow in popularity nationwide as communities come together to raise the resources necessary for their favorite non-profits to continue their endeavors working towards a strong, healthy society in which we all live.

The Human Race has been organized locally each year since 2006 by the North Coast Opportunities' Hands On Volunteer Network for non-profit organizations and businesses to recruit walks, runners, and /or pledge gatherers to raise funds for the local community non-profits.

The non-profits receive a minimum of 80% of all monies collected and the Volunteer Network receives the remaining percentage to defray the cost of organizing, coordinating and staging the Human Race.

RECOMMENDED ACTION: Present Proclamation recognizing the Human Race in Mendocino County on May 5, 2018.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Vice Mayor Mulheren and Kasie Gray

Approved: _____


Sage Sangiacomo, City Manager

Discussion: This year's Human Race will be a morning 5K walk and timed run through the beautiful neighborhoods of downtown Ukiah, starting at the Alex R. Thomas Plaza.

Council is being asked to present a Proclamation (Attachment 1) to bring awareness to the Human Race on May 5, 2018, which is a family and community-oriented event that is a significant source of fun for all participants. The community is encouraged to become involved in the "ready, set, go" by forming a team, joining a team, sponsoring a team, and/or simply making a large or small donation to raise needed funds for our non-profits.

The Ready, Set, GO! 5k walk & run event (Attachment 2) will be held at Alex R. Thomas Plaza on May 5, 2018. Early registration starts at 8:00 a.m., and the event starts at 9:00 a.m. More information can be found at: www.mendohumanrace.com

PROCLAMATION

RECOGNIZING THE HUMAN RACE IN CITY OF UKIAH ON MAY 5, 2018

WHEREAS, the Human Race is a proven fundraising event for all non-profit organizations across the United States and continues to grow in popularity nationwide as communities come together to raise the resources necessary for their favorite non-profits to continue their endeavors working towards a strong, healthy society in which we all live; and

WHEREAS, the Human Race has been organized locally each year since 2006 by the North Coast Opportunities Hands On Volunteer Network for non-profit organizations and businesses to recruit walks, runners, and /or pledge gatherers to raise funds for the local community non-profits; and

WHEREAS, the non-profits receive a minimum of 80% of all monies collected and the Volunteer Network receives the remaining percentage to defray the cost of organizing, coordinating and staging the Human Race; and

WHEREAS, this year's Human Race will be a morning 5K walk and timed run through the beautiful neighborhoods of downtown Ukiah starting at the Alex R. Thomas Plaza. The Human Race is a family and community oriented event that is a significant source of fun for all participants; and

WHEREAS, the City Council encourages full community involvement knowing there is a way for everyone to participate. Get involved in the "ready, set, go" by forming a team, joining a team, sponsoring a team and/or simply making a large or small donation to raise needed funds for our non-profits.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ukiah, hereby proclaims May 5, 2018 as:

“Human Race Day in the City of Ukiah”

Signed and sealed, this 2nd day of May, in the year Two Thousand Eighteen.

Kevin Doble, Mayor

MENDO HUMAN RACE



MAY 5TH 2018

Alex R. Thomas Plaza • Downtown Ukiah

READY, SET, GO!

EARLY REGISTRATION STARTS AT 8AM • EVENT STARTS AT 9AM

THE HUMAN RACE IS A COLLABORATIVE FUNDRAISING EVENT BENEFITING YOUR FAVORITE CHARITY OF CHOICE

5K WALK & RUN + KIDS FUN RUN!

REGISTER YOUR TEAM TODAY!

COMMUNITY **first**
CREDIT UNION

Gregg Simpson
GENERAL
ENGINEERING
& TRUCKING
707-468-1654

SBMC

Savings Bank
OF MENDOCINO COUNTY
Member FDIC

Ukiah Waste Solutions | Redwood Restoration | Adventist Health Ukiah Valley
McCarty's Auto Body | Hillside Health Center | W Real Estate

FOR MORE INFORMATION VISIT WWW.MENDO HUMAN RACE.COM

f [.com/mendohumanrace](https://www.facebook.com/mendohumanrace) **ig** [@mendohumanrace](https://www.instagram.com/mendohumanrace) **#WhatAreYouRunningFor?**

NCO NORTH COAST
OPPORTUNITIES



AGENDA SUMMARY REPORT

SUBJECT: Presentation of the City of Ukiah's Ongoing Community Housing Satisfaction Survey.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter

ATTACHMENTS:

[Attachment 1 - Community Housing Satisfaction Survey Results](#)

Summary: Staff will provide a presentation regarding the ongoing Community Housing Survey to the City Council.

Background: As part of the City of Ukiah's Housing Strategy, adopted August 30, 2017, the City Council requested a survey or other data collection tool for ascertaining what type and amount of housing was needed in Ukiah. This data would be used to inform the City of priorities for the Housing Trust Fund, as well as assist in the design of potential future market-rate and affordable housing resources and tools.

Discussion: Staff designed the survey utilizing similar surveys from other cities. Utilizing a web-based platform, a link to the survey was posted December 18, 2017 on the home page of the City's website and the Community Development Department home page. Additional hard copies of the survey were made available at the utility billing and planning and building services counters.

The study primarily focuses on Ukiah residents, but through a geographical location question, also targets residents who may be moving from Sonoma or Lake Counties. To date, 379 responses have been received,

RECOMMENDED ACTION: Receive presentation regarding the Community Housing Satisfaction Survey.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: N/A

Approved: _____

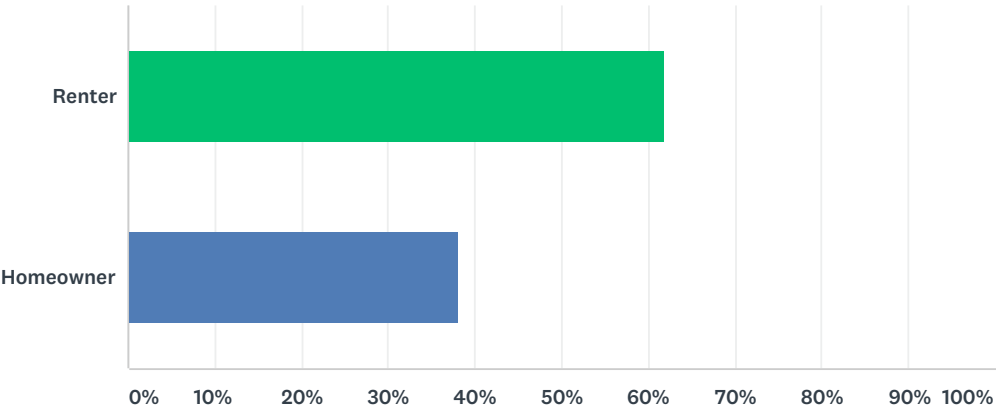

Sage Sangiacomo, City Manager

the majority of which came after a Ukiah Daily Journal article highlighting the survey. Results received to date are attached as Attachment 1. Below is a brief summary.

61.9% of survey respondents were renters who were not actively looking for housing. Nearly 70% of respondents were not satisfied with their current housing options, and the majority of respondents had been seeking housing--either rental or for purchase--for six months or more. Nearly 40% of respondents paid between \$1,000 and \$1,499 in rent or a mortgage, and 30% paid \$1,500 or more. 55% of respondents felt home and rent prices were the #1 barrier with obtaining suitable housing, and nearly 18% felt lack of available housing inventory was the #1 barrier.

Q1 Are you a renter or homeowner?

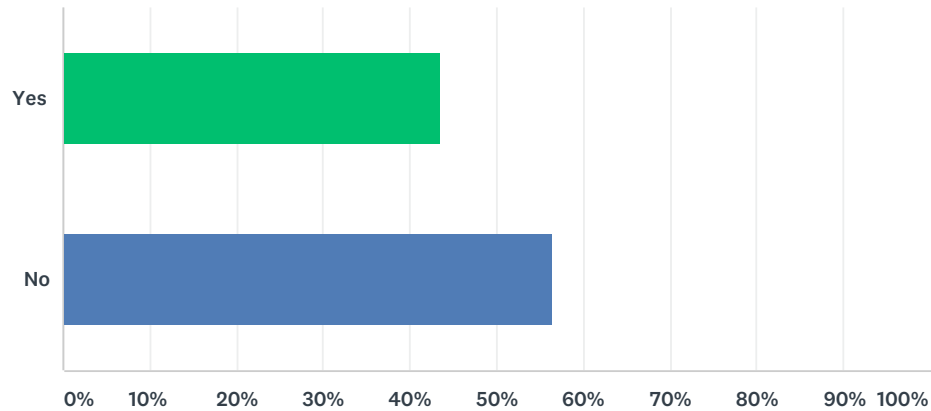
Answered: 378 Skipped: 1



ANSWER CHOICES		RESPONSES	
Renter		61.90%	234
Homeowner		38.10%	144
TOTAL			378

Q2 Are you actively looking for housing?

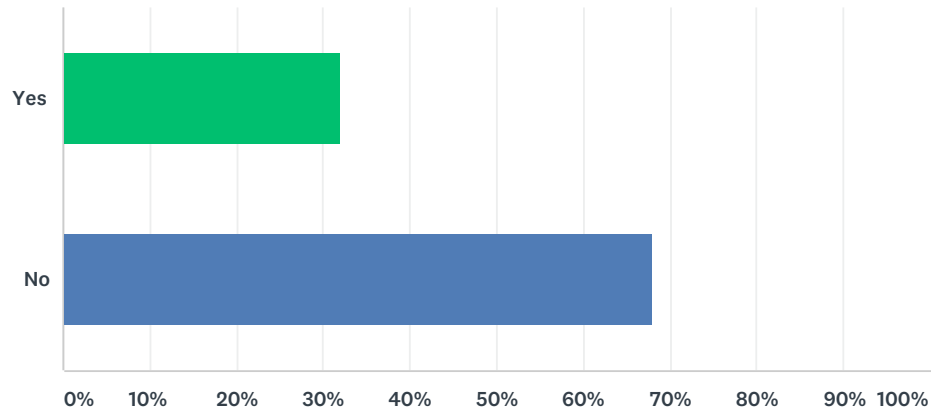
Answered: 379 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		43.54%	165
No		56.46%	214
TOTAL			379

Q3 Are you satisfied with your current housing options?

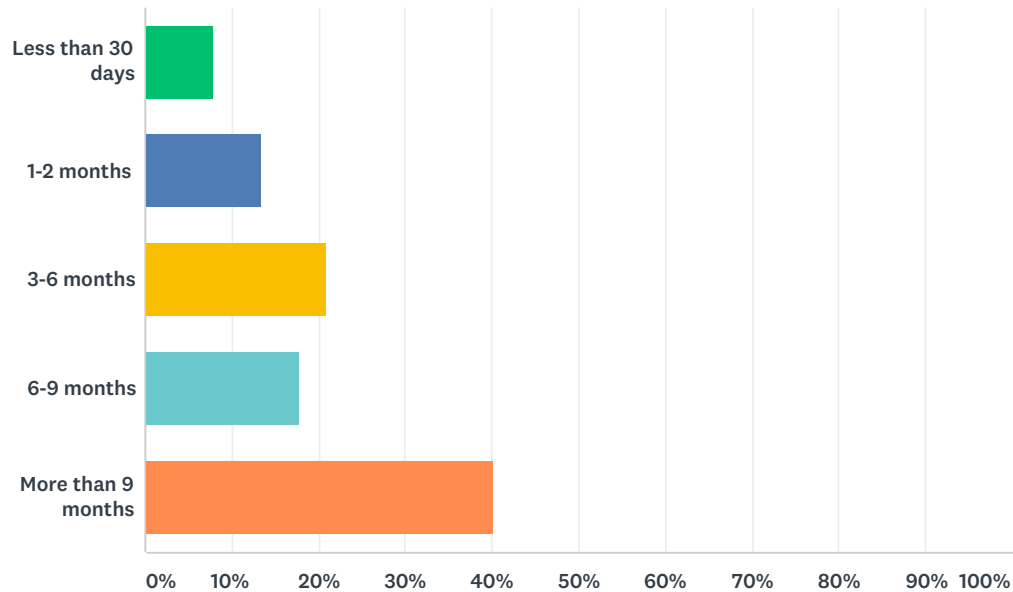
Answered: 377 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	32.10%	121
No	67.90%	256
TOTAL		377

Q4 If you purchased a home or started renting a unit in Ukiah within the last year, how much time did it take you to find the housing unit in which you currently reside?

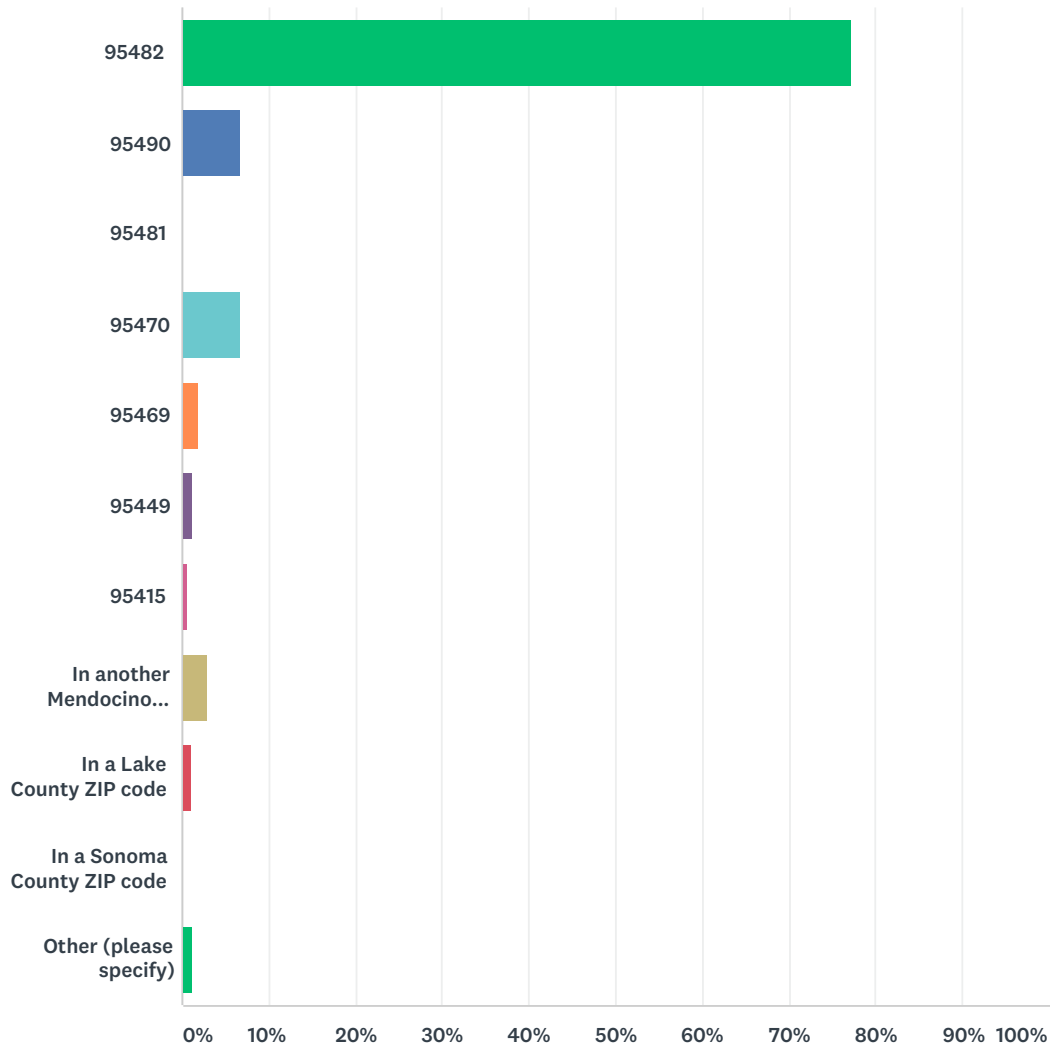
Answered: 277 Skipped: 102



ANSWER CHOICES	RESPONSES	
Less than 30 days	7.94%	22
1-2 months	13.36%	37
3-6 months	20.94%	58
6-9 months	17.69%	49
More than 9 months	40.07%	111
TOTAL		277

Q5 In what ZIP code is your residence located?

Answered: 377 Skipped: 2



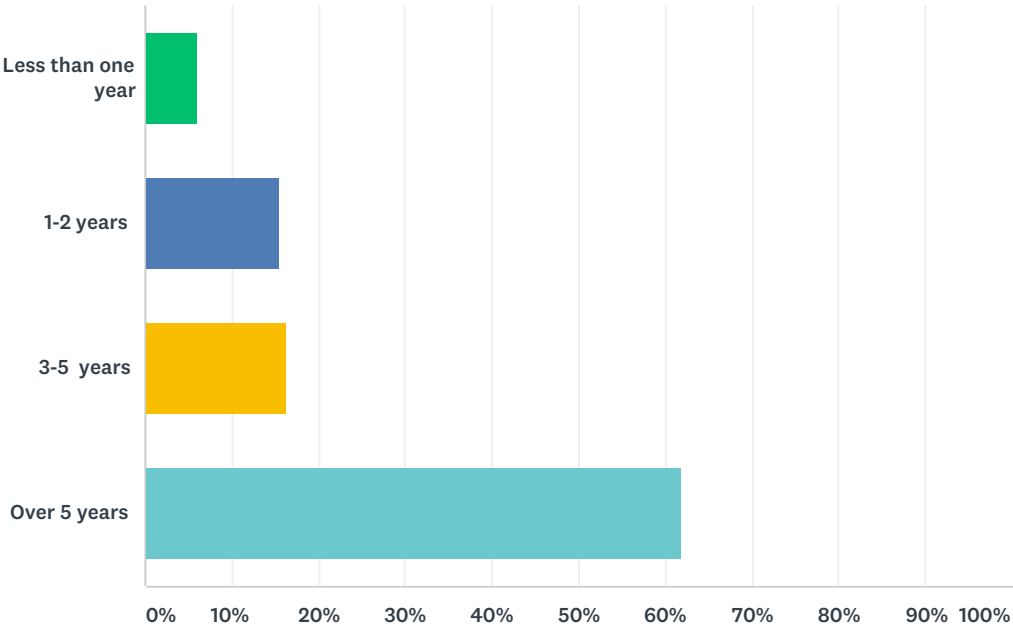
ANSWER CHOICES	RESPONSES	
95482	77.19%	291
95490	6.63%	25
95481	0.27%	1
95470	6.63%	25
95469	1.86%	7
95449	1.33%	5
95415	0.53%	2
In another Mendocino County ZIP code	2.92%	11
In a Lake County ZIP code	1.06%	4
In a Sonoma County ZIP code	0.27%	1

Community Housing Satisfaction Survey

Other (please specify)	1.33%	5
TOTAL		377

Q6 About how long have you resided in your current ZIP code?

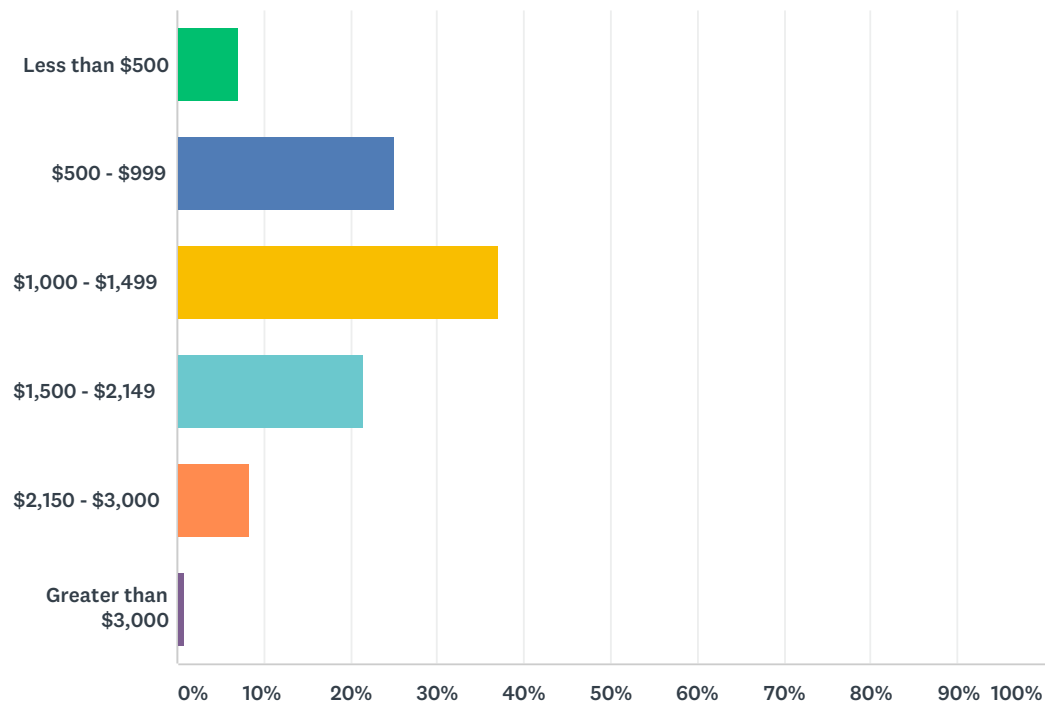
Answered: 379 Skipped: 0



ANSWER CHOICES		RESPONSES	
Less than one year		6.07%	23
1-2 years		15.57%	59
3-5 years		16.36%	62
Over 5 years		62.01%	235
TOTAL			379

Q7 What is your current rental payment or mortgage payment?

Answered: 375 Skipped: 4

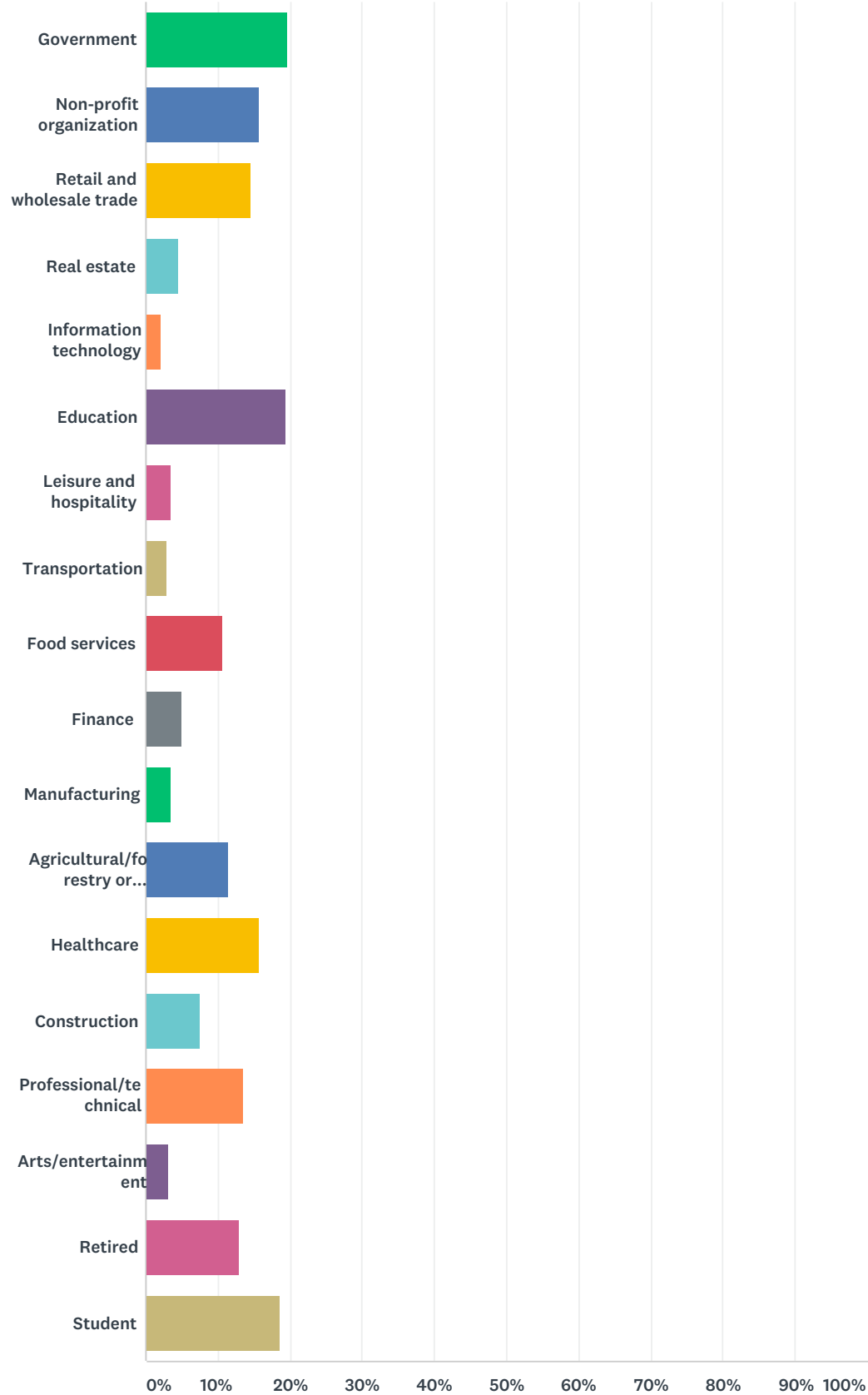


ANSWER CHOICES	RESPONSES	
Less than \$500	7.20%	27
\$500 - \$999	25.07%	94
\$1,000 - \$1,499	37.07%	139
\$1,500 - \$2,149	21.60%	81
\$2,150 - \$3,000	8.27%	31
Greater than \$3,000	0.80%	3
TOTAL		375

Q8 In which of the following sectors are members of your household employed? Please mark all that apply.

Answered: 376 Skipped: 3

Community Housing Satisfaction Survey



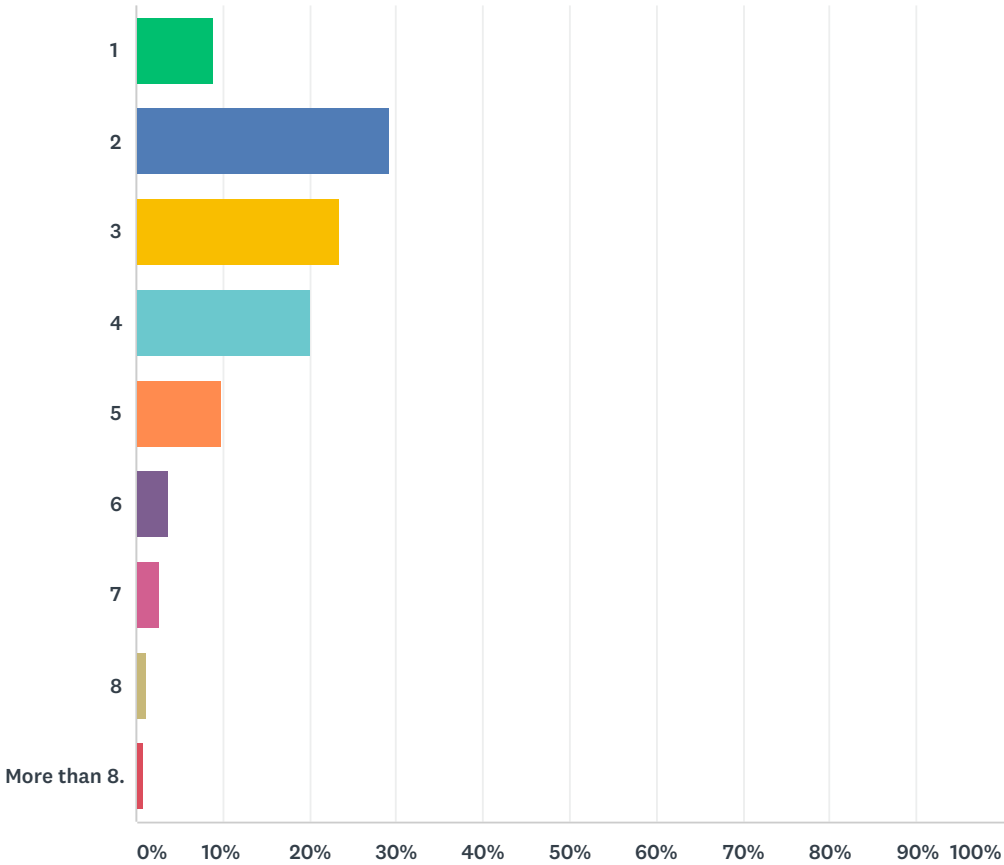
ANSWER CHOICES	RESPONSES	
Government	19.68%	74 12

Community Housing Satisfaction Survey

Non-profit organization	15.69%	59
Retail and wholesale trade	14.63%	55
Real estate	4.52%	17
Information technology	2.13%	8
Education	19.41%	73
Leisure and hospitality	3.46%	13
Transportation	2.93%	11
Food services	10.64%	40
Finance	5.05%	19
Manufacturing	3.46%	13
Agricultural/forestry or natural resources	11.44%	43
Healthcare	15.69%	59
Construction	7.45%	28
Professional/technical	13.56%	51
Arts/entertainment	3.19%	12
Retired	13.03%	49
Student	18.62%	70
Total Respondents: 376		

Q9 How many people are in your household?

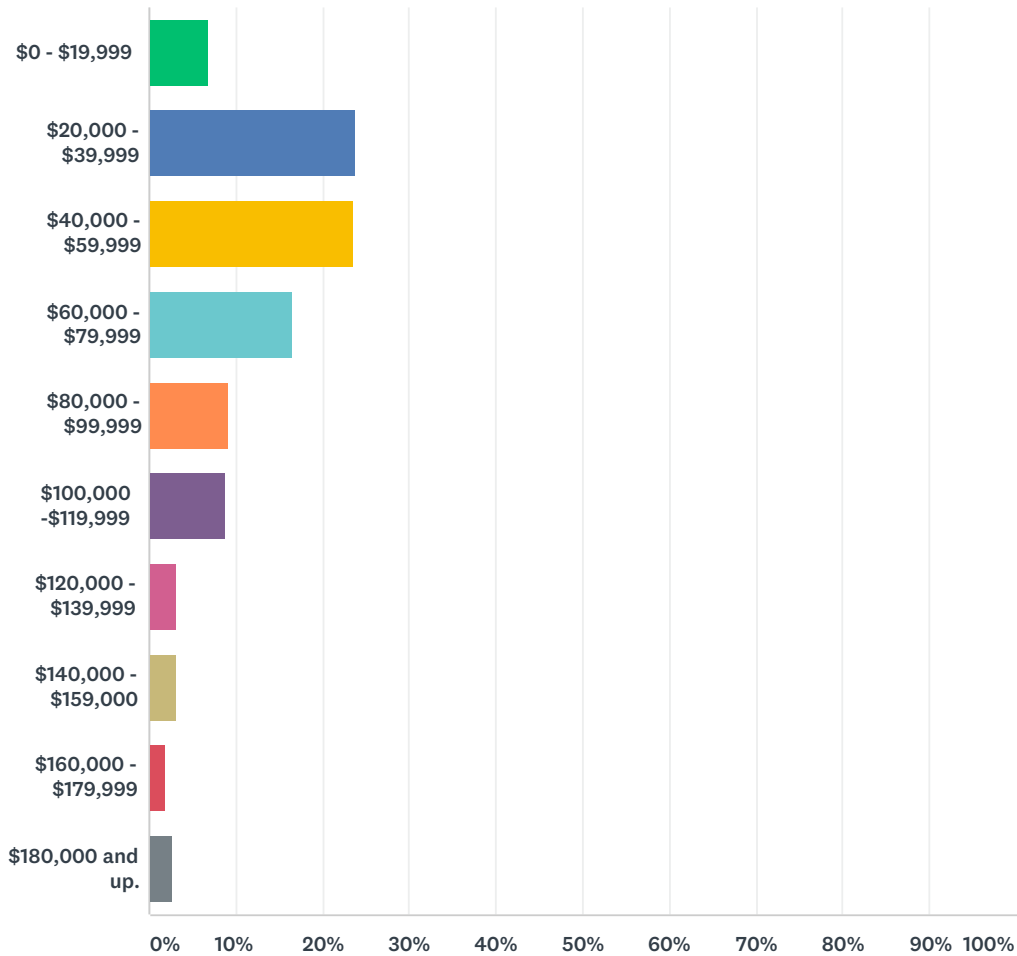
Answered: 379 Skipped: 0



ANSWER CHOICES		RESPONSES	
1		8.97%	34
2		29.29%	111
3		23.48%	89
4		20.05%	76
5		9.76%	37
6		3.69%	14
7		2.64%	10
8		1.32%	5
More than 8.		0.79%	3
TOTAL			379

Q10 What is your household's approximate annual income before taxes?

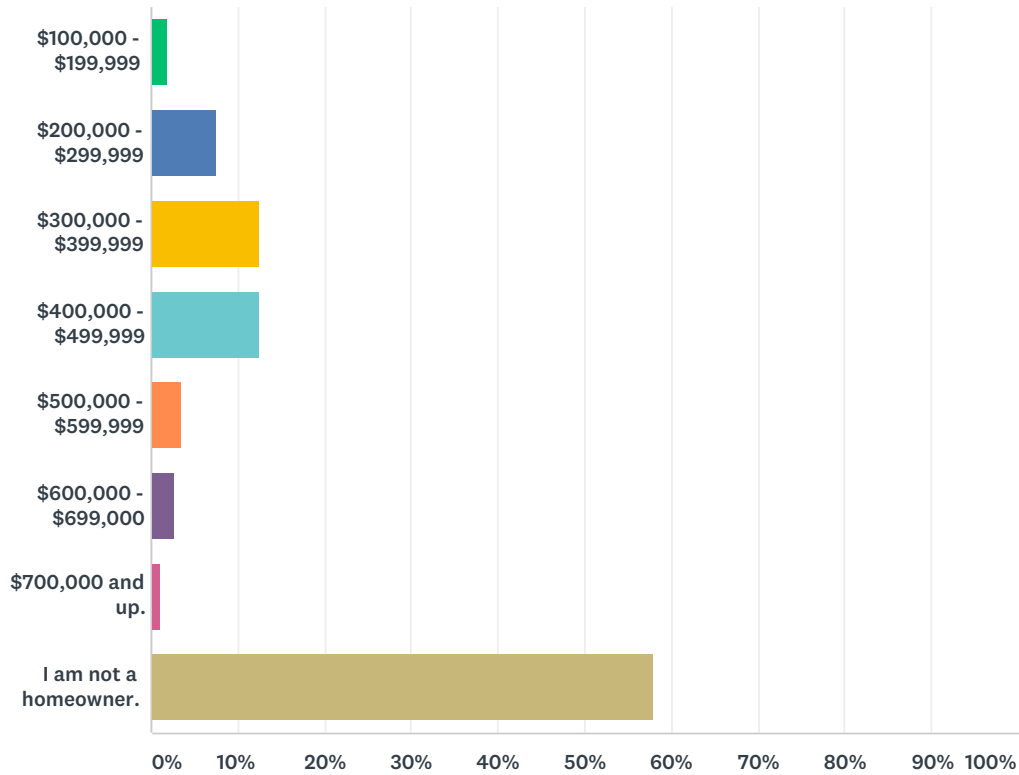
Answered: 376 Skipped: 3



ANSWER CHOICES	RESPONSES	
\$0 - \$19,999	6.91%	26
\$20,000 - \$39,999	23.94%	90
\$40,000 - \$59,999	23.67%	89
\$60,000 - \$79,999	16.49%	62
\$80,000 - \$99,999	9.31%	35
\$100,000 - \$119,999	8.78%	33
\$120,000 - \$139,999	3.19%	12
\$140,000 - \$159,000	3.19%	12
\$160,000 - \$179,999	1.86%	7
\$180,000 and up.	2.66%	10
TOTAL	376	15

Q11 If you are a homeowner, what price do you think your house would sell for?

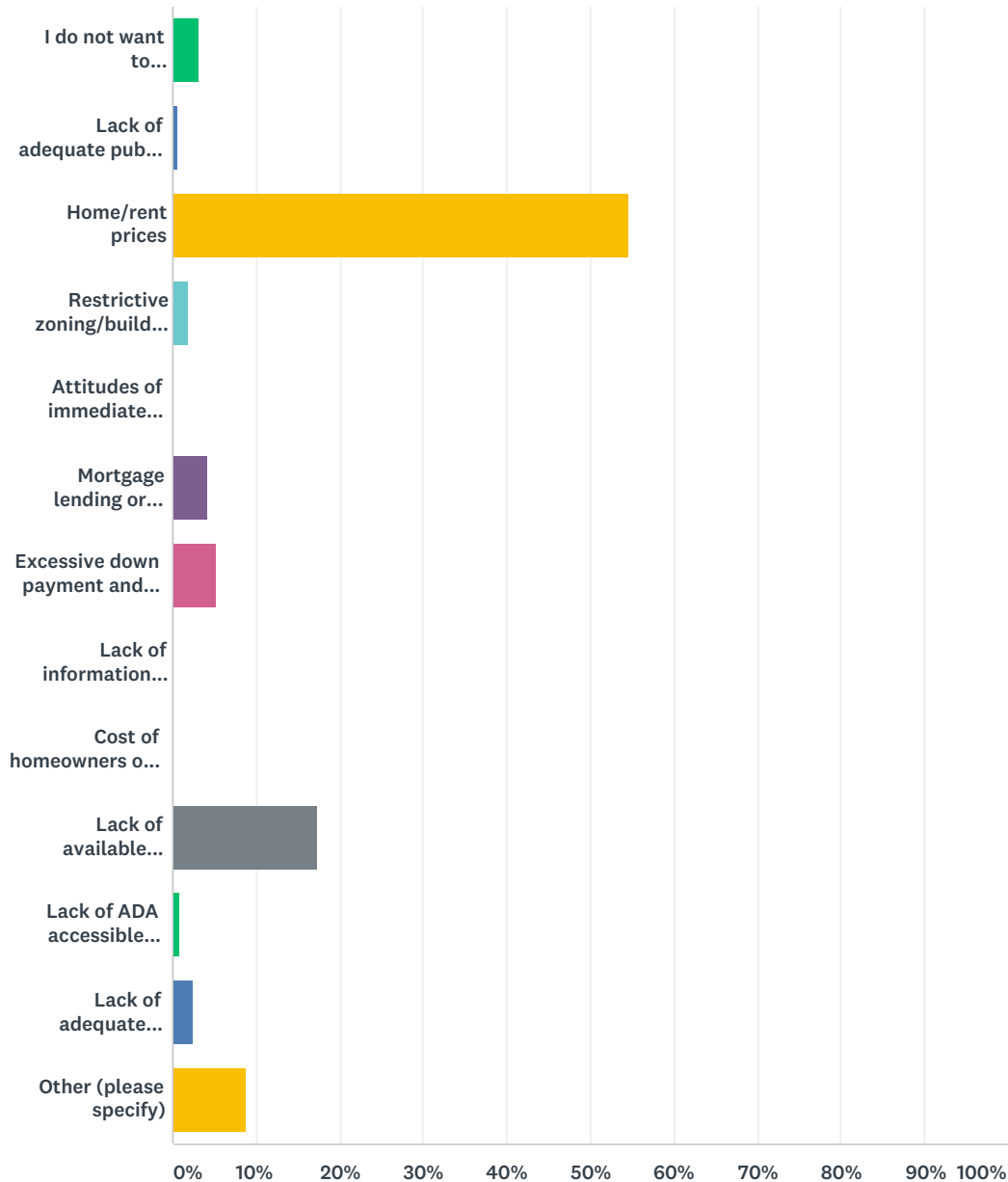
Answered: 367 Skipped: 12



ANSWER CHOICES	RESPONSES	
\$100,000 - \$199,999	1.91%	7
\$200,000 - \$299,999	7.63%	28
\$300,000 - \$399,999	12.53%	46
\$400,000 - \$499,999	12.53%	46
\$500,000 - \$599,999	3.54%	13
\$600,000 - \$699,000	2.72%	10
\$700,000 and up.	1.09%	4
I am not a homeowner.	58.04%	213
TOTAL		367

Q12 What is the #1 issue or barrier with obtaining suitable housing for your household?

Answered: 361 Skipped: 18



ANSWER CHOICES	RESPONSES	
I do not want to purchase/rent a home in Ukiah.	3.05%	11
Lack of adequate public transportation	0.55%	2
Home/rent prices	54.57%	197
Restrictive zoning/building codes	1.94%	7
Attitudes of immediate neighbors	0.28%	1

Community Housing Satisfaction Survey

Mortgage lending or rental application requirements	4.16%	15
Excessive down payment and upfront costs	5.26%	19
Lack of information about homeowner/renter responsibilities	0.28%	1
Cost of homeowners or renters insurance	0.28%	1
Lack of available housing inventory	17.45%	63
Lack of ADA accessible housing	0.83%	3
Lack of adequate employment	2.49%	9
Other (please specify)	8.86%	32
TOTAL		361



AGENDA SUMMARY REPORT

SUBJECT: Presentation Regarding the New MyGov Business License Software.

DEPARTMENT: Finance

PREPARED BY: Lori Martin

ATTACHMENTS:

None

Summary: This item will be a presentation on the new MyGov Business License Software.

Background: Since July of 2013, the City has been contracting with MuniServices for business license processing services. This decision was made with the belief that the processing of business licenses could be better handled by an outside firm, freeing staff to do other customer service activities. However, because of various issues regarding MuniServices' customer service and the continued need for City staff resources, Staff determined that it would be in the best interest of the City and its customers to bring the business licensing processing back in-house, requiring the use of a business license software.

Discussion: After comparing several different software solutions including HDL, Accela, and Tyler Munis, Staff chose MyGov as the software solution. MyGov is a Software-as-a-Service (SaaS). It was chosen because it was easy to navigate and process business license requests, it is user friendly, and provides online customer payment options.

RECOMMENDED ACTION: Council will receive presentation from Staff regarding the new MyGov business license software.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Mary Horger, Procurement Manager; Liz Frausto, CSR II; Kathy Norris, Financial Services Specialist; Dan Buffalo, Finance Director

Approved: _____


Sage Sangiacomo, City Manager

Staff went live with the new software in February. A presentation will be provided by Staff to demonstrate to Council the processing of a new business license on MyGov from a customer perspective.

There are no Attachments to this Agenda Item.



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.

DEPARTMENT: Administration

PREPARED BY: Sage Sangiacomo

ATTACHMENTS:

[Attachment 1 - UVSD Litigation Update Box Files location](#)

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: Chronological History of Recent Correspondence and Activity:

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

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

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: N/A

Approved: _____


Sage Sangiacomo, City Manager

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

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

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

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

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

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

considered by the City Council.

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

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

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

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

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

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

Additional correspondence between the City and District had also been exchanged related to the recycled water project (UVSD Litigation Update Box File #16 & #17). Despite continued attempts to engage and provide the

District with information, the District had yet to conclude that the recycled water project is the superior alternative of disposing treated wastewater. In an effort to bring this item to a conclusion, the City Manager proposed in a December 1st correspondence to the District Manager a joint meeting between the City Council and the District Board to discuss and resolve any remaining questions/issues related to the project. As of the publication of the report for the December 7th City Council meeting, the District had not responded.

Related to the Fiscal Year 16/17 Budget, the District has not yet identified the District's timeline for their previously identified budget review process that reportedly extends through various staff, committee and District Board stages before a final joint meeting with the City can be scheduled. The previously approved continuing resolution for the budget was scheduled to expire on December 31, 2016. The City had made inquiries as to the District's progress and anticipated review timeline (UVSD Litigation Update Box File #18). Staff recognized some level of District review was underway given recent engagement (since November 11th) on the budget, but the District Manager had not provided a timeline for completion of their review and/or indicated readiness for a joint budget meeting. As of the publication of the report for the December 7th City Council meeting, the District had not responded.

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

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

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

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

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

to complete the budget review process. As of the January 18th City Council meeting, the UVSD continued to be unresponsive to the requests to meet. As such, the City Council unilaterally considered and approved the FY 16-17 Wastewater Budget (UVSD Litigation Update Box File #20).

At the February 1, 2017, City Council meeting, the City Manager and staff reported that terms for mediation continue to be discussed with a location and mediator agreed to, but a date not finalized. Furthermore, the District had not responded to the City's continued requests for a joint meeting on the Fiscal Year 16/17 budget or the recycled water project.

At the February 15, 2017, City Council meeting, the City Attorney reported that a date (May 11th) had been finalized for the first session of mediation. In addition, the City had accepted the District's conditions that the mediation be subject to a confidentiality agreement in addition to the Evidence Code mediation privilege and to conduct the mediation in Santa Rosa using a mediator from the Judicial Arbitration and Mediation Service (JAMS). The City Manager also reported the District had not responded to the City's continued requests for a joint meeting on the Fiscal Year 16/17 budget or the recycled water project.

At the March 1, 2017, City Council meeting, the City Manager reported that the District remains nonresponsive to the requests for a joint meeting on the Fiscal Year 16/17 budget and recycled water project.

At the March 15, 2017, City Council meeting, the City Manager reported the District continues to remain non-responsive to the City's requests for a joint meeting on the Fiscal Year 16/17 budget and recycled water project. The City Manager also reported that District Manager McMichael had responded to the City's request for a staff meeting to prepare the bid package to rebid the installation of the barscreen at the Wastewater Treatment Plant as previously directed by the City Council and District Board. The barscreen meeting took place on the morning of March 15th.

At the April 5, 2017, City Council meeting, the City Manager reported that the District continues to remain non-responsive to the City's requests for a joint meeting on the Fiscal Year 16/17 budget and recycled water project. At the District's March 16, 2017 Board meeting, the City Manager reiterated the City's request for the joint meeting during public comment on non-agenda items. In addition, the City continues to be available and responsive to budget and billing inquiries from Mr. Dickerson and public information requests from the District's legal counsel, although none have been received in the past two weeks.

At the April 19, 2017, City Council meeting, the City Manager reported that the District continues to remain non-responsive to the City's requests for a joint meeting on the Fiscal Year 16/17 budget and recycled water project. In addition, the City has provided the District with a timeline for the City's proposed FY 17-18 Budget process and has sought input on how/when the District would prefer to coordinate the development and joint review of next year's FY 17-18 wastewater budget (UVSD Litigation Update Box File #21).

At the May 3, 2017, City Council meeting, the City Manager reported that the UVSD continues to be non-responsive to the City's ongoing requests for a joint meeting on the FY 16-17 Budget and recycled water project. In addition, the District has been non-responsive to the City's request to engage in the development and joint review of the FY 17-18 wastewater budget. Furthermore, it was reported that the District was unwilling to provide details related to the maintenance of customer billing accounts as demonstrated by the District's refusal to share refund calculations and methodology related to a sizable refund reportedly authorized by the District at their January 19, 2017, board meeting. Given the District's uncooperative approach regarding account information through customary administrative communication, the City was forced to seek the information through a Public Records Act (PRA) request. Since the May 3rd meeting, the District has provided a response to the PRA request which is currently being reviewed by City staff.

At the May 17, 2017, City Council meeting, the City Manager reported that mediation regarding the litigation resumed on May 11, 2017, and continues with the efforts remaining confidential due to the rules established for the meetings. In addition, the District remains non-responsive to the City's ongoing request for a joint meeting

on the FY 16-17 budget and recycled water project. The District also continues to be non-responsive to the City's numerous requests for engagement in the development and joint review of the FY 17-18 wastewater budget. Correspondence has been sent to the District detailing the budget development schedule and budget related items on the City Council's agenda, inclusive of the following dates:

- March 13-17: Budget Training in Munis
- March 20-31: First-round budget meetings
- March 31: Deadline for personnel requests for budget
- Friday April 7: Budget entry due. Budget will be locked to departments to allow for further processing and analysis by Finance
- April 17-28: Second-round budget meetings
- Wednesday, May 17: Budget 101 with Council
- May 19: Comment period on budget document closes
- June 7: First budget hearing and workshop with Council
- June 14: Final budget hearing with Council and adoption (tentative)

At the June 7, 2017, City Council meeting, the City Manager reported the District continues to be non-responsive to the City's request for a joint meeting regarding the current year budget, the recycled water project and the development of next fiscal year's budget. The City Attorney also reported that the mediation process is ongoing.

At the June 21, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the current year budget, the recycled water project and the development of next fiscal year's budget. In addition, Director White has sent correspondence to the District regarding the need for joint approval of the barscreen installation bid, given the \$100,000 Participation Agreement threshold for capital items. The City Council considered and approved the item at the June 21st meeting, but the District will need to approve the project if it is to proceed.

At the July 5, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the current year budget, the recycled water project and the development of next fiscal year's budget. Given the continued lack of response from the District, the City Council, at its meeting of June 21, 2017, approved the Fiscal Year 17-18 budget inclusive of the budget for wastewater. The City continues to seek cooperation from the District, but delaying approval of the budget impedes the City's ability to effectively, efficiently, and responsibly provide wastewater services to the citizens of Ukiah and the UVSD.

In addition, the District had not yet considered the barscreen installation bid which requires joint approval. Director White has sent correspondence to the District regarding the need for joint approval of the barscreen installation bid, given the \$100,000 Participation Agreement threshold for capital items. The City Council considered and approved the item at the June 21st meeting, but the District will need to approve the project if it is to proceed.

The City Manager also reported the second mediation date is scheduled for July 14, 2017.

Furthermore, UVSD Director Marshall has contacted the City requesting a tour be scheduled for the District's new interim manager. The City is responding to coordinate the request.

At the July 19, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project. In addition, a tour of the Wastewater Treatment Plant was given to the new District Manager and UVSD Board Member Marshall. Mediation meetings continue, but no public reports are available. The candidate filing period for 3 of the 5 District Board seats for the November 7th Election is open from July 17 - August 11.

At the August 2nd, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project. City representatives attended the UVSD Board Meeting on July 20, 2017, and again requested cooperation from the District.

Regarding the barscreen rebid, the City Manager reported: On June 21st, the City Council approved the award of contract to Fort Bragg Electric for the installation of a barscreen at the Wastewater Treatment Plant. The award was contingent upon the District taking corresponding action of which they were informed. Due to an extended delay and no response from the UVSD, the City requested an extension of the expiring bid from the contractor to afford the District additional time to take action. The District approved the contract at its July 20, 2017, Board Meeting and the project will proceed.

Regarding the litigation Impact, the City Manager reported: Staff completed an updated estimate of legal related expenses associated with the Ukiah Valley Sanitation District. Estimates demonstrated that the Ukiah Valley Sanitation District is closing in on \$4 million dollars of legal related expenses with over \$3.3 million directly paid to the Law Offices of Duncan James (UVSD Litigation Update Box File #22). In defense of the District's legal actions, the City has expended approximately \$814,000. On a cost per account base evaluation, this equates to \$1,225.55 per District customer account and \$207.39 per City customer account.

At the August 16, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project. However, discussions related to mediation continue. Furthermore, City representatives continue to attend the UVSD Board Meetings in an effort to seek an improved working relationship.

At the September 6, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project. With regard to mediation, representatives of the City of Ukiah and the Ukiah Valley Sanitation District continue to have meetings, but because of the confidential nature of mediations, the parties cannot reveal any further information. On the administrative front, the City Manager and Joe Tait, the new District Manager had a meeting on August 24, 2017. While the meeting was an initial meet and greet, both Mr. Tait and the City Manager expressed a desire to improve the working relationship between the two agencies. Earlier in the week, Mr. Tait also met with engineering staff to review operational processes and procedures.

During this reporting period, the City responded to the District's request for a draw on available, unencumbered District funds held by the City in the amount of \$4,544,482. Pursuant to the Participation Agreement, as amended and the Financing Agreement between the City of Ukiah and the Ukiah Valley Sanitation District, the City issued a check on August 30, 2017, per the District's final instructions received on that same day.

At the September 20, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project.

During the previous reporting period, the City responded to the District's request for a draw on available, unencumbered District funds held by the City in the amount of \$4,544,482. Pursuant to the Participation Agreement, as amended and the Financing Agreement between the City of Ukiah and the Ukiah Valley Sanitation District, the City issued a check on August 30, 2017, per the District's final instructions received on that same day.

Over the course of the two weeks leading up to the City Council meeting on September 20th, the District made a number of false claims related to their draw on District funds in an effort to justify their continued legal action

against the City. The press release that fully describes this issue is included in the Litigation Files as UVSD Litigation Update Box File #23.

Mediation continues, but the litigation activities are escalating as the March 2018 trial date nears. The high cost of litigation could be avoided if the District were to agree to focus on mediation efforts and put a hold on the trial.

The City's Director of Finance gave an updated presentation on the impacts of the District's litigation (UVSD Litigation Update Box File #24).

The City Council had previously requested the District put a hold on litigation activities over a year ago and the District opposed the request. The City Council issued a new request on September 21, 2017 (UVSD Litigation Update Box File #25) in hopes the parties could agree to focus efforts on resolution and stay the litigation activities in an effort to avoid the high costs a trial.

At the October 4, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project. As of mid September 2017, the Ukiah Valley Sanitation District had spent nearly \$4,126,971 in legal fees, with \$3,426,487 paid directly to the Law Offices of Duncan James. Litigation activities were reported to be escalating as a trial date nears. The mounting legal expenses could be avoided if the District were to agree to focus on mediation efforts and put a hold on the litigation. As of that meeting, the District had not responded to the most recent request from the City Council to put the litigation on hold. In addition, the paid advertisements from the District continued through this period across multiple media platforms with a continued attempt on justifying their litigation.

At the October 18, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget, and the recycled water project. As of mid September 2017, the Ukiah Valley Sanitation District had spent nearly \$4,232,610 in legal fees, with \$3,524,988 paid directly to the Law Offices of Duncan James. On a cost-per-utility customer account evaluation, this equates to \$1,321 per District customer account.

Litigation activities continue and are quickly escalating as a trial date nears. The mounting legal expenses could be avoided if the District were to agree to focus on mediation efforts and put a hold on the litigation. The City had previously made this request and issued a new request following the conclusion of the last City Council meeting (UVSD Litigation Update Box File #25). Unfortunately, mediation efforts are significantly being displaced by the litigation. To date, the District has not responded directly to the most recent request from the City Council to put the litigation on hold and focus all efforts on mediation.

At a special meeting on October 11, 2017, the Ukiah Valley Sanitation District voted in favor of contract amendments to their contract for legal services with Law Office of Duncan James. In addition, the Board voted to change their regular meeting time to the 3rd Wednesdays of the month at 6pm which is in direct conflict with the regular City Council meetings.

The District continues to utilize a paid media consultant and paid ads in the Ukiah Daily Journal, Hometown Shopper and social media to justify the continued legal action against the City. The ads contain false, partial and manipulated information.

The City's Finance Director again reported on the impacts litigation has on the refinancing of the wastewater treatment plant bonds. A current review by Director Buffalo demonstrates that refinancing would not be feasible given the litigation in that the rates would not be advantageous due to a diminished rating. In addition, it would be difficult to secure insurance and underwriting given the risk to investors created by the District's litigation efforts.

At the November 1, 2017, City Council meeting, the City Manager again reported that the District continues to be unresponsive to the City's request for a joint meeting regarding the Fiscal Year 16-17 budget, 17-18 budget,

and the recycled water project.

The City of Ukiah continues to contend that the lawsuit is unnecessary, and is seeking cooperation with the District to settle the dispute outside of litigation. As of the end of September 2017, the Ukiah Valley Sanitation District had spent nearly \$4,232,610 in legal fees, with \$3,524,988 paid directly to the Law Offices of Duncan James. On a cost-per-utility customer account evaluation, this equates to \$1,321 per District customer account.

During this period, litigation activities continued and escalated as the trial date nears with a number of depositions completed and scheduled. Mediation efforts were significantly being displaced by the litigation. The District had not responded directly to the most recent request from the City Council to put the litigation on hold and focus all efforts on mediation (UVSD Litigation Update Box File #25).

The District continued to utilize a paid media consultant and paid ads in the Ukiah Daily Journal, Hometown Shopper and social media to justify the continued legal action against the City. The ads contained false, partial and manipulated information.

At the November 15, 2017, City Council meeting, the City Attorney reported that there was a case management conference at which the court continued the trial date from March 29th to June 22nd while the City and District continue to be engaged in on-going settlement negotiations. The court ordered a mandatory settlement conference to occur not later than January 5th, and continued the case management conference to January 8th, to report to the court on the status.

At the December 6, 2017, City Council meeting, the City staff reported on the then current cost of the litigation (UVSD Litigation Update Box File #26) and efforts to refinance the 2006 Wastewater Bonds. As of the end of November 2017, the Ukiah Valley Sanitation District had spent nearly \$4,691,748 in legal fees, with \$3,883,170 paid directly to the Law Offices of Duncan James. The City's total cost for defense was \$1,102,822. On a cost-per-utility customer account evaluation, this equates to \$1,464 per District customer account and \$281 per City customer account. Staff also reported the three newly elected UVSD Board Members officially took their seats on December 1.

At the December 20, 2017, City Council meeting, the City Attorney reported that he and the City Manager were in ongoing settlement discussions with the District's legal/staff that include a meeting on the 20th and at least another scheduled for the 21st. In addition, City staff and bond consultants delivered a presentation to the District Board on December 19th at their special meeting on efforts to refinance the 2006 Wastewater Bonds. The same presentation (UVSD Litigation Update Box File #27) was provided to the City Council at their December 20th meeting.

At the January 17, 2018, City Council meeting, the City Manager reported that there are active discussions between the City and District's ad hoc related to mediation. However, litigation activities are also ongoing with costs continuing to mount for both the City and District. It is estimated that just a single half day deposition costs ratepayers in excess of \$3000.

At the February 7, 2018, City Council meeting, Staff again reported that there are two tracks of activity that include settlement discussion and litigation. Staff reported that settlement discussions remain active with additional meeting dates planned. Unfortunately, litigation activity is also continuing on a parallel track. The City Attorney reported that the trial date has been moved from June 22 to July 20, 2018.

At the February 21, 2018, City Council meeting, Staff again reported that there are two tracks of activity that include settlement discussions and litigation. Staff reported that settlement discussions remain active and ongoing. However, litigation activity is also continuing on a parallel track.

At the March 7, 2018, City Council meeting, Staff reported that mediation activities remain active including a

planned session upcoming on March 14th. Litigation activities were also reported as continuing.

At the March 21, 2018, City Council meeting, Staff reported that mediation activities remain active and a full day meeting with a mediator had taken place on March 14th. Litigation activities were also reported as continuing.

At the April 4, 2018, City Council meeting, Staff reported that mediation efforts and activities continue. Litigation activities were also reported as continuing, with a heavy deposition schedule from the present and on into May. The Depositions are calling for staff, past employees, elected officials, and other interested parties, and are requiring travel to Santa Rosa and Petaluma, and placing encumbrances on staff time and resources.

At the April 18, 2018, City Council meeting, Staff reported that mediation discussions related to potential settlement continue, but at the same time, the litigation activities remain in full swing. Staff said that depositions are scheduled for the remainder of April and May, and will be occurring almost daily. The Public Records Act requests from UVSD are again coming in on a weekly basis. Staff expressed the need for a settlement to end the litigation that is costing the rate payers, the District, and the City a significant amount of money and resources.

Discussion: At the May 2, 2018, 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. 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.

UVSD Litigation Update Box Files located at:

<https://cityofukiah.box.com/v/UVSDlitigationUpdates>



AGENDA SUMMARY REPORT

SUBJECT: Approval of the April 16, 2018, Special Meeting Minutes

DEPARTMENT: Clerk/Admin

PREPARED BY: Kristine Lawler

ATTACHMENTS:

[Attachment 1 - Draft Minutes for April 16, 2018](#)

Summary: Council will consider approving the Minutes of April 16, 2018, a Special Meeting.

Background: N/A

Discussion: N/A

RECOMMENDED ACTION: Approve the Minutes of April 16, 2018, a Special Meeting, as submitted.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Kristine Lawler, City Clerk

Approved: _____


Sage Sangiacomo, City Manager

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
UKIAH VALLEY CONFERENCE CENTER
200 South Church Street
Ukiah, CA 95482
April 16 & 17, 2018
9:00 a.m.**

Budget Workshop

1. ROLL CALL

Ukiah City Council met at a Special Meeting on April 16, 2018, having been legally noticed on April 13, 2018. Mayor Doble called the meeting to order at 9:06 a.m. Roll was taken with the following **Councilmembers Present:** Jim O. Brown, Stephen G. Scalmanini, Douglas F. Crane, Maureen Mulheren, and Kevin Doble. **Staff Present:** Sage Sangiacomo, City Manager; Shannon Riley, Deputy City Manager; and Kristine Lawler, City Clerk

MAYOR DOBLE PRESIDING.

2. PLEDGE OF ALLEGIANCE

3. FISCAL YEAR 2017 – 2018 BUDGET

a. Discussion and Consideration of the Fiscal Year 2018-19 Budget, 2017-18 Mid-Year Review, and Third Quarter Report.

Presenters: Sage Sangiacomo, City Manager; Dan Buffalo, Finance Director; Mary Horger, Procurement Supervisor; and Daphine Harris, Finance Management Analyst.

The following presentations were received (Note: some presentations were heard out of order.)

1. Public Works – *Tim Eriksen, Public Works Director/City Engineer (9:19 a.m. – 10:25 a.m.)*
2. Water Resources – *Sean White, Water Resources Director (10:27 a.m. – 10:57 a.m.)*

Council Consensus directs staff to bring back a realistic goal for annual replacement of water and sewer lines, to have in the budget every year

RECESS: 10:57 – 11:04 A.M.

5. Police – *Chris Dewey, Police Chief (11:04 a.m. – 11:43 a.m.)*
3. Electric – *Mel Grandi, Electric Utility Director and Diann Lucchetti, Administrative Secretary (11:43 a.m. – 1:00 p.m.)*

Council Consensus directs staff to update table and bring back to council.

LUNCH RECESS: 1:00 – 1:35 P.M.

4. Community Services – *Tami Bartolomei, Community Services Director; Jake Burgess, Recreation Supervisor; and Kerry Randall, Facilities Administrator (1:35 p.m. – 2:36 p.m.)*

6. Fire – *(Note: Fire will be covered in a separate meeting after the budget has been introduced to the Fire Executive Committee)*
7. Airport – *Greg Owen, Airport Manager. (2:36 p.m. – 2:45 p.m.)*

RECESS: 2:48 – 2:52 P.M.

9. Finance – *Dan Buffalo, Finance Director; Daphine Harris, Finance Management Analyst; Lori Martin, Utility Billing Supervisor; Leigh Halvorsen, Accountant; Mary Horger, Procurement Manager; and Scott Shaver, IT Specialist. (2:52 p.m. – 3:33 p.m.)*
10. Human Resources – *Sheri Mannion, Human Resources Director (3:33 p.m. – 3:52 p.m.)*
8. Community Development – *Craig Schlatter, Community Development Director and Matt Keizer, Building Official. (3:53 p.m. – 4:18 p.m.)*
11. City Manager – *Sage Sangiacomo, City Manager; Kristine Lawler, City Clerk; and Shannon Riley, Deputy City Manager. (4:18 p.m. – 5:00 p.m.)*

4. ADJOURNMENT

There being no further business, the meeting adjourned at 5:00 p.m.

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Approval of the April 18, 2018, Regular Meeting Minutes

DEPARTMENT: Clerk/Admin

PREPARED BY: Kristine Lawler

ATTACHMENTS:

[Attachment 1 - Draft Minutes of April 18, 2018](#)

Summary: Council will consider approving the Minutes of April 18, 2018, a Regular Meeting (Attachment 1).

Background: N/A

Discussion: N/A

RECOMMENDED ACTION: Approve the Minutes of April 18, 2018, a Regular Meeting, as submitted.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: N/A

Approved: _____


Sage Sangiacomo, City Manager

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
April 18, 2018
6:00 p.m.**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

Ukiah City Council met at a Regular Meeting on April 18, 2018, having been legally noticed on April 13, 2018. Mayor Doble called the meeting to order at 6:01 p.m. Roll was taken with the following **Councilmembers Present:** Jim O. Brown, Stephen G. Scalmanini, Douglas F. Crane, Maureen Mulheren, and Kevin Doble. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR DOBLE PRESIDING.

The Pledge of Allegiance was led by Sage Sangiacomo, City Manager.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Introduction of New Employee – Michelle Irace, Planning Manager – Community Development.

Presenter: Craig Schlatter, Community Development Director.

Public Comment: Michelle Irace, Planning Manager.

Introduction was received.

b. Proclamation of the Ukiah City Council Recognizing April 28, 2018, as Workers' Memorial Day.

Presenter: Mayor Doble.

Public Comment: Terry Poplawski, Mendocino County Coalition of Union Members President.

Proclamation was received by Terry Poplawski, Mendocino County Coalition of Union Members President.

c. Proclamation: Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Week in the City of Ukiah.

Presenter: Vice Mayor Mulheren.

Public Comment: Paul Mueller, Mendocino County Pride Alliance Board President.

Proclamation was received by Paul Mueller, Mendocino County Pride Alliance Board President.

d. Presentation from the Library Advisory Board/Ukiah Valley Friends of the Library..

Presenters: Lynn Zimmerman, Library Advisory Board District 2 Representative and Michelle Savoy Bisson, Ukiah Valley Friends of the Library.

Presentation was received.

e. Proclamation of the Ukiah City Council in recognition of National Arbor Day.

Presenter: Mayor Doble.

Public Comment: Tami Bartolomei, Community Services Administrator; Jim Xerogeanes; and Bruni Kobbe.

Proclamation was received by Bruni Kobbe.

f. 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.

Presenter: Sage Sangiacomo, City Manager.

Presentation was received.

g. Annual Police Department Strategic Plan Presentation and Discussion.

Presenter: Chris Dewey, Police Chief.

Public Comment: Edward Hanes.

Presentation was received.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Approval of the April 4, 2018, Regular Meeting Minutes.

Motion/Second: Crane/Mulheren to approve Minutes of April 4, 2018, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

a. Report of Disbursements for the Month of March 2018 - *Finance*.

b. Approve the Repair and Rebuild of the Wastewater Treatment Plant's Floway 16DKH Vertical Turbine Pump from Weir Floway, Inc. in the Amount of \$24,777.57 and approve the corresponding budget amendment – *Public Works*. (PO No. not available)

- c. Award Purchase of a New 2018 Elgin Broom Badger Street Sweeper with Dual Side Brooms from Owen Equipment in the Amount of \$194,000 Plus Tax – *Public Works*. (PO No. not available)
- d. Notification of Purchase (PO No. 45311) for a Replacement Heating, Ventilation and Air-Conditioning System (HVAC) for the Ukiah Valley Conference Center from Intercounty Mechanical & Electrical in the Amount of \$28,640 – *Community Services*.
- e. Notification of Purchase for new Heating, Ventilation and Air-Conditioning Systems (HVAC) for the Civic Center Annex Offices and I.T. Server Room in the Amount of \$29,760 – *Community Services*. (PO No. not available)
- f. Authorize the City Manager to Negotiate and Execute an Agreement (COU No. 1718-212) for Compliance and Reporting Services to Cooper Compliance Corporation for the Electric Utility Department – *Electric Utility*.
- g. Award Professional Services Agreement (COU No. 1718-213) in the Amount of \$23,341 to TJKM Transportation Consultants to Complete a Traffic Analysis for Realignment of Talmage Road and Approve Budget Amendment – *Public Works*.
- h. Adoption of Resolution (2018-10) Identifying the 2018-19 Project Funded by SB 1: The Road Repair and Accountability Act; North State Street from 240 Feet North of Low Gap Road to the Northern City Limits – *Public Works*.
- i. City Council to consider approving one Landmark Tree nomination, a Giant Sequoia located at Observatory Park for Landmark Tree Status – *Community Services*.

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

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

RECESS: 7:10 – 7:13 P.M.

Public Comment: Maria Barragan – Utility bill; Bill Fisette – Homeless day program on Luce Street; James Marmon – Marbot Report; and Ed Haynes – Transient/Homeless.

9. COUNCIL REPORTS

Presenter: Councilmember Scalmanini.

10. CITY MANAGER/CITY CLERK REPORTS

Presenter: Sage Sangiacomo, City Manager.

11. PUBLIC HEARINGS (6:15 PM)

- a. Discussion and Possible Adoption of an Initial Environmental Study and Negative Declaration; and Consideration of Introduction of a Residential Density Calculation Ordinance by Title Only Amending Various Sections of Chapter 2, Division 9 of the Ukiah City Code to Set Forth in Greater Detail the Procedure for Calculating Residential Density.

Presenter: Craig Schlatter, Community Development Director.

PUBLIC HEARING OPENED AT 7:42 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:42 P.M.

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

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

City Clerk, Kristine Lawler, read the following title into the record:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF CHAPTER 2, DIVISION 9 OF THE UKIAH CITY CODE TO SET FORTH IN GREATER DETAIL THE PROCEDURE FOR CALCULATING RESIDENTIAL DENSITY

Motion/Second: Brown/Crane to introduce a residential density calculation ordinance by title only amending various sections of Chapter 2, Division 9 of the Ukiah City Code to set forth in greater detail the procedure for calculating residential density. Motion **carried** by the following roll call votes: AYES: Brown, Crane, Mulheren, and Doble. NOES: Scalmanini. ABSENT: None. ABSTAIN: None.

RECESS: 7:52 – 8:00 P.M.

12. **UNFINISHED BUSINESS**

a. Discussion and Possible Introduction by Title Only of the Proposed Adult Use Cannabis Retail Ordinance.

Presenters: Darcy Vaughn, Assistant City Attorney and Craig Schlatter, Community Development Director.

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

City Clerk, Kristine Lawler, read the following title into the record:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING CHAPTER 8 IN DIVISION 6; SECTION 9176 IN ARTICLE 16, CHAPTER 2 IN DIVISION 9; TABLE 3 IN SECTION 9223.1 OF ARTICLE 18, CHAPTER 2 IN DIVISION 9; AND SECTION 9261 IN ARTICLE 20, CHAPTER 2 IN DIVISION 9 OF THE UKIAH CITY CODE.

Council Consensus directs staff to modify the definition in Section 5702(B) to read “Adult-use” means a person age 21 or over...,” and all incorrect references to the age of eligibility for adult use of cannabis as “over the age of 21,” to be “the age of 21 or over”; and to remove the extraneous period, comma, and space after the “CN zoning district” from Section 5707(A).

Motion/Second: Mulheren/Brown to amend Chapter 8 in Division 6, Section 9176 in Article 16; Chapter 2 in Division 9, Table 3 in Section 9223.1 of Article 18; and Section 9261 in Article 20, Chapter 2 in Division 9 of The Ukiah City Code Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

b. Approval of Amendment No. 4 to the Contract with Carollo Engineers for Design Revisions to the Chlorine Contact Basin Expansion and Recycled Water Project in the Amount of \$193,609.

Presenter: Sean White, Water Resources Director.

Motion/Second: Crane/Mulheren to approve Amendment No. 4 (*COU No. 1314-231-A4*) to the Contract with Carollo Engineers for Design Revisions to the Chlorine Contact Basin Expansion and Recycled Water Project in the Amount of \$193,609. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS

a. Award Professional Services Agreement in the Amount of \$54,930 to Omni-Means, Ltd., a GHD Company to Complete a Traffic Analysis of Ukiah Schools and Surrounding Area and Approve Corresponding Budget Amendment.

Presenter: Tim Eriksen, Public Works Director.

Public Comment: Mark Hilliker.

Motion/Second: Crane/Scalmanini to award a professional services agreement (*COU No. 1718-214*) in the amount of \$24,930 to Omni-Means, Ltd., a GHD Company to complete a Traffic Analysis of Ukiah Schools and Surrounding Area and approve corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

Council Direction to staff to correct the dollar amount in the staff report and budget request.

b. Receive Updates on City Council Committee and Ad Hoc Assignments.

Presenters: Councilmember Brown, Mayor Doble, Councilmember Scalmanini, and Sage Sangiacomo, City Manager.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:43 P.M.

14. CLOSED SESSION

a. 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

b. Conference with Legal Counsel – Existing Litigation

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

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

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Approval of the April 25, 2018, Special Meeting Minutes

DEPARTMENT: Clerk/Admin

PREPARED BY: Kristine Lawler

ATTACHMENTS:

[Attachment 1 - Draft Minutes of April 25, 2018](#)

Summary: Council will consider approving the Minutes of April 25, 2018, a Special Meeting.

Background: N/A

Discussion: N/A

RECOMMENDED ACTION: Approve the Minutes of April 25, 2018, a Special Meeting, as submitted.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Kristine Lawler, City Clerk

Approved: _____


Sage Sangiacomo, City Manager

**CITY OF UKIAH
CITY COUNCIL MINUTES
Special Meeting
Civic Center Council Chamber
300 Seminary Avenue
Ukiah, CA 95482
April 25, 2018
1:00 p.m.**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Ukiah City Council met for a Special Meeting on April 25, 2018, which was legally noticed on April 23, 2018. Mayor Doble called the meeting to order at 1:03 p.m. Roll was taken with the following **Councilmembers Present:** Jim O. Brown, Stephen Scalmanini, Douglas F. Crane, Maureen Mulheren, and Mayor Kevin Doble. **Staff Present:** Sage Sangiacomo, City Manager (*via teleconference*); Shannon Riley, Deputy City Manager; David Rapport, City Attorney; Sean White, Water Resources Director; Tim Eriksen, Public Works Director/City Engineer; and Kristine Lawler, City Clerk. **Also Present:** Lee Bartolotta, title (*via teleconference*).

MAYOR DOBLE PRESIDING.

The Pledge of Allegiance was led by Mayor Doble.

2. PUBLIC COMMENT

Public Comment:

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 1:04 P.M.

3. 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 (UVSD)

CITY COUNCIL RECONVENED IN OPEN SESSION AT 2:12 P.M.

No report out of Closed Session was received.

4. ADJOURNMENT

There being no further business, the meeting adjourned at 2:13 p.m.

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Possible Adoption of the Proposed Adult Use Cannabis Retail Ordinance.

DEPARTMENT: Community Development

PREPARED BY: Darcy Vaughn

ATTACHMENTS:

[Attachment 1 - Adult-Use Retailer Ordinance Introduced](#)

Summary: The City Council will consider adoption of the Adult Use Cannabis Retail Ordinance.

Background: Over the past two years, the City has considered a series of City Code amendments related to new cannabis laws and regulations enacted by the State of California. Guided by the Marijuana Ad Hoc Committee comprised of Council members Mulheren and Brown, the City Manager, Community Development Director, Planning Manager, City Attorney, Assistant City Attorney, and Chief of Police, the process of bringing the City Code into compliance with the new State cannabis laws began after the adoption of the California Medical Marijuana Regulation and Safety Act ("MMRSA") in 2015.

In response to MMRSA, the City Council adopted the Medical Marijuana Dispensaries Ordinance. After California voters approved Proposition 64, or the Adult Use of Marijuana Act ("AUMA"), in November 2016, and the legislature adopted the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") in June 2017, a new set of State guidelines for regulating medical and recreational cannabis emerged. In order to preserve local control over regulation of the cannabis industry that is such a significant, if underground, part of the local economy, the Council adopted the Cannabis Related Business Ordinance, which extended the City's regulatory reach over non-retail commercial cannabis enterprises such as manufacturing, testing, cultivation, and distribution.

RECOMMENDED ACTION: Staff asks that the City Council adopt the Adult Use Cannabis Retail Ordinance.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Marijuana Ad Hoc Committee

Approved: _____


Sage Sangiacomo, City Manager

The AUMA and the MAUCRSA , while reflecting the State's intent to allow and regulate all manner of commercial cannabis enterprises, including retail sales of cannabis for adult (i.e. non-medical) use, contain provisions that allow local jurisdictions plenty of leeway to regulate commercial cannabis enterprises as they see fit. When the Council initially discussed a comprehensive City policy for medical dispensaries, the Council anticipated the passage of the AUMA and the State's desire to legalize and regulate retail sales of cannabis for use by adults over the age of twenty-one. As such, some of the Council's discussion of medical dispensaries was dedicated to the possibility of a policy for regulation of retail sales of medical cannabis that could later be adapted, should the Council wish to do so, to include retail sales of cannabis for adult use.

The Ad Hoc's rationale for implementing a policy for adult use cannabis sales is that comprehensive regulation of retail sales of cannabis for non-medical use, including ensuring that non-medical cannabis is sold only to adults over the age of twenty-one in the City, will result in a reduction of the number of people cultivating cannabis for personal use, as well as adding a check on the accessibility of cannabis to individuals under the age of twenty-one. In addition, it is the opinion of the Ad Hoc that regulating retail cannabis sales is preferable to a black market. Adopting policies that promote the economic base and job growth in the Ukiah community, including regulating and licensing commercial cannabis activities that are already taking place, may help support the future economy and job availability in Ukiah.

At their March 7, 2018 meeting, the Council discussed a draft, proposed Adult Use Cannabis Retail Ordinance that adds retail sales of non-medical cannabis to eligible adults to the regulatory structure already in place for retail sales of medical cannabis for qualified patients. The Council indicated that they wished to preserve the current policy under the City Code of allowing sales of medical cannabis only in the Neighborhood Commercial (CN) zone because of existing, similar uses such as pharmacies and medical offices. In addition, the Council indicated that it wished to see a map depicting the current allowable locations of Cannabis Retailers, including in the Public Facilities (PF) zone, as set forth in the Cannabis Related Business Ordinance and Medical Dispensaries Ordinance, to determine if they wished to make any changes in zoning districts where Cannabis Retailers are allowed to operate subject to a Dispensary Use Permit. Finally, the Council indicated that they were willing to consider an Adult Use Cannabis Retailer Ordinance that would allow sales of cannabis for adult use and for medical use to qualified patients on the same premises.

At the April 18, 2018 meeting, the Council discussed the revised, proposed Adult Use Cannabis Retail Ordinance and asked that the Ordinance be revised further to (1) state throughout the Ordinance that the age of eligibility for patrons at non-medical dispensaries and for employees at all dispensaries is "the age of 21 or over" and not "over the age of 21", and (2) remove the extraneous period, comma, and space after the phrase "CN zoning district" in Section 5707(A) of the Ordinance. The Council unanimously voted to introduce by title only the amended version of the Ordinance.

Discussion: Adult Use Retail Provisions:

As proposed, the draft Adult Use Cannabis Retail Ordinance will allow and regulate Cannabis Retailers engaging in the sale of non-medical cannabis to persons over the age of twenty-one (21) using substantially the same regulatory structure as currently imposed on Medical Marijuana Dispensaries under the City's Dispensaries Ordinance. That is to say, Dispensaries that sell cannabis for either for adult use only or for both medical and adult use will also be required to apply for and obtain a Dispensary Use Permit that is subject to annual review and may be revoked for cause.

Under the proposed Ordinance, Dispensaries selling to Adult Use patrons instead of or in addition to selling cannabis for medical use only would be allowed to operate in primarily the same zoning districts (C1, C2, M, PD, and PF, and the downtown zoning districts GU, UC, and DC) as Medical Marijuana Dispensaries. However, as noted at the March 7, 2018 meeting during which the Council initially discussed the proposed Ordinance, only Medical Marijuana Dispensaries will be allowed to operate subject to a Dispensary Use Permit in the

Neighborhood Commercial (CN) zoning district.

Adult Use Dispensaries will be subject to the same distance restrictions, with a possible waiver available, as Medical Marijuana Dispensaries. Under the existing distance restrictions, no Cannabis Retailers are allowed:

- 1) within six hundred feet (600') of a school, within two hundred fifty feet (250') of a youth-oriented facility other than a school, or another dispensary;
- 2) abutting a parcel occupied by a youth-oriented facility, a school, or another dispensary;
- 3) within any residentially zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation;
- 4) or on a parcel having a residential unit, or on a parcel directly abutting a residentially zoned property, unless there are intervening nonresidential uses between the dispensary and the residential unit.

Adult Use Cannabis Retailers applying for a Dispensary Use Permit to operate in the City would still need to provide an Operating Plan that includes (1) a security plan that must be approved by the Chief of Police before the entire Plan can be evaluated by the Planning Commission, (2) air treatment system that prevents odors generated from the storage and cultivation of marijuana on the Dispensary premises from being detected outside the premises, and (3) a plan for restricting admittance to the Cannabis Retailer so that only qualified patients, adults over the age of twenty-one, and employees of the Retailer will be admitted to the sales floor. The operator of the Cannabis Retailer that sells cannabis for Adult Use is still required to take all reasonable steps to discourage and correct nuisance conditions in the areas surrounding the Retailer premises and adjacent properties during business hours if directly related to the patrons of the Retailer, including prevention of loitering.

Dispensary Use Permits for Adult Use Cannabis Retailers, like those for Medical Marijuana Dispensaries, will be reviewed at a public hearing by the Planning Commission, which will decide whether to grant or deny the Permit. Decisions of the Planning Commission on Dispensary Use Permits will be appealable to the City Council.

As noted above, Dispensary Use Permits for Adult Use Cannabis Retailers will be subject to annual renewal, with the Zoning Administrator conducting a thorough review of the renewal application and ultimately determining whether to grant or deny the renewal. The renewal decision will be rendered during a publically noticed meeting and is appealable to the Planning Commission. The Zoning Administrator is also authorized to revoke a Dispensary Use Permit, after conducting a public hearing and determining that the Dispensary is not being operated in compliance with the Permit or with State or City law. The revocation determination by the Zoning Administrator is also appealable to the Planning Commission.

Parking requirements for Dispensaries not engaging in sales of cannabis for medical use for qualified patients as set forth in the proposed Ordinance are based on the current City Code requirements for retail businesses generally (one space for every two hundred fifty (250) square feet of gross, leasable space), rather than based on the parking requirements for medical offices and pharmacies that apply as well to Medical Marijuana Dispensaries (one space for every two hundred (200) gross square feet of retail space).

On-site consumption of cannabis at cannabis retail establishments will remain a prohibited use under the proposed Ordinance.

Clean-Up Provisions to Existing City Cannabis Law:

There are several clean-up provisions in the Adult Use Cannabis Retail Ordinance that do not directly establish policies for regulation of Adult Use Cannabis sales but instead either correct scrivener's errors and ambiguous

language in the City's existing cannabis laws or implement operating standards for licensed cannabis businesses from the California Bureau of Cannabis Control's current regulations. For the latter, the Ukiah Police Department believes that these particular State regulatory provisions are crucial for Cannabis Retailer security and, even though all cannabis businesses are required to comply with the State regulations anyway, that the City should explicitly set forth these regulatory requirements in the Dispensary operating requirements in the City Code.

The Department of Community Development asked for language clarifying the permissible delivery zone for Cannabis Dispensaries that make deliveries. Based on Council discussions and staff reports from Council meetings regarding the Medical Marijuana Dispensaries Ordinance, it was the intent of the Council that while Dispensaries located within the City limits would be permitted to deliver cannabis to qualified patients both within the City and outside the City limits, that Dispensaries located outside the City limits and not regulated by the City would not be permitted to deliver within the City limits. That provision in Section 5717 of the City Code will be clarified by language added in the proposed Ordinance.

Based on Council discussions and staff reports from Council hearings regarding the Cannabis Related Business Ordinance and based on the Cannabis Related Business Ordinance as adopted by the Council, it was the intent of the Council that Large Indoor, Large Mixed-Light, Medium Indoor, Medium Mixed-Light, Small Indoor, and Small Mixed-Light commercial Cannabis Cultivation enterprises would be permitted to operate in the M and PF zones (as shown in the table of uses and zoning districts presented to the Council during the hearings on the Cannabis Related Business Ordinance) subject to a Major Use Permit. While the Cannabis Related Business Ordinance as adopted does indicate that these cultivation uses are allowed in the M and PF zones subject to a use permit, the specification that a Major Use Permit would be required was inadvertently omitted from the Cannabis Related Business Ordinance. That unintended error in the Cannabis Related Business Ordinance is corrected in the proposed Ordinance.

The current regulations issued by the Bureau of Cannabis Control ("Regulations") and applicable to all licensed commercial cannabis enterprises operating in the State of California should, as per the proposed Ordinance, be part of the operating standards for all Cannabis Related Businesses operating the City, including medical (and non-medical, if the proposed Ordinance is adopted) cannabis Dispensaries. Certain of these Regulations have been identified by the Ukiah Police Department as being crucial for law enforcement to protect the security of Dispensaries operating in the City and, at the request of the Department, language from these Regulations has been added to the Adult Use Cannabis Retailer Ordinance. These provisions include the requirement that Dispensaries report thefts and inventory inconsistencies to the Ukiah Police Department within 24 hours of discovery, as well as standards for the video surveillance systems required for Dispensaries.

While at the March 7, 2018 meeting the Council discussed the possibility of allowing and regulating cannabis-related special events within the City limits, the Ad Hoc has determined that the current State law prohibits licensing and hosting such events unless they take place at county fairs and district agricultural associations. The scenario discussed at the March 7, 2018 meeting, i.e. a cannabis trade show with on-site sales permitted subject to obtaining all State and local licensing and permits and taking place at a location in downtown Ukiah, would not be allowed under State law. However, the City is authorized by State law to determine whether cannabis-related special events may occur at all within the City limits and State law does allow for local control and review of special cannabis events at allowable locations, but the Ad Hoc wishes to discuss the issue further prior to bringing to the Council an ordinance that would allow and regulate cannabis-related special events at allowable locations. As such, the proposed Adult Use Cannabis Retailer Ordinance no longer includes any clean-up provisions regarding special events.

The current version reflects a wide array of community, City staff, and Council input. The Ordinance is now ready for consideration for adoption.

CEQA Compliance:

The proposed City Code amendments for regulation of commercial cannabis activity are statutorily exempt

from the requirements of the California Environmental Quality Act (CEQA), pursuant to Business and Professions Code §26055(h). This subdivision is in effect through July 1, 2019 and specifically exempts from environmental review the adoption of an ordinance or regulation by a local jurisdiction if the ordinance or regulation requires discretionary review, including environmental review, and approval of local permits or licenses for commercial cannabis activity.

Staff recommends that the Council adopt the proposed Adult Use Cannabis Retail Ordinance, attached as "Attachment 1".

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING CHAPTER 8 IN DIVISION 6, SECTION 9176 IN ARTICLE 16, CHAPTER 2 IN DIVISION 9, TABLE 3 IN SECTION 9223.1 OF ARTICLE 18, CHAPTER 2 IN DIVISION 9; AND SECTION 9261 IN ARTICLE 20, CHAPTER 2 IN DIVISION 9 OF THE UKIAH CITY CODE.

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 (unchanged text is omitted and is shown by “* * *”):

**CHAPTER 8
CANNABIS RETAILERS**

§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 section 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 sections 11362.7 through 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. In order to maintain local control over the regulation of commercial cannabis activities in the City, in 2017, the City Council enacted Ordinance 1176, ("Medical Marijuana Dispensaries Ordinance II"), which regulates the operation of and sets forth a local permitting process for medical marijuana dispensaries in the City of Ukiah.

J. On November 9, 2016, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA" or "Proposition 64") to legalize the recreational use of marijuana in California for individuals 21 years of age and older was approved by the voters of the State of California.

K. In June of 2017, the California Legislature passed Senate Bill 94, which was signed by the Governor and went into effect immediately, and which repealed MMRSA entirely and merged certain portions of that law with AUMA to create a more comprehensive regulatory structure for both medical and recreational marijuana.

L. The new comprehensive regulatory system created by Senate Bill 94, intended to regulate all commercial cannabis uses in the State, is called the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").

M. The Act, MMP, AUMA, and MAUCRSA do not prevent a city from using its constitutional authority to enact nuisance, health and safety, and land use regulations regarding dispensaries or other commercial cannabis uses.

N. The City Council believes that a regulated environment for commercial cannabis is preferable to an unregulated black market and, as such, desires to regulate all commercial cannabis businesses operating in the City of Ukiah, including cannabis retailers that sell cannabis for non-medical use, in a manner that mitigates potential negative impacts, prevents cannabis from reaching minors or the illicit market, preserves public health and safety, protects the environment, provides diverse economic opportunities, and implements the City's General Plan.

O. 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, the AUMA, and the MAUCRSA, regarding the location and operation of cannabis dispensaries, delivery of cannabis within the boundaries of

the City, regulation of cannabis-related special events, and cultivation of cannabis within the boundaries of the City.

P. There have been a number of marijuana dispensing-related incidents in California, some including acts of violence.

Q. The City Council finds that cannabis 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.

R. 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 illegal use of cannabis, particularly the use of cannabis by minors who are not qualified patients; or (3) allow any activity relating to the distribution or consumption of cannabis that is otherwise illegal.

S. This Chapter provides the development, operating, and permit standards for all commercial, retail cannabis uses to ensure neighborhood compatibility, minimize potential environmental impacts, mitigate potential nuisances, provide safe access to cannabis and provide opportunities for economic development.

T. This Chapter is compatible with the general objectives of the General Plan, in that a cannabis 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 in the case of medical cannabis dispensaries and bars or cocktail lounges in the case of dispensaries serving adult use patrons, and in that the use will be subject to strict permit conditions and rigorous review.

U. 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.

V. It is the purpose and intent of this Chapter to regulate cannabis 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 AUMA, the MAUCRSA, 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 retail sales and delivery of cannabis within City limits shall be subject to the provisions of this chapter, even if the retail sales and delivery 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 section 26001(k) or as may be amended, or any commercial or noncommercial activity involving marijuana use for any purpose that is not otherwise authorized in the Ukiah City Code.

§5702 DEFINITIONS

For the purposes 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 section 9278 of this code.

B. "Adult-use" means a person the age of 21 or over with a valid state ID, who is qualified to purchase cannabis from an established cannabis business.

C. "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.

D. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as set forth Section 11032 of the Health and Safety Code, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

E. "Cannabis Operator" or "Operator" means the person or entity that is engaged in the conduct of any commercial Medical or Adult Use Cannabis business.

F. "Cannabis Product" means a cannabis product, means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients, and intended to be sold for either Medical or Adult Use.

G. "Cannabis Retailer" or "Cannabis Retail" means a facility where Medical or Adult Use Cannabis or Medical or Adult Use Cannabis Products are offered, either individually or in any combination, for retail sale, including an establishment that delivers Cannabis or Cannabis Products as part of a retail sale. Also known as a Cannabis Dispensary or Dispensary.

H. "City" means the City of Ukiah.

I. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

- J. "Dispensary" means a facility, whether fixed or mobile, operated in accordance with State and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale.
- K. "Dispensary Use Permit" means a permit required to operate a Cannabis Retail business within the City and that is issued pursuant to this chapter.
- L. "Drug paraphernalia" or "paraphernalia" shall have the same definition as set forth in section 6071 of this code.
- M. "Edible Cannabis Product" means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
- N. "Identification card" shall have the same definition as in California Health and Safety Code section 11362.7, and as it may be amended.
- O. "Medical cannabis" or "medicinal cannabis" means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act, MMP, and the MAUCRSA.
- P. "On site" means an activity or accessory use that is related to the primary use – i.e., lawful, retail distribution of cannabis – and is located on the same legal parcel as the primary use.
- Q. "Owner" shall have the same definition as in California Business and Professions Code section 26001, and as it may be amended.
- R. "Permittee" means the person to whom a Dispensary Use Permit is issued.
- S. "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.
- T. "Person with an identification card" shall have the same definition as set forth in California Health and Safety Code section 11362.7, and as it may be amended.
- U. "Physician" means a licensed medical doctor (M.D.) or a doctor of osteopathic medicine (D.O.).
- V. "Premises" means the designated structure or structures and land specified in the Dispensary Use Permit application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis retail activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one permittee.
- W. "Primary caregiver" shall have the same definition as set forth in California Health and Safety Code section 11362.7, and as it may be amended.

X. "Qualified patient" shall have the same definition as set forth in California Health and Safety Code section 11362.7, and as it may be amended.

Y. "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.

Z. "Use permit" shall have the same definition as set forth in section 9261 of this code and as it may be amended.

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

BB. "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 Cannabis Retail business 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. Any operation of a dispensary, cultivation of cannabis in conjunction with operation of a dispensary, or delivery of cannabis 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 State law.

The City recognizes that State law requires dual licensing at the state and local level for all Cannabis Businesses (Medical and Adult Use). All Cannabis Retailers shall therefore be required to diligently pursue and obtain a State cannabis license and shall comply at all times with all applicable State licensing requirements and conditions, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria.

Failure to demonstrate dual licensing in accordance with this Chapter and within any deadlines established by State law shall be grounds for revocation of City approval. Revocation of a local Dispensary Use Permit and/or a State license shall terminate the ability of the Cannabis Retailer to operate until a new Permit and/or State license is obtained.

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 other commercial cannabis businesses.

§5704 TERM OF PERMITS AND RENEWALS REQUIRED

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

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

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

D. Applications for renewal made less than forty-five (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 this Code.

F. In determining whether to renew a Dispensary Use Permit, the Zoning Administrator will consider the following nonexclusive criteria, in addition to those criteria set forth in this Chapter at Section 5710 of this Code:

1. Whether the dispensary operated by the permittee has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.
2. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct.
3. Whether the dispensary operated by the permittee has a history of inadequate safeguards or procedures that show it is likely that it will not comply with the operating requirements and standards in this chapter.
4. Whether the dispensary has failed to pay fees, penalties, or taxes required by this Code or has failed to comply with the production of records or other reporting requirements of this chapter.
5. Whether it appears that the permittee has, in its renewal application, provided a false statement of material fact or has knowingly omitted a material fact.
6. Whether the renewal applicant or one or more of its officers, employees, partners, managers or members with management responsibilities ("Managers") has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of a dispensary operator. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any Manager has been convicted of a felony, if the

person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.

7. Whether the renewal applicant or dispensary has previously or is currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

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

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

§5705 GENERAL TAX LIABILITY

As a prerequisite to obtaining a permit pursuant to the terms hereof, an operator of a dispensary shall also be required to apply for and obtain a business license or exemption from the City of Ukiah and obtain a seller's permit or exemption from the State Board of Equalization pursuant to Division 2, Part 2, Chapter 2, Article 2 of the Cal. Revenue and Taxation Code, commencing with section 6066e. Dispensary sales shall be subject to sales tax consistent with State law.

§5706 IMPOSITION OF FEES

Every application for a Dispensary Use Permit or renewal shall be accompanied by an application fee, as established by resolution of the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this cCode 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 Medical Cannabis Dispensary may be located within CN zoning district. A Dispensary, including both Medical Cannabis and Adult Use Dispensaries, may be located in zoning districts as set forth in Division 9, Chapter 2 of this Code.

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 six hundred feet (600') 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 section 11362.768; or
2. Within two hundred fifty feet (250') 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 nonresidential uses between the dispensary and the residential unit or the residentially zoned property that the Planning Commission or, on appeal, the City Council determines sufficient to provide an appropriate separation.

D. A waiver of the provisions in subsections C2 through 5 of this section may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or other condition exists which achieves the same purpose and intent as the distance separation requirements established herein, and that, as a result, the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the dispensary.

§5708 OPERATING REQUIREMENTS

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

A. **Criminal History:** Any applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of any of the felony offenses enumerated in Business and Professions Code Section 26057(b)(4), 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. 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. In addition, notwithstanding the above, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of cannabis or cannabinoid preparations, is

not considered related to the qualifications, functions, or duties of a permittee, and shall not be the sole ground for denial of an application.

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 twenty-one (21) years of age.
2. Persons under the age of eighteen (18) shall not be allowed on the premises of a Dispensary unless they are a qualified patient or a primary caregiver, they are in the presence of their parent or guardian, and the Dispensary in question dispenses cannabis for medical use.
3. The entrance to a Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (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. For a Dispensary that serves only Adult Use patrons, the entrance shall be clearly and legibly posted with a notice indicating that persons under the age of twenty-one (21) are precluded from entering the premises.
4. The burden of proof is on the Dispensary personnel to establish compliance with this subsection B by clear and convincing evidence.

C. Dispensary Access:

1. The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a buzz-in electronic/mechanical entry system with a vestibule is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.
2. Dispensary personnel shall monitor site activity, control loitering and site access.
3. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be allowed on the premises at a dispensary that provides medical cannabis only. For dispensaries serving Adult Use patrons, only dispensary staff, persons the age of twenty-one (21) and over, and persons with bona fide purposes for visiting the site shall be allowed on the premises.
4. Potential patients or caregivers shall not visit a medical cannabis dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.
5. Only a primary caregiver and qualified patient or persons the age of twenty-one (21) and over shall be in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.
6. Restrooms shall remain locked and under the control of management.

D. Dispensing Operations:

1. The dispensary may dispense no more dried medical cannabis or plants or cannabis products per qualified patient or caregiver than permitted in strict accordance with California Health and Safety Code section 11362.77 and any other applicable State law, and as amended, and may sell cannabis or cannabis products for Adult Use to an individual only in an amount consistent with personal possession and use limits allowed by the State

2. A dispensary selling medical cannabis shall only dispense medical cannabis 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 Division 10, Chapter 6, Article 2.5 and as it may be amended, 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 cannabis, the dispensary shall obtain verbal, online, or signed verification from the recommending physician's office personnel that the individual requesting medical cannabis is a qualified patient.

4. A dispensary shall not have a physician on site to evaluate patients and provide a recommendation for medical cannabis.

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

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

E. Hours of Operation: Hours of operation are limited to nine o'clock (9:00) A.M. to nine o'clock (9:00) P.M., seven (7) days a week.

F. Consumption Restrictions:

1. Cannabis 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 two hundred feet (200') of the dispensary's entrance.

2. Dispensary operations shall not result in illegal redistribution of cannabis obtained from the dispensary, or use in any manner that violates local, State or City codes.

3. No person may consume cannabis, 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 section 6000 of this Code and as amended, enclosed places and places of employment as defined in sections 4503 and 4505 of this Code 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 Section 118875 et seq. and as amended.

G. Retail Sales and Cultivation:

1. No cannabis shall be cultivated on the premises of the dispensary, except in compliance with this Chapter and with sections 6093 and 9254 of this Code and applicable State laws and regulations.

a. Except for immature nursery stock marijuana plants, or clones, that are not intended to be raised to maturity by the dispensary but instead sold to qualified patients and patrons, marijuana plants grown by the dispensary shall only be utilized for production of processed marijuana to dispense to patients or sell in legal quantities to eligible Adult Use patrons.

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 subsection H4 of this section. The cannabis 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 USC section 1251 et seq.

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

3. Up to one hundred fifty (150) square feet of the total square footage of the dispensary may be utilized for display and sales of devices necessary for administering cannabis, including but not limited to rolling papers and related materials and devices, pipes, water pipes, and vaporizers.
4. Retail sales of cannabis that violate California law or this chapter are expressly prohibited.
5. A dispensary shall meet all the operating criteria for the sale of cannabis as is required pursuant to applicable State laws and regulations.

H. Operating Plans:

1. Floor Plan: A dispensary shall have a lobby waiting area at the entrance to receive clients, and a separate and secure designated area for dispensing cannabis to qualified patients or designated caregivers or to eligible Adult Use patrons. 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 cannabis.
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 cannabis.
4. Odors Control: The dispensary shall have an air treatment system that prevents odors generated from the storage and cultivation of cannabis 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 premises and panic alarm system monitored by a licensed operator, to ensure 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. The security surveillance system shall comply with current State standards for digital video surveillance systems to be installed on the premises of licensed Cannabis businesses, currently codified in the Cal. Code of Regulations, Title 16, Section 5044, and as may be amended.
7. Security Video Retention: Security video shall be maintained for ninety (90) days. In the event of a crime on site or anywhere within range of the dispensary's security cameras, the dispensary shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience.

8. Alarm System: Professionally monitored premises and panic alarm system shall be installed and maintained in good working condition.

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

I. Signage and Notices:

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis 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 section 3227 of this Code and any other City Code provisions regulating signage.

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

K. Patient Records: Information identifying the names of patients, their medical conditions, or the names of their primary caregivers is confidential and such disclosure is prohibited pursuant to the Federal Health Insurance Portability and Accountability Act of 1996 (42 USC section 1320d et seq.) and the Confidentiality of Medical Information Act (California Civil Code section 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 section 11362.7 et seq. Such records may be maintained on or off site, and shall be made available for inspection by any City official authorized to enforce this chapter for purposes of determining compliance with the requirements of this chapter.

L. Staff Training: Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with State and local law, and the dispensary shall employ properly trained or use professionally hired security personnel in accordance with the conditions of its permit. All security personnel hired or contracted for by the Dispensary shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code, or as may be amended.

M. Site Management:

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

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

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

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

3. The operator shall provide dispensary patients and patrons with a list of the rules and regulations governing cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

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

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

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

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

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

S. Inspections: During normal business hours, Dispensaries permitted under this chapter shall provide access for administrative inspections by City officials or officers or consultants hired by the City to verify compliance with this chapter. Any Dispensary's refusal to comply with this section shall be deemed a violation of this chapter.

T. Notification of Theft, Loss, and Criminal Activity: Cannabis Retailer businesses shall comply with the California Code of Regulations, Title 16, Section 5036, or as may be amended, by notifying the applicable State authorities and the Ukiah Police Department within 24 hours of discovery of any of the following situations:

1. A significant discrepancy in the Retailer's inventory.
2. The Operator becomes aware of or has reason to suspect diversion, theft, loss, or any other criminal activity pertaining to the operations of the Retailer.
3. The Operator becomes aware of or has reason to suspect diversion, theft, loss, or any other criminal activity by an agent or employee of the Retailer pertaining to the operations of the Retailer.
4. The Operator becomes aware of or has reason to suspect the loss or unauthorized alteration of records related to cannabis goods, patrons, or the Retailer's employees or agents.
5. The Operator becomes aware of or has reason to suspect any other breach of security.

The notification shall be in writing and include the date and time of occurrence of the theft, loss, or criminal activity and a description of the incident including, where applicable, the item(s) that were taken or lost.

§5709 APPLICATION PREPARATION AND FILING

A. Application Filing: A complete Dispensary Use Permit application submittal packet shall be submitted in accordance with section 9262 of this Code, including a detailed written statement as to how the proposed dispensary complies with sections 5707 and 5708 of this Code, 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 subsections A and F of this section 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 (5) years immediately prior to the present address of the applicant;
4. Verification of Age: Written proof that the applicant is at least twenty-one (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 (5) 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 cannabis that violate California law or this chapter.
- b. Controls that will assure cannabis will be dispensed or sold to qualifying patients or caregivers or eligible Adult Use patrons only.
- c. Controls that will ensure access to dispensary premises is adequately monitored and restricted to preapproved qualified patients and caregivers or to eligible Adult Use Patrons only.

13. If delivery services will be provided, the application shall describe the operational plan for delivery services and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in this Chapter, in particular Section 5717, and State law.

14. Written Project Description: A written description summarizing the proposed Dispensary use size, number of patients or patrons, characteristics and intent;

15. Written Response to Dispensary Standards: The applicant shall provide a comprehensive written response identifying how the Dispensary plan complies with each of the standards for review in this chapter, specifically the limitation on location and operating requirements in sections 5707 and 5708 of this Code;

16. 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 of this Code has been satisfied;

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

18. 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 (6");

19. 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 (6");

20. Accessibility Evaluation: A written evaluation of accessibility to and within the building, and identification of any planned accessibility improvements;

21. 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 six hundred feet (600') of the property line of the dispensary for which a permit is requested, (b) the property lines of any dispensary within two hundred fifty feet (250') 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 two hundred fifty feet (250') of the primary entrance of the dispensary;

22. 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;

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

24. 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;

25. 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;

26. 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 or patrons 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 section 9262 of this Code, the Planning Commission shall consider the following criteria in determining whether to grant or deny a Dispensary Use Permit,

and the Zoning Administrator shall consider the following criteria in determining whether to grant or deny renewals of a Dispensary Use Permit:

A. That the Dispensary Use Permit is consistent with the intent of the Compassionate Use Act of 1996, the AUMA, the MAUCRSA, 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 twenty-one (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 of this Code. 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, operator, 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 for medical cannabis dispensaries will be provided at a rate of one space for every two hundred (200) gross square feet of retail space, office space, and similar floor areas, pursuant to section 9198(F)(1) of this Code. Furthermore, that adequate parking for Cannabis Retailers generally will be provided at a rate of one space for every two hundred fifty (250) square feet of gross, leasable space, pursuant to section 9198(B)(1) of this Code. However, if the dispensary to be operated by the applicant does not dispense cannabis to patients or eligible Adult Use patrons on site but services qualified patients and patrons through deliveries in compliance with Section 5717 of this Code, then adequate parking will be provided at a rate of one space for every four hundred (400) square feet of gross leasable space, pursuant to Section 9198(G)(3) of this Code.

§5711 INVESTIGATION AND ACTION ON APPLICATION

After the making and filing of a complete application for the Dispensary Use Permit and the payment of the fees, the applicant shall complete a fingerprint background check and the Police Department shall conduct an investigation of the application. In processing the application:

A. The Planning Department shall refer the application to any other City departments as necessary to complete the review of the application.

B. Following provision of complete application materials, inter-departmental review, and compliance with the California Environmental Quality Act, the Planning Department shall schedule the Dispensary Use Permit for Planning Commission review. In making a decision to grant or deny the application the Planning Commission shall follow the notice and hearing procedures and make the findings required by sections 9262C through F of this Code and shall either grant or deny the application in accordance with the provisions of this chapter.

C. In approving a Dispensary Use Permit, the Planning Commission may impose conditions, restrictions or require revisions to the proposal to comply with the purpose and intent of this chapter.

D. The Planning Department shall cause a written notice of the Planning Commission decision to issue or deny a permit to be mailed to the applicant by U.S. mail.

§5712 APPEAL FROM PLANNING COMMISSION DETERMINATION

A. An applicant aggrieved by the Planning Commission decision to issue or to deny a Dispensary Use Permit may appeal such decision to the City Council by filing an appeal. All determinations of the Planning Commission regarding Dispensary Use Permits shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, as established by resolution of the City Council from time to time, are filed with the City Council within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

B. The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the procedures applicable to an appeal of a decision to grant or deny a use permit as set forth in Division 9, Chapter 2, Article 20 of this Code. At the close of the public hearing, the City Council may affirm, reverse, or modify the appealed decision of the Planning Commission. All City Council decisions on appeals of the Planning Commission's decision with regard to an application for a Dispensary Use Permit are final for the City.

§5713 REVOCATION

A. Any Dispensary Use Permit issued under the terms of this chapter may be revoked by the Zoning Administrator, when it shall appear to the Administrator that the use for which the Permit was granted is not being conducted in compliance with the 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 9262H 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 9262C of this Code. 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) days prior to the hearing. Service shall be deemed complete when received by the permit holder or forty-eight (48) 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 Section 9266 of this Code, 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 (3) 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 ninety (90) days from the date the annexation becomes effective. Continued operation of a dispensary without a Permit more than ninety (90) days after annexation shall constitute a violation of this chapter, unless an extension of the ninety (90) day period is approved by the Planning Commission upon the applicant's demonstration of reasonable grounds to do so.

§5717 MARIJUANA DELIVERY

- A. A permitted dispensary located in the City may deliver marijuana to qualified patients and caregivers and to persons eligible for adult-use at their residence in the City or to the same class of persons outside the City's jurisdiction. Such permissible delivery of marijuana to qualified patients or adults at least 21 years of age within the City limits 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 cannabis from a permitted dispensary to a qualified patient must have a City of Ukiah business license in accordance with Division 2, Chapter 1, Article 3 of this 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 section 6001 of this Code, it shall be unlawful for any qualified individual engaging in the activity of delivering cannabis 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 Section 5722 of this Code.

§5719 REMEDIES

This chapter shall be subject to enforcement pursuant to Division 9, Chapter 2, 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 cannabis 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.

§5722 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.

§5723 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 section 1094.5.

Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure section 1994.6 which shall be applicable for such actions.

SECTION 2

Article 15.6 of 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 “* * *):

§9173 PURPOSE

Sections 9173.2 through 9173.7 in this article provide site planning, development, and/or operational standards for certain land uses that are allowed in certain zoning districts without discretionary review. The standards for each use are intended to mitigate any potentially adverse impacts associated with the specific use.

§9173.1 APPLICABILITY

The land uses and activities included in sections 9173.2 through 9173.7 of this code shall comply with the provisions of the section applicable to the specific land use, in addition to all other applicable provisions of this article and the Ukiah City Code.

A. Where Allowed: The uses that are subject to the standards in sections 9173.2 through 9173.7 of this code shall only be located in the zoning districts indicted herein.

B. Development Standards: The standards for specific land uses included in sections 9173.2 through 9173.7 of this code are required and supplement those included in the Ukiah City Code. In the event of any conflict between the requirements of sections 9173.2 through 9173.7 of this code and those included elsewhere in the City Code, the requirements of sections 9173.2 through 9173.7 of this code shall control.

* * *

SECTION 3

Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9 of the Ukiah City Code is hereby amended by specifying that a Cannabis Retailer is an allowable use with a Dispensary Use Permit (DUP) in the General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning districts.

SECTION 4

Article 20 of 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 “* * *):

§9261 DISCRETIONARY PLANNING PERMITS

* * *

D. ***

* * *

5.

a. In all Zoning Districts in which they are a permitted use, the following Cannabis Related Businesses shall be considered major uses:

Cannabis Cultivation – Large Indoor.
Cannabis Cultivation – Large Mixed-Light.
Cannabis Cultivation – Medium Indoor.
Cannabis Cultivation – Medium Mixed-Light.
Cannabis Cultivation – Small Indoor.
Cannabis Cultivation – Small Mixed-Light.
Cannabis Cultivation – Specialty Cottage.
Cannabis Cultivation – Specialty Indoor.
Cannabis Cultivation – Specialty Mixed Light.
Cannabis Microbusiness.
Cannabis Nursery.

Major Use Permits issued for Cannabis Related Businesses shall be subject to annual review, and shall be subject to annual review and revocation according to the procedures set forth in Section 9262, subsections K and L of this Article.

b. In all Zoning Districts in which they are a permitted use, the following Cannabis Related Businesses shall be considered minor uses:

Cannabis Distribution
Cannabis Manufacturing – Level 1

Minor Use Permits issued for Cannabis Related Businesses shall be subject to annual review, and shall be subject to annual review and revocation according to the procedures set forth in Section 9262, subsections K and L of this Article.

c. In the Heavy Commercial (C-2) and Manufacturing (M) Zoning Districts zoning districts, Cannabis Testing Laboratories shall be considered a minor use. In the Community Commercial zoning district (C-1) and General Urban (GU), Urban Center (UC), and Downtown Core (DC) zoning districts, Cannabis Testing Laboratories shall be considered a major use.

d. In all Zoning Districts in which they are a permitted use, Cannabis Retailers will be required to obtain a Dispensary Use Permit, as set forth in Chapter 8 of Division 6 of this Code.

SECTION 5

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 April 18, 2018, by the following roll call vote:

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

Adopted on _____, 2018 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Kevin Doble, Mayor

ATTEST:

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Report of Acquisition of Services from PG&E for Surveying of PG&E Power Lines at the Ukiah Landfill as Required for Landfill Closure Project, in the Amount of \$11,110

DEPARTMENT: Public Works

PREPARED BY: Rick Seanor

ATTACHMENTS:

[Attachment 1 - PG&E Agreement to survey landfill power lines](#)

Summary: Council will receive a report that will discuss the acquisition of services from PG&E for surveying of PG&E power lines at the Ukiah Landfill as required for the landfill closure project, in the amount of \$11,110.

Background: Pacific Gas and Electric (PG&E) maintains overhead electric power lines which extend across Ukiah Landfill property. In order to finalize the final grading plans for the Ukiah Landfill closure project, City staff requested a survey of the PG&E overhead electric power lines.

Discussion: Staff contacted PG&E and requested a survey of the overhead electric power lines so that final grades with the required clearances beneath the power lines could be established for the landfill closure project. In order to complete this work, PG&E required the City to sign a contract and pay a deposit amount of \$11,110 for the anticipated expense of the PG&E survey crew. Staff reviewed the contract language with the City Attorney, the City executed the contract (Attachment #1), and issued payment as required. In compliance with Section 1522 of the City Code, this report is submitted to the City Council for the purpose of reporting the

RECOMMENDED ACTION: Receive and file report on acquisition of services from PG&E for surveying of PG&E power lines at the Ukiah Landfill as required for landfill closure project, in the amount of \$11,110

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: \$11,110.00; Fund Number 70024500.52100

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: Landfill Fund, Contractual Services account

PREVIOUS CONTRACT/PURCHASE ORDER NO.: Contract Number 1718-205

COORDINATED WITH: Sage Sangiacomo, City Manager and Tim Eriksen, Director of Public Works / City Engineer

Approved:


Sage Sangiacomo, City Manager

acquisition of services costing more than \$10,000.



David Kelly
Land Rights Services

111 Stony Circle
Santa Rosa CA 95401

o - 707.577.7273
f - 707.577.7181
c 707.978.1211

DAK8@PGE.com

FLAT SUM CONTRACT

THIS AGREEMENT is entered into this 15 day of March, 2018, ("Effective Date") by and between CITY OF UKIAH ("Ukiah") and PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

RECITALS

1. PG&E owns, operates, and maintains certain Overhead Electric Transmission Line ("facilities").
2. Ukiah contemplates changing the ground level elevations as part of the City of Ukiah Landfill Closure Project in Mendocino County, California, which may interfere with PG&E's facilities and/or land rights on and over the former Ukiah Landfill ("the Property").
3. Ukiah has requested and PG&E is willing to provide a survey to provide existing ground elevations under PG&E's facilities.

AGREEMENT

1. *Payment and Performance.* Upon receipt by PG&E of payment of \$ 11110.00 (Eleven Thousand One-Hundred Ten Dollars), PG&E will commence and, thereafter survey, review survey results and provide minimum ground clearance to facilities.
2. *Term.* The term of this Agreement begins on the Effective Date and continues until the Work is completed.
3. *Coordination.* The PG&E and Ukiah will coordinate PG&E's access to the Property with the goal of providing adequate access for the purposes of this Agreement without undue interference with the Ukiah's use of the Property.
4. *Applicable Law and Regulations.* In accessing the Property to perform the Work, PG&E will comply with all applicable laws, statutes, regulations, ordinances, or directives of whatsoever nature with respect to the Work including, without limitation, all health, safety, and environmental laws, directives, ordinances, regulations, or statutes applicable to the performance of the Work.
5. *Restoration.* Upon termination of this Agreement, PG&E shall repair and restore any areas of the Property damaged by performance of the Work and restore the Property to the condition it was before PG&E commenced the Work.
6. *Indemnification.* PG&E agrees to indemnify and hold harmless City of Ukiah from any and all loss, damages or liability connected with City of Ukiah's occupation of said premises or resulting



**Pacific Gas and
Electric Company***

David Kelly
Land Rights Services

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Santa Rosa CA 95401

o - 707.577.7273
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c 707.978.1211

DAK8@PGE.com

from the injury to or death of any person, or damage to or loss or destruction of any property arising out of PG&E's negligent acts or omissions or willful misconduct; provided, however, that this indemnity shall not extend to that portion of such loss or damage that shall have been caused by City of Ukiah comparative negligence or willful misconduct.

7. *Entire Understanding.* This Agreement sets forth the entire understanding between the PG&E and Ukiah with respect to the subject matter of this Agreement and supersedes all prior negotiations and dealings pertaining to this Agreement.

8. *Modification.* No change in, addition to, or waiver of any of the provisions of this Agreement shall be binding upon either party unless it is established in writing and signed by each party.

9. *Governing Law.* This Agreement is governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized officers this day and year first hereinabove set.

CITY OF UKIAH

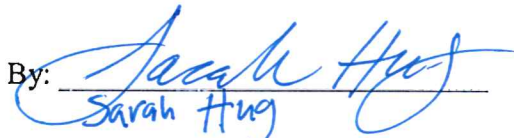
PACIFIC GAS AND ELECTRIC COMPANY

By: 

TIM ERIKSEN

Title:

Director of Public Works/
City Engineer

By: 

Title:

Supervisor, Land Rights
Services



AGENDA SUMMARY REPORT

SUBJECT: Possible Adoption of a Residential Density Calculation Ordinance Amending Various Sections of Chapter 2, Division 9 of the Ukiah City Code to Set Forth in Greater Detail the Procedure for Calculating Residential Density.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter

ATTACHMENTS:

[Attachment 1 - Residential Density Ordinance](#)

Summary: The City Council will consider adoption of a proposed residential density calculation ordinance amending various sections of Chapter 2, Division 9 of the Ukiah City Code to set forth in greater detail the procedure for calculating residential density.

Background: In August 2017, the City Council directed Staff to pursue a housing strategy for Ukiah. The housing strategy deploys a two-pronged approach - one part focused on affordable housing and one part focused on middle-income housing - to facilitate new housing opportunities for Ukiah residents. A key component of the affordable housing strategy was development of a locally-based housing trust fund - the Ukiah Housing Trust Fund (UHTF). Three housing project applications were received in response to the UHTF's first Notice of Funding Availability, released January 2, 2018. If all three projects are successful, the total amount of new affordable housing units created will be 151.

Traditional funding sources available for affordable housing are not generally available for market-rate housing. Additionally, with increasing building regulations at the State level related to housing, the cost to build can make

RECOMMENDED ACTION: Adopt Residential Density Calculation Ordinance amending various sections of Chapter 2, Division 9 of the Ukiah City Code to set forth in greater detail the procedure for calculating residential density.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

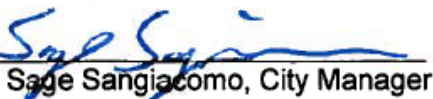
PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: City Attorney's Office

Approved:


Sage Sangiacomo, City Manager

it more difficult for market-rate housing projects to "pencil." Therefore, to facilitate the development of additional middle-income housing units, particularly on remaining infill sites, the strategy involves removing impediments to housing development through regulatory relief and innovative zoning practices.

Planning Division Staff has been researching the practices of other jurisdictions and analyzing existing zoning policy for possible regulatory relief. In a recent review of the residential density definition, Staff discovered no specific calculation method described in the ordinance. Traditionally, if no specific definition is prescribed Staff would evaluate the project based on a conservative interpretation of the ordinance. In this case, taking a conservative approach to the calculation of residential density could result in a per project reduction of middle-income housing units.

Staff prepared the attached ordinance (Attachment 1), which sets forth the procedure for calculating residential density, and presented the ordinance to the City Council on January 17, 2018. The Council directed Staff to refer the draft ordinance to the Planning Commission and to bring the ordinance back to the Council for consideration at a future date.

Staff subsequently prepared an Initial Environmental Study for the ordinance. The Initial Study found that the proposed ordinance would not have a significant effect on the environment, and a Negative Declaration was prepared. The Initial Environmental Study and Negative Declaration, along with the draft ordinance and Attachments 1-4, were presented to the Planning Commission at their March 28, 2018, regular meeting. By majority vote, the Planning Commission moved to recommend the City Council approve the Initial Study and Negative Declaration for the proposed residential density calculation ordinance and adopt the corresponding draft ordinance.

At its April 18, 2018, meeting the City Council voted 4-1 to adopt the Initial Environmental Study and Negative Declaration for the ordinance. City Council also voted 4-1 to introduce by title only the residential density calculation ordinance amending various sections of Chapter 2, Division 9 of the Ukiah City Code to set forth in greater detail the procedure for calculating residential density.

Discussion: The current City Code does not describe with sufficient specificity whether the calculation of residential density on a given parcel should include, as part of the area of the parcel, adjacent public rights of way such as bounding streets. The ordinance specifies that the area of a given parcel shall be measured to the center line of streets or other public rights of way that are contiguous to the property lines of the parcel for the purpose of calculating residential density. The ordinance language is consistent with the applicable provisions of the General Plan for the City of Ukiah and is an acceptable methodology used by other jurisdictions.

The General Plan Housing Element's Vacant and Underutilized Land List includes a number of infill parcels that are close to existing infrastructure, situated along transportation corridors, and are close to the downtown, retail opportunities, medical services, and professional offices. The primary objective of the proposed ordinance is to allow for greater utilization of these and other future infill locations for housing. To provide an example of application of the proposed ordinance to the Planning Commission and City Council, Staff selected a representative sample of eight parcels from the Vacant and Underutilized Parcels List. The eight parcels are zoned to allow multi-family residential development and are some of the parcels more likely to be developed in the future. In performing an analysis of the impact of the new residential density calculation ordinance on these eight parcels, Staff found that implementing the proposed ordinance would increase residential density by 1 to 3 units per property, or approximately 11% overall. At an increase in density of 11%, application of the proposed ordinance is still likely to produce less units than the density bonus accessible to affordable (low- and moderate-income) housing projects.

The Initial Study found the proposed ordinance would not have a significant effect on the environment because future discretionary proposals that utilize the Residential Density Calculation Ordinance will be subject to the entitlement process, additional analytical review, ensuring conformance to the goals and policies of the General

Plan and consistency with the zoning code. Multi-family projects require a Site Development Permit, and depending on the zoning, a Conditional Use Permit, and are reviewed by the Design Review Board to ensure consistency with Design Review Guidelines. Certain projects will be subject to CEQA analysis and the implementation of mitigation measures to address environmental impacts.

Staff recommends City Council adopt the residential density calculation ordinance amending various sections of Chapter 2, Division 9 of the Ukiah City Code to set forth in greater detail the procedure for calculating residential density.



AGENDA SUMMARY REPORT

SUBJECT: Adoption of Resolution Supporting Proposition 69 and Opposing the Repeal of SB 1: The Road Repair and Accountability Act of 2017.

DEPARTMENT: Public Works

PREPARED BY: Rick Seanor

ATTACHMENTS:

[Attachment 1 - Resolution Yes-on-Prop-69-Oppose-SB-1-repeal](#)

[Attachment 2 Fact Sheet Prop 69](#)

[Attachment 3 Fact Sheet SB-1](#)

[Attachment 4 Signup-Form](#)

Summary: The City Council will consider adopting a resolution supporting Proposition 69 and opposing the repeal of Senate Bill (SB) 1: the Road Repair and Accountability Act of 2017.

Background: With the adoption of Senate Bill 1, the Road Repair and Accountability Act of 2017 (SB 1) into law, the City of Ukiah is scheduled to receive Road Maintenance Rehabilitation Account (RMRA) funding in the total amount of \$380,911 for fiscal years 2017-2018 and 2018-2019. The funding for FY 17-18 and FY 18-19 will pay for construction of 2-inch asphalt concrete overlays on South Orchard Avenue from Gobbi Street to Marlene Street and on North State Street from 240 feet north of Low Gap Road to the northern City limits. For fiscal year 2019-2020 through fiscal year 2026-2027, the City anticipates receiving a total amount of \$4,142,657. This

RECOMMENDED ACTION: Adopt resolution supporting Proposition 69 and opposing the repeal of SB 1: the Road Repair and Accountability Act of 2017.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Sage Sangiacomo, City Manager; Tim Eriksen, Director of Public Works / City Engineer

Approved: _____


Sage Sangiacomo, City Manager

anticipated funding will allow Ukiah to continue its work on rehabilitating the pavement on its streets.

Discussion: The League of California Cities has provided major funding to the Coalition to Protect Local Transportation Improvements (Coalition) to support proposition 69 and to oppose the repeal of SB 1 (Road Maintenance Rehabilitation Account). Please refer to Attachment #2, a fact sheet prepared by the Coalition in support of Proposition 69 and in opposition to the repeal of SB 1. Specifically, Proposition 69 will extend constitutional protections to new SB 1 revenues, will guarantee transportation funds can only be used for transportation improvement purposes, and will not raise taxes. Proposition 69 will protect the transportation taxes and fees we already pay.

The Coalition opposes the repeal of SB 1 for the following reasons:

- the repeal measure will jeopardize public safety on roadways;
- the repeal measure will stop transportation improvement projects already underway in every community;
- the repeal measure will make traffic congestion worse;
- the repeal measure will cost drivers and taxpayers more money in the long-run; and
- the repeal measure will hurt job creation and our economy.

Attachment #3, SB 1: Debunking the Myths, is provided for additional information on the benefits of SB 1 and why it should not be repealed.

Lastly, Attachment #4 is provided for those who want to register their support for Proposition 69 and/or their opposition to the measure which would repeal SB 1. A potential loss in the total amount of \$380,911 for fiscal years 2017-2018 and 2018-2019 and in the total amount of \$4,142,657 for fiscal year 2019-2020 through fiscal year 2026-2027 would be devastating to Ukiah's efforts to rehabilitate and repave its streets.

For these aforementioned reasons, staff recommends adoption of the attached resolution supporting Proposition 69 and opposing the repeal of SB 1: the Road Repair and Accountability Act of 2017.

RESOLUTION NO. 2018-

**RESOLUTION OF THE CITY OF UKIAH SUPPORTING PROPOSITION 69 AND OPPOSING THE REPEAL OF
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and

WHEREAS, cities and counties are facing a funding shortfall of \$73 billion over the next 10-years to repair and maintain in a good condition the local streets and roads system and the State Highway System has \$57 million worth of deferred maintenance; and

WHEREAS, SB 1 – the Road Repair and Accountability Act of 2017 – will raise approximately \$5.4 billion annually in long-term, dedicated transportation funding to rehabilitate and maintain local streets, roads, and highways, make critical, life-saving safety improvements, repair and replace aging bridges and culverts, reduce congestion and increase mobility options including bicycle and pedestrian facilities with the revenues split equally between state and local projects; and

WHEREAS, SB 1 provides critically-needed funding in City of Ukiah that will be used for:

- FY 2017-2018 project: 2-inch AC overlay on South Orchard Avenue from Gobbi Street to Marlene Street
- FY 2018-2019 project: 2-inch AC overlay on North State Street from 240 feet north of Low Gap Road to the northern City limits; and

WHEREAS, SB 1 contains strong accountability and transparency provisions to ensure the public knows how their tax dollars are being invested and the corresponding benefits to their community including annual project lists that identify planned investments and annual expenditure reports that detail multi-year and completed projects; and

WHEREAS, SB 1 requires the State to cut bureaucratic redundancies and red tape to ensure transportation funds are spent efficiently and effectively, and also establishes the independent office of Transportation Inspector General to perform audits, improve efficiency and increase transparency; and

WHEREAS, Proposition 69 on the June 2018 ballot would add additional protections for taxpayers by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes; and

WHEREAS, there is also a proposed ballot measure aimed for the November 2018 ballot (Attorney General #17-0033) that would repeal the new transportation revenues provided by SB 1 and make it more difficult to increase funding for state and local transportation improvements in the future; and

WHEREAS, this proposed November proposition would raid \$4,142,657, in total, dedicated to City of Ukiah for fiscal year 2019-2020 through fiscal year 2026-2027, and halt critical investments in future transportation improvement projects in our community; and

THEREFORE BE IT RESOLVED, that the City of Ukiah hereby supports Proposition 69, the June 2018 constitutional amendment to prevent new transportation funds from being diverted for non-transportation purposes; and

THEREFORE BE IT RESOLVED, that the City of Ukiah hereby opposes the proposed November ballot proposition (Attorney General #17-0033) that would repeal the new transportation funds and make it more difficult to raise state and local transportation funds in the future; and

THEREFORE BE IT FURTHER RESOLVED, that the City of Ukiah supports and can be listed as a member of the Coalition to Protect Local Transportation Improvements, a diverse coalition of local government, business, labor, transportation and other organizations throughout the state, in support of Proposition 69 and in opposition to the repeal of SB 1.

PASSED AND ADOPTED this 2nd day of May, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kevin Doble, Mayor

ATTEST:

Kristine Lawler, City Clerk



Support Safer Roads and Protect Local Transportation Improvements

Californians depend on a safe and reliable transportation network to support our quality of life and a strong economy. In April 2017, California passed Senate Bill 1 (SB 1) which provides more than \$5 billion annually to make road safety improvements, fill potholes, repair local streets, freeways, tunnels, bridges and overpasses and invest in public transportation in every California community. Road safety and transportation improvement projects are already underway across the state, but this long-awaited progress could come to a halt unless voters take action in 2018.

The Coalition to Protect Local Transportation Improvements has formed to support Proposition 69 which protects transportation funds from being diverted and to oppose the November 2018 measure that would repeal new transportation funds. Here's how you can help:



SUPPORT PROP 69:

June 2018 ballot measure prohibits the Legislature from diverting new transportation funds and ensures they can only be used for transportation projects.

- ✓ Extends constitutional protections to the new revenues generated by SB 1 that aren't currently protected.
- ✓ Guarantees transportation funds can only be used for transportation improvement purposes.
- ✓ Will not raise taxes. Protects transportation taxes and fees we already pay.



OPPOSE REPEAL OF SB 1:

November 2018 ballot measure would repeal SB 1 and rob our communities of vital road safety and transportation improvement projects.

Certain politicians are currently collecting signatures to try to repeal the Road Repair and Accountability Act of 2017 (SB 1) and stop critical investments in future transportation improvement projects. Our broad coalition opposes this measure now because its passage would:

- ✗ **Jeopardize public safety.** This measure would halt roadway improvements at the state and local level that will save lives and increase safety for the traveling public. According to the National Highway Traffic Safety Administration, poor roadways were a contributing factor in more than half of the 3,623 roadway fatalities on California roads in 2016.



OPPOSE the November 2018 ballot measure that would repeal SB 1 and rob our communities of vital road safety and transportation improvement projects.

- ✗ Stop transportation improvement projects already underway in every community.** This measure would eliminate funds already flowing to every city and county to fix potholes, make safety improvements, ease traffic congestion, upgrade bridges, and improve public transportation. 4,000 local transportation improvement projects are already underway across the state thanks to SB 1.
- ✗ Make traffic congestion worse.** Our freeways and major thoroughfares are among the most congested in the nation, and Californians spend too much time stuck in traffic away from family and work. This measure would stop projects that will reduce traffic congestion.
- ✗ Cost drivers and taxpayers more money in the long-run.** The average driver spends \$739 per year on front end alignments, body damage, shocks, tires and other repairs because of bad roads and bridges. Additionally, it costs eight times more to fix a road than to maintain it. By delaying or stopping projects, this measure will cost motorists more money in the long run.
- ✗ Hurt job creation and our economy.** Reliable transportation infrastructure is critical to get Californians to work, move goods and services to the market, and support our economy. This measure would eliminate 650,000 good-paying jobs and \$100 billion in economic growth that will be created fixing our roads over the next decade.

Paid for by the Coalition to Protect Local Transportation Improvements, sponsored by business, labor, local governments, transportation advocates and taxpayers

Committee Major Funding from

League of California Cities

California Alliance for Jobs

Funding details at www.fppc.ca.gov



SB 1:

Debunking the Myths

We want to cement the facts.

The Road Repair and Accountability Act of 2017 (SB 1) is a long-term transportation solution that provides new revenues for road safety improvements such as filling potholes and repairing local streets, highways, and bridges. SB 1 provides transportation investments in **every** community, improving the quality of life for all Californians. SB 1 includes strict accountability provisions to reduce waste and bureaucracy and dedicates all funds to transportation improvements. Opponents of SB 1 are spreading false information and flat-out untruths full of potholes.

1. MYTH — *Practically none of the SB 1 funds will be used to fix our roads.*

FACT

SB 1 invests more than \$5 billion annually directly for maintenance, repair, and safety improvements on state highways, local streets and roads, bridges, tunnels and overpasses. SB 1 also provides investments in mass transit to help relieve congestion. In total, SB 1 will provide:

- \$1.5 billion for the State Highway Operations and Protection Program
- \$1.5 billion for local streets and roads
- \$400 million for bridge maintenance and repairs
- \$300 million for goods movement and freight projects
- \$250 million for congested corridors and relief management
- \$200 million for the Local Partnership Program to match locally generated transportation funds
- \$100 million for the Active Transportation Program to improve safety and expand access on streets, roads and highways for bicyclists and pedestrians
- \$750 million for mass transit

2. MYTH — *SB 1 will cost California families upwards of \$700 a year.*

FACT

The California Department of Finance calculated that the average cost to motorists is roughly \$10/month. Here's the math:

- **Registration:** Nearly 50% of all registered vehicles in California are valued at less than \$5,000. Forty percent are valued at less than \$25,000. Thus, the average annual amount for vehicle registration is approximately \$48.

- **Fuel:** California's 26 million licensed drivers consume 15.5 billion gallons per year. That is 577 gallons per driver, multiplied by 12 cents per gallon is \$69.24 each.

The annual average cost per driver is:

Vehicle Registration \$47.85

Fuel \$69.24

Total \$117.09 per year OR \$9.76 per month

3. *MYTH — SB 1 funds go directly into the state's General Fund, meaning there's zero guarantee the money will be used to fund transportation improvement projects.*



No funds from SB 1 go into the General Fund. Revenues go directly into transportation accounts and are constitutionally protected.

Article XIX of the California Constitution already protects the gasoline excise tax and vehicle registration fees, and a portion of the sales tax on diesel, and dedicates them to transportation purposes. This accounts for about 60% of the revenues generated by SB 1. Prop 69, a constitutional ballot measure which will go before the voters in June 2018, extends these same constitutional protections to the remaining 40% of new revenues generated by SB 1. It's also important to remember, all gas tax moneys that were loaned in prior decades to the General Fund will have been repaid under SB 1.

4. *MYTH — There is no oversight.*



SB 1 strengthens the oversight and audit process by establishing an independent Inspector General who is appointed by the Governor to oversee projects and programs to ensure all SB 1 funds are spent as promised and to reduce bureaucracy, waste, and red tape. The Inspector General is also required to report annually to the state Legislature.

Furthermore, SB 1 has significant accountability and transparency provisions designed to ensure the public has full access to information on how their tax dollars are being invested. Cities and counties must publicly adopt and submit to the state a planned list of projects and year-end reporting that accounts for every single dollar of SB 1 revenue they receive. Bottom line: SB 1 includes provisions to streamline projects by cutting red tape to ensure transportation funds are spent efficiently and effectively.

5. *MYTH — None of the new funds can be used to build new roads.*



SB1 funds can and will be used to build new roads and increase capacity on our roads and highways.

- SB 1 funds will be used to restore the State Transportation Improvement Program (STIP). The CTC previously cut and delayed \$1.5 billion in projects from STIP, including new capacity projects, which are now eligible to move forward.
 - There is \$200 million annually in SB 1 for self-help counties that can be used on new roads and capacity increasing projects.
 - SB 1 includes \$250 million annually for congested road and highway corridors and \$300 million for the trade corridor programs, which can both fund increased capacity.
 - Lastly, while cities and counties will primarily (initially) be using local funds on “fix it first” projects to repair roads in bad shape, local governments can use these funds for new roads and capacity enhancements, **especially once their road conditions are brought up into a state of good repair.**
-

6. *MYTH — California can dedicate existing General Fund revenues to fix transportation.*

FACT

California has a combined need of over \$130 billion over the next 10 years just to bring the state highway and local street and road systems into a good and safe condition. If we were to use funds from the General Fund, we would need to pull \$130 billion from important areas like education, healthcare, public safety, and other programs that Californians rely upon.

SB 1 follows the user-pay model where everyone pays their fair share and all drivers pay a little more to fix the roads they drive on. It's a responsible, accountable way to fix our roads.

7. *MYTH — SB 1 impacts on our economy are minimal.*

FACT

SB 1 is a job creator. The White House Council of Economic Advisors found that every \$1 billion invested in transportation infrastructure supports 13,000 jobs a year. With the \$5 billion annually planned from SB 1, this measure will put 650,000 people to work rebuilding California over the next decade.

8. *MYTH — California's working families and businesses cannot afford this tax increase.*

FACT

California motorists currently pay \$739 per year, on average, in extra vehicle repair costs due to wear and tear because of the poor condition of our roads. With SB 1, CA drivers will save money by driving on improved roads and will need fewer vehicle repairs.

9. MYTH — SB 1 funds are being diverted to CSU and UC for research.

FACT

SB 1 directs \$7 million (one-tenth of one percent of total SB 1 revenues) to CSU and UC transportation research institutions for research directly related to improving transportation technology, practices, materials, and impacts to the environment.

10. MYTH — According to polling, Californians oppose the gas tax increase. They will support a ballot measure to repeal SB 1.

FACT

Polls consistently show voters are fed up with California's bad roads and will support new revenues to get them fixed. If a repeal measure makes it on the November 2018 ballot, we are confident voters will want to preserve funding to provide safer roads and bridges, improve congestion, and fix potholes.

11. MYTH — California Gov. Jerry Brown has proposed "diverting 30 percent of the funding" from the state's gas tax increase "to non-road related projects like building parks and lifeguards."

FACT

A percentage of the existing gas tax revenue related to fuel sales from boats, agricultural equipment, and other off-highway vehicles (quads, dirt bikes) has always gone toward supporting infrastructure related to these economic and recreational activities. The percent of gas tax revenues collected from these sources is two percent (2%).

12. MYTH — Some of the funds raised by SB 1 will be used to repay outstanding loans from certain transportation funds.

FACT

All outstanding transportation loans are being repaid by the General Fund. In fact, the FY 2016-17 state budget already started to repay those loans. SB 1 requires all loans to be repaid by 2020.

13. MYTH — *SB 1 dollars will be diverted to fund high-speed rail.*

FACT

No funds raised from SB 1 will be used to fund high-speed rail. California's state-maintained transportation infrastructure will receive roughly half of SB 1 revenue: \$26 billion. The other half will go to local roads, transit agencies and an expansion of the state's growing network of pedestrian and cycle routes. There is no remaining balance that could be used for the high-speed rail project. A full overview of how the funds are allocated can be found at www.FixCARoads.com.

Paid for by the Coalition to Protect Local Transportation Improvements, sponsored by business, labor, local governments, transportation advocates and taxpayers
Committee Major Funding from
League of California Cities
California Alliance for Jobs

Funding details at www.fppc.ca.gov



YES!

I Support Safer Roads and Protecting Local Transportation Improvements

Please check one or both boxes:

☐

I/we **SUPPORT PROP 69**, a June 2018 ballot measure to prevent the state Legislature from diverting transportation funds for other purposes or redirecting funds for non-transportation projects. You may list me/my organization in formal **SUPPORT** of this constitutional amendment in your coalition materials.

☐

I/we **OPPOSE** the November ballot measure that would repeal the "Road Repair and Accountability Act" (SB 1) and rob our communities of vital road safety and transportation improvement funds. You may list me/my organization in formal **OPPOSITION** to the repeal effort in your coalition materials.

Please select a category:

☐

Organization

☐

Individual

☐

Elected

Please complete the following information:

Organization/Company (if applicable)

Date

Authorized Signature

Name

Title

Street Address

City

State

Zip

Phone

FAX

E-Mail Address (if public official, please include personal e-mail)

Please complete this form and return it to: Coalition to Protect Local Transportation Improvements

If faxing: (916) 442-3510

If e-mailing: Kyle Griffith | kgriffith@bcfpublicaffairs.com

For more information, please call (916) 443-0872

Paid for by the Coalition to Protect Local Transportation Improvements, sponsored by business, labor, local governments, transportation advocates and taxpayers

Committee Major Funding from

League of California Cities

California Alliance for Jobs

Funding details at www.fppc.ca.gov



AGENDA SUMMARY REPORT

SUBJECT: Consider a Memorandum of Understanding (MOU) with the County of Mendocino Regarding the Request for Proposal Process to Establish an Exclusive Operating Area (EOA) for Emergency Ambulance Services for Inland Mendocino County.

DEPARTMENT: Fire

PREPARED BY: Sage Sangiacomo

ATTACHMENTS:

[Attachment 1 - Memorandum of Understanding](#)

Summary: The City Council will consider a memorandum of understanding ("MOU") with the County of Mendocino regarding the request for proposal process to establish an exclusive operating area ("EOA") for emergency ambulance services for inland Mendocino County.

Background: The California Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act ("EMS Act": Health and Safety Code §§ 1797 et seq.) empowers the County to establish an Emergency Medical Services program and to establish a local Emergency Medical Services Authority ("EMS Authority"). The County through its EMS Authority has decided to establish an exclusive operating area ("EOA") in Mendocino County pursuant to Health and Safety Code Section 1797.224, excluding only the coastal areas of the County. The proposed EOA will include the areas within the City of Ukiah and Ukiah Valley Fire Protection District boundaries as well as areas as far east as Covelo and as far north as Leggett. The County and the EMS Authority are nearing completion of a Request for Proposals ("RFP") to qualified service providers

RECOMMENDED ACTION: Approve the memorandum of understanding with the County of Mendocino regarding the request for proposal process to establish an exclusive operation area for emergency ambulance service for inland Mendocino County.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/a

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Dan Grebil, Fire Authority Administrator and David Rapport, City Attorney

Approved: _____

Sage Sangiacomo, City Manager

("Bidders") to be the exclusive emergency response ambulance service for the EOA.

Discussion: During the County's development of the request for proposals for an exclusive emergency response ambulance service, the County has taken the position that the City cannot participate in the detailed drafting of the RFP because of the potential contractual relationships that may arise between the City and potential Bidders related to support and back-up services. In order to ensure any concerns are discussed and addressed prior to the award of an RFP, the County offered to enter into a memorandum of understanding with the City to ensure issues could be addressed and satisfied once the RFP is released and available for review. Per the MOU, the City will have 60 days to submit comments and concerns. If comments are submitted, the City and County will be required to meet and confer in good faith to address the City's concerns to the City's satisfaction, not to be unreasonably denied or delayed by the City.

Also included in the MOU are provisions that acknowledge that the City will not be a bidder on the RFP, but acknowledges that the City will not waive any rights it may have concerning the administration of emergency medical services or its respective authority under the EMS Act.

The draft MOU is included as Attachment #1 for review and consideration. Staff is recommending approval of the MOU with the County of Mendocino regarding the request for proposal process to establish an exclusive operation area for emergency ambulance service for inland Mendocino County.

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE COUNTY OF MENDOCINO

AND

THE CITY OF UKIAH

This Memorandum of Understanding (“MOU”) is made and entered on _____, 2018 (“Effective Date”), in Ukiah, California, between the County of Mendocino (“County”), a California county and political subdivision of the State of California and the City of Ukiah (“City”), a general law municipal corporation. County or City may be referred to herein as “Party” or collectively as “Parties.”

RECITALS:

1. The California Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (“EMS Act”: Health and Safety Code §§ 1797 et seq.) empowers the County to establish an Emergency Medical Services program and to establish a local Emergency Medical Services Authority (“EMS Authority”).
2. The City of Ukiah has entered a Joint Powers Agreement (“JPA”) with the Ukiah Valley Fire Protection District (“District”). City and District, under the name Ukiah Valley Fire Authority (“Fire Authority”), jointly provide fire protection, emergency medical services and other emergency services to the City and the District.
3. The City alleges that it has provided emergency medical services in the City since prior to January 1, 1981, and may have a right to retain some administration of EMS in the City pursuant to Health and Safety Code section 1797.201.
4. County through its EMS Authority has decided to establish an exclusive operating area (“EOA”) in Mendocino County pursuant to Health and Safety Code section 1797.224, excluding only the coastal areas of the County. The proposed EOA will include the areas within the City and District boundaries as well as areas as far east as Covelo and as far north as Leggett.
5. The County and the EMS Authority are nearing completion of a Request for Proposals (“RFP”) to qualified service providers (“Bidders”) to be the exclusive emergency response ambulance service for the EOA.
6. The City, by this agreement, waives its right to submit a proposal to the RFP, , but retains the right to negotiate with potential ambulance service providers to provide support or back-up services to insure an adequate level of service in the City and the District.
7. The County takes the position that the City cannot participate in the detailed drafting of the RFP, because of the potential contractual relationships that may arise between the City and potential Bidders.

8. As a result of the County's inability to provide the draft RFP for City review and comment before the formal RFP is released, the City has not had the opportunity to address the provisions of the RFP that may affect the quality of emergency ambulance service in the City and the District, the cost of service, the impact on the City's provision of EMS in the City and the District, or other aspects of emergency ambulance service as they may impact the City or the District.

9. To address the City's concerns, the parties have entered into this MOU to provide the City, once it has had an adequate opportunity to review the specific provisions of the RFP, to seek changes or modifications of the RFP after it is released to Bidders.

AGREEMENT:

In reliance upon the above-recitals, the parties agree as follows:

1. Upon its formal release, the City shall have sixty (60) days to submit to the County written comments and concerns addressing the specific provisions of the RFP.
2. If the City submits comments as provided in Section 1, the County agrees not to conduct a Responders Conference as described in Section III of the Guidelines for Creating Exclusive Emergency Medical Services Operating Service Areas promulgated by the California Emergency Medical Services Authority or similar meeting with Bidders, until the City and County meet and confer in good faith to address the City's concerns to the City's satisfaction, not to be unreasonably denied or delayed by the City.
3. Except as expressly provided in this Agreement, neither the City nor the County waive any rights it may have concerning the administration of emergency medical services or its respective authority under the EMS Act.
4. Any notice given under this Agreement shall be in writing and deemed given when personally delivered, delivered by overnight courier service, such as Federal Express, sent by email, with acknowledgment of receipt, or 48 hours after deposited in the U.S. mail with proper first class postage affixed thereto, and addressed to the Parties as follows:

City:

City Manager
City of Ukiah
Ukiah Civic Center
300 Seminary Avenue
Ukiah, CA 95482
Email: ssangiacomo@cityofukiah.com

County:

County Executive Officer
Executive Office
501 Low Gap Road, Room 1010
Ukiah, CA 95482
Email: angeloc@mendocinocounty.org

With copy to:

Daniel Grebil, Administrator
Ukiah Valley Fire Authority
1500 South State Street
Ukiah, CA 95482
Email: dgregil@cityofukiah.com

With copy to:

Bryan Cleaver, EMS Coordinator
Coastal Valleys EMS Agency
195 Concourse Blvd., Suite B
Santa Rosa CA 95403
Email: Bryan.Cleaver@sonoma-county.org

Each party may by notice in writing change its address for the purpose of this Agreement.

5. This MOU contains the entire agreement between the City and the District concerning the release and modification of the RFP for the EOA and supersedes any statements, representations or agreements that were made or entered prior to the Effective Date.

WHEREFORE, the parties have entered this Agreement on the Effective Date.

CITY OF UKIAH

COUNTY OF MENDOCINO

By: _____
Kevin Doble, Mayor
City of Ukiah

By: _____
Dan Hamburg, Chair
Mendocino County
Board of Supervisors

ATTEST:

ATTEST:

Kristine Lawler, City Clerk

Carmel Angelo, Clerk of the Board

Approved as to form:

Approved as to form:

David J. Rapport, City Attorney

Katharine L. Elliott, County Counsel



AGENDA SUMMARY REPORT

SUBJECT: Receive Updates on City Council Committee and Ad Hoc Assignments.

DEPARTMENT: Administration

PREPARED BY: Kristine Lawler

ATTACHMENTS:

[Attachment 1 - 2018 City Council Special Assignments & Ad Hocs](#)

Summary: City Council members will provide reports and updates on their committee and ad hoc assignments.

Background: City Council members are assigned to a number of committees and ad hoc activities. These assignments are included as Attachment #1.

Discussion: Previously, the City Council discussed having more time allocated to reporting on committee and ad hoc activities. Often, the Council Reports section of the regular agenda is rushed due to impending business (i.e., public hearings), and not enough time is afforded for reports beyond community activities.

In an effort to foster regular updates on committee and ad hoc assignments, this item is being placed on the agenda to provide the City Council members an expanded opportunity to report on assignments.

RECOMMENDED ACTION: Receive report(s).

BUDGET AMENDMENT REQUIRED: No

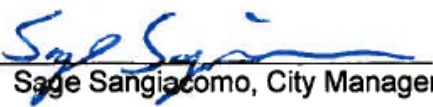
CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Mayor Doble

Approved: 
Sage Sangiacomo, City Manager

2018 COUNCIL ASSIGNMENTS

ATTACHMENT 1

COUNTY/REGIONAL OnGoing One + Alternate	MTG DATE/TIME	MEETING	LOCATION	MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
Mendocino Council of Governments (MCOG)	1st Monday of month, 1:30 p.m.	Board of Supervisors Chambers	501 Low Gap Road Ukiah, CA	Executive Director 367 N. State Street, Ste. 206 Ukiah, CA 95482 463-1859	Plan and allocate State funding, transportation, infrastructure and project County wide	Scalmanini Brown - Alternate	Rick Seanor , Deputy Director of Public Works; 463-6296 rseanor@cityofukiah.com
Mendocino County Inland Water and Power Commission (IWPC)	2nd Thursday of month, 6:00 p.m.	Civic Center	300 Seminary Avenue conference room 5	IWPC Staff P.O. Box 1247 Ukiah, CA 95482 391-7574 - Candace Horsley	Develops coordination for water resources and current water rights: Potter Valley project - Eel River Diversion	Doble Brown - Alternate	Sean White , Director of Water Resources; 463-5712 swwhite@cityofukiah.com
Mendocino Solid Waste Management Authority (MSWMA)	3rd Thursday of every other month (varies), 10:00 a.m.	Willits Council Chambers		Solid Waste Director 3200 Taylor Drive Ukiah, CA 95482 468-9710	County-wide Solid Waste JPA	Brown Doble - Alternate	Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
Mendocino Transit Authority (MTA) Board of Directors	Last Wednesday of month, 1:30 p.m.	Alternating locations - Ukiah Conference Center or Fort Bragg, or Point Arena		Executive Director 241 Plant Road Ukiah, CA 95482 462-1422	County-wide bus transportation issues and funding	Scalmanini Brown - Alternate	Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
North Coast Opportunities (NCO)	4th Wednesday of month, 2 p.m.	Alternating locations - Ukiah and Lakeport		Ross Walker, Governing Board Chair North Coast Opportunities 413 North State Street Ukiah, CA 95482	Assist low income and disadvantaged people to become self reliant	Tami Bartolomei (Appointed 4/05/2017)	Tami Bartolomei , Community Services Administrator; 467-5765 tbartolomei@cityofukiah.com
North Coast Rail Authority (NCRA)	2nd Wednesday of month, 10:30 a.m.	Various Locations - announced		419 Talmage Road, Suite M Ukiah, CA 95482 463-3280	Provides a unified and revitalized rail infrastructure meeting the freight and passenger needs of the region	Mulheren (no alternate necessary)	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com
Russian River Watershed Association (RRWA)	4th Thursday of month, 9:00 a.m. (only 5 times a year)	Windsor Town Hall		Russian River Watershed Association Attn: Daria Isupov 425 South Main St., Sebastopol, CA 95472 666-4857	Consider issues related to Russian river - plans projects and funding requests	Doble Brown - Alternate	Sean White , Director of Water Resources; 463-5712 swwhite@cityofukiah.com
Ukiah Valley Basin Groundwater Sustainability Agency (GSA)	2nd Thursday of month, 1:30 p.m.	Board of Supervisors Chambers;	501 Low Gap Road Ukiah, CA	County Executive Office Nicole French 501 Low Gap Rd., Rm. 1010 Ukiah, CA 95482 463-4441	GSA serves as the Groundwater Sustainability Agency in the Ukiah Valley basin	Crane Doble - Alternate	Sean White , Director of Water Resources; 463-5712 swwhite@cityofukiah.com
COUNTY/REGIONAL One + Staff Alternate	MTG DATE/TIME	MEETING	LOCATION	MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
Depot Infrastructure Development	TBD	TBD		300 Seminary Avenue Ukiah, CA 95482	Review and advise regarding public infrastructure improvements in and around the railroad depot property and area	Doble (no alternate necessary)	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com
Economic Development & Financing Corporation (EDFC)	2nd Thursday of month, 2:00 p.m.	Primarily 631 S. Orchard Street (location varies)		Executive Director 631 South Orchard Avenue Ukiah, CA 95482 467-5953	Multi-agency co-op for economic development and business loan program	Doble Riley - Alternate	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com
Greater Ukiah Chamber of Commerce Liaison ex officio	4th Wednesday of month, 9:00 a.m.	Conference Center	200 S. School Street Ukiah, CA	200 S. School Street Ukiah, CA 95482 462-4705	To represent and set policy for Chamber and area businesses	Doble Riley - Alternate	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com; Kerry Randall , Facilities Admin; 463-6706 krandall@cityofukiah.com
Homeless Services Action Group (HSAG)	Thursdays as needed, 4:00 p.m.	Manzanita Services Inc.	410 Jones Street Ukiah	631 Tokay Avenue Ukiah, CA 95482 or MCAVHN at: P.O. Box 1350 Ukiah, CA 95482 Judy Popowski - 463-6655	HSAG (Homeless Services Action Group)	Scalmanini	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com
Main Street Program Board of Directors ex officio	1st Thursday of month, 8:00 a.m.	200 South School Street	Ukiah, CA	200 S. School St. Ukiah, CA 95482 463-6729	Develops activities for downtown economic development program	Mulheren Riley - Alternate	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com Kerry Randall , Facilities Administrator; 463-6706 krandall@cityofukiah.com
Sun House Guild ex officio	2nd Tuesday of month, 4:30 p.m.	Sun House	431 S. Main St. Ukiah, CA	431 S. Main Street Ukiah, CA 95482 467-2836	Support and expand Grace Hudson Museum	Scalmanini Sangiacomo - Alternate	Tami Bartolomei , Community Services Administrator; 467-5765 tbartolomei@cityofukiah.com
Mendocino Youth Project JPA Board of Directors	3rd Wednesday of month, 7:45 a.m.	776 S. State Street Conference Room		Mendocino Co. Youth Project 776 S. State Street, Ste. 107 Ukiah, CA 95482 707-463-4915	targets all youth with a focus on drug and alcohol prevention, healthy alternatives and empowering youth to make healthy choices	Brown Chief Dewey - Alternate	Chris Dewey , Police Chief; 463-6245 cdewey@cityofukiah.com

2018 COUNCIL ASSIGNMENTS

Northern California Power Agency (NCPA)	4th Thursday of month, 9:00 a.m. (see calendar from NCPA)	Roseville, CA and other locations	651 Commerce Drive Roseville, CA 95678 916-781-4202	Pool of public utilities for electric generation and dispatch	Crane Grandi - Alternate	Mel Grandi , Electric Utility Director; 463-6295 mgrandi@cityofukiah.com
LOCAL/COUNTY/REGIONAL/LIANSOS OnGoing One or Two Council and/or Staff	MTG DATE/TIME	LOCATION	MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
League of California Cities Redwood Empire Legislative Committee	Prior to Division Meetings, meets 3x in person and then via conference call	Various locations that are announced	Redwood Empire League President; Public Affairs Program Manager (916) 658-8243	Elected city officials and professional city staff attend division meetings throughout the year to share what they are doing and advocate for their interests in Sacramento	Mulheren Doble - Alternate	Sage Sangiacomo , City Manager; 463-6221 ssangiacomo@cityofukiah.com
City Selection Committee	Called as required by the Clerk of the Board	BOS Conference Room 501 Low Gap Rd. Rm. 1090 Ukiah, CA	C/O: BOS 501 Low Gap Rd., Rm 1090 Ukiah, CA 95482 463-4441	Makes appointments to LAFCO and Airport Land Use Commission	Mayor	Kristine Lawler , City Clerk; 463-6217 klawler@cityofukiah.com
Investment Oversight Committee	Varies	Civic Center 300 Seminary Ave. Ukiah, CA 95482	Civic Center 300 Seminary Ave. Ukiah, CA 95482	Reviews City investments, policies, and strategies	Crane Alan Carter , Treasurer	Dan Buffalo , Director of Finance; 463-6220 dbuffalo@cityofukiah.com
Library Advisory Board	3rd Wednesdays of alternate months (beginning January), 1:00 p.m.	Various Mendocino County Libraries	Ukiah County Library 463-4491	Review library policy and activities	Mulheren	Kristine Lawler , City Clerk; 463-6217; klawler@cityofukiah.com
Ukiah Players Theater Board of Directors	3rd Tuesday of month, 6:00 p.m	1041 Low Gap Rd Ukiah, CA 95482 462-1210	1041 Low Gap Rd Ukiah, CA 95482 462-1210	To oversee the activities, organization and purpose of the Ukiah Players Theater	Greg Owen , Airport Manager	Kristine Lawler , City Clerk; 463-6217 klawler@cityofukiah.com
Ukiah Unified School District (UUSD) Committee	Quarterly	511 S. Orchard, Ste. D Ukiah, CA 95482	511 S. Orchard Ukiah, CA 95482	Information exchange with UUSD Board Chair, Mayor, Superintendent, and City Manager	Mayor	Sage Sangiacomo , City Manager; 463-6221 ssangiacomo@cityofukiah.com
Russian River Flood Control District (RRFCD)	1st Monday of month, 5:30 p.m.	151 Laws Ave., Suite D Ukiah, CA	151 Laws Ave., Ukiah, CA 95482; rrfc@pacific.net; 462-5278	Proactively manage the water resources of the upper Russian River for the benefit of the people and environment of Mendocino County	Doble	Sean White , Director of Water Resources; 463-5712 swhite@cityofukiah.com
HHSA Advisory Board	2nd Wednesday of month; 9:00 a.m.	Big Sur Room County Department of Social Services	Executive Director Jackie Williams - 462-1934 c/o Ford St. Project 139 Ford St. Ukiah CA 95482	Discussions and possible work on health and human service issues	Brown - Liaison	Sage Sangiacomo , City Manager; 463-6221; ssangiacomo@cityofukiah.com
Mendocino County Local Area Formation Commission (LAFCO)	1st Monday of month, 9:00 a.m.	Board of Supervisors Chambers	Executive Director 200 S. School Street, Ste. 2 Ukiah, CA 95482 463-4470	Required by legislation - planning spheres of influence, annexation, service areas, and special districts	Doble	Craig Schlatter , Director of Community Development; 463-6219; cschlatter@cityofukiah.com
Mendocino County Airport Land Use Commission	As needed	BOS Conference Room 501 Low Gap Rd., Rm. 1090, Ukiah, CA	Mendocino County Executive Office 501 Low Gap Rd. Rm. 1010 Ukiah, CA 95482	To formulate a land use compatibility plan, provide for the orderly growth of the airport and the surrounding area, and safeguard the general welfare of the inhabitants within the vicinity	None from Ukiah Council currently	Kristine Lawler , City Clerk; 463-6217 klawler@cityofukiah.com
Mendocino County 2nd District Liaison	1st Wednesdays of month, 8:00 a.m.	Civic Center Annex conference room #5 411 West Clay St. Ukiah, CA 95482	Civic Center 300 Seminary Ave. Ukiah, CA 95482	To coordinate activities and policy development with the City's 2nd District Supervisor	Brown / Mulheren (Alternate)	Sage Sangiacomo , City Manager; 463-6221; ssangiacomo@cityofukiah.com
Fire Executive Committee	2nd Wednesdays of month, 7:00 p.m.	Ukiah Valley Conference Center, 200 S. School Street Ukiah, CA	Stephanie Abba Civic Center 300 Seminary Ave. Ukiah, CA 95482 sabba@cityofukiah.com	Per the recently adopted agreement between the City of Ukiah and the Ukiah Valley Fire Protection District	Brown / Doble	Dan Grebil , Fire Authority Administrator; 462-7921 x400; dgrebil@cityofukiah.com

2018 AD HOC COMMITTEES

COMMITTEE	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
Electric Grid Operational Improvements	Crane/Scalmanini	Mel Grandi , Electric Utility Director; 463-6295 mgrandi@cityofukiah.com
Rate Studies for Electric, Water, Sewer	Crane/Doble	Mel Grandi , Electric Utility Director; 463-6295 mgrandi@cityofukiah.com Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com Sean White , Director of Water Resources; 463-5712 swhite@cityofukiah.com Dan Buffalo , Director of Finance; 463-6220 dbuffalo@cityofukiah.com
Sales Tax Sharing	Crane/Doble	Sage Sangiacomo , City Manager; 463-6221 ssangiacomo@cityofukiah.com Guy Mills , Project and Grant Administrator; 467-5719 gmills@cityofukiah.com David Rapport , City Attorney; 467-2800 drapport@cityofukiah.com Dan Buffalo , Director of Finance; 463-6220 dbuffalo@cityofukiah.com
Ukiah Valley Sanitation District Mediation	Crane/Doble	Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com Sean White , Water Resources Director; 467-5712 swhite@cityofukiah.com
Water Bonds	Crane/Doble	Dan Buffalo , Director of Finance; 463-6220 dbuffalo@cityofukiah.com
Marijuana Legislation and Policy	Mulheren/Brown	Chris Dewey , Police Chief; 463-6245 cdewey@cityofukiah.com Craig Schlatter , Director of Community Development; 463-6219 cschlatter@cityofukiah.com
Strategic Planning	Crane/Doble	Sage Sangiacomo , City Manager; 463-6221 ssangiacomo@cityofukiah.com
Landfill Closure	Crane/Scalmanini	Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
City Water Rights	Doble/Crane	Sean White , Director of Water Resources; 463-5712 swhite@cityofukiah.com
Downtown Parking Management	Mulheren/Brown	Shannon Riley , Deputy City Manager; 467-5793 sriley@cityofukiah.com
Budget Development Best Practices and Financial Policy	Crane/Doble	Dan Buffalo , Director of Finance; 463-6220 dbuffalo@cityofukiah.com Sheri Mannion , Human Resource Director/Risk Manager; 463-6272, smannion@cityofukiah.com
Public Works Project Specification Development	Crane/Doble	Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
Uniform Cost Accounting	Crane/Mulheren	Tim Eriksen , Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
Cost Allocation Plan	Crane/Doble	Dan Buffalo , Director of Finance; 463-6220 dbuffalo@cityofukiah.com
Vichy Springs Resort Litigation	Scalmanini/Brown	Sage Sangiacomo , City Manager; 463-6221 ssangiacomo@cityofukiah.com