

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
November 7, 2018
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on November 7, 2018, having been legally noticed on November 2, 2018. Mayor Doble called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Jim O. Brown, Stephen G. Scalmanini, Douglas F. Crane, Maureen Mulheren, and Kevin Doble. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR DOBLE PRESIDING.

The Pledge of Allegiance was led by Vice Mayor Mulheren.

Mayor Doble requested Councilmember Brown to read a brief statement and hold a moment of silence in honor of Chief Fred Keplinger, former Police Chief (1985) and Public Safety Director (1990.)

URGENCY ITEM:

Motion/Second: Crane/Mulheren to accept urgency item due to timelines and place as agenda item 13c. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Presentation of the City of Ukiah Budget Story.

Presenter: Daphne Harris, Finance Management Analyst.

Presentation was received.

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

a. Approval of the October 17, 2018, Regular Meeting Minutes.

Motion/Second: Crane/Minutes to approve Minutes of October 17, 2018, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: Crane.

6. **RIGHT TO APPEAL DECISION**

7. CONSENT CALENDAR

- a. Approve a Budget Amendment to Fund the Open Space Contractual Services Account for Possible Expenses Over the Fiscal Year Related to the Donation, Acquisition, and/or Improvement of Open Space in the Amount of up to \$35,000 – *Administration*.
- b. Consideration of a Resolution (2018-32) Removing On-Street Parking on the South Side of Thomas Street East of South State Street for a Length of 200 Feet – *Public Works*.
- c. Consideration of Adoption of Resolution (2018-33) Amending the Original Certifying Resolution that Authorized the City of Ukiah to Submit an Application to the California Department of Housing and Community Development for Funding under the HOME Investment Partnerships Program – *Community Development*.
- d. Award Professional Services Agreement (COU No. 1819-146) to North Coast Opportunities in the Amount of \$104,448 for Workforce Management and Landscaping for the Northwestern Pacific Rail Trail Project Phase 3, Specification No. 18-04 and Approval of Corresponding Budget Amendment – *Public Works*.
- e. Adoption of Resolution (2018-34) to Update the City of Ukiah Local Agency Investment Fund (LAIF) "Authorization for Transfer of Funds" Schedule, and Authorization for the City Manager and Deputy City Manager to Sign the LAIF Form – *Finance*.
- f. Approval of Purchase of Actuators and Valves for the Advanced Waste Water Treatment System at the Waste Water Treatment Plant from T&T Valve and Instrument, Inc. in the Amount of \$36,620.87 as Approved in the Capital Budget – *Water Resources*.
- g. Approval of Change Order Number 3 (COU No. 1819-107-CO3) in the Amount of \$356,690.60 to Ghilotti Construction Company for the Transportation Improvements for Redwood Business Park Project, Specification Number 17-09, and Corresponding Budget Amendment – *Public Works*.

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

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Public Comment: James Green – Potter Valley Water Project and Laura (no surname given) – election inconsistencies.

9. COUNCIL REPORTS

Presenters: Councilmembers Crane and Brown.

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager; Shannon Riley, Deputy City Manager; and Tami Bartolomei, Community Services Administrator.

11. PUBLIC HEARINGS (6:15 PM)

12. UNFINISHED BUSINESS

- a. **Discussion and Direction Regarding Implementation of an Improved Downtown Parking Management System.**

Presenter: Shannon Riley, Deputy City Manager.

Public Comment: Andrea Reed, Ann Kilkenny, Cynthia Cole, Craig Strattman, Niel Davis, Carol Rosenberg, Jeff Trouette, April Allen, and Stacey Caico.

Motion/Second: Brown/Crane to direct Staff to proceed with Option 2a:

\$500,000 would pay for the new meters, lighting and planters, new garbage/recycling containers, and the Façade Improvement Program. Using the same conservative revenue estimates, this debt would likely be repaid in less than three years.

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

RECESS: 7:58 – 8:12 P.M.

b. Annual Update and Presentation Regarding Visit Ukiah; Authorization to Negotiate the Possible Transfer of Administration for the Program to Another Entity.

Presenters: Shannon Riley, Deputy City Manager and Kerry Randall, Facilities and Conference Center Administrator.

Public Comment: Mark Hilliker and Lisa Alexander.

Motion/Second: Crane/Scalmanini to direct Staff to negotiate the possible transfer of the administration of the program to another entity. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

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

Presenters: Dan Buffalo, Finance Director and Tim Eriksen, Public Works Director / City Engineer.

Public Comment: Jeff Trouette and Carol Rosenberg.

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

d. Council to Receive a Report Regarding the Grace Hudson Nature Education Project.

Presenters: Tami Bartolomei, Community Services Administrator and David Burton, Museum Director.

Report was received.

13. NEW BUSINESS

a. Consideration and Possible Direction to Staff to Proceed with the Overrule of the Mendocino County Airport Land Use Commission's Determination of Inconsistency with the Mendocino County Airport Comprehensive Land Use Plan for the Heritage Mendocino Cannabis Microbusiness Project, Located at 1076 Cunningham Street.

Presenter: Craig Schlatter, Community Development Director.

Public Comment: Joe Thomas and Kyle Greenhalgh.

Motion by Councilmember Crane to start the overrule process, deliver the information from the process to the Planning Commission, who will submit their opinion that is then brought to Council.

Councilmember Crane amended the motion, which then received a second, as follows:

Motion/Second: Crane/Brown to approve Recommendation 1* to be completed prior to the project being taken to the Planning Commission. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, and Doble. NOES: Mulheren. ABSENT: None. ABSTAIN: None.

***Recommendation 1:**

Proceed with overrule of the ALUC inconsistency determination on the proposed project:

- A) Approve a motion that the proposed project be subject to the overrule process, as described in the California Airport Land Use Planning Handbook; and
- B) Direct that Staff send a copy of the proposed overrule decision with accompanying specific findings (Attachment 5) to the Caltrans Division of Aeronautics at least 45 days prior to scheduling a public hearing in front of City Council to make a decision to overrule or not overrule the finding of inconsistency determination of the Mendocino County Airport Land Use Commission for the Heritage Mendocino project, in accordance with PUC Section 21676 and the State Aeronautics Act; and
- C) Direct that Staff schedule a public hearing for City Council to make a decision to overrule or not overrule the decision of the Mendocino County Airport Land Use Commission upon expiration of the 45-day period.

12. UNFINISHED BUSINESS, Continued

f. Adoption of Resolution Establishing an Interim Referral Procedure, Until Such Time that the Mendocino County Airport Comprehensive Land Use Plan is Updated to Reflect Current Ukiah Municipal Airport Environs, for Projects Located in the A, A*, B1, B1*, and B2 Zones of the 1996 Compatibility Zoning Map of the Ukiah Municipal Airport Master Plan and Referred by the City of Ukiah Community Development Department to the Mendocino County Airport Land Use Commission.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Crane/Scalmanini to continue this item to the December 5, 2018, council meeting. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

e. Approval of Contract Amendments for Preliminary Design and Environmental Compliance for Phase 4 of the Recycled Water System and Corresponding Budget Amendment.

Presenters: Sean White, Water Resources Director and Jarod Thiele, Public Works Management Analyst.

Motion/Second: Scalmanini/Crane to approve Contract Amendments (*Carollo Engineers: COU No. 1314-231-A5; SMB Environmental: COU No. 1718-183-A1*) for Preliminary Design and Environmental Compliance for Phase 4 of the Recycled Water System and Corresponding Budget Amendment. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS, Continued

b. Discussion and Possible Introduction by Title Only of a Shopping Cart Ordinance Amendment.

Presenter: David Rapport, City Attorney.

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING ARTICLE 11 TO CHAPTER 1, DIVISION 7 OF THE UKIAH CITY CODE TO REGULATE ENFORCEMENT OF SHOPPING CART CONTAINMENT AND RETRIEVAL ORDINANCE.

Motion/Second: Brown/Crane to adopt the ordinance amending Article 11 to Chapter 1, Division 7 of the Ukiah City Code to regulate enforcement of shopping cart containment and retrieval ordinance. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

c./Urgency Item: Adoption of Resolution(s) Approving Successor Memoranda of Understanding for Employee Bargaining Units.

Presenter: Sage Sangiacomo, City Manager

Motion/Second: Crane/Scalmanini to adopt resolutions (2018-35 and 2018-36) approving successor Memorandum of Understanding between the City of Ukiah and Administrative and Maintenance Unit (COU No. 1819-147 and addendum adding Longevity Performance Program Provision to the Water Utilities/Mechanics (COU No. 1819-128-Add1) Unit Memorandum of Understanding. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

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

No reports were received.

THE CITY COUNCIL ADJOURNED TO THE SUCCESSOR AGENCY, FOLLOWED BY CLOSED SESSION AT 10:53 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Existing Litigation

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

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

b. Conference with Legal Counsel – Existing Litigation

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

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

c. **Conference with Labor Negotiator**

(Government Code Section 54957.6)

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

d. **Conference with Real Property Negotiators**

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 157-050-03, 157-060-02, 157-050-04, 157-050-03, 157-030-02, 157-050-01, 157-050-02, 157-050-10, 157-050-09, 157-070-01, 157-070-02, 003-190-01

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Dave Hull and Ric Piffero

Under Negotiation: Price & Terms of Payment

The City Manager reported that direction was given to staff.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:59 p.m.



Kristine Lawler, City Clerk