



**City Council
Regular Meeting
AGENDA**

(to be held both at the physical and virtual locations below)

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

To participate or view the virtual meeting, go to the following link: <https://us06web.zoom.us/j/97199426600>

Or you can call in using your telephone only:

- Call (toll free) 1-669-444-9171
- Enter the Access Code: 971 9942 6600
 - To Raise Hand enter *9
- To Speak after being recognized: enter *6 to unmute yourself

Alternatively, you may view the meeting (without participating) by clicking on the name of the meeting at www.cityofukiah.com/meetings.

May 3, 2023 - 6:00 PM

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

4. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

- 4.a. Proclamation Recognizing May 14th – 20th as Police Week in the City of Ukiah.

Recommended Action: Issue Proclamation

Attachments:

1. Proclamation - Police Week 2023

- 4.b. Proclamation of the City of Ukiah Recognizing May as Older Americans' Month.

Recommended Action: Issue a Proclamation of the Ukiah City Council recognizing May as Older Americans' Month.

Attachments:

1. Proclamation

- 4.c. Proclamation of the City of Ukiah Recognizing May as Asian American Pacific Islander Heritage Month.

Recommended Action: Issue a Proclamation of the Ukiah City Council recognizing May as Asian American Pacific Islander Heritage Month.

Attachments:

1. Proclamation

- 4.d. Proclamation Recognizing May 4th as International Firefighters Day, and May 7th as National Fallen Firefighter Memorial Service Day.

Recommended Action: Issue Proclamation for May 4th and May 7th

Attachments:

1. Proclamation - Firefighters Day

5. PETITIONS AND COMMUNICATIONS

6. APPROVAL OF MINUTES

- 6.a. Approval of the Minutes for the April 19, 2023, Special Meeting.

Recommended Action: Approve the Minutes for the April 19, 2023, Special Meeting.

Attachments:

1. 6a 2023-04-19 Draft Minutes - Special Meeting

- 6.b. Approval of the Minutes for the April 19, 2023, Regular Meeting.

Recommended Action: Approve the Minutes for the April 19, 2023, Regular Meeting.

Attachments:

1. 6b 2023-04-19 Draft Minutes - Regular Meeting

7. 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.

8. CONSENT CALENDAR

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

- 8.a. Approval of Scope of Work for Advance Planning Environmental Subconsultant Rincon to Prepare a Current Greenhouse Gas Emissions Inventory; Approval of Contract Amendment with Mintier Harnish; and Approval of Corresponding Budget Amendment.

Recommended Action: Approve scope of work for advance planning environmental subconsultant Rincon to prepare a current greenhouse gas emissions inventory, approve contract amendment with Mintier Harnish, and approve corresponding budget amendment.

Attachments:

1. Ukiah GHG Inventory - Rincon Proposal_4-11-23
2. Amendment 5 - C #1819-190 draft

9. 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 that is within the subject matter jurisdiction of the City Council, 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.

10. COUNCIL REPORTS

11. CITY MANAGER/CITY CLERK REPORTS

12. PUBLIC HEARINGS (6:15 PM)

13. UNFINISHED BUSINESS

- 13.a. Adoption of Ordinance Prohibiting Retail Sales of Flavored Tobacco Products, Including Several Cleanup Provisions to Bring the City's Anti-Smoking Regulations into Compliance with Current State Law.

Recommended Action: Adopt Ordinance Prohibiting Retail Sales of Flavored Tobacco Products, Including Several Cleanup Provisions to Bring the City's Anti-Smoking Regulations into Compliance with Current State Law.

Attachments:

1. Flavored Tobacco Ban Draft Redline Introduced
2. Flavored Tobacco Ban Draft Clean Introduced

- 13.b. Receive and File Third Quarter 2022-23 Financial Report.

Recommended Action: Receive and file report.

Attachments: None

- 13.c. Mid-Year Departmental Budget and Objectives Progress Review for Fiscal Year 2022-23, and Review of Draft Objectives for Fiscal Year 2023-24.

Recommended Action: Council to receive, review, consider, and discuss updates on current stated objectives, and will review preliminary draft departmental objectives for the fiscal year 2023-24.

Attachments:

1. CIP -5 year-FYE 2024 - Draft - FinanceIT - 4-3-23

14. NEW BUSINESS

- 14.a. Council to Consider Approval of a Garbage Collection Service Rate for a Ten-Gallon Reduced Use of a Twenty-Gallon Container in the Amount of \$20.95, for Rate Payers who Qualify for the Service; and Authorization for the City Manager to Negotiate and Execute an Agreement Approving the Modified Service and Rate with Ukiah Waste Solutions, Inc.

Recommended Action: Approval of reduced rate of \$20.95 a month for the three-tote service, depositing no more than ten-gallons of solid waste in a twenty-gallon grey container, and authorizing the City Manager to negotiate and execute the Agreement Approving Modified Service and Approved Rate with Ukiah Waste Solutions, Inc.

Attachments:

1. Reduced Rate Application
2. Agreement Approving Modified Service and Rate

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

Recommended Action: Receive report(s). The Council will consider modifications to committee and ad hoc assignments along with the creation/elimination ad hoc(s).

Attachments:

1. City Council Special Assignments

15. CLOSED SESSION - CLOSED SESSION MAY BE HELD AT ANY TIME DURING THE MEETING

- 15.a. Conference with Legal Counsel – Anticipated Litigation

(Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 case)

- 15.b. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9(d)(1))
Name of case: Roofing & Solar Construction, Inc. v. City of Ukiah et al., Mendocino County Superior Court Case No. 22CV00048
- 15.c. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9(d)(1))
Name of case: Vichy Springs Resort v. City of Ukiah, Et Al; Case No. SCUК-CVPT-2018-70200
- 15.d. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9(d)(1))
Name of case: Russian River Keepers et al. v. City of Ukiah, Case No. SCUК-CVPT-20-74612
- 15.e. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9)
Name of case: Ukiah v. Questex, Mendocino County Superior Court Case No. 15-66036
- 15.f. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9)
Name of case: Jane Doe v. City of Ukiah et al., U.S.D.C. (Eureka Division) Case No. 123-cv-009808.
- 15.g. **Conference with Real Property Negotiators**
(Cal. Gov't Code Section 54956.8)
Property: APN Nos: 003-190-11
Negotiator: Sage Sangiacomo, City Manager
Negotiating Parties: Dave Hull
Under Negotiation: Price & Terms of Payment
- 15.h. **Public Employee Performance Evaluation**
(Government Code Section 54956)
Title: City Manager
- 15.i. **Conference with Labor Negotiator (54957.6)**
Agency Representative: Sage Sangiacomo, City Manager
Employee Organizations: All Bargaining Units

16. 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, CMC
Dated: 4/28/23



AGENDA SUMMARY REPORT

SUBJECT: Urgency Item - Status Report of the Emergency Contract with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings.

DEPARTMENT: City Clerk **PREPARED BY:** Kristine Lawler, City Clerk
PRESENTER: Cindy Sauers, Electric Utility Director

ATTACHMENTS:

1. Pictures
2. West Coast Fire Water - Hastings Fire Remediation Work - 2223-177 - signed
3. Remediation Complete Pics

Summary: Council will consider (by 4/5th vote) whether to accept an urgency item to be placed on the agenda, giving a status report of the emergency contract with West Coast Fire & Water for fire remediation work at the Electric Utility Service Center at Hastings, and will consider approving the work to continue under the emergency contract.

Background: The Ukiah City Council approved the purchase of 2.8 acres with a 15,800 sq. ft. building located at 1350 Hasting Rd (The Electric Service Center) to house the Electric Utility Department's operations. The Electric Service Center will centralize electric operations for Engineering, Construction and Technical Services. In addition, the Department intends to use the Electric Service Center for training, material warehousing and construction preparation.

On August 5, 2020, the City Council adopted the plans and specifications for the grading, fencing, roofing and electric equipment relocation. This work was completed on March 2, 2023.

On the morning of March 8, 2023, a fire broke out at the Electric Utility Department's Service Center located at 1350 Hastings Road. The source of the fire was the electrical failure of a bathroom ceiling fan. The Ukiah Valley Fire Authority responded to the incident, and was successful in putting the fire out. However, significant smoke and water damage occurred, as well as structural damage to the building. Please see Attachment 1 for pictures of the damage.

West Coast Fire and Water was contacted and was able to respond in a timely manner to assess the fire, smoke and water damage. They were able to secure the building and cover exposed areas to prevent additional water intrusion from the impending precipitation. The City Purchasing, Risk Management, and Electric Departments worked with McLarens, the Claims Adjuster for the City's self-insured liability Program through its membership in the California Intergovernmental Risk Authority (CIRA), and West Coast Water and Fire to develop a Scope of Work and Contract for the remediation of the fire, water, and smoke damage. Please see Attachment 2 for a copy of the agreement.

There are no expected costs to the City at the time, as the City opted to review all invoices and provide authority to McLarens to pay West Coast directly. The City, however, executed a contract with West Coast Fire and Water to complete the Scope of Work.

The initial cost estimate for this remediation was over \$200,000. The scope of work that is being performed

under this contract falls under the definition of "public project", as it involves demolition and repair work involving a publicly owned facility. The City Manager, under his authority, authorized proceeding with the work as an emergency, since the event was sudden and unexpected, and required immediate action for the protection of City (public) property. Due to structural issues, and immediate mold growth, time was of the essence, and bidding for this work as per the normal requirements of the California Uniform Cost Accounting Act, was not an option. Under these circumstances, public bidding is excused. At their Council meeting on April 5, 2023, the Council initially received the report regarding this contract, and approved by a four-fifths vote (*one councilmember absent*) for the work to continue under these emergency circumstances. Council also approved the work to continue, at their April 19, 2023, meeting.

Discussion: As of Friday, April 7, 2023, the remediation work on the structure was completed. Pictures of the remediation work are attached as Attachment #3. The remainder of the work to be completed is the cleaning of electronics. This is still in progress, and anticipated to be completed before the end of this month. An invoice for the work has not yet been produced for staff's review prior to being forwarded to the insurance company for payment.

By a 4/5th vote, Council must vote whether to accept this urgency item - due to governmental regulations - and place it on the agenda. Staff is requesting the Council's approval to continue using the emergency contract.

Recommended Action: Accept the Urgency Item to be placed on the agenda, receive the status report, and approve the continued work on the emergency contract with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: 2223-177

COORDINATED WITH: Cindy Sauers, Electric Utility Director; Sheri Mannion, HR & Risk Management Director and Dave Rapport, City Attorney

DIVERSITY-EQUITY INITIATIVES (DEI):

CLIMATE INITIATIVES (CI):

Approved: 
Sage Sangiacomo, City Manager







COU 2223-177

SHORT FORM CONSTRUCTION CONTRACT

This Agreement is made and entered on March 13, 2023, in Ukiah, California, by and between Bridges Restoration LLC, dba West Coast Fire & Water, a limited liability company ("Contractor") and the City of Ukiah ("City"), a general law municipal corporation.

RECITALS:

1. The plans and specifications for this work ("the Work") are contained in Exhibit A, which is attached hereto and incorporated herein by this reference.
2. Contractor is properly licensed and qualified to perform the work.
3. Whenever this Agreement calls for City approval or notification, the approval or notification must be signed by the City Manager or his or her designee.

AGREEMENT:

Wherefore, in consideration of the foregoing facts and the terms and conditions as further stated herein, the parties hereby agree as follows.

1. PERFORMANCE OF THE WORK

Contractor will perform the Work as further provided herein.

1.1 Time of Performance. Time is of the essence, and the Contractor shall commence the work as soon as possible following the issuance of a "Notice to Proceed".

1.1.1. N/A [check if applicable] It is agreed by the parties to the contract that time is of the essence and that, in case all the work is not completed before or upon the expiration of the time limit as set forth, damage, other than those cost items identified in section 1.1.2, will be sustained by the City and that it is and will be impracticable to determine the actual amount of damage by reason of such delay; and it is therefore agreed that, subject to Sections 1.13-1.14, below, the Contractor will pay to the City the sum of five hundred dollars (\$500.00) per day for each and every calendar day's delay beyond the time prescribed.

1.1.2 N/A [check if applicable] In case the work called for under this contract is not completed within the time limit stipulated herein, the City shall have the right as provided hereinabove, to extend the time of completion thereof. If the time limit be so extended, the City shall have the right to charge to the Contractor and to deduct from the final payment for the work the actual cost to the City of engineering, inspection, superintendence and other overhead expenses which are directly chargeable to the contract and which accrue during the

period of such extension, except that the cost of final unavoidable delays shall not be included in such charges.

1.2 Construction of Contract Documents. Contractor will perform the Work in compliance with the plans and specifications set forth in the attached Exhibit A. If there is any inconsistency or conflict between the plans and the specifications, the specifications will prevail. If there is any inconsistency between the plans and the specifications and this agreement, the terms of this Agreement shall prevail, unless expressly stated otherwise in a particular specification.

1.3 Contractor furnished items. Contractor will furnish all necessary labor, materials, tools, equipment, and transportation necessary to perform the Work.

1.4 SB 854 requirements

1.4.1 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

1.4.2 No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

1.4.3 This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

1.4.4 The Labor Commissioner through the Division of Labor Standards Enforcement (DLSE) may at any time require contractors and subcontractors to furnish electronic certified payroll records directly to DLSE. All contractors and subcontractors must furnish electronic certified payroll records directly to the DLSE.

1.4.5 The Prime Contractor is required to post job notices at the job site as prescribed by regulations (currently, 8 CCR §16451(d).)

1.5 Use of Employees.

1.5.1. Contractor and any subcontractors shall pay all mechanics and laborers employed by them to work upon the site of the work unconditionally and without subsequent deductions or rebate on any account the full amounts due at the time of payment at wage rates not less than those contained in the applicable prevailing wage determination, regardless of any contractual relationship which may be alleged to exist between the Contractor and subcontractors and such laborers and mechanics.

1.5.2. Contractor shall comply with the California Labor Code Section 1775. In accordance with said Section 1775, Contractor shall forfeit as a penalty to the City, \$50.00 for each calendar day or portion thereof, for each workman paid less than the stipulated prevailing

rates for such work or craft in which such workman is employed for any work done under the Contract by him or her or by any subcontractor under him or her in violation of the provisions of the Labor Code and in particular, Labor Code Sections 1770 to 1780, inclusive. In addition to said penalty and pursuant to Section 1775, the difference between such stipulated prevailing wage rates and the amount paid to each workman for each calendar day or portion thereof for which each workman was paid less than the stipulated prevailing wage rate shall be paid to each workman by the Contractor.

1.5.3. Pursuant to the provision of Section 1770 of the Labor Code of the State of California, City has ascertained the general prevailing rate of wages (which rate includes employer payments for health and welfare, vacation, pension and similar purposes) applicable to the work to be done, for straight time work. The holiday wage rate listed shall be applicable to all holidays recognized in the collective bargaining agreement of the particular craft, classification, or type of workers concerned. Copies of the General Prevailing Wage Determination are on file in the office of the City Engineer and are available to the Contractor on request. The Contractor shall post the wage determination at the site of work in a prominent place where the workers can easily see it.

1.5.4. City will not recognize any claim for additional compensation because the Contractor has paid any rate in excess of the prevailing wage rate obtained from the City Engineer. The possibility of wage increases is one of the elements to be considered by the Contractor in determining his or her bid and will not in any circumstances be considered as the basis for a claim against the City.

1.5.5. Travel and Subsistence Payments.

Contractor shall make travel and subsistence payments to each worker needed to execute the work in accordance with the requirements in Section 1773.8 of the Labor Code (Chapter 880, Statutes of 1968).

1.5.6. Apprentices.

Attention is directed to the provisions in Sections 1777.5 (Chapter 1411, Statutes of 1968) and 1777.6 of the California Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him. Contractor and any subcontractor under him or her shall comply with the requirements of said sections in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules and other requirements may be obtained from the Director of Industrial Relations, ex officio the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Copies of Labor Code Sections 1771 (requiring prevailing wages), 1775 (imposing penalties, including a \$50 per day, per worker forfeiture, for failure to pay prevailing wages), 1776 (requiring contractor to maintain available for inspection certified payroll records), 1777.5 (requiring certain apprenticeship programs), 1813 (imposing penalties for failure to make records available for inspection) and 1815 (requiring time and ½ for overtime) are available at the Department of Industrial Relations website at <http://www.dir.ca.gov/>

1.6 CITY Inspector. CITY may designate an architect, engineer, other design professional or other inspector ("Inspector") to supervise and/or inspect Contractor's performance of the Work. The Inspector shall have no authority to change the Work, the compensation for performing the Work or the time for completing the Work without City's prior written approval. City shall notify the Contractor in writing, if it designates an Inspector.

1.7 Site Conditions. Contractor acknowledges that it has inspected the work site and any improvements involving the Work and satisfied itself as to the conditions which can affect the Work or its cost. Contractor has not relied on any representation by CITY or its officers or employees as to the condition of the site or the houses or any condition that might affect the cost of performing this Agreement.

1.8 New Products Required. All equipment, materials or fixtures furnished by Contractor under this Agreement shall be new and of the most suitable grade for the intended purpose, unless otherwise specifically provided.

1.9 Compliance with Laws. The Contractor shall give all notices and comply with all applicable laws, ordinances, codes, rules and regulations. The Contractor shall secure and pay for all permits, fees, and licenses necessary for the proper execution and completion of the work.

1.10 Protection of Site and Improvements. The Contractor shall preserve and protect the site, grounds and any involved improvements and shall not alter or damage any portion thereof, except as is absolutely necessary in order to perform the Work. The Contractor shall repair or replace, as directed by CITY, any property that it damages, loses or destroys in violation of this paragraph. Contractor shall assume full responsibility for maintaining the safety of the worksite in compliance with all applicable state and federal worker safety and protection laws and shall maintain the worksite in compliance with all such laws.

1.11 Inspection of Work. The Contractor shall ensure that the Work is available for inspection by CITY or its Inspector at all reasonable times and that no work is covered up or rendered incapable of inspection without prior notice to CITY or its Inspector and a reasonable opportunity for inspection. The presence or absence of an CITY inspector or the conduct of an inspection by CITY or its Inspector shall not relieve the Contractor from any contract requirement or compliance with Exhibit A.

1.12 Title. The Contractor warrants that it conveys full and complete title, free of all liens and encumbrances, to all materials, supplies, fixtures and equipment furnished to CITY under this Agreement and agrees to fully defend and indemnify CITY, its officers and employees, and the houses and homebuyers included in the Work from and against any claim, lien, charge, debt, cost, expense or liability arising from a breach of said warranty.

1.13 Warranties. [N/A] In addition to any other warranties in this contract, the Contractor warrants that the Work conforms to the contract requirements and is free of any defect in equipment, material or workmanship for a period of one year from the date of final acceptance of the Work by CITY. If CITY accepts any part of the Work before final acceptance of the entire Work, the warranty shall continue for the period of one year from the date of such partial acceptance. The Contractor shall remedy, at the Contractor's expense, any failure to conform, or any defect. [Initial if following sentence applies /_/ /_] CITY shall retain N/A% of the Contract Amount to secure the Contractor's warranty and shall remit the unused portion of that amount at the end of the warranty period. The time limit of this warranty shall not apply to any latent defects, or gross negligence or fraud on the part of the Contractor.

1.14. Extension of Time.

Should any delays occur which the City may consider unavoidable, as herein defined, the Contractor shall, pursuant to his or her application, be allowed an extension of time proportional to said delay or delays, beyond the time herein set forth, in which to complete this contract; and liquidated damages for delay shall not be charged against the Contractor by the City during an extension of time granted because of unavoidable delay or delays.

Any claim by Contractor for a time extension based on unavoidable delays shall be based on written notice delivered to the City within 15 days of the occurrence of the event giving rise to the claim. Failure to file said written notice within the time specified shall constitute a waiver of said claim. Notice of the full extent of the claim and all supporting data must be delivered to the City within 45 days of the occurrence unless the City specifies in writing a longer period. All claims for a time extension must be approved by the City and incorporated into a written change order.

1.15. Unfavorable Weather and Other Conditions.

During unfavorable weather and other conditions, the Contractor shall pursue only such portions of the work as shall not be damaged thereby. No portions of the work whose satisfactory quality or efficiency will be affected by any unfavorable conditions shall be constructed while these conditions remain, unless, by special means or precautions approved by the City, the Contractor shall be able to overcome them.

The Contractor shall be granted a time extension of one day for each unfavorable weather day that prevents him or her from placing concrete forms or placing and finishing concrete or asphalt

concrete. Such unfavorable weather day is defined as a rain day where precipitation prevents the contractor from performing the work more than four (4) continuous hours within the authorized work period or a temperature day where the ambient temperature is below that specified for the placement of materials associated with the controlling work item for more than four (4) continuous work hours of the authorized work period.

1.16. Saturday, Sunday, Holiday and Night Work.

No work shall be done between the hours of 6 p.m. and 7 a.m., nor on Saturdays, Sundays or legal holidays except such work as is necessary for the proper care and protection of work already performed, or except in cases of absolute necessity and in any case only with the permission of the City.

It is understood, however, that night work may be established as a regular procedure by the Contractor if he or she first obtains the written permission of the City and that such permission may be revoked at any time by the City if the Contractor fails to maintain at night adequate force and equipment for reasonable prosecution and to justify inspection of the work.

1.17. Hours of Labor.

Eight (8) hours of labor shall constitute a legal day's work and the Contractor or any subcontractor shall not require or permit more than eight hours of labor in a day from any person employed by him or her in the performance of the work under this contract, unless paying compensation for all hours worked in excess of eight (8) hours per day at not less than 1 ½ times the basic rate of pay. The Contractor shall forfeit to the City, as a penalty, the sum of twenty-five dollars (\$25.00) for each workman employed in the execution of the contract by him or her or by any subcontractor, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of Section 1810 to 1816, inclusive, (Article 3, Chapter 1, Part 7, Division 2) of the Labor Code of the State of California and any acts amendatory thereof.

2. CONTRACT PRICE

The Contractor will be paid for performance of this Agreement time and materials plus subcontractors will be added as invoice plus 20% per rate sheet provided as Exhibit B.

3. PAYMENT OF CONTRACT PRICE

3.1 City authorizes McLarens to pay Contractor solely and directly for the completed work performed pursuant to this contract. All payments under this contract shall be made upon the presentation of certificates in writing to the City and shall show that the work covered by the payments has been done and the payments thereof are due in accordance with this contract. Within fifteen days of the City's receipt of the certificate of payment, City shall review and forward

authorization for payment to McLarens for its review, approval, and payment to the Contractor.

If, for any reason, Customer receives a check from Insurance Company made payable to Customer, Customer agrees to pay West Coast Fire and Water immediately upon receipt of the check. In order to expedite payment to Contractor, Customer hereby appoints Contractor as attorney-in-fact, authorizing Contractor to endorse Customer's name on Insurance Company checks or drafts, and to deposit insurance checks for the services provided in the amount invoiced.

4. INDEMNIFICATION AND INSURANCE.

4.1 Indemnification. The Contractor shall do all of the work and furnish all labor, materials, tools and appliances, except as otherwise herein expressly stipulated, necessary or proper for performing and completing the work herein required in the manner and within the time herein specified. The mention of any specific duty or liability imposed upon the Contractor shall not be construed as a limitation or restriction of any general liability or duty imposed upon the Contractor by this contract, said reference to any specific duty or liability being made herein merely for the purpose of explanation.

The right of general supervision by the City shall not make the Contractor an agent of the City and the liability of the Contractor for all damages to persons or to public or private property, arising from the Contractor's execution of the work, shall not be lessened because of such general supervision.

Until the completion and final acceptance by the City of all the work under and implied by this contract, the work shall be under the Contractor's responsible care and charge. The Contractor shall rebuild, repair, restore and make good all injuries, damages, re-erections and repairs, occasioned or rendered necessary by causes of any nature whatsoever, excepting only acts of God and none other, to all or any portions of the work, except as otherwise stipulated.

To the fullest extent permitted by law, Contractor shall indemnify and hold harmless the City and its officers, directors, agents, and employees from and against all claims, damages, losses and expenses including but not limited to attorneys' fees, costs of suit, expert witness fees and expenses and fees and costs of any necessary private investigators arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, other than the work itself, including the loss of use resulting therefrom and (2) is caused in whole or in part by any act or omission of the Contractor, any subcontractor, or anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder, or by the negligence or omission of a party indemnified herein.

In any and all claims against the City or any of its agents or employees by any employee of the

Contractor, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under workers' or workmen's compensation acts, disability benefit acts, or other employee benefit acts. The obligation to indemnify shall extend to and include acts of the indemnified party which may be negligent or omissions which may cause negligence.

The City shall have the right to estimate the amount of such damage and to cause the City to pay the same and the amount so paid for such damage shall be deducted from the money due the Contractor under this contract; or the whole or so much of the money due or to become due the Contractor under this contract as may be considered necessary by the City, shall be retained by the City until such suits or claims for damages shall have been settled or otherwise disposed of and satisfactory evidence to that effect furnished to the City.

4.2 Insurance. Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.

4.2.1. Minimum Scope of Insurance

Coverage shall be at least as broad as:

- A. Insurance Services Office Commercial **General Liability coverage** (Form No. CG 20 10 10 01 and Commercial General Liability – Completed Operations Form No. CG 20 37 10 01).
- B. Insurance Services Office form number CA 0001 (Ed. 1/87) covering **Automobile Liability**, code 1 (any auto).
- C. **Worker's Compensation** insurance as required by the State of California and Employer's Liability Insurance.

4.2.2. Minimum Limits of Insurance

Contractor shall maintain limits no less than:

- A. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage **including operations, products and completed operations**. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Insurance must be written on an occurrence

basis.

- B. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage. Insurance must be written on an occurrence basis.
- C. Worker's Compensation Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

4.2.3. Deductibles and Self-insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the insurer to reduce or eliminate such deductibles or self-insured retentions with respect to the City, its officers, officials, employees and volunteers; or the Contractor to provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses; or to approve the deductible without a guarantee.

4.2.4. REQUIRED Insurance Provisions

Proof of **general liability and automobile liability** policies are to contain, or **be endorsed** to contain, the following provisions:

A. The City, its officers, officials, employees, and volunteers are to be covered as **ADDITIONAL INSURED** with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment, furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance, or as a separate owner's policy.

B. **The workers' compensation policy is to be endorsed with a waiver of subrogation.** The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City. NOTE: You cannot be added as an additional insured on a workers' compensation policy.

C. For any claims related to this project, the Contractor's insurance coverage shall be **primary insurance** with respect to the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall not contribute with it.

D. Each insurance policy required by this clause shall be endorsed to state that coverage shall **not be canceled** by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

E. **Note: (This protects the Contractor)** -Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of Civil Code.

5. **TERMINATION.**

This Agreement may only be terminated by City: 1) for breach of the agreement; 2) because funds are no longer available to pay Contractor for services provided under this Agreement; or 3) City has abandoned and does not wish to complete the project for which Contractor was retained. City shall notify Contractor of any alleged breach of the agreement and of the action required to cure the breach. If Contractor fails to cure the breach within the time specified in the notice, the contract shall be terminated as of that time. If terminated for lack of funds or abandonment of the project, the contract shall terminate on the date notice of termination is given to Contractor. City shall pay the Contractor only for services performed and expenses incurred as of the effective termination date, unless terminated because the Contractor has failed to satisfactorily cure a breach after notice in which event City shall:

- a. retain any amounts earned under the Contract but not yet paid by City;
- b. take possession of all material and fixtures on the job site;
- c. have the right to complete the Work and recover from Contractor any increased cost to complete the Work above the amounts that would have been paid to Contractor hereunder, together with any other damages suffered by City as a result of said breach.

6. **MODIFICATION OF AGREEMENT.**

City may, from time to time, request changes in the Work, the time to complete the work or the compensation to be paid for the Work. Such changes must be incorporated in written amendments to this Agreement. To be effective, all such changes as referred to in this section must be agreed upon in writing by both parties to this agreement.

7. **ASSIGNMENT.**

The Contractor shall not assign any interest in this Agreement, and shall not transfer any

interest in the same (whether by assignment or novation), without the prior written consent of City.

8. APPLICATION OF LAWS.

The parties hereby agree that all applicable Federal, State and local rules, regulations and guidelines not written into this Agreement shall hereby prevail during the period of this Agreement.

9. INDEPENDENT CONTRACTOR.

It is the express intention of the parties hereto that Contractor is an independent contractor and not an employee, joint venturer, or partner of City for any purpose whatsoever. City shall have no right to, and shall not control the manner or prescribe the method of accomplishing those services contracted to and performed by Contractor under this Agreement, and the general public and all governmental agencies regulating such activity shall be so informed.

Those provisions of this Agreement that reserve ultimate authority in City have been inserted solely to achieve compliance with federal and state laws, rules, regulations, and interpretations thereof. No such provisions and no other provisions of this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between Contractor and City.

Contractor shall pay all estimated and actual federal and state income and self-employment taxes that are due the state and federal government and shall furnish and pay worker's compensation insurance, unemployment insurance and any other benefits required by law for himself and his employees, if any. Contractor agrees to indemnify and hold City and its officers, agents and employees harmless from and against any claims or demands by federal, state or local government agencies for any such taxes or benefits due but not paid by Contractor, including the legal costs associated with defending against any audit, claim, demand or law suit.

Contractor warrants and represents that it is a properly licensed for the work performed under this Agreement with a substantial investment in its business and that it maintains its own offices and staff which it will use in performing under this Agreement.

10. GOVERNING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the State of California and any legal action concerning the agreement must be filed and litigated in the proper court in Mendocino County, each party consenting to jurisdiction and venue of California state courts in Mendocino County.

11. SEVERABILITY.

If any provision of the Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.

12. INTEGRATION.

This Agreement, including the exhibits attached hereto, contains the entire agreement among the parties and supersedes all prior and contemporaneous oral and written agreements, understandings, and representations among the parties. No amendments to this Agreement shall be binding unless executed in writing by all of the parties.

13. WAIVER.

No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute a waiver of any other provision, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

14. NOTICES.

Whenever notice, payment or other communication is required or permitted under this Agreement, it shall be deemed to have been given when personally delivered, emailed, or deposited in the United States mail with proper first-class postage affixed thereto and addressed as follows:

CONTRACTOR**CITY**

Bridges Restoration, LLC
dba West Coast Fire & Water

City of Ukiah

5846 Live Oak Drive
Kelseyville, CA 95451

300 Seminary Ave.
Ukiah, CA. 95482

Email: lmartinez@westcoastfireandwater.com

Email: purchasing@cityofukiah.com

Either party may change the address to which notices must be sent by providing notice of that change as provided in this paragraph.

15. PARAGRAPH HEADINGS.

The paragraph headings contained herein are for convenience and reference only and are not intended to define or limit the scope of this agreement.

16. EXECUTION OF AGREEMENT.

This Agreement may be executed in duplicate originals, each bearing the original signature of the parties. Alternatively, this Agreement may be executed and delivered by facsimile or other electronic transmission, and in more than one counterpart, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. When executed using either alternative, the executed agreement shall be deemed an original admissible as evidence in any administrative or judicial proceeding to prove the terms and content of this Agreement.

WHEREFORE, the parties have entered this Agreement on the date first written above.

CONTRACTOR

CITY OF UKIAH

By: 
 Leonardo Martinez
 Director of Large Loss

By: 
 Sage Sangiacomo
 City Manager

California Contractor's License Number: 1036250

Department of Industrial Relations Registration Number: 1000040614

EXHIBIT A – SCOPE

The work is for any and all necessary cleaning and/or restoration services at *1350 Hastings Road, Ukiah, California*, that are eligible expenses covered under *Claim Number 002-059250-00.Q* as approved by McLarens Insurance and the City of Ukiah. Any expenses not pre-approved by McLarens Insurance and the City of Ukiah will be the sole responsibility of West Coast Fire and Water.



5846 Live Oak Dr. #1
Kelseyville, Ca 95451
Phone: 1(888)617-3786
Fax: 1(888)411-9985
Federal Employer Identification Number #90-0725162
service@westcoastfireandwater.com

Insured: City of Ukiah
Property: 1350 Hastings Rd
Ukiah, CA 95482

Home: (707) 463-6233

Estimator: Leo Martinez
Position: Director Of Large Loss
Company: West Coast Fire and Water
Business: 3001 South State St #5
Ukiah, CA 95482

Business: (707) 245-7017
E-mail: lmartinez@westcoastfireandwater.com

Claim Number:

Policy Number:

Type of Loss: <NONE>

Date of Loss:
Date Inspected:

Date Received:
Date Entered: 5/14/2020 9:00 AM

Price List: CAUK8X_SEP22
Restoration/Service/Remodel
Estimate: T&MPRICING



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CODES

Main Level

REGULAR WAGE (NON PREVAILING)

REGULAR WAGE

DESCRIPTION	QTY	UNIT PRICE	TOTAL
NON PREVAILING WAGE RATE			
1. Skilled Labor	1.00 HR @	75.00 =	75.00
2. Supervisor	1.00 HR @	85.00 =	85.00
3. Project Manager	1.00 HR @	100.00 =	100.00
4. Project Manager- large loss	1.00 HR @	125.00 =	125.00
5. Project Estimator	1.00 HR @	120.00 =	120.00
6. Skilled Biohazard Technician	1.00 HR @	120.00 =	120.00
7. Biohazard Supervisor	1.00 HR @	125.00 =	125.00
8. Health and Safety Officer	1.00 HR @	75.00 =	75.00
9. Admin	1.00 HR @	40.00 =	40.00

****Overtime rates will be calculated as rates above x1.5**

PREVAILING WAGE

DESCRIPTION	QTY	UNIT PRICE	TOTAL
PREVAILING WAGE RATES			
10. Skilled Labor	1.00 HR @	123.00 =	123.00
11. Supervisor	1.00 HR @	135.00 =	135.00
12. Project Manager	1.00 HR @	130.00 =	130.00
13. Project Manager- large loss	1.00 HR @	140.00 =	140.00
14. Skilled Microbial Remediation Technician	1.00 HR @	133.00 =	133.00
15. Microbial Remediation Supervisor	1.00 HR @	145.00 =	145.00
16. Skilled Biohazard Bloodborne Pathogen Technician	1.00 HR @	143.00 =	143.00
17. Biohazard Bloodborne Pathogen Supervisor	1.00 HR @	155.00 =	155.00
18. Health and Safety Officer	1.00 HR @	140.00 =	140.00
19. Admin	1.00 HR @	70.00 =	70.00
20. Resources Coordinator	1.00 HR @	100.00 =	100.00

****Overtime rates will be calculated as rates above x1.5**

MATERIALS

Height: 8'



West Coast Fire and Water

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DESCRIPTION	QTY	UNIT PRICE	TOTAL
21. 4 mil 10X100	1.00 RL @	140.00 =	140.00
22. 4 mil 10X100 (fire resistant)	1.00 RL @	160.00 =	160.00
23. 6 mil 10X100	1.00 RL @	184.00 =	184.00
24. 6 mil 10X100 (fire resistant)	1.00 RL @	315.00 =	315.00
25. Absorbent	1.00 BG @	20.00 =	20.00
26. Adhesive spray	1.00 EA @	15.00 =	15.00
27. Air Neutralizer	1.00 EA @	41.00 =	41.00
28. Bags clear bags (pack of 50)	1.00 BX @	43.00 =	43.00
29. Bags garbage (pack of 32)	1.00 BX @	51.00 =	51.00
30. HEPA vac debris bag	1.00 EA @	30.00 =	30.00
31. Bio hazard bags (pack of 50)	1.00 BX @	75.00 =	75.00
32. Booties (pair)	1.00 EA @	1.00 =	1.00
33. Botanical disinfectant	1.00 GL @	95.00 =	95.00
34. Box Large 4.5 cubic feet	1.00 EA @	8.00 =	8.00
35. Box Medium 3 cubic feet	1.00 EA @	6.00 =	6.00
36. Box Small 1.5 cubic feet	1.00 EA @	4.00 =	4.00
37. Box wardrobe 24X24X34	1.00 EA @	23.00 =	23.00
38. Bubble wrap roll	1.00 RL @	115.00 =	115.00
39. Carpet shield protector 200'	1.00 EA @	114.00 =	114.00
40. Chemical sponges	1.00 EA @	5.00 =	5.00
41. Cleaner glass	1.00 EA @	15.00 =	15.00
42. Cleaner heavy duty degreaser	1.00 EA @	65.00 =	65.00
43. Deoderizer for ducting	1.00 GL @	47.00 =	47.00
44. Deoderizer smoke/odor	1.00 GL @	126.00 =	126.00
45. Deoderizer thermal fog	1.00 GL @	168.00 =	168.00
46. Dry Ice	1.00 LB @	10.00 =	10.00
47. Duct sealant	1.00 GL @	70.00 =	70.00
48. Encapsulant smoke/odor	1.00 5G @	450.00 =	450.00
49. Filter carbon 1000/1200	1.00 EA @	100.00 =	100.00
50. Filter carbon 2000	1.00 EA @	170.00 =	170.00
51. Filter carbon 500	1.00 EA @	70.00 =	70.00
52. Filter HEPA 1000/1200	1.00 EA @	254.00 =	254.00
53. Filter HEPA 2000	1.00 EA @	294.00 =	294.00
54. Filter HEPA 500	1.00 EA @	194.00 =	194.00
55. Filter pad 1000/1200	1.00 EA @	3.00 =	3.00
56. Filter pad 2000	1.00 EA @	3.00 =	3.00
57. Filter pad 500	1.00 EA @	3.00 =	3.00
58. Filter pleated 2000	1.00 EA @	20.00 =	20.00
59. Filter pleated 500	1.00 EA @	16.00 =	16.00
60. Filter pleated 1000/1200	1.00 EA @	18.00 =	18.00

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West Coast Fire and Water

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CONTINUED - MATERIALS

DESCRIPTION	QTY	UNIT PRICE	TOTAL
61. Filter respirator (pair)	1.00 EA @	24.00 =	24.00
62. Filter respirator odor (pair)	1.00 EA @	66.00 =	66.00
63. Floor scraper blades	1.00 EA @	2.00 =	2.00
64. Furniture blanket	1.00 DA @	2.00 =	2.00
65. Furniture blocks	1.00 BX @	81.00 =	81.00
66. Gloves disposable	1.00 BX @	18.00 =	18.00
67. Lay flat 12"x500'	1.00 LF @	1.00 =	1.00
68. Lay flat 18"x500'	1.00 LF @	1.25 =	1.25
69. Lay flat 22"x500'	1.00 LF @	1.50 =	1.50
70. Lay flat 24"x500'	1.00 LF @	1.75 =	1.75
71. Lay flat 30"x500'	1.00 LF @	2.00 =	2.00
72. Mop/mop head/bucket combo	1.00 EA @	25.00 =	25.00
73. N-95	1.00 EA @	5.00 =	5.00
74. Paint remover	1.00 GL @	78.00 =	78.00
75. Paint plastic 10x100 2 mil	1.00 RL @	48.00 =	48.00
76. Furniture polish	1.00 EA @	23.00 =	23.00
77. Stainless steel polish	1.00 EA @	14.00 =	14.00
78. Poly hanger T clips	1.00 EA @	8.00 =	8.00
79. Rags white (60 pack)	1.00 BX @	100.00 =	100.00
80. Ramboard 38" wide 100'	1.00 RL @	205.00 =	205.00
81. Sand bag (filled)	1.00 EA @	40.00 =	40.00
82. Saw zawzall blades (metal)	1.00 EA @	4.00 =	4.00
83. Saw zawzall blade (wood)	1.00 EA @	5.00 =	5.00
84. Scouring sponges (yellow or green)	1.00 EA @	3.00 =	3.00
85. Shrink wrap	1.00 RL @	66.00 =	66.00
86. Tacky mat (set of 25)	1.00 EA @	120.00 =	120.00
87. Caution tape	1.00 RL @	34.00 =	34.00
88. Duct tape	1.00 RL @	17.00 =	17.00
89. Packaging tape	1.00 RL @	12.00 =	12.00
90. Painters tape 2"	1.00 RL @	20.00 =	20.00
91. Painters tape 3"	1.00 RL @	28.00 =	28.00
92. Tyvek suits (blue)	1.00 EA @	22.00 =	22.00
93. Tyvek suits (white)	1.00 EA @	20.00 =	20.00
94. Tyvek suits (yellow)	1.00 EA @	24.00 =	24.00



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CONTINUED - MATERIALS

DESCRIPTION	QTY	UNIT PRICE	TOTAL
95. Water case (24 pack)	1.00 EA @	24.00 =	24.00
96. Zipper (2 pack)	1.00 EA @	30.00 =	30.00
97. Cleaner simple green	1.00 EA @	43.00 =	43.00
SMALL TOOLS FEE OF 3% WILL BE APPLIED TO INVOICE ON LABOR ONLY			

EQUIPMENT

DESCRIPTION	QTY	UNIT PRICE	TOTAL
98. Air compressor	1.00 DA @	100.00 =	100.00
99. Air mover	1.00 DA @	30.00 =	30.00
100. Air scrubber 1000/1200 CFM	1.00 DA @	125.00 =	125.00
101. Air scrubber 2000 CFM	1.00 DA @	150.00 =	150.00
102. Air scrubber 500 CFM	1.00 DA @	80.00 =	80.00
103. Airless spray	1.00 DA @	165.00 =	165.00
104. Dehumidifer large 110-159 PPD	1.00 DA @	175.00 =	175.00
105. Dehumidifer medium 70-109 PPD	1.00 DA @	150.00 =	150.00
106. Dehumidifer small 69 PPD	1.00 DA @	120.00 =	120.00
107. Desiccant dehumidifer 1,000-2,500 CFM	1.00 DA @	710.00 =	710.00
108. Desiccant dehumidifer 10,000 CFM	1.00 DA @	2,400.00 =	2,400.00
109. Desiccant dehumidifer 15,000 CFM	1.00 DA @	3,350.00 =	3,350.00
110. Desiccant dehumidifer 3,000-4,000 CFM	1.00 DA @	1,200.00 =	1,200.00
111. Desiccant dehumidifer 5000 CFM	1.00 DA @	1,500.00 =	1,500.00
112. Desiccant dehumidifer 7,500 CFM	1.00 DA @	2,000.00 =	2,000.00
113. Dolly	1.00 DA @	22.00 =	22.00
114. Dry ice blasting machine	1.00 DA @	650.00 =	650.00
115. Extractor- portable	1.00 DA @	140.00 =	140.00
116. Extractor- truck mount	1.00 DA @	525.00 =	525.00
117. Generator 10 KW	1.00 DA @	125.00 =	125.00
118. Generator 100 KW	1.00 DA @	950.00 =	950.00
119. Generator 150 KW	1.00 DA @	1,100.00 =	1,100.00
120. Generator 175 KW	1.00 DA @	1,250.00 =	1,250.00
121. Generator 200 KW	1.00 DA @	1,300.00 =	1,300.00

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CONTINUED - EQUIPMENT

DESCRIPTION	QTY	UNIT PRICE	TOTAL
122. Generator 250 KW	1.00 DA @	1,450.00 =	1,450.00
123. Generator 30 KW	1.00 DA @	370.00 =	370.00
124. Generator 300 KW	1.00 DA @	1,650.00 =	1,650.00
125. Generator 400 KW	1.00 DA @	2,450.00 =	2,450.00
126. Generator 5 KW	1.00 DA @	95.00 =	95.00
127. Generator 50 KW	1.00 DA @	600.00 =	600.00
128. Generator 75 KW	1.00 DA @	750.00 =	750.00
129. Hydroxyl generator	1.00 DA @	300.00 =	300.00
130. Moisture meter	1.00 DA @	75.00 =	75.00
131. Ozone generator	1.00 DA @	300.00 =	300.00
132. Passenger van	1.00 DA @	195.00 =	195.00
133. Pick up truck	1.00 DA @	205.00 =	205.00
134. PPE harness and lanyard	1.00 DA @	30.00 =	30.00
135. Pressure washer	1.00 DA @	150.00 =	150.00
136. Respirator full face	1.00 DA @	12.00 =	12.00
137. Respirator half face	1.00 DA @	42.00 =	42.00
138. Scaffolding	1.00 EA @	45.00 =	45.00
139. Spider box	1.00 DA @	72.00 =	72.00
140. Spider box cables 100'	1.00 DA @	62.00 =	62.00
141. Thermal camera	1.00 DA @	175.00 =	175.00
142. Thermohygrometer	1.00 DA @	70.00 =	70.00
143. Vaccum back pack	1.00 DA @	95.00 =	95.00
144. Vaccum HEPA turtle	1.00 DA @	95.00 =	95.00
145. Work light temporary lighting	1.00 DA @	20.00 =	20.00
146. Workstation (table, chair)	1.00 DA @	50.00 =	50.00

VEHICLES

DESCRIPTION	QTY	UNIT PRICE	TOTAL
147. Box truck small	1.00 DA @	340.00 =	340.00
148. Box truck medium	1.00 DA @	415.00 =	415.00
149. Box truck large	1.00 DA @	510.00 =	510.00

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3/24/2023

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CONTINUED - VEHICLES

DESCRIPTION	QTY	UNIT PRICE	TOTAL
150. Cargo van	1.00 DA @	250.00 =	250.00
151. Dump truck (does not include dump fees)	1.00 DA @	600.00 =	600.00
152. Dump trailer (does not include dump fees)	1.00 DA @	120.00 =	120.00
153. Catastrophe trailer	1.00 DA @	600.00 =	600.00

Grand Total Areas:

384.00 SF Walls	144.00 SF Ceiling	528.00 SF Walls and Ceiling
144.00 SF Floor	16.00 SY Flooring	48.00 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	48.00 LF Ceil. Perimeter
144.00 Floor Area	160.44 Total Area	384.00 Interior Wall Area
456.00 Exterior Wall Area	50.67 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

Coverage	Item Total	%	ACV Total	%
Dwelling	29,954.00	79.77%	29,954.00	79.77%
Other Structures	0.00	0.00%	0.00	0.00%
Contents	7,594.50	20.23%	7,594.50	20.23%
Total	37,548.50	100.00%	37,548.50	100.00%



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Summary for Dwelling

Line Item Total	29,954.00
Replacement Cost Value	\$29,954.00
Net Claim	\$29,954.00

Leo Martinez
Director Of Large Loss



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Summary for Contents

Line Item Total	7,594.50
Replacement Cost Value	\$7,594.50
Net Claim	\$7,594.50

Leo Martinez
Director Of Large Loss



West Coast Fire and Water

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Recap by Room

Estimate: CODES

Area: Main Level

Area: REGULAR WAGE (NON PREVAILING)

REGULAR WAGE

		865.00	2.30%
Coverage: Dwelling	100.00% =	865.00	

Area Subtotal: REGULAR WAGE (NON PREVAILING)

		865.00	2.30%
Coverage: Dwelling	100.00% =	865.00	

PREVAILING WAGE

		1,414.00	3.77%
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Coverage: Dwelling	100.00% =	1,414.00	
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MATERIALS

		4,759.50	12.68%
--	--	-----------------	---------------

Coverage: Contents	100.00% =	4,759.50	
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EQUIPMENT

		27,675.00	73.70%
--	--	------------------	---------------

Coverage: Dwelling	100.00% =	27,675.00	
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VEHICLES

		2,835.00	7.55%
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Coverage: Contents	100.00% =	2,835.00	
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Area Subtotal: Main Level

		37,548.50	100.00%
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Coverage: Dwelling	79.77% =	29,954.00	
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Coverage: Contents	20.23% =	7,594.50	
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Subtotal of Areas

		37,548.50	100.00%
--	--	------------------	----------------

Coverage: Dwelling	79.77% =	29,954.00	
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Coverage: Contents	20.23% =	7,594.50	
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Total		37,548.50	100.00%
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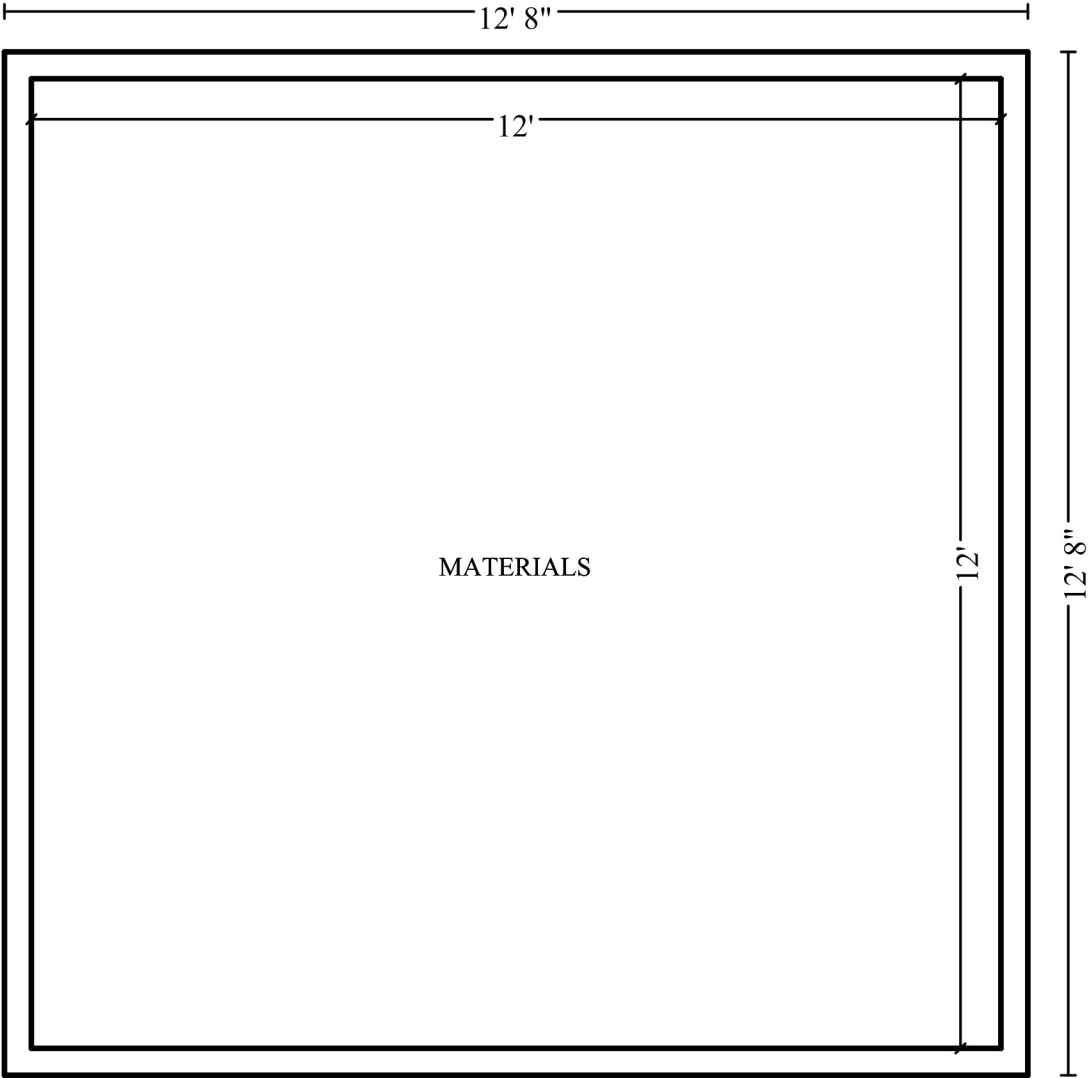


West Coast Fire and Water

5846 Live Oak Dr. #1
Kelseyville, Ca 95451
Phone: 1(888)617-3786
Fax: 1(888)411-9985
Federal Employer Identification Number #90-0725162
service@westcoastfireandwater.com

Recap by Category

Items			Total	%
CONT: PACKING,HANDLNG,STORAGE			2,835.00	7.55%
Coverage: Contents	@	100.00% =	2,835.00	
LABOR ONLY			2,279.00	6.07%
Coverage: Dwelling	@	100.00% =	2,279.00	
USER DEFINED ITEMS			4,759.50	12.68%
Coverage: Contents	@	100.00% =	4,759.50	
WATER EXTRACTION & REMEDIATION			27,675.00	73.70%
Coverage: Dwelling	@	100.00% =	27,675.00	
Subtotal			37,548.50	100.00%















AGENDA SUMMARY REPORT

SUBJECT: Proclamation Recognizing May 14th – 20th as Police Week in the City of Ukiah.

DEPARTMENT: Police

PREPARED BY: Cedric Crook, Police Chief

PRESENTER: Mayor Rodin and Cedric Crook, Chief of Police

ATTACHMENTS:

1. Proclamation - Police Week 2023

Summary: The City Council will consider issuing a proclamation recognizing May 14th through the 20th as Police Week in the City of Ukiah.

Background: In 1962 President John F. Kennedy signed a bill into law designating May 15th of each year as Peace Officers' Memorial Day, and the week in which it falls as Police Week. Each year during Police Week, communities across the United States hold memorial services in tribute to the more than 23,750 law enforcement officers who have made the supreme sacrifice for their communities.

There are currently 23,785 names engraved on the walls of the National Law Enforcement Officers Memorial in Washington D.C., including the names of local law enforcement officers killed in the line of duty. There were 226 law enforcement officers killed in the United States in 2022, and thus far in 2023 twenty-seven officers have lost their lives while serving their communities.

Discussion: Currently, more than 800,000 law enforcement officers proudly serve their communities across the nation, including the dedicated officers of the Ukiah Police Department and in Mendocino County.

To honor fallen officers who were killed in the line of duty, in-person events are planned for May 9-20, 2023 in Washington, DC, and the 35th annual Candlelight Vigil will be held on May 13th in Washington DC. The City of Ukiah Building Maintenance has arranged for the exterior of the City of Ukiah Civic Center to be accented in blue lighting throughout the week in commemoration of Police Week. The color blue has long been associated with those charged with maintaining order during unrest.

As May 15th is designated as Peace Officers' Memorial Day in recognition of the fallen officers and their families, U.S. flags should be flown at half-staff. The proclamation recognizing May 14 through May 20th as Police Week in Ukiah is attached.

Recommended Action: Issue Proclamation

BUDGET AMENDMENT REQUIRED: N/A

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

DIVERSITY-EQUITY INITIATIVES (DEI):

Approved: 
Sage Sangiacomo, City Manager

P ROCLAMATION

CITY OF UKIAH

RECOGNIZING MAY 14-20, 2023, AS POLICE WEEK IN
THE CITY OF UKIAH

WHEREAS, in 1962 President John F. Kennedy signed a bill into law designating May 15th of each year as Peace Officers' Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, each year during Police Week, communities across the United States hold memorial services in tribute to the more than 23,750 law enforcement officers who have made the supreme sacrifice for their communities; and

WHEREAS, there are currently more than 800,000 law enforcement officers proudly serving their communities across the nation, including the dedicated officers of the Ukiah Police Department and in Mendocino County; and

WHEREAS, there are currently 23,785 names engraved on the walls of the National Law Enforcement Officers Memorial in Washington DC, including the names of local law enforcement officers killed in the line of duty; and

WHEREAS, there were 226 law enforcement officers killed in the United States in 2022, and in 2023 thus far 27 officers have lost their lives while serving their communities; and

WHEREAS, this year the ceremonies during Police Week to honor those fallen officers whose names that have been recently added to the Memorial will include the 35th Annual Candlelight Vigil on Saturday May 13th; and

WHEREAS, in-person events are planned for May 9-20, 2023 in Washington, DC to offer the same respect, honor, remembrance, and community support as National Police Week, while allowing law enforcement, survivors, and citizens to gather and pay tribute to those who gave their lives in the line of duty; and

WHEREAS, the City of Ukiah Building Maintenance Department has arranged for the exterior of the City of Ukiah Civic Center to be accented in blue lighting throughout the week in commemoration of Police Week, as the color blue has been long associated with those charged with maintaining order during unrest; and

WHEREAS, May 15th is designated as Peace Officers' Memorial Day in recognition of the fallen officers and their families, and U.S. flags should be flown at half-staff.

THEREFORE BE IT RESOLVED that the City Council of the City of Ukiah hereby proclaims the week of May 14th through May 20th, 2023, as.

Police Week in the City of Ukiah

And publicly salutes the service of law enforcement officers in our community and across the nation.

*Signed and sealed, this 3rd day of May
in the year Two Thousand and Twenty Three.*

*Mari Rodin
City Council, Mayor*



AGENDA SUMMARY REPORT

SUBJECT: Proclamation of the City of Ukiah Recognizing May as Older Americans' Month.

DEPARTMENT: City Manager /
Admin

PREPARED BY: Maria Ceja, Administrative Analyst

PRESENTER: Mari Rodin, City Council, Mayor

ATTACHMENTS:

1. Proclamation

Summary: Ukiah City Council to issue a proclamation recognizing May as Older Americans' Month.

Background: The City of Ukiah recognizes the need to celebrate our older citizens, help create an inclusive society and accept the challenge of flexible thinking around aging. The community is encouraged to observe the month of May with programs and activities to celebrate Older Americans' Month.

Discussion: The Ukiah City Council will issue a proclamation recognizing May as Older Americans' Month (Attachment #1).

Recommended Action: Issue a Proclamation of the Ukiah City Council recognizing May as Older Americans' Month.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Diversity and Equity Committee

DIVERSITY-EQUITY INITIATIVES (DEI): **Goal 1** – Create and sustain a diverse, equitable, and inclusive workplace and workforce that reflects, values, and celebrates the diverse community we serve.

CLIMATE INITIATIVES (CI): N/A

Approved: 
Sage Sangiacomo, City Manager

P ROCLAMATION

CITY OF UKIAH

**RECOGNIZING MAY AS “*OLDER AMERICANS’ MONTH*” IN
THE CITY OF UKIAH**

WHEREAS, the City of Ukiah includes a growing number of older Americans who have built resilience and strength over their lives through successes and difficulties; and

WHEREAS, the City of Ukiah benefits when people of all ages, abilities, and backgrounds are included and encouraged to share their successes and stories of resilience; and

WHEREAS, the City of Ukiah recognizes our need to celebrate our older citizens, help create an inclusive society and accept the challenge of flexible thinking around aging; and

WHEREAS, the City of Ukiah can foster communities of strength by creating opportunities to share stories and learn from each other; engage older adults through education, recreation, and services, and encourage people of all ages to celebrate connections and resilience; and

WHEREAS, we encourage our community to embrace, learn from, and engage with older Americans locally by contacting Senior Information & Assistance at Community Care at (707) 468-5132, or visit www.SeniorResourceDirector.org as well as the Ukiah Senior Center, Inc. at (707) 462-4343, or visit www.ukiahseniorcenter.org; and

WHEREAS, we further encourage our community to observe this month with appropriate programs and activities to celebrate Older Americans’ Month to affirm Ukiah’s commitment to an inclusive community that increases our awareness, appreciation, and celebration of people of all ages;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Ukiah, hereby proclaims May 2023, as Older Americans’ Month in the City of Ukiah.

Older Americans Month in the City of Ukiah.

Signed and sealed, this 3rd day of May in the year Two Thousand and Twenty-Three.

Mari Rodin
City Council, Mayor



AGENDA SUMMARY REPORT

SUBJECT: Proclamation of the City of Ukiah Recognizing May as Asian American Pacific Islander Heritage Month.

DEPARTMENT: City Manager / Admin

PREPARED BY: Maria Ceja, Administrative Analyst

PRESENTER: Mari Rodin, City Council, Mayor

ATTACHMENTS:

1. Proclamation

Summary: Council to issue a proclamation recognizing May as Asian American Pacific Islander Heritage Month.

Background: The City of Ukiah celebrates and honors Asian American Pacific Islanders and their contribution to our community during the month of May. In 2009, President Obama issued Presidential Proclamation 8369 proclaiming May as Asian American Pacific Islander Heritage Month, and the City of Ukiah joins the celebrations, advancing leaders through opportunity.

Discussion: The Ukiah City Council will issue a proclamation recognizing May as Asian American Pacific Islander Heritage Month (Attachment #1).

Recommended Action: Issue a Proclamation of the Ukiah City Council recognizing May as Asian American Pacific Islander Heritage Month.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Diversity and Equity Committee

DIVERSITY-EQUITY INITIATIVES (DEI): **Goal 1** – Create and sustain a diverse, equitable, and inclusive workplace and workforce that reflects, values, and celebrates the diverse community we serve.

CLIMATE INITIATIVES (CI): N/A

Approved: 
Sage Sangiacomo, City Manager

P ROCLAMATION

CITY OF UKIAH

RECOGNIZING MAY AS “*ASIAN AMERICAN PACIFIC ISLANDER HERITAGE MONTH*” IN THE CITY OF UKIAH

WHEREAS, *Asian American and Pacific Islander Heritage Month* originated in a congressional bill in June of 1977. On March 28, 1979, President Carter issued Presidential Proclamation 4650, proclaiming the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week; and

WHEREAS, On May 1, 2009, President Obama issued Presidential Proclamation 8369 proclaiming May 2009 as *Asian American and Pacific Islander Heritage Month*; and

WHEREAS, generations of *Asian American and Pacific Islanders* of all backgrounds have been inspirational examples of leaders and trailblazers and have a longstanding history of making esteemed, significant, cultural, economic, and community contributions across the United States and California; and

WHEREAS, a vast diversity of languages, religions, and cultural traditions of Asian Americans and Pacific Islanders is continuously fostered to strengthen the fabric of American society; and

WHEREAS, the 2023 theme for the observance of Asian American, Native Hawaiian and Pacific Islander Heritage Month is “*Advancing Leaders Through Opportunity*”; and

WHEREAS, there are many ways to celebrate *Asian American Pacific Islander Heritage Month* and we encourage employers, schools, and other community organizations in Ukiah to visit the following websites: www.asianpacificheritage.gov or <https://www.fapac.org>, to learn more about Asian American and Pacific Islander Heritage Month; and

WHEREAS, we encourage our community to observe this month with appropriate programs and activities to celebrate *Asian American Pacific Islander Heritage Month* to affirm Ukiah’s commitment to an inclusive community that increases our awareness, appreciation, and celebration of all people;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Ukiah, hereby proclaims May 2023, as *Asian American Pacific Islander Heritage Month in the City of Ukiah*.

***Asian American Pacific Islander Heritage Month
in the City of Ukiah.***

Signed and sealed, this 3th day of May in the year Two Thousand and Twenty-Three.

*Mari Rodin
City Council, Mayor*



AGENDA SUMMARY REPORT

SUBJECT: Proclamation Recognizing May 4th as International Firefighters Day, and May 7th as National Fallen Firefighter Memorial Service Day.

DEPARTMENT: Fire

PREPARED BY: Eric Singleton, Battalion Chief

PRESENTER: Doug Hutchison, Fire Chief

ATTACHMENTS:

1. Proclamation - Firefighters Day

Summary: The City Council will consider issuing a proclamation recognizing May 4th as International Firefighters Day and May 7th as National Fallen Firefighters Memorial Service Day.

Background: International Firefighters Day: came about due to a tragic event on December 2, 1998, in Linton, Australia, as five firefighters lost their lives battling a wildland fire. A large wildfire overwhelmed the local resources. An urgent call for help brought the firefighters from a wide area, including volunteers from the Geelong West Fire Brigade, to the scene, not knowing the despair and tragedy in store. Garry Vredeveltdt, Chris Evans, Stuart Davidson, Jason Thomas, and Matthew Armstrong were the crew on the Geelong West tanker that fateful day; they were part of a strike team and were being sent to help extinguish the flames. As the five headed out from the fire to refill their tanker with water, there was a sudden violent wind change as the cold hit the area, engulfing the truck in flames and killing all five members.

This struck home hard for JJ Edmondson, a Fire Lieutenant in Victor, Australia. It didn't matter that these five were from a different brigade or in another region; they could have been from another state or country for all that mattered. What was important was that they were firefighters who lost their lives doing something that they have all been trained and are proud to do – they died trying to save life and property. The letters of support and fellowship from the tragedy spurred JJ to organize an internationally recognized symbol of support and respect for ALL firefighters and a date for this to coordinate worldwide.

The date chosen for International Firefighters' Day was linked to the feast day of [St Florian](#) (the patron saint of all firefighters). St Florian was the first known commander of one firefighting squad in the Roman Empire. He lost his life, as well as those of his colleagues, for protecting the same humane ideas that firefighters worldwide share even today.

National Fallen Firefighters Memorial Service Day: Since 1981, the memorial weekend has been observed. In 1982, Congress established the National Fallen Firefighters Foundation. President George W. Bush approved legislation in 2001. The legislation required the United States flags to be lowered to half-staff on all federal buildings to memorialize fallen firefighters.

Discussion: Starting on May 4th and going through May 7th, the International Association of Fire Fighters (IAFF), National Fallen Firefighter Foundation, and our nation will hold its 42nd National Fallen Firefighter Memorial. It will honor seventy-nine firefighters who made the Ultimate sacrifice in 2022, protecting and serving humanity.

As tradition dating back for forty-two years, at dusk between the 4th and 7th, many iconic buildings, including

the (Ukiah Civic Center), landmarks, homes, and fire departments will use red lights at night to glow in respect to the fallen and their families for Light the Night for Fallen Firefighter.

Proclamation is attached.

Recommended Action: Issue Proclamation for May 4th and May 7th

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

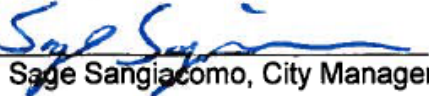
FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Doug Hutchison, Fire Chief

DIVERSITY-EQUITY INITIATIVES (DEI):

CLIMATE INITIATIVES (CI): GP-A6 Safety Element

Approved: 
Sage Sangiacomo, City Manager

P ROCLAMATION

CITY OF UKIAH

PROCLAIMING MAY 4TH AS INTERNATIONAL FIREFIGHTER DAY; AND MAY 7TH AS NATIONAL FALLEN FIREFIGHTERS MEMORIAL SERVICE DAY.

WHEREAS, the United States Congress and the President of the United States have designated the day of the annual International Firefighters Day and the National Fallen Firefighters Memorial Service Day as days to honor firefighters and emergency services personnel who have sacrificed their lives to save others; and

WHEREAS, an average of 80 firefighters courageously make the ultimate sacrifice in the line of duty each year; and

WHEREAS, firefighters and emergency services personnel play an essential role in the protection of life, property, and the environment in our local community; and

WHEREAS, the National Fallen Firefighters Memorial Weekend marks the weekend following International Firefighters' Day 2023; and

WHEREAS, it is of significant importance that we increase our efforts to reduce deaths, injuries, and property losses from fire; and

WHEREAS, a nationwide event known as "LIGHT UP THE NIGHT RED" is planned from May 4th to May 7th. In tradition, using red lights on the outside of businesses, government buildings, and homes to show support for those who made the ultimate sacrifice safeguarding others.

THEREFORE BE IT RESOLVED, that the City Council of the City of Ukiah hereby proclaims May 4th, as **International Firefighter Day**; and

THEREFORE BE IT RESOLVED, that the City Council of the City of Ukiah hereby proclaims May 7th, as **National Fallen Firefighters Memorial Service Day**.

*Signed and sealed, this 3rd day of May
in the year Two Thousand and Twenty-Three.*

*Mari Rodin
City Council, Mayor*

**CITY OF UKIAH
CITY COUNCIL MINUTES
Special Meeting**

Virtual Meeting Link: <https://us06web.zoom.us/j/97199426600>
Ukiah, CA 95482
April 19, 2023
4:00 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Ukiah City Council met at a Special Meeting on April 19, 2023, having been legally noticed on April 14, 2023. The meeting was held virtually at the following link: <https://us06web.zoom.us/j/97199426600>. Mayor Rodin called the meeting to order at 4:08 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Susan Sher, Douglas, F. Crane Josefina Dueñas, and Mari Rodin. **Present:** Sage Sangiacomo, City Manager and Kristine Lawler, City Clerk.

MAYOR RODIN PRESIDING.

The Pledge of Allegiance was led by Chief Hutchison.

2. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No Public Comment was received.

3. UNFINISHED BUSINESS

a. Mid-Year Departmental Budget and Objectives Progress Review for Fiscal Year 2022-23, Review of Draft Objectives, and review of Individual Departmental Five-Year Capital Improvement Plan Updates for Fiscal Year 2023-24.

DEPARTMENT REPORTS:

Ukiah Valley Fire Authority – Doug Hutchison, Fire Chief; **Also Present** – Eric Singleton, Battalion chief (4:11 p.m.)

Police/Dispatch – Cedric Crook, Police Chief; **Also Present** – Tracey Porter, Communications/Records Manager; Tom Corning, Patrol Lieutenant. (agenda item 3b report was given during this presentation.) (4:39 p.m.)

Human Resources/Risk Management – Sheri Mannion, Human Resources/Risk Management Director (5:10 p.m.)

b. Police Department Annual Report Review.

Presenter: Cedric Crook, Police Chief.

Presentation was given under agenda item 4a.

Report was received.

4. NEW BUSINESS

5. ADJOURNMENT

There being no further business, the meeting adjourned at 5:26 p.m.

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue, Ukiah, CA 95482
 Virtual Meeting Link: <https://us06web.zoom.us/j/97199426600>
Ukiah, CA 95482
April 19, 2023
6:00 p.m.

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on April 19, 2023, having been legally noticed on April 14, 2023. The meeting was held in person and virtually at the following link: <https://us06web.zoom.us/j/97199426600>. Mayor Rodin called the meeting to order at 6:04 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Susan Sher, Douglas, F. Crane, Josefina Dueñas, and Mari Rodin. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR RODIN PRESIDING.

2. PLEDGE OF ALLEGIANCE

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

3. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

4. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation of the City Council of the City of Ukiah Recognizing the Climate Initiative “Biodiversity in the City.”

Presenter: Councilmember Orozco.

Proclamation was received by Dennis Crean and Erich Sommer.

5. PETITIONS AND COMMUNICATIONS

City Clerk, Kristine Lawler, stated that there were no communications.

6. APPROVAL OF MINUTES

a. Approval of the Minutes for the April 5, 2023, Special Meeting.

b. Approval of the Minutes for the April 5, 2023, Regular Meeting.

Motion/Second: Sher/Orozco to approve Minutes of April 5, 2023, special and regular meetings, as submitted. Motion **carried** by the following roll call votes: **AYES:** Orozco, Sher, Dueñas, and Rodin. **NOES:** None. **ABSENT:** None. **ABSTAIN:** Crane.

7. RIGHT TO APPEAL DECISION

8. CONSENT CALENDAR

a. Report of Disbursements for the Month of March 2023 - Finance.

b. Authorize City Manager to Negotiate and Execute Contract (COU No. 2223-196) Renewal with OpenGov for Software Services - Finance.

- c. Consideration and Possible Adoption of an Ordinance Establishing Prezoning Districts for Sixteen (16) City-Owned Properties Within Unincorporated Mendocino County – *Community Development*.

ORDINANCE NO. 1231

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH TO PREZONE CERTAIN PARCELS IN ASSOCIATION WITH THE ANNEXATION OF CITY-OWNED PROPERTIES WITHIN UNINCORPORATED MENDOCINO COUNTY

- d. Consideration of Award of Bid (COU No. 2223-197) to Ghilotti Construction Company in the Amount of \$9,835,445.75 for the Downtown Streetscape, Road Diet and Utilities Project – Phase II, Specification No. 21-01, and Approval of Corresponding Budget Amendment – *Public Works*.
- e. Consider Approval of a Three-Year Microsoft Enterprise Licensing Agreement (COU No. 2223-198) with Dell Marketing, Inc. in the Amount of \$140,462.76 Per Year, Plus the Yearly True-up of Installed Licensed Products – *Information Technology*.

Motion/Second: Crane/Orozco to approve Consent Calendar Items 8a-e, with the vote correction to the ordinance on agenda item 8c. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

9. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Public Comment: Greg (no surname given).

10. COUNCIL REPORTS

Presenters: Vice Mayor Duenas, and Councilmembers Sher and Orozco.

11. CITY MANAGER/CITY CLERK REPORTS

Presenters:

- **Summer Concert Line-up** – Sage Sangiacomo, City Manager.
- **Modification to Agenda Summary Report Template** – Shannon Riley, Deputy City Manager.

12. PUBLIC HEARINGS (6:15 PM)

13. UNFINISHED BUSINESS

a. Status Report of the Emergency Contract with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings.

Presenter: Cindy Sauers, Electric Utility Director.

Report was received.

Motion/Second: Crane/Orozco to approve the continued work on the emergency contract (COU No. 2223-177) with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

b. Receive Report Regarding the Annual Review of the Ordinance for Shopping Cart Containment and Retrieval, and Provide Direction to Staff as Necessary.

Presenter: Jesse Davis, Chief Planning Manager.

Report was received.

Council Consensus for Staff to continue to bring this report back annually.

c. Approval of Plans and Specifications for the Recycled Water Project Phase 4, Specification 23-01, and Authorize Staff to Issue Bids.

Presenters: Tim Eriksen, Public Works Director/City Engineer and Shannon Riley, Deputy City Manager.

Motion/Second: Crane/Sher to approve Plans and Specifications for the Recycled Water Project Phase 4 and Authorize Staff to Issue Bids for Specification Number 23-01. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

d. Adoption of Resolution Updating City of Ukiah Tree Management Guidelines.

Presenter: Neil Davis, Community Services Director.

Motion/Second: Crane/Orozco to adopt Resolution (Reso 2023-19) updating the Tree Care Guidelines. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

e. Receive Annual Report for Ordinance Restricting the Retail Sale of Nitrous Oxide and Provide Additional Direction as Necessary.

Presenter: Matt Keizer, Chief Building Official.

Report was received.

Council Consensus to direct Staff to include this report with an annual report of the tobacco retail sales ordinance in agenda item 14a.

14. NEW BUSINESS

a. Possible Introduction by Title Only of Ordinance Prohibiting Retail Sales of Flavored Tobacco Products Including Several Clean Up Provisions to Bring the City's Anti-Smoking Regulations into Compliance with Current State Law.

Presenters: Darcy Vaughn, Assistant City Attorney and Matt Keizer, Chief Building Official.

Public Comment: Larry Olson, JoAnn Saccato, Lucy Kramer, Jaime Rojas, and Jay McCubbrey.

Motion/Second: Sher/Orozco to introduce the ordinance by title only. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. 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 VARIOUS SECTIONS OF THE UKIAH CITY CODE RELATING TO TOBACCO RETAILERS AND TOBACCO SMOKING

Motion/Second: Sher/Duenas to introduce the Ordinance prohibiting retail sales of flavored tobacco products - including several clean up provisions to bring the City's anti-smoking regulations into compliance with current State law. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Directive to place the adoption of this Ordinance on Unfinished Business on the May 3, 2023, meeting.

RECESS: 8:16 – 8:25 P.M.

b. Review Report and Approve Application for Grant Funding from CalTrans Clean CA Grant Program, Adopt Resolution Authorizing the City Manager to Negotiate a Contract if Awarded, and Approve Corresponding Budget Amendments.

Presenter: Neil Davis, Community Services Director.

Motion/Second: Crane/Sher to approve application for grant funding from CalTrans Clean CA Grant Program, adopt resolution (*Reso 2023-20*) authorizing the City Manager to negotiate a contract (*COU No. 2223-199*) if awarded, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

c. Receive Report Regarding SB1383 and the Current Corrective Action Plan (CAP).

Presenters: Tim Eriksen, Public Works Director/City Engineer and Jason Benson, Senior Civil Engineer.

Report was received.

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

No reports were received.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:56 P.M.

15. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

(Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 case)

b. Conference with Legal Counsel – Existing Litigation

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

Name of case: Roofing & Solar Construction, Inc. v. City of Ukiah et al., Mendocino County Superior Court Case No. 22CV00048

c. Conference with Legal Counsel – Existing Litigation

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

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

d. Conference with Legal Counsel – Existing Litigation

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

Name of case: Russian River Keepers et al. v. City of Ukiah, Case No. SCU-K-CVPT-20-74612

e. **Conference with Legal Counsel – Existing Litigation**

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

Name of case: Ukiah v. Questex, Mendocino County Superior Court Case No. 15-66036

f. **Conference with Legal Counsel – Existing Litigation**

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

Name of case: Jane Doe v. City of Ukiah et al., U.S.D.C. (Eureka Division) Case No. 123-cv-009808.

g. **Public Employee Performance Evaluation**

(Government Code Section 54956

Title: City Manager

h. **Conference with Labor Negotiator (54957.6)**

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

No report out; direction given to Staff.

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:45 p.m.

Kristine Lawler, CMC



AGENDA SUMMARY REPORT

SUBJECT: Approval of Scope of Work for Advance Planning Environmental Subconsultant Rincon to Prepare a Current Greenhouse Gas Emissions Inventory; Approval of Contract Amendment with Mintier Harnish; and Approval of Corresponding Budget Amendment.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Consent Calendar

ATTACHMENTS:

1. Ukiah GHG Inventory - Rincon Proposal_4-11-23
2. Amendment 5 - C #1819-190 draft

Summary: Council will consider approving a scope of work for advance planning environmental subconsultant Rincon to prepare a current greenhouse gas emissions inventory. Council will also consider approving a contract amendment with Mintier Harnish and a corresponding budget amendment.

Background: On December 7, 2022, City Council adopted Resolution No. 2022-79, adopting the 2040 General Plan. One of the first implementation programs identified within the General Plan is Program M within the Environment and Sustainability Element, which directs as follows:

M- Adopt a Municipal Climate Action Plan: The City shall adopt a municipal Climate Action Plan to achieve carbon neutrality for all municipal operations and meet State and City GHG emission reduction goals.

Adoption of a Climate Action Plan (CAP) is also listed as a mitigation measure within the City's General Plan Final Environmental Impact Report (EIR), adopted by the Council through Resolution No. 2022-78. Specific General Plan direction related to GHG emissions inventorying and CAP adoption is described below.

Impact GHG-1: Development facilitated by Ukiah 2040 would make progress towards achieving State goals but would not necessarily meet State 2030 or 2045 goals. Mitigation Measures GHG-1 and GHG-2 would result in implementation of CEQA GHG thresholds and a CAP update; however, development facilitated by Ukiah 2040 would not meet the 2030 or 2045 goals until the CAP is updated and adopted.

To mitigate this impact, the EIR directs the following:

GHG-1 Adopt and Implement a CEQA GHG Emissions Threshold: The City shall adopt the CEQA GHG Emissions threshold of significance by Fall 2024 for use in future CEQA GHG emissions analyses through 2030. In addition, upon completion of future CAP updates and as necessary, the City shall update the CEQA GHG Emissions threshold of significance and Ukiah CEQA GHG Checklist to be consistent with each CAP update.

GHG-2 Update Ukiah CAP to the State's 2030 and 2045 GHG Emissions Goals: The City shall update the Ukiah CAP by Fall 2024 to outline how Ukiah will meet the State's 2030 goal of 40 percent below 1990 emissions levels and 2045 goal of carbon neutrality.

Council identified an ad hoc (Vice Mayor Duenas and Councilmember Sher) to work with Staff to develop the City's Climate Action Plan. Council also identified composition of a working group of community members to provide input on the development of specific implementation measures. The ad hoc and Staff have had three meetings thus far. The first meeting of the working group is tentatively scheduled for May 8.

Preparing a CAP that meets requirements within CEQA first requires an inventory of Greenhouse Gas emissions from community-wide and municipal operations activities. The City last prepared a GHG emissions inventory in 2014 when a draft CAP was developed. However, because of changes in how GHG emissions are analyzed and evaluated by the California Air Resources Board (CARB) and other regulators, much of this information will need to be updated.

Discussion: Staff was trained in the preparation of GHG emissions inventories in 2011-12 by ICLEI- Local Governments for Sustainability. However, over the last approximately 12 years, measurement standards acceptable to CARB and other regulators have evolved significantly, and advanced modeling software and specialized training are now required to evaluate the emissions and track them over time.

Given that Staff's in-house abilities for measuring GHG emissions is out of date, Staff requested a proposal for preparation of an updated GHG emissions inventory from advanced planning environmental subconsultant Rincon. Rincon's Proposal and Scope of Work is contained within Attachment 1. Rincon has experience preparing GHG emissions inventories and CAPs for other cities that meet the requirements in CEQA Guidelines. Additionally, as the City's CEQA EIR consultant for the 2040 General Plan, Rincon will be well-positioned to prepare an inventory that meets CEQA guidelines for mitigation of environmental impacts identified in the City's General Plan EIR.

Within Rincon's proposal in Attachment 1, two cost estimates are proposed: one for a "total without optional tasks" of \$24,441 for preparing a current GHG emissions inventory; and one for a "total with optional tasks" of \$33,293 to prepare both a current GHG emissions inventory and a possible update to the 2014 GHG inventory. Although in both Staff and the ad hoc's opinions a 2014 update is not necessary, as noted within Rincon's proposal "if determined to be needed as a result of the 2014 community GHG inventory review under Task 1, Rincon could help the City to update its previous 2014 community GHG inventory for purposes of making the inventory consistent with latest sectors and GHG emissions calculation methodologies issued by CARB since 2014."

Therefore, Staff recommends Council approve the scope of work in Attachment 1 and contract amendment not to exceed \$33,293 within Attachment 2. If after analyzing the 2014 GHG emissions data Rincon and Staff determine the update to the 2014 community GHG inventory is not needed, the remaining \$8,852 could be used for evaluating GHG emissions reductions from implementation measures identified within the CAP or other CAP preparation tasks as needed. If the contract amendment is approved by Council, the scope of work within Attachment 1 would become "Exhibit 1" to the contract amendment within Attachment 2. A budget amendment is being requested in the amount of \$44,618 to accommodate the current requested amendment, and an additional minor budget adjustment due to a prior miscalculation.

Recommended Action: Approve scope of work for advance planning environmental subconsultant Rincon to prepare a current greenhouse gas emissions inventory, approve contract amendment with Mintier Harnish, and approve corresponding budget amendment.

BUDGET AMENDMENT REQUIRED: Yes

CURRENT BUDGET AMOUNT: 31523100.52100.18146: \$169,694.27

PROPOSED BUDGET AMOUNT: 31523100.52100.18146: \$214,312.27

FINANCING SOURCE: Advance Planning Fund

PREVIOUS CONTRACT/PURCHASE ORDER NO.: COU No. 1819-190

COORDINATED WITH: Mary Horger, Financial Services Manager

DIVERSITY-EQUITY INITIATIVES (DEI): N/A

CLIMATE INITIATIVES (CI): 6c – Ensure that climate responsibility is integrated throughout the City's departments and operations. **6b** – Continue to actively promote climate matters on City web site/social media.

GENERAL PLAN ELEMENTS (GP): GP-A5 - Environment and Sustainability Element

Approved: 
Sage Sangiacomo, City Manager


Rincon Consultants, Inc.

449 15th Street, Suite 303
Oakland, California 94612
510 834 4455 OFFICE
info@rinconconsultants.com
www.rinconconsultants.com

April 11, 2023

Michelle Irace, Planning Manager
City of Ukiah, Department of Community Development
300 Seminary Ave., Ukiah, CA 95482
Via email: mirace@cityofukiah.com

Subject: Rincon Proposal to Provide GHG Inventory Support for City of Ukiah

Dear Ms. Irace,

Rincon Consultants, Inc. (Rincon) is pleased to submit this Proposal to assist the City of Ukiah (Ukiah) with Greenhouse Gas (GHG) Emissions Inventory Support. We understand that Ukiah would like Rincon's support with the preparation of a 2022 community GHG inventory in order to help quantify Ukiah's GHG emissions as a first step in Ukiah preparing an updated Climate Action Plan (CAP).

Erik Feldman, the head of Rincon's Statewide sustainability climate resilience practice (SCR+) will serve as Principal-in-Charge (PIC). Mr. Feldman has guided the completion of community GHG inventories across California. **Kelsey Bennett** will serve as Project Manager (PM) in charge of day-to-day oversight and will serve as Ukiah's primary contact for the 2022 GHG inventory work. In addition, GHD is included on the team for purposes of supporting the transportation sector aspect of the GHG inventory work. We believe that our experience developing GHG inventories across the State of California as well as conducting hundreds of GHG emission audits for private sector clients as a CARB-Accredited GHG Verifier gives Rincon a unique understanding of the relevant Ukiah GHG inventory sectors and factors.

A description of proposal tasks, including assumptions, deliverables, and timeline, is included below.

Task 1 – Review 2014 Community GHG Inventory and Provide Data Request

Rincon understands that Ukiah has previously prepared a 2014 GHG emission inventory. In using GHG inventories to track progress over time, it is essential that future inventories are consistent with past inventories and/or that past inventories are updated as needed to remain comparable with future inventories. Upon receipt of 2014 communitywide GHG inventory files from the City, Rincon will review the 2014 GHG inventory for the use of consistent data and application of appropriate methodologies defined by the Local Governments for Sustainability USA (ICLEI) U.S. Community Protocol as well as the correct emissions factors and inclusion of all appropriate emission sources. Rincon will provide a brief summary memorandum with the 2014 community GHG inventory review findings. The cost estimate, including rates and hours assumptions, for this task is shown in Table 1.

To streamline the data collection process, Rincon will provide a comprehensive data request broken into sections to provide a clear understanding of the responsible parties for collecting specific data pieces to be included in the 2022 community GHG emissions inventory. Rincon will review and QA/QC all data and



review to identify any discrepancies or methodological changes required with City before initiating the 2022 community GHG inventory.

Assumptions:

- City will provide all the data necessary to review the 2014 community inventory, including previous inventory/ forecast workbooks in MS Excel.
- Rincon will provide a 2-3 page memorandum outlining findings of the 2014 community inventory review.
- One round of consolidated comments will be provided by the City on the draft deliverable. Any additional revisions will be completed on a time and materials basis in accordance with our standard fee schedule (attached).
- Rincon's Project Manager and Technical Lead will attend the one data review meeting.
- City staff will make connections to / request data from primary data providers as needed.

Deliverables:

- 2014 Community GHG Inventory Review memorandum (Adobe PDF)
- 2022 Community GHG Inventory Data request (Adobe PDF)

Task 2 – Prepare 2022 Community GHG Inventory

Using the communitywide 2022 activity data to be provided to Rincon by the City, Rincon will prepare a Ukiah 2022 community GHG inventory. Note that Rincon has assumed up to 10 hours of staff time as contingency for purposes of helping the City collect 2022 GHG inventory data, if needed.

In addition, GHD will provide vehicle miles traveled (VMT) calculations necessary to prepare the 2022 community GHG inventory. Specifically, GHD will provide an estimate of VMT attributable to Ukiah land uses for year 2022 conditions based on prior model runs that were conducted using the Mendocino Council of Governments (MCOG) travel demand model. The prior model outputs that were based on a 2009 base year will be adjusted as needed to reflect year 2022 land uses within Ukiah. The VMT estimate will include total VMT for typical weekday conditions, based on internal trips within Ukiah, and 50 percent of VMT attributable to internal/external and external/internal trips that begin or end in Ukiah.

The 2022 community inventory will comply with the Global Protocol for Community-scale GHG Emissions (GPC) and the U.S. Community Protocol. Rincon will complete the inventory calculations in Rincon's Excel calculation tool and will provide both the unlocked inventory tool and a brief summary memorandum with relevant tables and charts of the 2022 community GHG inventory findings. In addition, for City reference, Rincon will provide a table visually comparing the 2014 and 2022 GHG inventory results. The cost estimate, including rates and hours assumptions, for this task is shown in Table 1.

Assumptions:

- City will provide all the data necessary to calculate the community inventory, including previous inventory/ forecast workbooks in MS Excel.
- GHD will prepare and provide VMT calculations necessary to prepare the 2022 community GHG inventory. Assumptions concerning 2022 land uses will be based on information previously provided to GHD during the 2040 General Plan update and/or updated land use information to be provided by the City.
- Rincon will provide a memorandum outlining data used to calculate the community inventory and a brief summary of the results.



- One round of consolidated comments will be provided by the City on the draft deliverable. Any additional revisions will be completed on a time and materials basis in accordance with our standard fee schedule (attached).

Deliverables:

- 2022 Community GHG inventory tool (MS Excel) and summary memorandum (Adobe PDF)
- Data collection assistance contingency (up to 10 hours of Rincon staff time)
- 2022 VMT estimate summary table (MS Excel)
- Table visually comparing 2014 and 2022 GHG inventory results (MS Excel and Adobe PDF)

Task 3 – Project Management

Upon contract execution, it is assumed that the 2022 GHG inventory will take approximately five months to complete, approximately from mid-June 2023 to mid-November 2023. This is based on our experience related to data collection that often takes the longest amount of time to prepare an inventory. Therefore, Rincon has assumed project management and coordination time, including up to three virtual meetings with the City team, one of which would be a kickoff/data request call and another could be a virtual presentation of the GHG inventories findings to the Ukiah Planning Commission and/or City Council. The cost estimate, including rates and hours assumptions, for this task is shown in Table 1.

Assumptions:

- If the project schedule is delayed or further assistance with data collection beyond 10 hours of Rincon staff time is requested, additional project management and data collection assistance will be completed on a time and materials basis in accordance with our standard fee schedule (attached).

Deliverables:

- Up to three (3) virtual meetings with the City team (MS Teams platform)
- Up to five (5) monthly invoices with progress reports (Adobe PDF)

Optional Task 4 – Prepare Updated 2014 Community GHG Inventory

To be able to accurately track progress over time, it is essential that previous and current GHG inventories are consistent in terms of the methodology utilized, sectors included and excluded,¹ activity data utilized, and application of emissions factors. Inconsistencies between previous and current inventories pose the risk of changes in GHG emissions being a byproduct of methodological change rather than actual change in emissions. This limits defensibility of the calculations and hinders a jurisdiction's ability to accurately compare previous GHG emissions with recently developed CAPs as well as State GHG inventories. Therefore, it is a best practice to correct any potential inconsistencies prior to developing the Ukiah 2022 community GHG inventory.

If desired by the City and if determined to be needed as a result of the 2014 community GHG inventory review under Task 1, Rincon could help the City to update its previous 2014 community GHG inventory for purposes of making the inventory consistent with latest sectors and GHG emissions calculation methodologies issued by CARB since 2014. This would allow for a true comparison between the 2014

¹ For example, many previous GHG inventories include emissions associated with industrial energy use that is covered under the Cap-and-Trade program. Under current best practices, these emissions are considered outside of a jurisdiction's control and are typically excluded from local GHG inventories.



and 2022 community GHG inventories. Specifically, Rincon would prepare a Scopes 1, 2, and 3² 2014 communitywide data request and submit it to the City. Upon receipt of the 2014 communitywide activity data from the City, Rincon would develop data activity types/inputs, emissions factors, and emissions calculations for the updated Ukiah 2014 community GHG inventory.

In addition, if requested, GHD could provide a VMT estimate for year 2014 conditions. This would be based on prior model runs that were conducted using the MCOG travel demand model, adjusted as needed to reflect year 2014 land uses within Ukiah. The VMT estimate would include total VMT for typical weekday conditions, based on internal trips within Ukiah, and 50 percent of VMT attributable to internal/external and external/internal trips that begin or end in Ukiah.

The updated 2014 community inventory would comply with the Global Protocol for Community-scale GHG Emissions (GPC) and the U.S. Community Protocol. Rincon would provide both the unlocked inventory tool and a brief summary memorandum with relevant tables and charts of the 2014 community GHG inventory findings. The cost estimate, including rates and hours assumptions, for this optional task is shown in Table 1.

Assumptions:

- City will provide all the data necessary to update the previous inventory workbooks in MS Excel.
- GHD will prepare and provide VMT calculations necessary to prepare the updated 2014 community GHG inventory. Assumptions concerning 2014 land uses will be based on land use information to be provided by the City.
- Rincon will provide a 2-3 page memorandum outlining data used to calculate the updated 2014 community inventory and a brief summary of the results.
- One round of consolidated comments will be provided by the City on the draft deliverable. Any additional revisions will be completed on a time and materials basis in accordance with our standard fee schedule (attached).

Deliverables:

- 2014 Community GHG inventory data request (Adobe PDF)
- 2022 Community GHG inventory tool (MS Excel) and summary memorandum (Adobe PDF)
- 2014 VMT estimate summary table (MS Excel)

² Communitywide Scope 3 emissions as related to carbon sequestration



Table 1 Ukiah GHG Inventory Cost Estimate

Task	Hours	Labor Cost	Subconsultant Cost	TOTAL COST
Task 1: Review 2014 Community GHG Inventory	24	\$4,807	\$0	\$4,807
Task 2: Prepare 2022 Community GHG Inventory	47	\$9,090	\$4,640	\$13,730
Task 3: Project Management (including meetings)	26	\$5,904	\$0	\$5,904
TOTAL without Optional Tasks	97	\$19,801	\$4,640	\$24,441
Optional Task 4: Prepare Updated 2014 Community GHG Inventory	33	\$6,532	\$2,320	\$8,852
TOTAL with Optional Tasks	130	\$26,333	\$6,960	\$33,293

Note: GHD is the subconsultant included to provide VMT estimates to support the GHG inventory work.

The Ukiah 2022 community GHG inventory scope enclosed in this proposal (represented by Tasks 1 through 3) amounts to a total cost of \$24,441.

If Ukiah desires to also proceed with identified Optional Task 4 (prepare updated 2014 community GHG inventory), the total cost would be \$33,293.

Thank you for considering Rincon for this important assignment. Please do not hesitate to contact us if you have questions about this proposal or need additional information.

Sincerely,

RINCON CONSULTANTS, INC.

Erik Feldman, MS, LEED-AP
Principal
efeldman@rinconconsultants.com

Kelsey Bennett, MPA, LEED-AP
Director
kbennett@rinconconsultants.com

Attachment: Rincon Standard Fee Schedule



Standard Fee Schedule for Environmental Sciences and Planning Services

Professional, Technical and Support Personnel*	Hourly Rate
Principal II	\$295
Director II	\$295
Principal I	\$285
Director I	\$285
Senior Supervisor II	\$268
Supervisor I	\$250
Senior Professional II	\$234
Senior Professional I	\$218
Professional IV	\$194
Professional III	\$180
Professional II	\$160
Professional I	\$143
Associate III	\$120
Associate II	\$107
Associate I	\$100
Field Technician	\$86
Data Solutions Architect	\$180
Senior GIS Specialist	\$172
GIS/CADD Specialist II	\$153
GIS/CADD Specialist I	\$138
Technical Editor	\$135
Project Accountant	\$115
Billing Specialist	\$98
Publishing Specialist	\$110
Clerical	\$98

* Professional classifications include environmental scientists, urban planners, biologists, geologists, marine scientists, GHG verifiers, sustainability experts, cultural resources experts, and other professionals. Expert witness services consisting of depositions or in-court testimony are charged at the hourly rate of \$380.

Reimbursable Expenses

Direct Cost	Rates
Photocopies – Black and White	\$0.25 (single-sided), \$0.45 (double-sided)
Photocopies – Color	\$1.55 (single-sided), \$3.10 (double-sided)
Photocopies – 11 x 17	\$0.55 (B&W), \$3.40 (color)
Oversized Maps	\$8.50/square foot
Digital Production	\$15/CD, \$20/flash drive
Light-Duty and Passenger Vehicles*	\$90/day
4WD and Off-road Vehicles*	\$150/day

*Current IRS mileage rate for mileage over 50 and for all miles incurred in employee-owned vehicles.

Other direct costs associated with the execution of a project, that are not included in the hourly rates above, are billed at cost plus 16%. These may include, but are not limited to, laboratory and drilling services, subcontractor services, authorized travel expenses, permit charges and filing fees, mailings and postage, performance bonds, sample handling and shipment, rental equipment, and vehicles other than covered by the above charges.

Annual Escalation. Standard rates subject to 3.5% annual escalation.

Payment Terms. All fees will be billed to Client monthly and shall be due and payable upon receipt or as indicated in the contract provisions for the assignment. Invoices are delinquent if not paid within ten (10) days from receipt or per the contractually required payment terms.

Effective January 1, 2023

CITY OF UKIAH

AMENDMENT 5
TOCONTRACT #1819190 – PROFESSIONAL PLANNING SERVICES FOR A GENERAL PLAN
UPDATE, ENVIRONMENTAL IMPACT REPORT,
AND OTHER RELATED ADVANCED PLANNING SERVICES

This Amendment No. 5, entered on May 3, 2023, revises the Agreement for Professional services dated March 21, 2019 between the City of Ukiah and Mintier Harnish for consulting services related to professional planning services for a General Plan Update, Environmental Impact Report, and other related advanced planning services.

This Amendment No. 4, as per Exhibit 1:

- 1) Amends the Scope of Services to prepare a current Greenhouse Gas Emissions Inventory and possibly an update to the City's 2014 Greenhouse Gas Emissions Inventory or related Climate Action Plan preparation tasks in accordance with CEQA Guidelines.
- 2) Adds an additional dollar amount of \$33,293, for a revised total contract amount of \$625,968.

Except as expressly amended by this Amendment, all other terms remain unchanged and in full force and effect.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AMENDMENT ON
THE EFFECTIVE DATE:

MINTIER HARNISH

BY: _____ DATE: _____
JIM HARNISH, JD

CITY OF UKIAH

BY: _____ DATE: _____
SAGE SANGIACOMO, CITY MANAGER

ATTEST

BY: _____ DATE: _____
KRISTINE LAWLER, CITY CLERK

April 9, 2023

Dear City Council,

I am planning to attend you meeting on May 3, 2023 and I have sent out a notice to all the people who have signed my petition to have a stop sign placed on Walnut at Spring.

Enclosed is my noticed that I have sent out.

Respectfully


Jeannette Smith



April 8, 2023

Dear Resident and Neighbor,

My name is Jeannette Smith and I live at 707Walnut. I have started a petition to have a temporary stop sign placed On Walnut at Spring. I have written to City Council and they have not responded to me. I am planning to attend a meeting at City Council at 300 Seminary Ukiah Ca on May 3, 2023 at 6PM. I will bring the binder with many articles of speeding cars driving in residential neighborhoods, and the injuries that occur because of wanton disregard. Also included are many signatures of residents.

Please attend the meeting with me at the date and time listed in this short notice. The more of us that attend the better chance for safer streets for the people who live in this area.

Thank you for signing my petition.

Respectfully



Jeannette Smith AKA Nettie

nettiesmith@hotmail.com

707Walnut Ave

707-997-0130

PS I will forward this letter to City Council



December 3, 2022

To City Council Members,

I am a concerned homeowner on Walnut Ave Ukiah Ca. I am reaching out to you to find the best way to open a new dialogue with you and our neighborhood concern about a new stop sign on Walnut at Spring. I am a senior citizen and home owner and I have two little dogs, and I also work part time at my retirement job. I am not interested nor do I know about the working of city politics. I am lost in what we should do next to see about getting a temporary stop sign installed, so we can see if this can stop the high speeds of vehicles on Walnut Ave. What matters is to prevent a accident or death on Walnut Ave.

Everyday I feel that my life is in danger when I simply try to leave my street to go where I need to go. I feel its dangerous just to cross the street.

How do we open up a dialogue with the City on this? Do I need to gather signatures on a petition to request two inexpensive stop signs, or do we have to wait for a laundry list of accidents or even deaths to have this request?

I have been told that a single stop sign cost just a couple hundred dollars. We need TWO signs installed. I believe the the entire project would cost less than a \$1,000.00. If I need to I will start a fundraising campaign for this effort so the City Budget does not need to be involved. I am happy to spearhead this.

Thank you

Jeannette Smith

707 Walnut Ave

707-997-0130

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pass out
on may 3rd
during the
meeting

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April 8, 2023

Dear Resident and Neighbor,

My name is Jeannette Smith and I live at 707Walnut. I have started a petition to have a temporary stop sign placed On Walnut at Spring. I have written to City Council and they have not responded to me. I am planning to attend a meeting at City Council at 300 Seminary Ukiah Ca on May 3, 2023 at 6PM. I will bring the binder with many articles of speeding cars driving in residential neighborhoods, and the injuries that occur because of wanton disregard. Also included are many signatures of residents.

Please attend the meeting with me at the date and time listed in this short notice. The more of us that attend the better chance for safer streets for the people who live in this area.

Thank you for signing my petition.

Respectfully

Jeannette Smith AKA Nettie

nettiesmith@hotmail.com

707Walnut Ave

707-997-0130

PS I will forward this letter to City Council

April 10, 2023

Dear Ukiah Police Department,

My name is Jeannette Smith, and I live at 707 Walnut Ave Ukiah. I am writing to request for a patrol car to be parked on our street (Walnut Ave) if possible to help slow cars down. Cars are speeding from LiveOak to Dora. Its very concerning to many of us in this area.

I have written to City Council and I have got signatures to have a temporary stop sign placed on Walnut at Spring. We are hoping for safer streets.

Respectfully

Jeannette Smith

707-997-0130

Neighbors signature listed below

1. *Juanita Bennett*
2. *Frank Gray*
3. *Jeannette Smith AKA Smith*

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I will Be
Passing this
document to
the NEIGHBORS

City of Ukiah - Correspondence Received



KL

Kristine Lawler <klawler@cityofukiah.com>

To: You

↩ ⏪ ⏩ ...

Mon 4/27/2020 3:47 PM

Dear Ms. Smith,

This is to confirm that your correspondence has been received and distributed to the City Council and the appropriate city staff. Please know that you are welcome to come to the May 3rd Council meeting, and speak to the Council under Agenda Item #9 – Audience Comments on Non-Agenda Items. The public is given three minutes per person and ten minutes per subject. The City Hall Council Chamber is located at 300 Seminary Ave, Ukiah, and is directly in front of you when you walk in the front doors.

Sincerely,

Kristine Lawler



City of Ukiah

Kristine Lawler, CMC/City Clerk

Email: klawler@cityofukiah.com

300 Seminary Ave., Ukiah, CA 95482

P:(707) 463-6217 F:(707) 463-6204

Continually working to promote diversity, equity, transparency, and justice through the adoption and implementation of City practices, policies, and procedures.

↩ Reply

⏩ Forward



- YouTube – Go to: City Of Ukiah – YouTube

Public Comment for Council Meetings:

- Join the meeting by following the instructions above, and then use the 'Raise Hand' icon or the 'Chat' features inside the meeting to get the clerk's attention.
- Email to meeting@cityofukiah.com; Include in the subject line which agenda item that you are submitting your correspondence for, and a brief 2-3 word description (*Note: no written comments will be read into the record*).
- Mail ahead of the meeting to: City of Ukiah, Attn. City Clerk, 300 Seminary Ave., Ukiah, CA 95482

To View Bid Openings:

- Click on the name of the event, and play/watch the video.
- Click on name of meeting to view latest information added (downloaded agenda and packet are not necessarily updated)

The following is an open data source and archives that go back to 2015. For City Council agendas, agenda packets and minutes prior to 2015, please contact the City Clerk's office at (707) 463-6217. When reviewing the search results on the search bar below, please be sure to check all tabs, as the different tabs show varying responses.

Note: For the most up-to-date information, click on Name of meeting (verses the downloaded documents on the right)

Letters to
Ukiah City
Council

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Council, Boards, and Commissions Meetings, Agendas, and Minutes

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Council and Planning Commission meetings are being held both in-person and virtually. Agendas are published a minimum of 72 hours prior to regular meetings and 24 hours prior to special meetings. To participate in the virtual meeting, please follow the instructions below.

To Attend Virtual Meetings:

- Scroll down and click on the name of the meeting.
- A new window will open up, then
- Click on the Agenda tab.
- The link to attend the virtual meeting is in the header of the agenda; click on it, and it should take you to the meeting or registration page.
- Once you fill out the registration page, you will receive an email with a link to join the meeting.

November 23, 2022

To Whom it may Concern,

We are requesting a Stop Sign at Spring and Walnut. Vehicles are traveling at high rate of speeds from Dora and Walnut, racing past Live Oak. There is one large black truck that travels very fast for the neighborhood. I have attached a few articles regarding the hazards of vehicles driving to fast for the conditions. There are Elders, and Children that live in the neighborhood, and safety is our main concern for everyone. We are requesting a stop sign for the corner of Spring and Walnut.

Listed are residents that have signed our request.

Thank you



Jeannette Smith

1.

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3.

4.

Sec. 15.04.070 - Stop Signs.

(A) **AUTHORITY TO ERECT STOP SIGNS.** Subject to the provisions of Sections 21353 and 21355 of the Vehicle Code, the local authority is hereby authorized to determine those County roads, intersections or railroad grade crossings at which there is a special hazard to life or property by reason of the volume of traffic upon such roads or at such intersections, or over such railroad grade crossings, or because of the lack of visibility to the drivers of the vehicles approaching such roads, intersections or railroad grade crossings, or because the number of reported accidents or the apparent probability thereof, or by reason of physical conditions which render any such roads, intersections or railroad grade crossings exceptionally dangerous or hazardous to life or property, and where the factors creating the special hazard are such that, according to the principles and experience of traffic engineering, the expectancy of accidents and that the use of warning signs would be inadequate.

(Ord. No. 512, Sec. 140, adopted 1966.)

(B) **POSTING OF STOP SIGNS.** When such determination has been made, the Local Authority by resolution shall designate any such road as a through road between specified limits, or designate any such intersection as a stop intersection, or designate any such railroad grade crossing as a stop railroad grade crossing, subject to the approval of the Public Utilities Commission of this State, pursuant to the provisions of Section 21110 of the Vehicle Code; and it shall post such stop signs as are necessary to give effect to such designation. Stop signs at any intersection may be so posted as to stop either or any or all of the streams of traffic entering such intersection as the needs of the particular location may require.

(Ord. No. 512, Sec. 141, adopted 1966.)

(C) **ADDITION OR REMOVAL OF STOP SIGNS.** Any person who requests the addition or removal of stop signs authorized by this Chapter shall make application to the Commissioner who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the need for any such addition or removal. Said engineering and traffic survey together with the recommendations of the Commissioner and an appropriate resolution shall be presented to the Local Authority for their consideration and determination, pursuant to Section 15.04.070 (A) of this Chapter.

(Ord. No. 512, Sec. 142 adopted 1966, as amended by Ord. No. 592, adopted 1969.)



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CHP holding “maximum enforcement period” over Labor Day weekend

By Mendo Voice Staff | September 1, 2022

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CHP logo

MENDOCINO Co., 9/1/22 — The California Highway Patrol (CHP) often increases enforcement on major roadways during holiday weekends, and this Labor Day is no different: the agency will be holding a “maximum enforcement period” starting on Friday, September 2 at 6 p.m. and lasting through 11:59 p.m. on Monday, September 5. This means that an increased number of officers will be on the road to ensure safety rules are being enforced, prioritizing identifying drivers that may be driving under the influence of drugs or alcohol.

Due to increased traffic on the roads, drivers should take extra caution to make sure everyone can get where they are going. It's also [going to be unusually hot out there](https://mendovoice.com/2022/08/labor-day-weekend-could-bring-record-breaking-heat-in-mendocino-county/) (<https://mendovoice.com/2022/08/labor-day-weekend-could-bring-record-breaking-heat-in-mendocino-county/>), so we recommend you stay hydrated, watch out for kids, the elderly, and pets, and don't leave anyone in the car!

Here's the announcement from CHP:

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SACRAMENTO, Calif. – Labor Day weekend is quickly approaching, and many Californians are preparing to close out the summer with a holiday gathering or road trip. The California Highway Patrol (CHP) wants to ensure everyone reaches their destination safely and will implement a Maximum Enforcement Period (MEP) in anticipation of the increased traffic that often accompanies a holiday weekend.

The CHP's Labor Day MEP begins at 6:01 p.m. on Friday, September 2, and continues through 11:59 p.m. on Monday, September 5. In addition to assisting motorists and looking for traffic violations throughout the holiday weekend, CHP officers will be paying close attention to those who are suspected of driving under the influence (DUI) of drugs and/or alcohol.

The CHP reminds those who travel during Labor Day weekend to buckle up, drive at a safe speed, and never drive impaired.

Forty-three people were killed in vehicle crashes on California roadways during the holiday weekend in 2021. Additionally, CHP officers made 985 DUI arrests and issued more than 6,000 speeding citations throughout the state during last year's Labor Day weekend. Avoid being arrested for DUI and becoming a statistic. Designate a driver or use a ride-share service, and always wear your seat belt.

"Alcohol-and drug-impaired driving continues to be a leading cause of traffic fatalities and injuries in California, and the moment an impaired driver gets behind the wheel, they put themselves and every other person on the road in great danger," said CHP Commissioner Amanda Ray. "The CHP is committed to enforcement and non-enforcement strategies, including education and community engagement, to ensure the highest level of safety for everyone traveling throughout California during the holiday."

If you see or suspect an impaired driver, call 9-1-1 immediately. Be prepared to provide the dispatcher a description of the vehicle, the license plate number, location, and direction of travel. Your phone call may save someone's life.

The CHP's MEP coincides with the National Highway Traffic Safety Administration's ongoing impaired driving national enforcement campaign, "Drive Sober or Get Pulled Over," which continues through September 5.

The mission of the CHP is to provide the highest level of Safety, Service, and Security.




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In 2016, a total of **29.1%** of California's 3,623 motor vehicle fatalities were speeding-related, and the state had the second-highest number of speeding-related fatalities in the nation.

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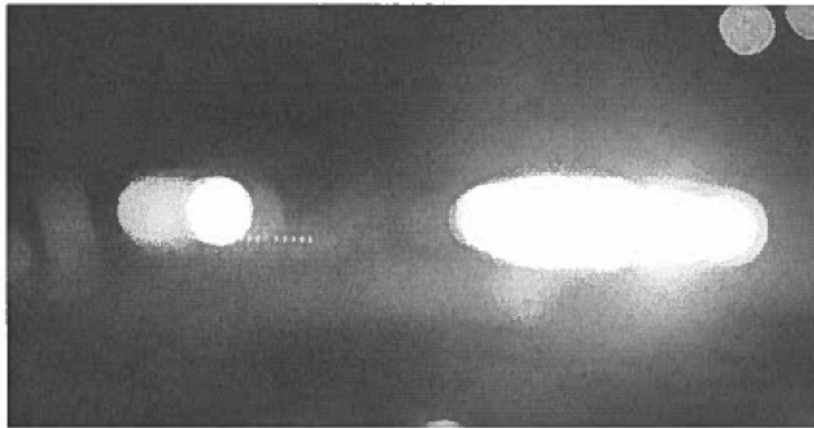
[UPDATES] PEDESTRIAN YELLS 'SLOW DOWN' AT VEHICLE SPEEDING AROUND UKIAH'S TODD GROVE PARK—DRIVER THEN PULLS FIREARM

Categories: Crime Featured Ukiah



Matt LaFever May 6, 2022

3

*[Stock image by Matt LaFever]*

Scanner traffic indicates that around 8:15 p.m., a man was reportedly walking around Ukiah's Todd Grove park when a dark gray vehicle sped past him. The pedestrian yelled at the vehicle to slow down. The driver then pulled a firearm on a pedestrian for this perceived offense and drove away.

Ukiah Police Department officers were dispatched to the park searching for the vehicle, reportedly driven by a Hispanic or Indian male adult.

Ukiah Police are currently combing the neighborhoods around Todd Grove Park and the rest of Ukiah's Westside for any sign of the suspect.

UPDATE 9:01 p.m: Ukiah Police Department officers have encountered multiple vehicles that appeared similar to the vehicle associated with the brandishing incident, but as of this update have yet to locate the specific vehicle or driver.

UPDATE 9:15 p.m.: A Be On the Lookout has been issued across the county as a result of this incident. Law enforcement was told by dispatch an officer safety flag was associated with a Hispanic male adult with facial hair, wearing a black hat and black hoodie, who was the reported driver of a dark gray, four-door Dodge Charger. The suspect is reportedly armed with a black firearm.

Please remember that this story is unfolding. Information is being reported as we gather it. However, some of the information coming from witnesses and initial official reports could be wrong. We will do our best to get the facts but, in the case that something is inaccurate, we will update with correct information as soon as we can.

December 3, 2022

To City Council Members,

I am a concerned homeowner on Walnut Ave Ukiah Ca. I am reaching out to you to find the best way to open a new dialogue with you and our neighborhood concern about a new stop sign on Walnut at Spring. I am a senior citizen and home owner and I have two little dogs, and I also work part time at my retirement job. I am not interested nor do I know about the working of city politics. I am lost in what we should do next to see about getting a temporary stop sign installed, so we can see if this can stop the high speeds of vehicles on Walnut Ave. What matters is to prevent a accident or death on Walnut Ave.

Everyday I feel that my life is in danger when I simply try to leave my street to go where I need to go. I feel its dangerous just to cross the street.

How do we open up a dialogue with the City on this? Do I need to gather signatures on a petition to request two inexpensive stop signs, or do we have to wait for a laundry list of accidents or even deaths to have this request?

I have been told that a single stop sign cost just a couple hundred dollars. We need TWO signs installed. I believe the the entire project would cost less than a \$1,000.00. If I need to I will start a fundraising campaign for this effort so the City Budget does not need to be involved. I am happy to spearhead this.

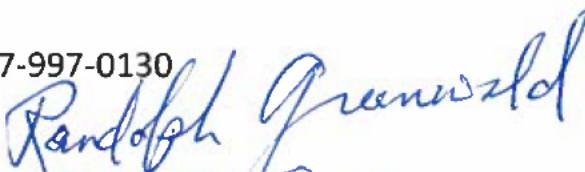
Thank you


Jeannette Smith

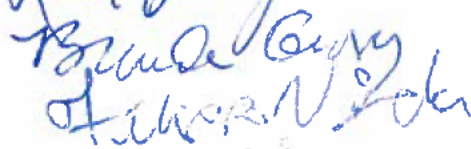
707 Walnut Ave

707-997-0130

1.



2.



3.

 Carol Ayza 720 Willow

signatures
from concerned
Residents

4. Judith Bennett
5. Gilbert "Buck" Ganten
6. Marsha Lieberman MARSHA LIEBERMAN
807 WALNUT AVE. E
7. Steven Patley 301 SCOTT ST.
8. KALI Gordon 301 SCOTT ST.
9. Judi Walsh 706 Walnut Ave
10. Jason Ault 653 Park Blvd.
11. Lori Holaday 1010 Maple Ave Ukiah Lori Holaday
12. Bernardo Fernandez Peña 428 North Dora St. Ukiah.
13. Nancy Castañeda A. 428 North Dora St Ukiah
14. Art Contreras 431 N. Spring St. Ukiah 95482
15. William J. Wall 616 N. Pine St. " "
- 16.
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- 26.

November 23, 2022

To Whom it may Concern,

We are requesting a Stop Sign at Spring and Walnut. Vehicles are traveling at high rate of speeds from Dora and Walnut, racing past Live Oak. There is one large black truck that travels very fast for the neighborhood. I have attached a few articles regarding the hazards of vehicles driving too fast for the conditions. There are Elders, and Children that live in the neighborhood, and safety is our main concern for everyone. We are requesting a stop sign for the corner of Spring and Walnut.

Listed are residents that have signed our request.

Thank you


Jeannette Smith

707 Walnut Ave

1. *Bonnie Dwyer 432 N Spring St*
2. *Randy GREENWALD 710 WALNUT AVE.*

3. Jan A. Brown 707-508-6294
801 Walnut Ave

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Items
highlighted
are the DRIVERS
on our streets

Aggressive Driving

Which is an example of aggressive driving?

(hint: all are)

- Approaching so fast that the driver of another car that's stopped, feels threatened
- Closing the gap to prevent another car from coming into your lane
- Cruising in the passing lane, refusing to move over as soon as you can
- Drive while drowsy enough to have droopy eyes
- Driving with an alcohol level above the legal limit
- Getting to a traffic light and stopping too close behind another car
- Going over the speed limit in a school zone or neighborhood
- Going through a red light
- Intentionally blocking an exit or intersection, when you could have stopped sooner
- Making an obscene gesture at another road user
- Making a turn without signaling
- Not making a full stop at a stop sign
- Speeding up to make it through a yellow light
- Switching a lane without signaling first
- Tailgating a car to pressure the driver to go faster or move over
- Tailgating a car to punish the driver for something
- Using a hand held devices such as cell phones, palm pilots or other Internet link-ups while driving

State bill would automate speed enforcement in San Jose



by Sonya Herrera April 7, 2023



The Tully Road and Senter Road intersection is one of the most dangerous locations in San Jose. File photo.

San Jose resident Limin Cao was walking with her daughter and their dog on a marked crosswalk on Blossom Hill Road on March 26 when Cao and the dog were struck and killed by a car, which fled from the scene.

To help reduce deaths like these, the San Jose City Council is supporting Assembly Bill 645, which would automate speed enforcement in San Jose and other California cities. If approved, the bill would create a pilot program to use cameras to enforce speed limits on the highest injury streets in San Jose. Violators would be fined and mailed tickets for speeding. ^

"I consider it another tool in the toolbox on how we can be more efficient with the limited resources we have," San Jose Councilmember Pam Foley said at Tuesday's council meeting. "Particularly when we have high pedestrian deaths that are a result of people speeding."

AB 645, co-authored by Assemblymembers Marc Berman and Alex Lee, would also establish the pilot program in Oakland, San Francisco, Los Angeles, Glendale and Long Beach. A state transportation committee is set to review the bill in a few weeks.

Opposing the bill are the Peace Officers Research Association of California and San Jose Police Officers' Association. Tom Saggau, spokesperson for the San Jose police union, said members are concerned speed camera technology will replace officers.

Police presence in neighborhoods helps reduce incidents of speeding in ways that cameras do not, Saggau said.

"Having that presence is going to be the deterrent, as opposed to a sign that says, 'You're on camera,'" he said.

San Jose continues to face a shortage of police officers, with fewer than 1,200 cops for more than a million residents, making it one of the smallest police departments of any major city. These low staffing numbers have been connected to slow response times for high-priority calls, such as those involving the present threat of major injury or death.

Councilmembers appeared surprised to hear that the San Jose police union opposes AB 645. During Tuesday's meeting, Foley questioned city staff as to why the union would go against the council's direction on supporting the legislation.

"We know that speeding is directly related to the high level of fatalities that we have on our streets," Foley said, adding that San Jose had 65 traffic deaths last year.

Traffic deaths in San Jose have been increasing for at least a decade, more than doubling from 29 in 2010 to 60 in 2021. Blossom Hill Road was identified as one of the most dangerous streets in the city in 2018, though most of the highest-fatality corridors are in East San Jose. The city recently received funding to help redesign Monterey Road into a safer street for pedestrians and cyclists.

San Jose Mayor Matt Mahan agreed with Foley on the necessity of the program, and also said he doesn't expect it to replace the need for more police personnel.

"This is a valuable tool at a time when we're seeing rising pedestrian, cyclist and other traffic-related injuries and deaths," Mahan said on Tuesday.

Contact Sonya Herrera at sonya@sanjosespotlight.com or follow @SMHsoftware on Twitter.

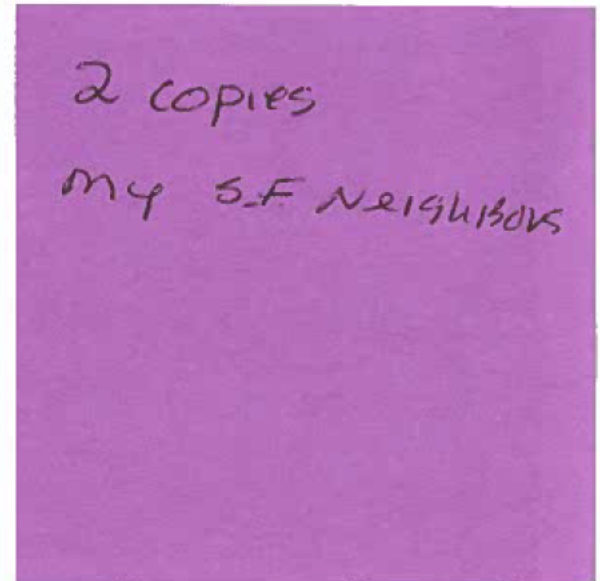


SAN FRANCISCO, Calif. (KRON) — It's been one week since 30-year-old Andrew Zieman tragically lost his life after being struck by a car while crossing the street at Franklin and Union streets in San Francisco.

It happened just feet away from the school he taught at Sherman Elementary.

On Wednesday, students, staff, family, and community members held a vigil at the school and shared their fondest memories of Mr. Andrew, everyone making it very clear that he was a huge beam of light not only for the kids but also for the community.

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"He was the best teacher and I wished to have said goodbye."

Zieman died a week ago while he was crossing the road after two cars collided on Franklin Street and then slammed into him just feet away from the school he taught at.

"He had very long-standing relationships here. The kids knew him as a very kind and just was able to reach some kids who were more

Community remembers San Francisco teacher ...

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Community remembers San Francisco teacher ...

BAY AREA

Community remembers San Francisco teacher killed while walking to school

60°

Updated: NOV 27, 2021 / 5:02 PM PST



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Principal Helen Parker says not only did Zieman work at Sherman Elementary, but he was a former student there, as well as his father and his great uncle.

She says this tragedy was preventable and together with Walk San Francisco, advocates are demanding changes to make city streets safer.

Supervisor Catherine Stefani who represents this district says she's listening and agrees that San Francisco streets need to be safer, especially near our schools.

Zieman's friends and family were also at the vigil on Wednesday but were too emotional to speak on camera.

ADVERTISEMENT

On Sunday, Walk SF says it will create a temporary memorial at city hall at 3 p.m. to demand change on San Francisco streets in observance of "World Day of Remembrance for Road Traffic Victims".

Meanwhile, Sherman Elementary is working on a kids activity fund at the school in Andrew's name.

Community remembers San Francisco teacher ...

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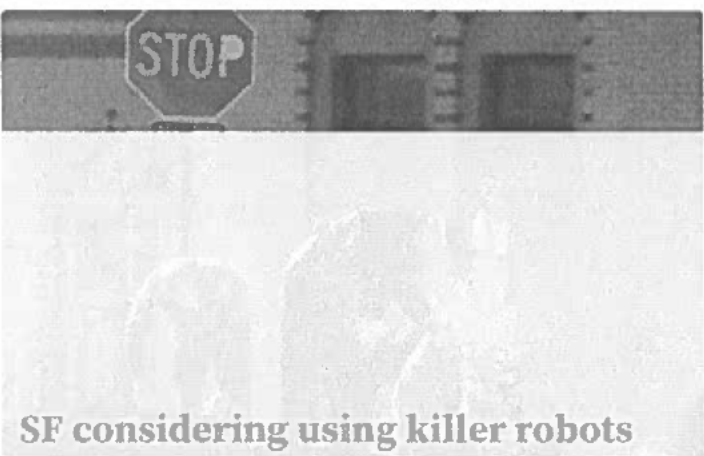
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SIGN UP NOW >

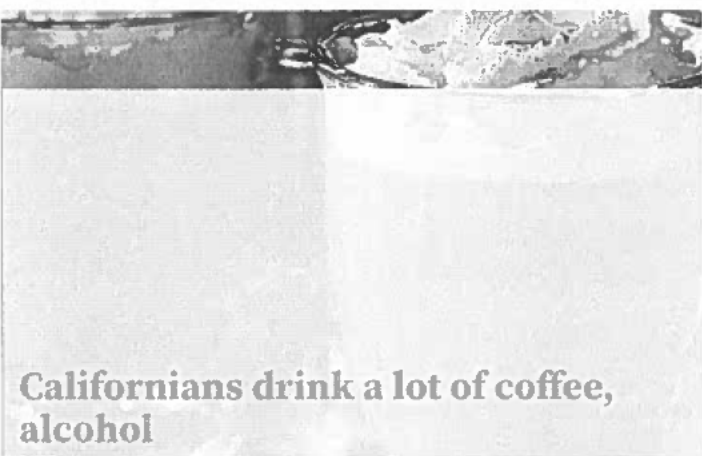
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Community remembers San Francisco teacher ...

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San Jose police are getting slower at responding to calls

 by Jana Kadah February 3, 2023



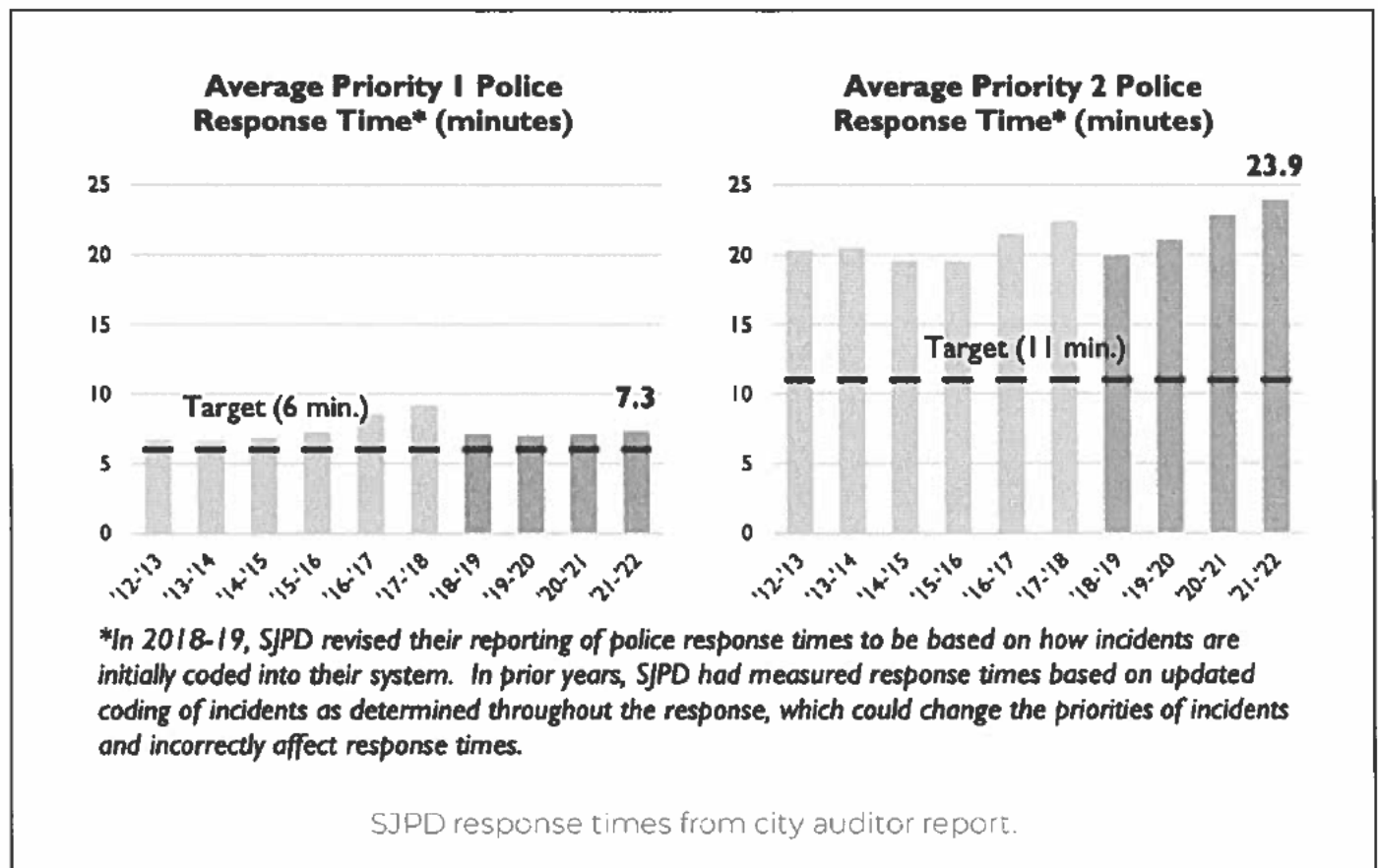
San Jose Police Chief Anthony Mata is pictured in this file photo.

Despite an increase in cash and staff, San Jose police are taking longer to respond to calls.

The San Jose Police Department this year has 30 more street-ready officers and nearly \$20 million more in its budget compared to last year. It still failed to respond to emergencies on time. When San Joseans call for help, they're waiting longer than ever — a growing trend since 2018, data from the city auditor shows.

The department is required to respond to calls that present danger to life or major threat of damage or loss of property—known as priority one calls—within six minutes. Officers missed the mark by a minute, responding in an average of 7.3 minutes last year, a 0.2 increase from the previous year. In some places like North San Jose, police took an average of about 9 minutes to respond to priority one calls. ^

For priority two calls, which include injury or property damage with the suspect still in the area, officers averaged nearly 24 minutes to show up on scene. The goal is 11 minutes. That response time is about two minutes longer than last year, city data shows.



"That is horrible," Tom Saggau, a spokesperson for the San Jose Police Officers' Association, told San José Spotlight. "They're getting destroyed on priority two calls and it's a matter of bodies."

Saggau blames staffing shortages for the slow response times. San Jose has one of the smallest police departments of any major U.S. city, with 1,153 sworn officers for a city of more than 1 million residents. The city recently budgeted for 20 more positions. By comparison, San Francisco employs 2,100 sworn officers with a population of about 875,000.

Saggau also attributes slow response times to a spike in police calls.

In the 2020-21 fiscal year, the department responded to 1.2 million calls, of which 611,100 were emergencies. This past year, it received 1.3 million calls, with 646,462 being emergencies. Even though there are more officers on the streets this year, there are fewer people answering emergency calls. There were 106 police dispatchers who answered calls last year. That number is down from 123 the previous year, according to city auditor data.

"When San Jose was meeting its goal of 11 minutes for priority two calls, it was back when there were 1,400 officers," Saggau said. "So, you see a direct decline year after year in these reports because staffing has just kept going down. Then add on a much higher number of homeless folks that these calls take much more time to solve and a larger population in general."

The city auditor's report shows San Jose's violent crime increased 2% in 2021 from the previous year. Saggau said officers are being asked to do more — including responding to complaints related to homelessness or mental illness — pulling them away from emergencies.

Police Chief Anthony Mata this week told councilmembers his top priority is to hire more officers. Meanwhile, he's looking to shift police units to better distribute resources and use technology to make the job easier. That includes using automatic license plate readers, expanding a gunshot detection program and helicopters to surveil crimes.



"But it doesn't matter how we break up the police districts, we need more staff," Mata said. "In the interim what we're going to do is add more officers to those specific police districts that have a higher number (of crimes)."

Saggau said the solution is what police reform activists want: Divert homelessness and mental health calls away from police and to experts better suited to respond to such crises.

Santa Clara County last year launched the 988 line which sends mental health experts to crisis calls but it hasn't worked as planned. Police still respond to some calls because of mental health expert shortages.

The police union in 2021 asked the city to stop sending officers to 19 types of calls including noise complaints, noncriminal welfare checks, under the influence calls where there is no other crime in progress, service in city parks and reporting an abandoned vehicle.

"We absolutely support alternative responses," Saggau added. "You've got to figure out who is going to respond to these things and you've got to build that infrastructure as we go."

Contact Jana Kadah at jana@sanjosespotlight.com or @Jana_Kadah on Twitter.



April 30, 2023

A Red Ram truck License Plate of 80729M3 drives

Very fast down our Walnut Street several time a day
blasting loud music. This happens several times a
day. The driver of this vehicle drives with wanton
disregard for others

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How to Stop Speeding in Your Neighborhood – 2021 Update

POSTED ON MONDAY, MARCH 15, 2021



If you want to stop speeding in the neighborhood, take active steps and learn the best way to slow down speeders in my neighborhood today. It's not always easy, though. If you have neighborhood speeding problems, you may need to call local law enforcement to handle the situation.

Do you know how to stop a neighborhood speeding problem? With the help of local authorities, concerned citizens, and your homeowner association, you have an opportunity to stop speeding in neighborhoods like yours. Here are a few tips:

- With support from the residents, it is entirely possible to lower the neighborhood speed limit to 25 miles-per-hour, which can help reduce speeding in my neighborhood altogether.

- Purchase and deploy a radar trailer or radar stand to alert motorists' to their current speed.
- Identify high volume, high-speed time frames and provide said information to the authorities.
- Implement traffic calming solutions, which are the best way to slow down speeders in my neighborhood.

One would imagine that installing a "Children at Play" sign would help curb speeding in neighborhoods. But unfortunately, that is no longer the case. A driver who is willing to speed through a residential area likely understands children are around, but they fail to imagine the repercussions of what may happen should a child stumble or run into the road in front of their speeding vehicle.

Speeding in neighborhoods is a serious problem that, despite the best efforts of both homeowners and local law enforcement, continues to plague once-peaceful communities striving for safety. If you regularly think to yourself 'speeding in my neighborhood is a problem' chances are you are correct. Far too often, especially in residential neighborhoods, drivers believe they can stamp down on the accelerator and fly by homes with reckless abandon. They cannot.

HOMEOWNER ASSOCIATION (HOA)

One fantastic way on how to reduce speeding in the neighborhood includes speaking with your homeowner association (HOA). The council members may know how to slow down traffic in your neighborhood through the use of campaigns, traffic calming solutions, and by working closely with local law enforcement.

The HOA will absolutely have the right to step in and install traffic calming solutions, such as speed bumps and speed humps, which help discourage speeding. But they can do nothing until alerted about the situation. If no one speaks up, then nothing gets done.

Did you know the HOA knows how to stop speeding cars in the neighborhood through the use of monetary fines? That's right; your homeowners association is within its rights to issue fines based on offenses committed within the neighborhood limits they oversee.

For your part, you likely think 'can I report speeding in my neighborhood?' Absolutely! And you positively should report any speeding or dangerous or reckless drivers.

SPREAD THE WORD

Speaking of stepping forward and doing your part on how to control speeding in the neighborhood, alerting the homeowners association is step number one. For step number two, you'll want to approach the other homeowners in your area, especially those with children who are at-risk because of dangerous drivers. Chances are they recognize the problem and want something done.

If you go to the HOA board with multiple families ready to complain, the chances of something being done are much higher. Another useful way to spread the word on how to stop speeding cars in the neighborhood include creating signs.

TRAFFIC CALMING SOLUTIONS FOR NEIGHBORHOODS

If you can report speeding on your street and want further steps on how to stop speeders on your road, start by exploring unique [traffic calming solutions](#) for neighborhoods like yours. One of the best ways on how to get cars to slow down on your street is through the use of speed bumps or speed humps. These traffic calming solutions are inexpensive, easy to install, and they work wonders to eradicate dangerous driving.

When exploring how to slow traffic on your street, you can rest assured that, on top of the usual speed humps, products like patrol stands and radar speed signs that display how fast a driver is flying through a residential area will force them to rethink their actions. On how to slow down cars in a neighborhood, if you cannot invest in such signs, then make your own signs. Warn drivers that this is an active community and to obey traffic laws.

Hopefully, now you know how to reduce speeding in the neighborhood so that children can once more go outdoors and play safely. [Transline](#) helps keep streets safe!

RECENT POST

Speeding

Language: **English** ▼

Overview

Speeding endangers everyone on the road: In 2020, speeding killed 11,258 people. We all know the frustrations of modern life and juggling a busy schedule, but speed limits are put in place to protect all road users. Learn about the dangers of speeding and why faster doesn't mean safer.

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Safety Facts

11,258

SPEEDING-RELATED DEATHS IN 2020



Speeding Catches Up With You

THE ISSUE

Dangers of Speeding

TRAFFIC SAFETY FACTS & DATA PUBLICATIONS

SPEEDING

For more than two decades, speeding has been involved in approximately one-third of all motor vehicle fatalities. In 2020, speeding was a contributing factor in 29% of all traffic fatalities.

Speed also affects your safety even when you are driving at the speed limit but too fast for road conditions, such as during bad weather, when a road is under repair, or in an area at night that isn't well lit.

Speeding endangers not only the life of the speeder, but all of the people on the road around them, including law enforcement officers. It is a problem we all need to help solve.

THE ISSUE

Consequences

Speeding is more than just breaking the law. The consequences are far-ranging:

- Greater potential for loss of vehicle control;
- Reduced effectiveness of occupant protection equipment;
- Increased stopping distance after the driver perceives a danger;
- Increased degree of crash severity leading to more severe injuries;
- Economic implications of a speed-related crash; and
- Increased fuel consumption/cost.

THE ISSUE

What Drives Speeding?

Speeding is a type of aggressive driving behavior. Several factors have contributed to an overall rise in aggressive driving:

Traffic

Traffic congestion is one of the most frequently mentioned contributing factors to aggressive driving, such as speeding. Drivers may respond by using aggressive driving behaviors, including speeding, changing lanes frequently, or becoming angry at anyone who they believe impedes their progress.

Running Late

Some people drive aggressively because they have too much to do and are “running late” for work, school, their next meeting, lesson, soccer game, or other appointment.

Anonymity

A motor vehicle insulates the driver from the world. Shielded from the outside environment, a driver can develop a sense of detachment, as if an observer of their surroundings, rather than a participant. This can lead to some people feeling less constrained in their behavior when they cannot be seen by others and/or when it is unlikely that they will ever again see those who witness their behavior.

Disregard for Others and For the Law

Most motorists rarely drive aggressively, and some never do. For others, episodes of aggressive driving are frequent, and for a small proportion of motorists it is their usual driving behavior. Occasional episodes of aggressive driving—such as speeding and changing lanes abruptly—might occur in response to specific situations, like when the driver is late for an important appointment, but is not the driver’s normal behavior.

If it seems that there are more cases of rude and outrageous behavior on the road now than in the past, the observation is correct—if for no other reason than there are more drivers driving more miles on the same roads than ever before.

THE ISSUE

Dealing with Speeding and Aggressive Drivers

Speeding behavior and aggressive drivers may not only affect the speeder—it can also affect other drivers, pedestrians, and bicyclists. Here are some tips for encountering speeders on the road:

- If you are in the left lane and someone wants to pass, move over and let them by.
- Give speeding drivers plenty of space. Speeding drivers may lose control of their vehicle more easily.
- Adjust your driving accordingly. Speeding is tied to aggressive driving. If a speeding driver is tailgating you or trying to engage you in risky driving, use judgment to safely steer your vehicle out of the way.
- Call the police if you believe a driver is following you or harassing you.

NHTSA IN ACTION

NHTSA is dedicated to eliminating risky behaviors on our nation's roads

NHTSA works with the Federal Motor Carrier Safety Administration and the Federal Highway Administration to provide the roadmap, tools, guidance, and resources for state and local governments to use in designing and applying a balanced and effective speed management program. Speed management involves the following:

- Defining the relationship between speed, speeding, and safety.
- Applying road design and engineering measures to obtain appropriate speeds.
- Setting speed limits that are safe and reasonable.
- Applying enforcement efforts and appropriate technology that effectively target crash-producing speeders and deter speeding.
- Effectively marketing communication and educational messages that focus on high-risk drivers.
- Soliciting the cooperation, support, and leadership of traffic safety stakeholders.

To promote this strategy, NHTSA delivers a Speed Management Program course to state and local jurisdictions. The course uses a multidisciplinary approach to address speeding problems in states and local communities.

NHTSA also provides training to law enforcement officers on the use of speed-measuring devices (i.e., radar and lidar) in order to identify and take enforcement action against speeding drivers.



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New Projection: U.S. Pedestrian Fatalities Reach Highest Level in 40 Years

Resource Type

News Releases

FOR IMMEDIATE RELEASE

May 19, 2022

CONTACT: Adam Snider (<mailto:asnider@ghsa.org>), 202-580-7930
202-365-8971 (after hours)

Growing death toll underscores the urgent need for a multi-layered approach to protect people on foot from dangerous driving

WASHINGTON, D.C. – Drivers struck and killed an estimated 7,485 people on foot in 2021 – the most pedestrian deaths in a single year in four decades and an average of 20 deaths every day, according to a new estimate (<https://www.ghsa.org/resources/Pedestrians22>) released today by the Governors Highway Safety Association (GHSA). To provide additional context on pedestrian safety trends, the report also includes an analysis of 2020 data from the National Highway Traffic Safety Administration (NHTSA) that reveals a shocking new statistic – the percentage of speeding-related pedestrian crashes involving children ages 15 and younger more than doubled in the previous three years.

Last month, GHSA offered a preview of state and national pedestrian traffic deaths for the first six months of 2021 based on preliminary data reported by the State Highway Safety Offices (SHSOs) in all 50 states and the District of Columbia (D.C.). The report warned that the number of pedestrian deaths increased significantly as speeding, impaired and distracted driving, and other dangerous driving behaviors proliferated. This new, comprehensive report, *Pedestrian Traffic Fatalities by State: 2021 Preliminary Data* (<https://www.ghsa.org/resources/Pedestrians22>), provides a detailed look at projected pedestrian fatalities for the full year using additional preliminary data provided by the SHSOs. The data analysis was conducted by Elizabeth Petraglia, Ph.D., of research firm Westat (<https://www.westat.com/>).

The new projection found that the 7,485 pedestrian deaths in 2021 was an increase of 12% from the previous year, resulting in 774 additional lives lost. Nationwide, there were 2.32 pedestrian deaths per billion vehicle miles traveled (VMT) in 2021, which is similar to 2020 but well above the pre-pandemic average of 1.9. The fatality rate per 100,000 people also increased, rising to 2.26 in 2021 from 2.02 the year before. Because 2020 was an unusual travel year with less driving, the analysis compares 2021 state-level data to both 2020 and 2019 to give a complete picture of the changes in each state.

"This is heartbreaking and unacceptable. The pandemic has caused so much death and damage, it's frustrating to see even more lives needlessly taken due to dangerous driving," said GHSA Executive Director Jonathan Adkins. "We must address the root causes of the pedestrian safety crisis – speeding and other dangerous driving behaviors, inadequate infrastructure, and roads designed for vehicle speed instead of safety – to reverse this trend and ensure people can walk safely."

The GHSA report provides examples of successful state programs to keep people on foot safe and explains how the holistic Safe System approach can improve pedestrian safety. The report provides concrete ways that each of the five elements of a Safe System – safe people, safe roads, safe vehicles, safe speeds and post-crash care – can better protect people on foot and all road users. GHSA strongly supports the Safe System approach as a promising solution to the pedestrian safety crisis. Last December, the association published a report (<https://www.ghsa.org/resources/GHSA/Safe-System-Report21>) that discusses how SHSOs, their partners, and other traffic safety organizations and advocates can work together to implement the Safe System approach and help mitigate roadway deaths.

Pedestrian Safety Trends, 2010-2020

The GHSA report also examined recently released 2020 data from NHTSA's Fatality Analysis Reporting System to provide insights on trends regarding when, where and how drivers strike and kill people on foot. Findings included:

- In 2020, the percentage of pedestrian fatalities involving speeding rose to 8.6%, a notable increase from 7.2% the year before. Speed has a significant impact on pedestrian safety. The average risk of death for pedestrians increases exponentially the faster a vehicle is traveling, from 10% at 23 mph to 90% at 58 mph.

- Since 2018, the percentage of pedestrian fatalities among children younger than 15 in which speeding was a factor has more than doubled, from 5.8% in 2018 to 11.9% in 2020. Most of these fatalities occurred on weekdays (64%) and during daylight hours (53%), which is when children would typically be transported to and from school and related activities. However, millions of children began remote learning in March 2020, raising a troubling question about the increase in speeding-related deaths: Were more children going outside during the day away from controlled environments like playgrounds and schools?
- Pedestrians accounted for 17% of all traffic deaths in 2020, compared to 13% in 2010. While pedestrian deaths have risen by 54% over the past decade, all other traffic deaths have increased by 13%.
- Pedestrian fatalities fell by 8% in America's 10 largest cities in 2020 after years of increases. This is likely due to fewer people walking and driving in response to public health restrictions. For example, deaths in New York City fell dramatically in March, April, May and December of 2020, when such restrictions were in effect.
- Drivers of passenger cars have consistently accounted for the greatest number of fatal pedestrian crashes. However, over the past decade the number of pedestrian deaths in crashes involving sport utility vehicles (SUVs) increased at a faster rate than deaths in crashes involving passenger cars – 36% versus 27%, respectively. Because of their greater body weight and larger profile, SUVs can cause more harm to a person on foot when a crash occurs.
- Most pedestrian fatalities continue to occur at night, although nighttime deaths have accounted for an even larger share over the past few years. In 2020, more than 76% of deaths with a known lighting condition were at night. Since 2014, nighttime pedestrian deaths have risen by 41%, from 3,510 in 2014 to 4,951 in 2020.
- The percentage of pedestrian fatalities where no sidewalk was noted on the crash report rose to 67% in 2020 from an average of 62% over the four preceding years. The presence of sidewalks can help protect people walking by separating them from vehicle traffic, but additional infrastructure design considerations, such as raised crosswalks and traffic calming that slows vehicle speeds, can provide even more protection.
- Non-freeway arterial roads, which typically carry large volumes of traffic at high speeds, are the most dangerous for people on foot, accounting for 60% of all fatalities in 2020. Approximately 17% of pedestrian deaths were on freeways, suggesting the need for strong Move Over laws that require drivers to slow down and change lanes when approaching a stopped vehicle.

GHSA will bring together (<https://www.ghsa.org/events/Annual-Meetings/2022/>) national and state leaders this September in Louisville, Kentucky, to discuss the increase in pedestrian and overall traffic deaths as well as how the Safe System approach can help protect people who are walking.

The complete report, including state-by-state pedestrian traffic fatality projections, is on the GHSA website (<https://www.ghsa.org/resources/Pedestrians22>).

###

About GHSA

The Governors Highway Safety Association (GHSA) is a nonprofit association representing the highway safety offices of states, territories, the District of Columbia and Puerto Rico. GHSA provides leadership and representation for the states and territories to improve traffic safety, influence national policy, enhance program management and promote best practices. Its members are appointed by their Governors to administer federal and state highway safety funds and implement state highway safety plans. Visit [ghsa.org](http://www.ghsa.org/) (<http://www.ghsa.org/>) for more information or follow us on Facebook (<http://www.facebook.com/GHSAHQ>) and Twitter (<https://twitter.com/GHSAHQ>).

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CALIFORNIA

No arrest in 'tragic accident' that killed mother, injured 6-year-old child, police say



A 35-year-old woman was killed and her 6-year-old daughter critically injured in a traffic crash at Colgate Avenue and Ogden Drive near Hancock Park Elementary School in Los Angeles on Tuesday. (Myung J. Chun / Los Angeles Times)

BY NOAH GOLDBERG | STAFF WRITER

APRIL 26, 2023 8:42 PM PT

A medical emergency may have been responsible for the “tragic accident” that occurred Tuesday morning when a pickup truck plowed into a mother and daughter, killing the mom near Hancock Park Elementary School, according to police.

Police had been investigating the driver and suggested Tuesday that “drugs or alcohol” were possible contributors to the crash that killed the 35-year-old woman, whose name was not



AGENDA SUMMARY REPORT

SUBJECT: Adoption of Ordinance Prohibiting Retail Sales of Flavored Tobacco Products, Including Several Cleanup Provisions to Bring the City's Anti-Smoking Regulations into Compliance with Current State Law.

DEPARTMENT: Community
Development

PREPARED BY: Darcy Vaughn, Assistant City Attorney

PRESENTER: Darcy Vaughn, Assistant City Attorney and Matt Keizer, Chief Code Enforcement Officer

ATTACHMENTS:

1. Flavored Tobacco Ban Draft Redline Introduced
2. Flavored Tobacco Ban Draft Clean Introduced

Summary: Council will consider adopting the Ordinance Prohibiting Retail Sales of Flavored Tobacco Products. The Ordinance includes several cleanup provisions to bring the City's anti-smoking regulations into compliance with current State law.

Background: On November 8, 2022, California voters passed Proposition 31, which upheld a statewide ban on most flavored tobacco products. SB 793, codified at Health and Safety Code Section 104559.5, prohibits the sale of flavored tobacco products by tobacco retailers statewide, including any tobacco product that has a characterizing flavor, which is defined to cover any distinguishable taste or aroma other than that of tobacco, explicitly listing mint and menthol flavors as examples. More specifically, Section 104559.5 sets a statewide floor prohibiting certain flavored tobacco product sales by anyone selling tobacco products from a retail location or vending machine in the state of California. It covers a broad range of flavored tobacco products, including menthol cigarettes, chewing tobacco, snuff, little cigars, e-cigarettes, and roll-your-own tobacco, but exempts certain products such as shisha, loose leaf tobacco, and premium cigars.

Section 104559.5 does not preempt local ordinances that are more restrictive than State law in prohibiting the sale of flavored tobacco products. The proposed Ordinance Prohibiting Retail Sales of Flavored Tobacco Products ("Ordinance") explicitly adopts the State's prohibition on the sale of flavored tobacco products, and goes further by prohibiting the categories of flavored tobacco products that are exempted from Section 104559.5: flavored hookah or shisha tobacco, flavored loose leaf pipe tobacco, and flavored premium cigars. The Ordinance is attached here in redline markup as Attachment 1, and a clean version as Attachment 2.

Council voted unanimously to introduce the Ordinance by title only at their April 19, 2023, regular meeting but wished to solicit additional comments from local tobacco retailers and allow for more outreach to the community on the issues addressed in the Ordinance. Tobacco Retailers operating within the City have been provided notice that Council is considering adopting the Ordinance and have had fourteen (14) days to comment. Should Council adopt the Ordinance, the Ordinance will go into effect 30 days after adoption.

Discussion: The Ordinance amends various sections of the City Code to reflect the State's flavored tobacco product sales ban, to prohibit sales of additional categories of flavored tobacco products not covered by the State law, and to allow for enforcement of the flavored tobacco product sales ban and for appeal of enforcement decisions. The Ordinance establishes a definition for Characterizing Flavor, the distinguishing factor for identifying flavored tobacco products, that will allow the City's Code Enforcement staff to determine whether a retailer is selling a prohibited flavored tobacco product. A Characterizing Flavor is defined as distinguishable taste or smell, or both, other than the taste or smell of tobacco that is distinguishable by an

ordinary consumer, imparted by a tobacco product or any byproduct produced by the tobacco product. The definition further states that the determining factor is not the presence of an additive or flavoring, but rather the presence of a distinguishable taste or smell, or both, that is distinguishable by an ordinary consumer. The Ordinance revises the definition of Tobacco Product to include additional categories of tobacco product, such as loose leaf tobacco and shisha, as well as Electronic Nicotine Device Systems, or ENDS. In addition, the Ordinance defines and prohibits retail sale of Tobacco Product Flavor Enhancers, which are products designed, manufactured, produced, marketed, or sold to produce a Characterizing Flavor when added to a Tobacco Product.

The Ordinance allows Code Enforcement staff to conduct compliance check inspections of Tobacco Retailers and requires that such inspections take place at least once annually. In addition, the Ordinance explicitly states that fees related to Tobacco Retailer licenses, including fees related to inspections, will be based on cost recovery. Should Code Enforcement Staff take enforcement action against a Tobacco Retailer for violations of the Ordinance, the Ordinance establishes a process by which the Retailer can request a hearing before the Hearing Officer to appeal Code Enforcement's decision.

The Ordinance also includes several cleanup provisions to bring the City's anti-smoking regulations into compliance with current State law. For example, State law now prohibits the sale of tobacco products to minors under the age of twenty-one (21); the Ordinance updates the City Code accordingly. In addition, the Ordinance removes bars from the list of areas where smoking is not regulated and adds bars to the list of enclosed spaces and places of employment where smoking is prohibited. Finally, the Ordinance adds waiting rooms, hallways, wards, and rooms of health facilities to the list of enclosed spaces and places of employment where smoking is prohibited.

Recommended Action: Adopt Ordinance Prohibiting Retail Sales of Flavored Tobacco Products, Including Several Cleanup Provisions to Bring the City's Anti-Smoking Regulations into Compliance with Current State Law.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Code Enforcement

DIVERSITY-EQUITY INITIATIVES (DEI):N/A

CLIMATE INITIATIVES (CI):N/A

GENERAL PLAN ELEMENTS (GP): N/A



ORDINANCE NO.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING
VARIOUS SECTIONS OF THE UKIAH CITY CODE RELATING TO TOBACCO
RETAILERS AND TOBACCO SMOKING.**

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

SECTION 1 FINDINGS

1. Four out of five children who use tobacco started with a flavored tobacco product.
2. According to a Report of the Surgeon General, internal tobacco industry documents show that the industry uses flavors to reduce the harshness of their products to make them more appealing to new users, almost all of whom are under the age of 18.
3. The results of a California Statewide survey among students in 2018 by the Center for Research and Intervention in Tobacco Control indicate that flavored electronic smoking products are mainly responsible for a rapid increase in youth and young adult tobacco use.
4. According to a fact sheet on Menthol and Cigarettes published by the California Department of Public Health, menthol flavorings are more popular with young smokers based on a national study finding that 54.5% of high school and 48.4% of middle school users of tobacco products smoke menthol cigarettes (as compared to 30-35% of adults).
5. Within a statewide survey of high school students in 2017-2018, the Northern Region of California, which includes the City of Ukiah, has among the highest prevalence of tobacco use.
6. The results of the California Healthy Kids Survey for 2017-2019, indicate that in the City of Ukiah, 29% of seventh graders, 33% of ninth graders and 36% of eleventh graders had tried vaping.
7. California Health and Safety Code § 104559.5 sets a statewide floor prohibiting certain flavored tobacco product sales by anyone selling tobacco products from a retail location or vending machine in the state of California. It covers a broad range of flavored tobacco products, including menthol cigarettes, chewing tobacco, snuff, little cigars, e-cigarettes, and roll-your-own tobacco, but exempts certain products such as shisha, loose leaf tobacco, and premium cigars.
8. California Health and Safety Code § 104559.5 does not preempt local action that goes further in prohibiting the sale of tobacco products.

9. It is the intent of the City Council of the City of Ukiah, in enacting this ordinance, to join numerous other California jurisdictions, which have adopted comprehensive flavored tobacco bans.

SECTION 2

Article 7 of Division 2, Chapter 2 of the Ukiah City Code is hereby amended to read as follows:

ARTICLE 7. TOBACCO RETAILERS

§2350 DEFINITIONS

The following words and phrases, whenever used in this article, shall have the meanings provided in this section unless the context clearly requires otherwise:

APPELLANT: A person who appeals a department decision to the ~~grievance committee~~Hearing Officer.

CHARACTERIZING FLAVOR: A distinguishable taste or smell, or both, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or smell, or both, as described in the first sentence of this definition, and that is distinguishable by an ordinary consumer, that constitutes a characterizing flavor.

DEPARTMENT: The city manager and/or the duly authorized designee of the city manager.

ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS): An electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately and includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor

FLAVORED TOBACCO PRODUCT: Any tobacco product that contains a constituent that imparts a Characterizing Flavor.

~~**GRIEVANCE COMMITTEE:** A committee of two (2) persons, one city council member, selected by the city council, and one city employee selected by the city~~

~~manager. No member of the committee shall have participated in a decision appealed to the committee.~~

PERSON: Any natural person, firm, partnership, trust, estate, association, corporation, or organization of any kind. Where a principal acts through an agent, the word "person" shall include both such principal and agent.

SALE: Any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatever.

TOBACCO PRODUCT:

A. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, loose leaf tobacco, hookah tobacco, shisha, or snuff;

B. Any Electronic Nicotine Device System (ENDS) that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. Including any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor; and

C. Any component, part, or accessory of a tobacco product, whether or not sold separately.

D. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.~~Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.~~

TOBACCO PRODUCT FLAVOR ENHANCER: A product designed, manufactured, produced, marketed, or sold to produce a Characterizing Flavor when added to a Tobacco Product.

TOBACCO RETAILER: Any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco or tobacco products. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco or tobacco products sold, offered for sale, exchanged, or offered for exchange.

§2351 LICENSE REQUIREMENTS

A. It shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer's license pursuant to this article for each location at which that activity is to occur. No license may issue to authorize tobacco retailing at other than a fixed location. For example, tobacco retailing by persons on foot and tobacco retailing from vehicles are prohibited.

B. The term of a license is one year from January 1 through December 31 unless earlier suspended, terminated or revoked pursuant to section 2358 of this article. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer's license no later than thirty (30) days prior to its expiration.

C. Nothing in this article shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the right to act as a tobacco retailer at the location in the city of Ukiah identified on the face of the license. For example, nothing in this article shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by Labor Code section 6404.5.

§2352 APPLICATION PROCEDURE

Application for a tobacco retailer's license shall be submitted in the name of each person proposing to conduct retail tobacco sales and shall be signed by each person or an authorized agent thereof. It is the responsibility of each person to be informed of the laws affecting the issuance of a tobacco retailer's license. A license that is issued in error or on the basis of false or misleading information supplied by a person may be revoked pursuant to section 2358 of this article. All applications shall be submitted on a form supplied by the department and shall contain the following information:

A. The name, address, and telephone number of each person.

B. The business name, address, and telephone number of each location for which a tobacco retailer's license is sought.

C. The name and mailing address authorized by each person to receive all license related communications and notices (the "authorized address"). If an authorized address is not supplied, each person shall be understood to consent to the provision of notice at the business address specified pursuant to subsection B of this section.

D. Whether or not any person has previously been issued a license pursuant to this article that is, or was at any time, suspended or revoked and, if so, the dates of the suspension period or the date of revocation.

E. Such other information as the department deems necessary for the administration or enforcement of this article.

§2353 ISSUANCE OF LICENSE

Upon the receipt of an application for a tobacco retailer's license and the license fee, the department shall issue a license, unless:

- A. The application is incomplete or inaccurate; or
- B. The application seeks authorization for tobacco retailing by a person for which or whom a suspension is in effect pursuant to section 2358 of this article, or by a person which or who has had a license revoked pursuant to section 2358 of this article.

§2354 DISPLAY OF LICENSE

Each license shall be prominently displayed in a publicly visible location at the licensed premises.

§2355 LICENSE FEE

The fee to issue or to renew a tobacco retailer's license shall be established by resolution of ~~city the City council~~Council from time to time. The fee shall be calculated so as to recover the cost of administration and enforcement of this Article, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and enforcement, but shall not exceed the cost of the regulatory program authorized by this Article. Annual fees shall not be pro-rated or refunded during the course of the year. The City may charge a re-inspection fee to offset the additional staff time required to handle non-compliant businesses. Additional inspections thereafter will be billed based on actual costs incurred.

§2356 LICENSES NOT TRANSFERABLE

A tobacco retailer's license is not transferable. If the information required in the license application pursuant to subsection 2352A, B or C of this article changes, the tobacco retailer must notify the department within fourteen (14) days, and update all information on the license application form in order to continue to act as a tobacco retailer. For example, if a tobacco retailer to whom a license has been issued changes business location, that tobacco retailer must supply updated license information within fourteen (14) days of acting as a tobacco retailer at the new location. If a business is sold, the new owner must apply for a license for that location before acting as a tobacco retailer. The current licensee shall notify the department of the sale of the tobacco retailing business.

§2357 LICENSE VIOLATION

A. Violation Of Tobacco Related Laws: It shall be a violation of a tobacco retailer's license for a person or his or her agent or employee to violate any local, state, or federal tobacco related law.

B. It is a violation of a tobacco retailer's license for a person or his or her agent or employee to sell or offer for sale any Flavored Tobacco Product or Tobacco Product Flavor Enhancer. There is a rebuttable presumption that a tobacco product is a Flavored Tobacco Product if a manufacturer or its agents or employees has made a public statement or claim that the tobacco product has or produces a Characterizing Flavor, including, but not limited to, text, color, or images on the product's labeling or packaging that are used to expressly or impliedly communicate that a tobacco product has a Characterizing Flavor.

BC. License Compliance Monitoring: The Department, Code Enforcement Officer, or other person designated to enforce the provisions of this Article shall have the power and authority to enter any tobacco retailer during regular business hours to inspect the premises and determine compliance with the provisions of this Article. The city of Ukiah anticipates that compliance checks of each tobacco retailer will be conducted at least two (2) times during each twelve (12) month period by the Mendocino County public health department. City's Code Enforcement Officer shall conduct onsite compliance checks at least once annually. The ~~city~~ City shall not enforce any tobacco related minimum age law against a person who otherwise would be in violation of such law because of the person's age (hereinafter "youth decoy") if the violation occurs when:

1. The youth decoy is participating in a compliance check supervised by a law enforcement official, a code enforcement official, or any peace officer; or

2. The youth decoy is participating in a compliance check funded or supervised in part by the county of Mendocino or, funded or supervised in any part by the California department of health services.

§2358 SUSPENSION, TERMINATION OR REVOCATION OF LICENSE

A. Violation: In addition to any other penalty authorized by law, such as possible imposition of administrative fines pursuant to section 2359 of this Article, a tobacco retailer's license may be suspended or revoked if the department determines that the person or his or her agents or employees have violated the requirements of this article or other conditions of the license imposed pursuant to section 2357 of this article. A person who loses his license for one location does not lose it for all locations, if those locations are in compliance with this article, and may renew licenses for other conforming locations. A person cannot obtain a new license for a new location so long as there is a suspension in effect for any location.

1. Notice Required: The licensee shall be served with written notice of all determinations or decisions under this section affecting his or her license. Notice shall

be served by personal service, overnight courier, certified mail, return receipt requested, or U.S. mail with first class postage affixed. The notice shall be sent to the authorized address. All notices shall be deemed served, when received, except for notices sent by first class mail which shall be deemed served two (2) days after deposit in the U.S. mail if addressed to a location within Mendocino County and five (5) days if addressed to a location outside Mendocino County. The notice shall describe the legal and factual basis for the decision. A decision imposing a fine shall specify the amount of the fine. A decision to suspend or revoke a license shall specify the beginning and ending dates of the suspension or the effective date of the revocation. No decision shall become effective in less than ten (10) days from the date of service.

2. Duration Of Suspensions:

a. Upon a finding by the department of a first license violation within any thirty six (36) month period, the license shall be suspended for fourteen (14) days. However, if the violation in question is for sale of tobacco products to persons under the age of twenty-one (21), prior to imposing the suspension, the department shall by letter (an "advice letter") advise the person that if person trains all sales employees at the location of the sale in the laws pertaining to the sale of tobacco products to minors-persons under the age of twenty-one (21) and techniques to ensure future compliance with said laws, the suspension will not go into effect. Within thirty (30) days of the issuance of the advice letter, the person must file with the department an affidavit signed by the person and the sales employees that said training has been completed. If the person fails to timely submit the affidavit, the department shall notify the person that the permit is suspended for fourteen (14) days.

b. Upon a finding by the department of a second license violation within any thirty six (36) month period, the license shall be suspended for twenty one (21) days.

c. Upon a finding by the department of a third license violation within any thirty six month (36) period, the license shall be suspended for thirty (30) days.

d. Upon a finding by the department of a fourth license violation within any thirty six (36) month period, the license shall be revoked and the person or persons who had been issued the license shall not be issued a tobacco retailer's license pursuant to this article for a period of three (3) years from the date of revocation.

B. Failure To Pay Renewal Fees: A tobacco retailer's license which is not timely renewed pursuant to subsection 2352B of this article is an expired license. The tobacco retailer shall not engage in tobacco retailing at the licensed location until a new license has been issued for that location.

C. License Issued In Error: A tobacco retailer's license shall be revoked if the department determines that one or more of the bases for denial of a license under section 2353 of this article existed at the time application was made or at any time

before the license issued. The revocation shall be without prejudice to the filing of a new application for a license.

D. Removal Of All Tobacco Products From Public View: A tobacco retailer whose license is suspended must remove from public view all tobacco products and tobacco advertising for the duration of the suspension. Failure to remove such items from view will be regarded as a violation of this article equivalent to that of selling to ~~minors~~persons under the age of twenty-one (21) or selling or offering for sale any Flavored Tobacco Product or Tobacco Product Flavor Enhancer.

E. License Obtained Under False Pretenses: Tobacco retailers whose license is obtained under false pretenses shall have that license revoked. A licensee whose license is revoked pursuant to this subsection may not apply for a new license for a period of one year from the date the license is revoked.

§2359 ADMINISTRATIVE FINE

A. Grounds For Fine: If the department determines that any ~~unlicensed~~ person, including a person named on a revoked or suspended license, has engaged in tobacco retailing in violation of this article, the department shall fine that person as follows:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation in any thirty six (36) month period; or
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation in any thirty six (36) month period; or
3. A fine not exceeding five hundred dollars (\$500.00) for a third or subsequent violation in any thirty six (36) month period.

Each day that such a person engages in tobacco retailing shall constitute a separate violation.

B. Imposition Of Fine: If no request for a hearing is timely received in accordance with section 2360 of this article, the department's determination on the violation and the imposition of a fine shall be final and payment shall be made within thirty (30) days after notice of the fine was served in accordance with subsection 2358A1 of this article. If the fine is not paid within that time, the fine may be collected, along with interest at the legal rate, in any manner provided by law. In the event that a judicial action is necessary to compel payment of the fine and accumulated interest, the person or persons subject to the fine shall also be liable for the costs of the suit and attorney fees incurred by the city in collecting the fine.

§2360 ~~GRIEVANCE COMMITTEE~~APPEALS

A. Appeal Of Fine, Suspension Or Revocation: A decision of the department to impose a fine or to revoke or suspend a license may be appealed to the ~~grievance committee~~Hearing Officer. Within ten (10) days from the date of service of the notice of the decision, an appellant may file notice of appeal with the Department. Such appeal shall be in writing and shall identify the location subject to the notice. The appellant must file a written notice of appeal with the department within ten (10) days after service of the notice of the decision. Failure to file a timely notice of appeal waives any right to further challenge the department's decision. The department shall then cause the matter to be set for hearing before a Hearing Officer appointed by the City to hear such matters. The Hearing Officer shall be qualified by training, education and/or experience to conduct the hearing and shall be impartial. Except in his or her capacity as a Hearing Officer, he or she shall have no personal or business relationship to the appellant or the City. "File" means delivered to the city manager's office in the Ukiah Civic Center at 300 Seminary Ave., Ukiah, California. The filing of a notice of appeal automatically stays the department's decision, until the grievance committee has served its final decision on the appeal. The ~~committee~~Hearing Officer may reverse, modify or uphold the department's decision.

B. Notice Of Hearing: Notice of the date of hearing shall be given in writing. The date of the hearing shall be no sooner than fifteen (15) days from the date when notice of the hearing is given to the appellant and to the department. If a notice of appeal is timely filed, the department shall provide written notice to the appellant of the date, time, and place of the hearing in the manner specified in subsection 2358A1 of this article. A hearing may not be conducted less than twenty (20) days after notice is given to the appellant.

C. Hearing: At the time fixed in the notice, the Hearing Officer shall receive evidence, including the testimony of all competent persons desiring to testify respecting the violation at issue and the department's decision. The grievance committee may adopt rules governing the conduct of its hearings. Those rules shall include, at least, the following:

1. ~~The department shall submit evidence at the hearing substantiating its decision. Such evidence may include testimony, police or other reports of the incident, witness statements and other documents. Not less than ten (10) days prior to the scheduled hearing, the department must notify the appellant of the name, address and phone number of any witness to the violation, and furnish appellant with a copy of any document it intends to submit at the hearing. Not less than seven (7) days prior to the hearing, the appellant may request the department to produce at the hearing any witness the department intends to rely upon to substantiate the violation. The written request must name the witness or witnesses who are requested to attend the hearing. The department may not rely on the testimony of any witness (including such testimony contained in reports or written witness statements) whose appearance at the hearing is required by this subsection, if that witness fails to appear.~~

~~2. Not less than ten (10) days prior to the hearing, the appellant must notify the department in writing of the name, address and phone number of any witness the appellant intends to call as a witness at the hearing, provide a brief description of the proposed testimony, and furnish the department with a copy of any document the appellant intends to offer as evidence at the hearing. The appellant may not call any witness to testify at the hearing who was not identified as required by this subsection or offer any document as evidence at the hearing that was not provided to the department as required by this subsection.~~

~~3. At the hearing, the appellant may be represented by an attorney, at appellant's expense. Both the department and the appellant shall have the right to examine and cross-examine any witness produced at the hearing. The rules of evidence that normally apply in court shall not apply in a hearing before the committee, but the grievance committee shall only consider evidence which would be relied upon by reasonable people making an important decision, and shall disregard evidence which by its nature is unreliable or not credible.~~

~~4. The entire hearing shall be electronically or stenographically recorded. The grievance committee shall base its decision exclusively on the evidence presented at the hearing and shall issue a written decision, which includes a statement of the relevant facts which the committee finds to be true and explains how the facts support its decision. For example, if the department finds that the appellant sold cigarettes to a minor, but this was the first violation committed by the appellant within thirty six (36) months, the decision would explain that subsection 2358A2a of this article requires a fourteen (14) day suspension of the appellant's license to sell tobacco products at the licensed location, and on that basis the facts support a fourteen (14) day suspension of the license for that location. The record of the hearing shall be preserved for not less than six (6) months after the decision is served on the appellant.~~

D. Hearing Decision: The Hearing Officer's decision shall be by written order, which shall contain the findings of the Hearing Officer upon which such determination is based. ~~The chairperson of the grievance committee shall issue the written decision required by subsection C4 of this section. Copies of the decision shall be served in accordance with subsection 2358A1 of this article.~~ The hearing decision shall include notice of the appellant's right to seek review of the decision pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6, including the statute of limitations for seeking review pursuant to section 1094.6.

E. Finality Of The Hearing Officer~~Grievance Committee's~~ Decision: The decision of the ~~grievance committee~~Hearing Officer shall be the final decision for the city of Ukiah.

F. Appeal To Superior Court: Judicial review of the Hearing Officer~~grievance committee's~~ decision shall be governed by the Code of Civil Procedure sections 1094.5 and 1094.6.

G. Enforcement Of Decision: Unless stayed by a court, any final decision of the ~~grievance committee~~Hearing Officer is effective immediately and may be implemented and enforced by the department.

§2361 ENFORCEMENT

The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall constitute a violation.

B. Violations of this article are hereby declared to be public nuisances.

C. Violations of this article are hereby declared to be unfair business practices and are presumed to at least nominally damage each and every resident of the community in which the business operates.

D. A violation of this article constitutes a misdemeanor punishable by a fine of one thousand dollars (\$1,000.00) or by imprisonment in the county jail for six (6) months, or both.

E. In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by a civil action brought by the city attorney or the district attorney, including, for example, administrative or judicial nuisance abatement proceedings, other legally authorized enforcement proceedings, and suits for injunctive relief.

SECTION 3

Article 1 of Division 5, Chapter 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§4501 LEGISLATIVE FINDING

* * *

E. The purposes of this Chapter are to:

1. Protect the public health and welfare by prohibiting smoking in public places and places of employment;
2. Guarantee the right of nonsmokers to breathe smoke-free air, and recognize that the need to breathe smoke-free air shall have priority over the desire to smoke; and
3. Reduce access of persons under ~~eighteen~~twenty-one (~~18~~21) years of age to tobacco

products by restricting their access to tobacco products.

SECTION 4

Article 3 of Division 5, Chapter 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§4503 PROHIBITION OF SMOKING IN ENCLOSED PLACES AND IN PLACES OF EMPLOYMENT

Smoking shall be prohibited in all public places within the city, including the following places:

- A. Elevators.
- B. Buses, taxicabs and other means of public transit under authority of the city, and ticket, boarding and waiting areas of public transit depots.
- C. Restrooms.
- D. Service lines.
- E. Retail stores.
- F. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to, attorney offices and other offices, banks, laundromats, hotels and motels.
- G. Restaurants.
- H. Public areas of galleries, libraries and museums, when open to the public.
- I. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.
- J. Sports arenas and convention halls.
- K. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City.
- L. Waiting rooms, hallways, wards and rooms of health facilities, including but not

limited to hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

M. Bars

L. Waiting rooms, hallways, wards and rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

SECTION 5

Article 4 of Division 5, Chapter 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

* * *

§4504.5 TOBACCO VENDING MACHINES

Except as otherwise provided in this Section, no person, business or tobacco retailer shall locate, install, keep, maintain or use or permit the location, installation, keeping, maintenance or use on his, her or its premises any tobacco vending machine for the purpose of selling or distributing any tobacco product. Cigarette vending machines located in areas from which ~~children-individuals~~ under ~~eighteen-twenty-one~~ (1821) years of age are prohibited shall be exempt from this restriction. Any cigarette vending machine located in such an area must be placed thirty feet (30') or greater from the entrance to such an establishment. Any tobacco vending machine in use on the effective date of this Article shall be removed within thirty (30) days after the effective date of the amendments to this Chapter.

§4504.7 SALE OF TOBACCO PRODUCTS TO MINORS

A. Any person, business, tobacco retailer or other establishment subject to this Article shall post plainly visible signs at the point of purchase of tobacco products which state:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER ~~EIGHTEEN-TWENTY-ONE~~ YEARS OF AGE IS PROHIBITED BY LAW, PHOTO ID IS REQUIRED.

The letter of said sign should be at least one-quarter inch (1/4") high.

B. No person, business, tobacco retailer or owner, manager or operator of any establishment subject to this Article shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser's age as ~~eighteen-twenty-one~~ (1821) years or greater unless the seller has some reasonable basis for determining the buyer's age.

§4505 AREAS WHERE SMOKING IS NOT REGULATED

A. Notwithstanding any other provision of this Chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this Chapter:

~~1. Bars. Bars which are not physically attached to any other business are exempt from the smoking restrictions contained in this Chapter. Bars that are physically attached to a building or buildings containing restaurants or other businesses shall not be subject to smoking restrictions; provided, the following:~~

~~a. The bar area is not the principal waiting area for the restaurant;~~

~~b. Restaurant patrons do not have to walk through the bar to gain access into the restaurant;~~

~~c. The bar and the restaurant have separate ventilation systems; and~~

~~d. Persons under twenty one (21) years of age are prohibited from the bar area.~~

~~21.~~ Private residences, except when used as a child care or health care facility. Single person businesses conducted from private residences shall not be subject to smoking restrictions.

~~32.~~ Retail tobacco stores.

~~4. Restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while these places are being used for private functions.~~

~~53.~~ Hotel and motel rooms rented to guests, provided that the owners or managers of the hotel or motel designate at least 70 percent of the guest rooms as smoke free.

~~64.~~ Patient smoking areas in long-term health care facilities, as defined in Section 1418 of the California Health and Safety Code. ~~Semi-private or private rooms and wards in hospitals, if all occupants agree.~~

~~75.~~ On a stage when smoking is part of the stage production.

B. Notwithstanding any other provision of this Section, any owner, operator manager or other person who controls any establishment described in this Section may declare that entire establishment as a nonsmoking establishment, or may designate certain rooms as no smoking areas. It shall be unlawful and constitute a violation of this Chapter for any person to smoke in violation of any policy adopted under this subsection B; provided, signs declaring the area a "No Smoking Area" are conspicuously posted in that area as required by Section 4506 of this Chapter.

SECTION 6

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 19, 2023, by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Crane, Dueñas, and Mayor Rodin
NOES: None
ABSENT: None
ABSTAIN: None

Adopted on _____, 2023 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mari Rodin, Mayor

ATTEST:

Kristine Lawler, City Clerk

ORDINANCE NO.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING
VARIOUS SECTIONS OF THE UKIAH CITY CODE RELATING TO TOBACCO
RETAILERS AND TOBACCO SMOKING.**

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

SECTION 1 FINDINGS

1. Four out of five children who use tobacco started with a flavored tobacco product.
2. According to a Report of the Surgeon General, internal tobacco industry documents show that the industry uses flavors to reduce the harshness of their products to make them more appealing to new users, almost all of whom are under the age of 18.
3. The results of a California Statewide survey among students in 2018 by the Center for Research and Intervention in Tobacco Control indicate that flavored electronic smoking products are mainly responsible for a rapid increase in youth and young adult tobacco use.
4. According to a fact sheet on Menthol and Cigarettes published by the California Department of Public Health, menthol flavorings are more popular with young smokers based on a national study finding that 54.5% of high school and 48.4% of middle school users of tobacco products smoke menthol cigarettes (as compared to 30-35% of adults).
5. Within a statewide survey of high school students in 2017-2018, the Northern Region of California, which includes the City of Ukiah, has among the highest prevalence of tobacco use.
6. The results of the California Healthy Kids Survey for 2017-2019, indicate that in the City of Ukiah, 29% of seventh graders, 33% of ninth graders and 36% of eleventh graders had tried vaping.
7. California Health and Safety Code § 104559.5 sets a statewide floor prohibiting certain flavored tobacco product sales by anyone selling tobacco products from a retail location or vending machine in the state of California. It covers a broad range of flavored tobacco products, including menthol cigarettes, chewing tobacco, snuff, little cigars, e-cigarettes, and roll-your-own tobacco, but exempts certain products such as shisha, loose leaf tobacco, and premium cigars.
8. California Health and Safety Code § 104559.5 does not preempt local action that goes further in prohibiting the sale of tobacco products.

9. It is the intent of the City Council of the City of Ukiah, in enacting this ordinance, to join numerous other California jurisdictions, which have adopted comprehensive flavored tobacco bans.

SECTION 2

Article 7 of Division 2, Chapter 2 of the Ukiah City Code is hereby amended to read as follows:

ARTICLE 7. TOBACCO RETAILERS

§2350 DEFINITIONS

The following words and phrases, whenever used in this article, shall have the meanings provided in this section unless the context clearly requires otherwise:

APPELLANT: A person who appeals a department decision to the Hearing Officer.

CHARATERIZING FLAVOR: A distinguishable taste or smell, or both, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or smell, or both, as described in the first sentence of this definition, and that is distinguishable by an ordinary consumer, that constitutes a characterizing flavor.

DEPARTMENT: The city manager and/or the duly authorized designee of the city manager.

ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS): An electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately and includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor

FLAVORED TOBACCO PRODUCT: Any tobacco product that contains a constituent that imparts a Characterizing Flavor.

PERSON: Any natural person, firm, partnership, trust, estate, association, corporation, or organization of any kind. Where a principal acts through an agent, the word "person" shall include both such principal and agent.

SALE: Any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatever.

TOBACCO PRODUCT:

A. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, loose leaf tobacco, hookah tobacco, shisha, or snuff;

B. Any Electronic Nicotine Device System (ENDS) that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. Including any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor; and

C. Any component, part, or accessory of a tobacco product, whether or not sold separately.

D. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

TOBACCO PRODUCT FLAVOR ENHANCER: A product designed, manufactured, produced, marketed, or sold to produce a Characterizing Flavor when added to a Tobacco Product.

TOBACCO RETAILER: Any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco or tobacco products. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco or tobacco products sold, offered for sale, exchanged, or offered for exchange.

§2351 LICENSE REQUIREMENTS

A. It shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer's license pursuant to this article for each location at which that activity is to occur. No license may issue to authorize

tobacco retailing at other than a fixed location. For example, tobacco retailing by persons on foot and tobacco retailing from vehicles are prohibited.

B. The term of a license is one year from January 1 through December 31 unless earlier suspended, terminated or revoked pursuant to section 2358 of this article. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer's license no later than thirty (30) days prior to its expiration.

C. Nothing in this article shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the right to act as a tobacco retailer at the location in the city of Ukiah identified on the face of the license. For example, nothing in this article shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by Labor Code section 6404.5.

§2352 APPLICATION PROCEDURE

Application for a tobacco retailer's license shall be submitted in the name of each person proposing to conduct retail tobacco sales and shall be signed by each person or an authorized agent thereof. It is the responsibility of each person to be informed of the laws affecting the issuance of a tobacco retailer's license. A license that is issued in error or on the basis of false or misleading information supplied by a person may be revoked pursuant to section 2358 of this article. All applications shall be submitted on a form supplied by the department and shall contain the following information:

- A. The name, address, and telephone number of each person.
- B. The business name, address, and telephone number of each location for which a tobacco retailer's license is sought.
- C. The name and mailing address authorized by each person to receive all license related communications and notices (the "authorized address"). If an authorized address is not supplied, each person shall be understood to consent to the provision of notice at the business address specified pursuant to subsection B of this section.
- D. Whether or not any person has previously been issued a license pursuant to this article that is, or was at any time, suspended or revoked and, if so, the dates of the suspension period or the date of revocation.
- E. Such other information as the department deems necessary for the administration or enforcement of this article.

§2353 ISSUANCE OF LICENSE

Upon the receipt of an application for a tobacco retailer's license and the license fee, the department shall issue a license, unless:

- A. The application is incomplete or inaccurate; or
- B. The application seeks authorization for tobacco retailing by a person for which or whom a suspension is in effect pursuant to section 2358 of this article, or by a person which or who has had a license revoked pursuant to section 2358 of this article.

§2354 DISPLAY OF LICENSE

Each license shall be prominently displayed in a publicly visible location at the licensed premises.

§2355 LICENSE FEE

The fee to issue or to renew a tobacco retailer's license shall be established by resolution of the City Council from time to time. The fee shall be calculated so as to recover the cost of administration and enforcement of this Article, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and enforcement, but shall not exceed the cost of the regulatory program authorized by this Article. Annual fees shall not be pro-rated or refunded during the course of the year. The City may charge a re-inspection fee to offset the additional staff time required to handle non-compliant businesses. Additional inspections thereafter will be billed based on actual costs incurred.

§2356 LICENSES NOT TRANSFERABLE

A tobacco retailer's license is not transferable. If the information required in the license application pursuant to subsection 2352A, B or C of this article changes, the tobacco retailer must notify the department within fourteen (14) days, and update all information on the license application form in order to continue to act as a tobacco retailer. For example, if a tobacco retailer to whom a license has been issued changes business location, that tobacco retailer must supply updated license information within fourteen (14) days of acting as a tobacco retailer at the new location. If a business is sold, the new owner must apply for a license for that location before acting as a tobacco retailer. The current licensee shall notify the department of the sale of the tobacco retailing business.

§2357 LICENSE VIOLATION

A. Violation Of Tobacco Related Laws: It shall be a violation of a tobacco retailer's license for a person or his or her agent or employee to violate any local, state, or federal tobacco related law.

B. It is a violation of a tobacco retailer's license for a person or his or her agent or employee to sell or offer for sale any Flavored Tobacco Product or Tobacco Product Flavor Enhancer. There is a rebuttable presumption that a tobacco product is a Flavored Tobacco Product if a manufacturer or its agents or employees has made a public statement or claim that the tobacco product has or produces a Characterizing Flavor, including, but not limited to, text, color, or images on the product's labeling or packaging that are used to expressly or impliedly communicate that a tobacco product has a Characterizing Flavor.

C. License Compliance Monitoring: The Department, Code Enforcement Officer, or other person designated to enforce the provisions of this Article shall have the power and authority to enter any tobacco retailer during regular business hours to inspect the premises and determine compliance with the provisions of this Article. The City's Code Enforcement Officer shall conduct onsite compliance checks at least once annually. The City shall not enforce any tobacco related minimum age law against a person who otherwise would be in violation of such law because of the person's age (hereinafter "youth decoy") if the violation occurs when:

1. The youth decoy is participating in a compliance check supervised by a law enforcement official, a code enforcement official, or any peace officer; or

2. The youth decoy is participating in a compliance check funded or supervised in part by the county of Mendocino or, funded or supervised in any part by the California department of health services.

§2358 SUSPENSION, TERMINATION OR REVOCATION OF LICENSE

A. Violation: In addition to any other penalty authorized by law, such as possible imposition of administrative fines pursuant to section 2359 of this Article, a tobacco retailer's license may be suspended or revoked if the department determines that the person or his or her agents or employees have violated the requirements of this article or other conditions of the license imposed pursuant to section 2357 of this article. A person who loses his license for one location does not lose it for all locations, if those locations are in compliance with this article, and may renew licenses for other conforming locations. A person cannot obtain a new license for a new location so long as there is a suspension in effect for any location.

1. Notice Required: The licensee shall be served with written notice of all determinations or decisions under this section affecting his or her license. Notice shall be served by personal service, overnight courier, certified mail, return receipt requested, or U.S. mail with first class postage affixed. The notice shall be sent to the authorized address. All notices shall be deemed served, when received, except for notices sent by first class mail which shall be deemed served two (2) days after deposit in the U.S. mail if addressed to a location within Mendocino County and five (5) days if addressed to a location outside Mendocino County. The notice shall describe the legal and factual basis for the decision. A decision imposing a fine shall specify the amount of the fine. A decision to suspend or revoke a license shall specify the beginning and ending dates of

the suspension or the effective date of the revocation. No decision shall become effective in less than ten (10) days from the date of service.

2. Duration Of Suspensions:

a. Upon a finding by the department of a first license violation within any thirty six (36) month period, the license shall be suspended for fourteen (14) days. However, if the violation in question is for sale of tobacco products to persons under the age of twenty-one (21), prior to imposing the suspension, the department shall by letter (an "advice letter") advise the person that if person trains all sales employees at the location of the sale in the laws pertaining to the sale of tobacco products to persons under the age of twenty-one (21) and techniques to ensure future compliance with said laws, the suspension will not go into effect. Within thirty (30) days of the issuance of the advice letter, the person must file with the department an affidavit signed by the person and the sales employees that said training has been completed. If the person fails to timely submit the affidavit, the department shall notify the person that the permit is suspended for fourteen (14) days.

b. Upon a finding by the department of a second license violation within any thirty six (36) month period, the license shall be suspended for twenty one (21) days.

c. Upon a finding by the department of a third license violation within any thirty six month (36) period, the license shall be suspended for thirty (30) days.

d. Upon a finding by the department of a fourth license violation within any thirty six (36) month period, the license shall be revoked and the person or persons who had been issued the license shall not be issued a tobacco retailer's license pursuant to this article for a period of three (3) years from the date of revocation.

B. Failure To Pay Renewal Fees: A tobacco retailer's license which is not timely renewed pursuant to subsection 2352B of this article is an expired license. The tobacco retailer shall not engage in tobacco retailing at the licensed location until a new license has been issued for that location.

C. License Issued In Error: A tobacco retailer's license shall be revoked if the department determines that one or more of the bases for denial of a license under section 2353 of this article existed at the time application was made or at any time before the license issued. The revocation shall be without prejudice to the filing of a new application for a license.

D. Removal Of All Tobacco Products From Public View: A tobacco retailer whose license is suspended must remove from public view all tobacco products and tobacco advertising for the duration of the suspension. Failure to remove such items from view will be regarded as a violation of this article equivalent to that of selling to persons under the age of twenty-one (21) or selling or offering for sale any Flavored Tobacco Product or Tobacco Product Flavor Enhancer.

E. License Obtained Under False Pretenses: Tobacco retailers whose license is obtained under false pretenses shall have that license revoked. A licensee whose license is revoked pursuant to this subsection may not apply for a new license for a period of one year from the date the license is revoked.

§2359 ADMINISTRATIVE FINE

A. Grounds For Fine: If the department determines that any person, including a person named on a revoked or suspended license, has engaged in tobacco retailing in violation of this article, the department shall fine that person as follows:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation in any thirty six (36) month period; or

2. A fine not exceeding two hundred dollars (\$200.00) for a second violation in any thirty six (36) month period; or

3. A fine not exceeding five hundred dollars (\$500.00) for a third or subsequent violation in any thirty six (36) month period.

Each day that such a person engages in tobacco retailing shall constitute a separate violation.

B. Imposition Of Fine: If no request for a hearing is timely received in accordance with section 2360 of this article, the department's determination on the violation and the imposition of a fine shall be final and payment shall be made within thirty (30) days after notice of the fine was served in accordance with subsection 2358A1 of this article. If the fine is not paid within that time, the fine may be collected, along with interest at the legal rate, in any manner provided by law. In the event that a judicial action is necessary to compel payment of the fine and accumulated interest, the person or persons subject to the fine shall also be liable for the costs of the suit and attorney fees incurred by the city in collecting the fine.

§2360 APPEALS

A. Appeal Of Fine, Suspension Or Revocation: A decision of the department to impose a fine or to revoke or suspend a license may be appealed to the Hearing Officer. Within ten (10) days from the date of service of the notice of the decision, an appellant may file notice of appeal with the Department. Such appeal shall be in writing and shall identify the location subject to the notice. Failure to file a timely notice of appeal waives any right to further challenge the department's decision. The department shall then cause the matter to be set for hearing before a Hearing Officer appointed by the City to hear such matters. The Hearing Officer shall be qualified by training, education and/or experience to conduct the hearing and shall be impartial. Except in his or her capacity as a Hearing Officer, he or she shall have no personal or business relationship

to the appellant or the City. The Hearing Officer may reverse, modify or uphold the department's decision.

B. Notice Of Hearing: Notice of the date of hearing shall be given in writing. The date of the hearing shall be no sooner than fifteen (15) days from the date when notice of the hearing is given to the appellant and to the department.

C. Hearing: At the time fixed in the notice, the Hearing Officer shall receive evidence, including the testimony of all competent persons desiring to testify respecting the violation at issue and the department's decision.

D. Hearing Decision: The Hearing Officer's decision shall be by written order, which shall contain the findings of the Hearing Officer upon which such determination is based. The hearing decision shall include notice of the appellant's right to seek review of the decision pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6, including the statute of limitations for seeking review pursuant to section 1094.6.

E. Finality Of The Hearing Officer's Decision: The decision of the Hearing Officer shall be the final decision for the city of Ukiah.

F. Appeal To Superior Court: Judicial review of the Hearing Officer's decision shall be governed by the Code of Civil Procedure sections 1094.5 and 1094.6.

G. Enforcement Of Decision: Unless stayed by a court, any final decision of the Hearing Officer is effective immediately and may be implemented and enforced by the department.

§2361 ENFORCEMENT

The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall constitute a violation.

B. Violations of this article are hereby declared to be public nuisances.

C. Violations of this article are hereby declared to be unfair business practices and are presumed to at least nominally damage each and every resident of the community in which the business operates.

D. A violation of this article constitutes a misdemeanor punishable by a fine of one thousand dollars (\$1,000.00) or by imprisonment in the county jail for six (6) months, or both.

E. In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by a civil action brought by the city attorney or the district attorney, including, for example, administrative or judicial nuisance abatement proceedings, other legally authorized enforcement proceedings, and suits for injunctive relief.

SECTION 3

Article 1 of Division 5, Chapter 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§4501 LEGISLATIVE FINDING

* * *

E. The purposes of this Chapter are to:

1. Protect the public health and welfare by prohibiting smoking in public places and places of employment;
2. Guarantee the right of nonsmokers to breathe smoke-free air, and recognize that the need to breathe smoke-free air shall have priority over the desire to smoke; and
3. Reduce access of persons under twenty-one (21) years of age to tobacco products by restricting their access to tobacco products.

SECTION 4

Article 3 of Division 5, Chapter 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§4503 PROHIBITION OF SMOKING IN ENCLOSED PLACES AND IN PLACES OF EMPLOYMENT

Smoking shall be prohibited in all public places within the city, including the following places:

- A. Elevators.
- B. Buses, taxicabs and other means of public transit under authority of the city, and ticket, boarding and waiting areas of public transit depots.
- C. Restrooms.

- D. Service lines.
- E. Retail stores.
- F. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to, attorney offices and other offices, banks, laundromats, hotels and motels.
- G. Restaurants.
- H. Public areas of galleries, libraries and museums, when open to the public.
- I. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.
- J. Sports arenas and convention halls.
- K. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City.
- L. Waiting rooms, hallways, wards and rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.
- M. Bars
- L. Waiting rooms, hallways, wards and rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

SECTION 5

Article 4 of Division 5, Chapter 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

*** * ***

§4504.5 TOBACCO VENDING MACHINES

Except as otherwise provided in this Section, no person, business or tobacco retailer shall locate, install, keep, maintain or use or permit the location, installation, keeping, maintenance or use on his, her or its premises any tobacco vending machine for the purpose of selling or distributing any tobacco product. Cigarette vending machines

located in areas from which individuals under twenty-one (21) years of age are prohibited shall be exempt from this restriction. Any cigarette vending machine located in such an area must be placed thirty feet (30') or greater from the entrance to such an establishment. Any tobacco vending machine in use on the effective date of this Article shall be removed within thirty (30) days after the effective date of the amendments to this Chapter.

§4504.7 SALE OF TOBACCO PRODUCTS TO MINORS

A. Any person, business, tobacco retailer or other establishment subject to this Article shall post plainly visible signs at the point of purchase of tobacco products which state:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW, PHOTO ID IS REQUIRED.

The letter of said sign should be at least one-quarter inch (1/4") high.

B. No person, business, tobacco retailer or owner, manager or operator of any establishment subject to this Article shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser's age as twenty-one (21) years or greater unless the seller has some reasonable basis for determining the buyer's age.

§4505 AREAS WHERE SMOKING IS NOT REGULATED

A. Notwithstanding any other provision of this Chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this Chapter:

1. Private residences, except when used as a child care or health care facility. Single person businesses conducted from private residences shall not be subject to smoking restrictions.

2. Retail tobacco stores.

3. Hotel and motel rooms rented to guests, provided that the owners or managers of the hotel or motel designate at least 70 percent of the guest rooms as smoke free.

4. Patient smoking areas in long-term health care facilities, as defined in Section 1418 of the California Health and Safety Code..

5. On a stage when smoking is part of the stage production.

B. Notwithstanding any other provision of this Section, any owner, operator manager or other person who controls any establishment described in this Section may declare

that entire establishment as a nonsmoking establishment, or may designate certain rooms as no smoking areas. It shall be unlawful and constitute a violation of this Chapter for any person to smoke in violation of any policy adopted under this subsection B; provided, signs declaring the area a "No Smoking Area" are conspicuously posted in that area as required by Section 4506 of this Chapter.

SECTION 6

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 19, 2023, by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Crane, Dueñas, and Mayor Rodin
NOES: None
ABSENT: None
ABSTAIN: None

Adopted on _____, 2023 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mari Rodin, Mayor

ATTEST:

Kristine Lawler, City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Receive and File Third Quarter 2022-23 Financial Report.

DEPARTMENT: Finance

PREPARED BY: Dan Buffalo, Finance Director

PRESENTER: Dan Buffalo, Finance Director

ATTACHMENTS:

None

Summary: The City Council will receive a report on the fiscal year 2022-23 third quarter financial report for the City of Ukiah.

Background: The report provides readers with a summary of the City's financial position and activities through the fiscal year period ending March 31, 2023.

Discussion: The following link will direct readers to the report on the City's OpenGov platform, which is a dynamic and navigable presentation allowing readers to drill down into data to explore more detail than the former report offered.

[Quarterly Financial Report, Q3 2023](https://stories.opengov.com/ukiahca/published/FD9W6On0o) (<https://stories.opengov.com/ukiahca/published/FD9W6On0o>)

The report is meant to be viewed through the OpenGov platform via a web browser, preferably Google Chrome.

Recommended Action: Receive and file report.

BUDGET AMENDMENT REQUIRED: N/A

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



AGENDA SUMMARY REPORT

SUBJECT: Mid-Year Departmental Budget and Objectives Progress Review for Fiscal Year 2022-23, and Review of Draft Objectives for Fiscal Year 2023-24.

DEPARTMENT: Finance

PREPARED BY: Candice Rasmason, Accounts Payable

PRESENTER: Dan Buffalo, Finance Director

ATTACHMENTS:

1. CIP -5 year-FYE 2024 - Draft - FinanceIT - 4-3-23

Summary: Council will continue to receive and consider a mid-year budget review and planning agenda for select departments.

Background: As part of the mid-year review of the current budget year and development of the budget for next year, each City department scheduled for presentation will present their individual budget information through December 31, 2022, progress on stated budget objectives for the current year, and plans for the next fiscal year and beyond. Every department has been scheduled and will present over the course of March and April.

Discussion: The department presenting at this meeting is Finance.

**Note: Chrome is the required browser to view the Mid-Year Review 2022-23 stories in Open.Gov, as Internet Explorer is not compatible.*

Mid-year Review of 2022-23 Department Objectives and Accomplishments and Review of Draft 2023-24 Department Objectives (Note- This is an active draft document and departments will continue to make minor revisions): <https://stories.opengov.com/ukiahca/published/0gqglargKvSP>

The department and division report contains the following sections:

- Department purpose and basic description
- Services provided
- Personnel information
- Objectives and accomplishments:
 - For purposes of this report, current and proposed objectives for the coming year are included
 - Objectives are delineated by near, intermediate, and long-term
 - Individual objectives are assigned a unique identifier presented by year initiated and order of sequence for the year (e.g. an objective that is first identified in fiscal year 2021 and is the first objective identified by the department in that year would be assigned 2021-1, the next in the same year would be 2021-2, etc.)
 - Department comments have been updated where appropriate and convey the current status of each objective.
- Budget to actual information related to expenditures, compared to the same six-month period for the prior two years.

Recommended Action: Council to receive, review, consider, and discuss updates on current stated objectives, and will review preliminary draft departmental objectives for the fiscal year 2023-24.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: City Manager's Office

Approved:


Sage Sangiacomo, City Manager

INFORMATION TECHNOLOGY																		
FINANCE DEPARTMENT																		
Project Name	Project Description	Org/Obj	Project #	Allocation to Multi-funds	Project Location	Project Status	Funding Source	Funding Identified	Costs to date	22/23	23/24	24/25	25/26	26/27	27/28	Totals	City Council Status	Shovel Ready
Redundant Internet Gateway (Fall-over Load Balancer)	Our current AT&T Internet gateway provides service to all of the City of Ukiah departments for Internet access, as well as Public Safety access to law enforcement websites and other important services. If service fails, we do not have a failover scenario in place. A failover scenario would involve an additional Internet Gateway with a different Internet service provider (ISP). If one ISP fails, the gateway would failover to the alternate one available. This would ensure service availability, virtually 100% of the time.	20913900.80100	17046	N/A	300 Seminary Ave.	Ongoing	Internal Service	Yes		\$ 24,200	\$ 24,200					\$ 24,200	Budget Adopted	X
	Additional Comments: Moved from FYE 21 due to COVID-19. Reduced FYE 22 amount from \$166,800, and FYE 23 from \$48,400. This is contingent on our Cloud Data and Server Migration in 21/22, which will determine necessary bandwidth for our current gateway. Moved from FYE 23.																	
Cisco Access Switch EOL Replacement	These switches connect the City's computers, phones, printers, and Wi-Fi units into the core infrastructure. The switches allow these devices to connect to the Internet and internal servers. They will be End-Of-Life and will no longer be supported by the manufacturer.	20913900.80100	18100	N/A	300 Seminary Ave.	New	Internal Service	Yes		\$ 90,000	\$ 90,000					\$ 180,000	Budget Adopted	X
	Additional Comments: Some switches are already acquired and will be installed 22/23.	20913900.80100																
Cisco Nexus Switch EOL Replacement	These switches are the center core of our network infrastructure. They serve as data conduits for all City of Ukiah operations. They will be end-of-life, as warranty and support runs out during this time-frame.	20913900.80100	TBD	N/A	300 Seminary Ave.	New	Internal Service	Yes				\$ 110,000				\$ 110,000	Reviewed	X
	Additional Comments:	20913900.80230	18391	N/A	300 Seminary	In Progress	Grant	Yes		\$ 252,339						\$ 252,339	Budget Adopted	X
Broadband for All City Sites	Full City broadband connectivity-expected by the end of the fiscal year 2023.	20913900.80230	18391	N/A	300 Seminary	In Progress	Grant	Yes		\$ 252,339						\$ 252,339	Budget Adopted	X
Network Routers for All City Sites	End of Life Routers at all City sites need to be replaced, as these constitute security breaches from old firmware, etc. Also, support is not available in case of outages.	20913900.54330	18328	N/A	300 Seminary	New	Internal Service	Yes		\$ 20,000						\$ 20,000	Budget Adopted	X
	Additional Comments:																	

Wireless Mesh	This will provide a broadband wireless communication network for our Police Department across the Ukiah Valley, as well as provide Wi-fi access for other departments and divisions. Site surveys will be required to establish back-haul points which will accommodate multi-point wireless antennas. A pilot site will begin Phase I, to establish the first back-haul point for testing purposes. Phase II will establish the installation of additional multi-point wireless antennas, followed by the Wi-Fi implementation that will supplement other City department projects.	20913900.54330	18329	N/A	300 Seminary Ave.	New	TBD	No								\$	-	Reviewed
	Additional Comments: Prioritization and funding source(s) under review. Need to explore grant funding. Department estimate/request is not known at this time. Phase I will be started on FY 23/24 and Phase II will be started on FY 24/25 as funding is acquired.																	
SUB-TOTAL:							\$ -	\$ 386,539	\$ 114,200	\$ 110,000	\$ -	\$ -	\$ -	\$ -	\$ 586,539			

FINANCE DEPARTMENT

Definition of terms used:

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AGENDA SUMMARY REPORT

SUBJECT: Council to Consider Approval of a Garbage Collection Service Rate for a Ten-Gallon Reduced Use of a Twenty-Gallon Container in the Amount of \$20.95, for Rate Payers who Qualify for the Service; and Authorization for the City Manager to Negotiate and Execute an Agreement Approving the Modified Service and Rate with Ukiah Waste Solutions, Inc.

DEPARTMENT: Public Works

PREPARED BY: Maya Simerson, Project & Grant Administrator,
Trevor Mockel, Administrative Analyst

PRESENTER: Tim Eriksen, Public Works Director/City Engineer

ATTACHMENTS:

1. Reduced Rate Application
2. Agreement Approving Modified Service and Rate

Summary: Council will consider a reduced rate for garbage collection service for qualified customers, using a twenty-gallon container limited to ten-gallons of solid waste, and an agreement with Ukiah Waste Solutions, Inc. approving and establishing a rate for this modified service.

Background: The proposal is based on the rationale that customers who deposit less solid waste in the grey containers are being more selective and are depositing more material in the blue and green containers to keep this material out of the landfill. And some customers make exceptional efforts to reduce and reuse material that comes into their home. To qualify for this new rate, a customer must demonstrate, through an application process, what methods they are using to reduce waste and describe the purchasing practices they use to reduce the amount of waste that cannot be recycled.

The proposed ten-gallon rate provides further rate flexibility for a customer who can demonstrate efforts or circumstances that reduce the amount of solid waste deposited weekly in the grey container for transfer station disposal, and who is willing to make additional efforts to divert material into the blue container for recycling and the green container for composting, as compared to the average customer. Generally, this rate will not be appropriate for a household of three or more individuals. It should be noted that the reduced rate of \$20.95 includes the combined three totes service for the disposal and diversion of solid waste in the grey totes, recyclables in the blue totes, and mixed organic waste in the green totes. Additionally, the reduced rate option aligns with the City's Climate Initiative 3.a Solid Waste, to continue to lead the way in solid waste diversions.

Discussion: The proposal for reduced rate ten-gallon curbside service is based on the rationale that customers who deposit less solid waste in the grey container should be incentivized to continue doing so. The differences in the rates for the thirty-two-gallon, twenty-gallon, and ten-gallon grey container options reflect the cost savings resulting from the difference in the volume of solid waste deposited in the grey container for disposal at the transfer station.

It is important to note that the selection of the proper size container for household needs is crucial to avoiding contamination of the blue and green containers, which can lead to significant additional system costs that would affect all customers' rates. Rates for curbside garbage, recycling, and organic waste collection service are offered by the City's contractor, Ukiah Waste Solutions, and are set in accordance with Proposition 218

(Article 13, D, Section 6 of the California Constitution) that applies to property-related fees. Under Proposition 218 (Cal. Const., Art. 13, Section 6(b)(3)), a property-related assessment cannot be more, or less than, the customer's proportionate share of the cost of the benefit/service.

Applications for this ten-gallon reduced garbage collection curbside service will be reviewed by the Public Works Director who will determine an applicant's eligibility. An applicant for ten-gallon service will be notified within ten days from the date a complete application is submitted if it is approved or denied. The proposed application and review sheet can be found as Attachment #1.

The new rate option supports Ukiah's General Plan Elements PFS-3, 3.1 and 3.2 to ensure adequate solid waste, recycling, and composting services and maximize waste diversion from landfills.

The ten-gallon reduced rate collection service will be withdrawn for a minimum of two years if a customer overfills the container provided for ten-gallon service and/ or there are any occurrences of trash placed in the customer's recycling or organics containers. Because a ten-gallon container is not available, customers qualified for the reduced garbage rate will be using a twenty-gallon grey container and be will be responsible for complying with the restricted ten-gallon fill use. Compliance checks will be performed on a regular basis as part of the newly implemented compliance check required in accordance with Senate Bill 1383.

City Staff has worked with the garbage service provider to analyze and establish the \$20.95 rate in keeping with Proposition 218 and the fees charged for similar residential curbside collection service and to develop an application process that ensures appropriate utilization/eligibility of the service. The City and the curbside collection franchise holder are prepared to implement the new rate and service within a reasonable period of time.

Staff recommends that Council approve the new ten-gallon rate for reduced garbage collection service in the amount of \$20.95, and approve and authorize the City Manager to sign the Agreement Approving Modified Service and Rate (Attachment #2).

A rate hearing under Proposition 218 is not required, because it only requires rate hearings for imposing a new fee covered by the proposition or increasing an existing fee. The proposed fee reduces the fee charged for use of a twenty-gallon container for customers who qualify for the reduced rate.

Recommended Action: Approval of reduced rate of \$20.95 a month for the three-tote service, depositing no more than ten-gallons of solid waste in a twenty-gallon grey container, and authorizing the City Manager to negotiate and execute the Agreement Approving Modified Service and Approved Rate with Ukiah Waste Solutions, Inc.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: 2012-058

COORDINATED WITH: Dan Buffalo, Finance Director, David Rapport, City Attorney, Sage Sangiacomo, City Manager, and Bruce McCracken, District Manager C&S Waste Solutions, DBA; Ukiah Waste Solutions, Inc.

DIVERSITY-EQUITY INITIATIVES (DEI): N/A

CLIMATE INITIATIVES (CI): 3.a Solid Waste

GENERAL PLAN ELEMENTS (GP): GP-A5 - Environment and Sustainability Element

Approved: 
Sage Sangiacomo, City Manager



We understand that you are trying to reduce the quantity of trash that you bring into and produce in your home and that you may qualify to receive the reduced ten-gallon trash service level. The reduced service collection allows you to dispose of the reduced quantities of trash materials your home may still produce.

Please take a few moments to answer the questions listed below that apply to your method of reducing trash. When complete, please return this form to the City of Ukiah, Attention: Public Works Department.
(Address at bottom of last page.)

Name: _____

Address: _____

Email: _____

Do you Compost at Your Home? YES ____ NO ____

Number of Individuals in Household* _____

*Generally, not appropriate for a household of three or more individuals.

Sections 1 & 2 have additional space on page three if needed.

Section 1

What are you currently doing to reduce waste?

Please list at least five activities, if possible:

1. _____
2. _____
3. _____
4. _____
5. _____

Section 2

Please describe your consumer purchasing habits that reduce waste.

Please list at least three practices, if possible:

1. _____
2. _____
3. _____

Contact: Public Works Department, Seth Strader
Department Analystsstrader@cityofukiah.com 707-467-5719
300 Seminary Avenue • Ukiah • CA • 95482-5400

Please provide the following:

I estimate that, each week, I place acceptable material into the curbside totes that fills the space equal to the following number of gallons:

Grey Tote _____gallons Blue Tote _____gallons Green Tote _____gallons

Applications will be reviewed by the Publics Works Department and the Director will determine your eligibility. You will be notified in ten days if you are approved or not.

Advisory: The ten-gallon reduced collection service will be withdrawn for a minimum of two years if your residence has any overages and/ or any occurrences of trash placed in your recycling or mixed organics totes.

I confirm that to the best of my knowledge and belief that the information I have provided to the City of Ukiah on this application to apply for the reduced ten-gallon rate is true and correct.

Resident signature _____ Print Name _____

Office Use: Account# _____ Approved _____ Not Approved _____

Date _____

When complete, please return form to the City of Ukiah. Attention: Public Works Department

Note: Reduced Service level rate will not be effective until at least one billing cycle after approval date.

Contact: Public Works Department, Seth Strader
Department Analystsstrader@cityofukiah.com 707-467-5719
300 Seminary Avenue • Ukiah • CA • 95482-5400

Additional Comments-Section 1

Additional Comments-Section 2

Contact: Public Works Department, Seth Strader
Department Analyst sstrader@cityofukiah.com 707-467-5719
300 Seminary Avenue • Ukiah • CA • 95482-5400



Scoring Sheet for Reduced Rate Collection Service Application

The scorer should give weight to the desirable concepts of REDUCE, REUSE, RECYCLE in that order of merit in assigning scores below.

Applicant: _____

Date Applied: _____

Do you compost at Home?

Yes

No

Possible	Score	Max
10		10
0		

Number in household

10 points possible

1 person

2 people

3 people

10		10
5		
0		

What are you currently doing to reduce waste?

50 points possible

10		
10		
10		
10		
10		50

Please describe your consumer purchasing habits.

30 points possible

10		
10		
10		30
	0	100

Approve = 75 points and over

Deny = 74 points and under

Approve ☐

Deny ☐

Public Works Director: _____ Date: _____

Tim Eriksen

AGREEMENT APPROVING MODIFIED SERVICE AND RATE

This agreement authorizing a modified curbside waste collection service and the rate therefor is entered in Ukiah, California, on _____, 2023 (“Effective Date”) between Ukiah Waste Solutions (“UWS”), Inc., a California corporation and the City of Ukiah (“City”), a general law municipal corporation. UWS and City may be referred to hereafter collectively as “Parties” and individually as a “Party.”

RECITALS:

1. On December 20, 2017, the Parties entered a Second Amended and Restated Waste Collection Agreement (“Waste Collection Agreement”) and established rates for such service.

2. Under Section 5.17 of the Waste Collection Agreement, UWS must provide additional or modified services upon request of the City subject to a written agreement agreeing to provide the service and establishing a reasonable rate for that service.

3. The City has requested UWS to provide 20-gallon Containers to qualified customers who qualify for a reduced rate by depositing no more than 10 gallons of Solid Waste in the Container and not depositing therein any Mixed Organic Waste or Recyclables or other prohibited materials, such as, but not limited to, Hazardous Waste and by depositing only Recyclables in the Blue Container and Mixed Organic Waste in the Green Container. (“10 Gallon Service”).

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants hereinafter set forth and other consideration the receipt and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

1. On and after _____, 2023 (“Commencement Date”), UWS shall provide 10 Gallon Service to qualified customers approved by the Public Works Director or his designee. UWS and City shall develop an agreed upon process for notifying UWS that a customer is qualified for 10 Gallon Service.

2. The initial rate for 10 Gallon Service is \$20.95. Future changes in the rate shall be made at the same time and in the same manner as other rates for Collection service provided by UWS under the Waste Collection Agreement.

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

**UKIAH WASTE SOLUTIONS,
INC.**

By: _____

By: _____

Sage Sangiacomo, City Manager

ATTEST:

Kristine Lawler, City Clerk



Michelle Goodman <michelle.goodman@wasteconnections.com>

Maya Simerson; Bruce McCracken; Sage Sangiacomo; Tim Eriksen; Trevor Mockel; Daniel Buffalo;

RE: Rate for ten gallon cart

 You forwarded this message on 4/26/2023 3:06 PM.



UWS 10 Gallon Curbside Rate.xlsx
12 KB

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Everyone,

Attached is the spreadsheet supporting a rate for a 10 Gallon Cart.

Please let me know if you have any questions!

Sincerely,

Michelle Goodman

Education & Outreach Manager

A: [3515 Taylor Dr, Ukiah, CA 95482](mailto:michelle.goodman@wasteconnections.com)

C: 707-510-6227

E: michelle.goodman@wasteconnections.com

City of Ukiah
Curbside Residential
Rate per Gallon of 3 Tote System
Compare 20 and 10 Gallon Service to the 32 gallon Service - Monthly

	Grey <u>Tote</u>	Blue <u>Tote</u>	Green <u>Tote</u>	Total <u>Gallons</u>	Monthly <u>Difference</u> <u>From 32 Gal</u>	% of Monthly 32 Gallons Available	% of 32 Gal Rate	Gallons Not Paid For
Volume/Gallons	32	96	96	224				
Pick Ups/Month	4.3	4.3	4.3	4.3				
Gallons per Month	137.6	412.8	412.8	963.2		100%	100%	0%
Rate per Month				\$26.39				
Rate per Gallon				\$0.0274				
Volume/Gallons	20	96	96	212				
Pick Ups/Month	4.3	4.3	4.3	4.3				
Gallons per Month	86	412.8	412.8	911.6	51.6	94.64%	88.75%	5.90%
Rate per Month				\$23.42				
Rate per Gallon				\$0.0257	\$0.0017			
Volume/Gallons	10	96	96	202				
Pick Ups/Month	4.3	4.3	4.3	4.3				
Gallons per Month	43	412.8	412.8	868.6	94.6	90.18%	79.39%	10.79%
Proposed Rate per Month				\$20.95				
Rate per Gallon				\$0.0241	\$0.0033			

The 20 Gal Service only gets 12 fewer gallons per week than the 32 Gallon Customer.
The 10 Gal Service only gets 22 fewer gallons per week than the 32 Gallon Customer.
Disposal and diversion costs are in tons or parts thereof, not Gallons
But the gallons noted above are available to the ratepayer to fill for disposal or diversion
Unfortunately, Totes do not have a meter on them like other public services.



AGENDA SUMMARY REPORT

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

DEPARTMENT: City Clerk

PREPARED BY: Kristine Lawler, City Clerk

PRESENTER: Mayor Rodin and Various Councilmembers

ATTACHMENTS:

1. City Council Special Assignments

Summary: City Council members will provide reports and updates on their committee and ad hoc assignments. If necessary, the Council may consider modifications.

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 and modify assignments as necessary.

Recommended Action: Receive report(s). The Council will consider modifications to committee and ad hoc assignments along with the creation/elimination ad hoc(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: N/A

DIVERSITY-EQUITY INITIATIVES (DEI):

CLIMATE INITIATIVES (CI):

GENERAL PLAN ELEMENTS (GP):

Approved: 
Sage Sangiacomo, City Manager

LOCAL / UKIAH VALLEY		MTG DATE/TIME	MEETING LOCATION	MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
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 Orozco - Alternate Alan Carter, Treasurer	Dan Buffalo, Director of Finance; 463-6220 dbuffalo@cityofukiah.com
Disaster Council		Shall meet a minimum of once a year at a time and place designated upon call of the chair	Place designated upon call of the chair or, if she/he is unavailable or unable to call such meeting, the first vice chair and then the City Manager or her/his designee.	Office of Emergency Management 300 Seminary Ave. Ukiah, CA 95482 467-5765 - Tami Bartolomei	Develop any necessary emergency and mutual aid plans, agreements, ordinances, resolutions, rules, and regulations.	Orozco Duenas- Alternate	Traci Boyl, City Manager's Office Management Analyst; 467-5720; tboyl@cityofukiah.com
Greater Ukiah Business & Tourism Alliance (GUPTA)		4th Monday of month, 10:00 a.m.	200 S School St. Ukiah, CA 95482	200 S School St. Ukiah, CA 95482	Promotes tourism and works to strengthen and promote the historic downtown and businesses within the greater Ukiah area	Rodin Duenas - Alternate	Shannon Riley, Deputy City Manager; 467-5793 sriley@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	Rodin Orozco- Alternate	Sean White, Director of Water Resources; 463-5712 swhite@cityofukiah.com
North Coast Opportunities (NCO)		4th Wednesday of month, 2 p.m.	Alternating locations - Ukiah and Lakeport	Governing Board Chair North Coast Opportunities 413 North State Street Ukiah, CA 95482	Assist low income and disadvantaged people to become self reliant	Burgess	Jake Burgess, Community Services Supervisor; 463-6201 jburgess@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	Duenas Neil Davis - Alternate	David Burton, Museum Director; 467-2836 dburton@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 501 Low Gap Rd., Rm. 1010 Ukiah, CA 95482 463-4441	GSA serves as the Groundwater Sustainability Agency in the Ukiah Valley basin	Crane Duenas - Alternate	Sean White, Director of Water Resources; 463-5712 swhite@cityofukiah.com
MENDOCINO COUNTY		MTG DATE/TIME	MEETING LOCATION	MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
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 - Primary; Vice Mayor - Alternate)	Mayor Rodin Vice Mayor Duenas - Alternate	Kristine Lawler, City Clerk; 463-6217 klawler@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	Riley (appointed 12/19/18)	Shannon Riley, Deputy City Manager; 467-5793 sriley@cityofukiah.com
Library Advisory Board		3rd Wednesdays of alternate months; 1:00 p.m.	Various Mendocino County Libraries	Ukiah County Library 463-4491	Review library policy and activities	Duenas Rodin - Alternate	Kristine Lawler, City Clerk; 463-6217; klawler@cityofukiah.com
Mendocino County 1st District Liaison		Monthly; TBD	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 1st District Supervisor	Rodin Crane - Alternate	Sage Sangiacomo, City Manager; 463-6221; ssangiacomo@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 County's 2nd District Supervisor	Rodin Duenas - Alternate	Shannon Riley, Deputy City Manager; 467-5793 sriley@cityofukiah.com
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	Duenas Sher - Alternate	Tim Eriksen, Public Works Director/City Engineer; 463-6280 teriksen@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	Liaisons: Owen/Schlatter	Greg Owen, Airport Manager; 467-2855; gowen@cityofukiah.com Craig Schlatter, Director of Community Development; 463-6219; cschlatter@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	Rodin Crane - Desired Alternate if appointment becomes available with City Selection Committee	Craig Schlatter, Director of Community Development; 463-6219; cschlatter@cityofukiah.com

2023 CITY COUNCIL SPECIAL ASSIGNMENTS

MENDOCINO COUNTY Continued	MTG DATE/TIME	MEETING	LOCATION	MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
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	Crane Sher- 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	Sher Duenas - Alternate	Tim Eriksen, Public Works Director/City Engineer; 463-6280 teriksen@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	Cedric Crook, Police Captain Duenas - Alternate	Cedric Crook, Police Captain 463-6771; ccrook@cityofukiah.com
Russian River Flood Control District (RRFCD) Liaison	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	White/Orozco	Sean White, Director of Water Resources; 463-5712 swhite@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 (appointed 12/19/18)	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, City Manager and Police Chief	Sage Sangiacomo, City Manager; 463-6221 ssangiacomo@cityofukiah.com
REGIONAL	MTG DATE/TIME	LOCATION		MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
Great Redwood Trail Agency	Bi-monthly, 3rd Thursdays, 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	Rodin Duenas - Alternate	Neil Davis, Community Services Director 467-5764 ndavis@cityofukiah.com
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	Orozco Duenas -Alternate	Sage Sangiacomo, City Manager; 463-6221 ssangiacomo@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 425 South Main St., Sebastopol, CA 95472 508-3670	Consider issues related to Russian river - plans projects and funding requests	Rodin Sher - Alternate	Tim Eriksen, Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
Northern California Power Agency (NCPA) Commission	4th Thursday of month, 9:00 a.m. (see NCPA calendar)	Roseville, CA and other locations		651 Commerce Drive Roseville, CA 95678 916-781-4202	Pool of State and local power utilities developing and operating power generation, providing scheduling and related energy services and providing regulatory and legislative support.	Crane - Commissioner Sauers - Alternate and Commissioner in absence of Commissioner Crane	Cindi Sauers - Electric Utility Director; 463-6286 csauers@cityofukiah.com
Northern California Power Agency (NCPA) – Lodi Energy Center (LEC) Appointment	2nd Monday of month, 10:00 AM	Lodi, CA and other locations		651 Commerce Drive Roseville, CA 95678 916-781-4299	Committee oversees the operation, maintenance and expenditures of the LEC 300 MW generating project.	Sauers – Project Participate Appointee	Cindy Sauers, Electric Utility Director, 463-6286, csauers@cityofukiah.com
Transmission Agency of Northern California (TANC)	4th Wednesday of month, 10 a.m.	35 Iron Point Circle Suite 225 Folsom, CA		35 Iron Point Cir #225 Folsom, CA 95630 916-852-1673; info@tanc.us	Provide electric transmission to its Member utilities through transmission line ownership or contract arrangements.	Crane Sauers - Alternate	Cindi Sauers - Electric Utility Director; 463-6286 csauers@cityofukiah.com
STANDING COMMITTEES	MTG DATE/TIME	LOCATION		MAILING ADDRESS/CONTACT	COMMITTEE FUNCTION	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
Diversity and Equity	TBD	Virtual Meeting Room (link to be created)		Civic Center 300 Seminary Ave. Ukiah, CA 95482	Improve diversity and equity in the City's workforce and municipal services	Orozco/Duenas	Traci Boyl, City Manager's Office Management Analyst; 467-5720; tboyl@cityofukiah.com
Fire Executive Committee	2nd Tue, every other month beginning in January; 5:00 p.m.	Ukiah Valley Conference Center, 200 S. School Street Ukiah, CA		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	Orozco/Sher	Doug Hutchison, Fire Chief; 463-6263; dhutchison@cityofukiah.com
Countywide Oversight Board to the RDA Successor Agencies	4th Thursday of January, 4:00 p.m.; meets annually	Ukiah Valley Conference Center, 200 S. School Street Ukiah, CA		City of Ukiah ATTN: City Clerk 300 Seminary Ave. Ukiah, CA 95482 707-463-6217	oversee and direct the Successor Agencies of the former redevelopment agencies	Crane	Dan Buffalo, Director of Finance; 463-6220 dbuffalo@cityofukiah.com Kristine Lawler, City Clerk; 463-6217, klawler@cityofukiah.com

2023 AD HOC COMMITTEES

COMMITTEE	ASSIGNED TO	PRINCIPAL STAFF SUPPORT
Electric Grid Operational Improvements	Crane/Orozco	Cindy Sauers, Electric Utility Director; 463-629586 csauers@cityofukiah.com
Trench Cut Policy Development	Crane	Tim Eriksen, Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
Advance Planning & Policy for Sphere of Influence (SOI), Municipal Service Review (MSR), Annexation, Tax Sharing, Detachment, and Out of Area Service Agreements	Crane/Rodin	Craig Schlatter, Community Development Director 463-6219 cschlatter@cityofukiah.com
UVSD/ City Relations <i>Ad hoc committee to address specific issues with the Ukiah Valley Sanitation District, including discussion of overall sewer system service delivery policies, operating policy revisions, potential revisions to the current Operating Agreement, and cost sharing</i>	Crane/Orozco	Dan Buffalo, Director of Finance; 463-6220 dbuffalo@cityofukiah.com Sean White, Water Resources Director 463-5712 swhite@cityofukiah.com
Orr Street Bridge Corridor	Rodin/Sher	Tim Eriksen, Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com
Complete Streets	Rodin/Crane	Tim Eriksen, Public Works Director/City Engineer; 463-6280 teriksen@cityofukiah.com Shannon Riley, Deputy City Manager 467-5793 sriley@cityofukiah.com Neil Davis, Community Services Director 467-5764 ndavis@cityofukiah.com
Special Districts (Water District Consolidation)	Orozco/Crane	Shannon Riley, Deputy City Manager 467-5793 sriley@cityofukiah.com
Corp Yard Planning	Crane/Orozco	Jason Benson, Senior Civil Engineer 463-6284 jbenenson@cityofukiah.com
City/District Review of 2019/22 Proposed Fire Code	Crane/Orozco	Doug Hutchison, Fire Chief 463-6263 dhutchison@cityofukiah.com
Mendocino County Courthouse Project and Reuse	Sher/Orozco	Shannon Riley, Deputy City Manager 467-5793 sriley@cityofukiah.com
Climate Action Plan <i>Will coordinate with the Community Development Director to identify and assign representation to each of the identified categories, and also coordinate with the Community Development Director and the Climate Action Plan Working Group related to other outreach efforts during the development of the draft municipal Climate Action Plan related to the 2040 General Plan</i>	Sher/Duenas	Craig Schlatter, Community Development Director 463-6219 cschlatter@cityofukiah.com