

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
February 15, 2017
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on February 15, 2017, having been legally noticed on February 10, 2017. Mayor Brown called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Stephen G. Scalmanini, Douglas F. Crane, Maureen Mulheren, Kevin Doble, and Jim O. Brown. **Councilmembers Absent:** None. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Ashley Cocco, Deputy City Clerk.

MAYOR BROWN PRESIDING.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

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

Presenters: Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Dan Buffalo, Director of Finance.

Presentation was received.

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

a. Minutes of February 1, 2017, a Regular Meeting.

Motion/Second: Mulheren/Doble to approve Minutes of February 1, 2017, a Regular Meeting as submitted. Motion **carried** by the following roll call votes: **AYES:** Scalmanini, Crane, Mulheren, Doble, and Brown. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

a. Report of Disbursements for the Month of January - Finance.

b. Adopt an Ordinance (1175) Amending the Zoning Map Changing the Zoning on a Parcel Located at 350 N. Orchard Avenue – Planning and Community Development.

ORDINANCE NO. 1175

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF UKIAH, CALIFORNIA AND ESTABLISHING THE COMMERCIAL ZONING (C1) AT 350 N. ORCHARD AVENUE APN 002-370-270

- c. Award Contract (COU No. 1617-166) to Provide and Install Electric Service Center Warehouse Shelving and Pallet Racking System to Next Level Warehouse Solutions, Inc., in the Amount of \$47,429.51 (EUD) – *Electric Utility.*
- d. Award Purchase of a Replacement Sixteen-Foot Hydraulic Tilt Flatbed Truck, 2017 Peterbilt Model 337 with Scelzi Brand Bed, to National Auto Fleet Group, Watsonville, California in the Amount of \$126,286.14 (EUD) – *Electric Utility.*
- e. ~~Authorize the City Manager to Negotiate and Execute a Management Agreement (COU No. 021511-A6) for the Alex Rorabaugh Recreation Center – Community Services. – Pulled by Councilmember Crane and moved to Agenda Item 13d.~~
- f. ~~Award Purchase of a Replacement Aerial Bucket Truck with a 2017 Altec Model AM60E to Altec Industries, Inc., Dixon, California in the Amount of \$314,264.67 (EUD) – Electric Utility. – Pulled by Mayor Brown and moved to Agenda Item 13e.~~
- g. Adoption of Resolution (2017-13) Authorizing the City Manager to Apply for a CalRecycle Tire-Derived Aggregate Grant and Execute All Related Documents – *Public Works.*
- h. ~~Request Approval to Reclassify the Power Engineer Job Series – Human Resources. – Pulled by Councilmember Crane and moved to Agenda Item 13f.~~
- i. ~~Adoption of a Resolution (2017-14) Authorizing the City Manager to Apply for and Submit an Application for a Housing Related Parks Program Grant – Community Services. – Pulled by Councilmember Crane and moved to Agenda Item 13g.~~
- j. Award Purchase of a Replacement Electric Utility Technician Truck with a 2017 Ford F-350-XL Super Cab and Chassis with Scelzi Service Body to Ukiah Ford in the Amount of \$52,678.41 (EUD) – *Electric Utility.*

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

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Presenters: Jamie White, Cheryl Thompson, Mike Pallesen, and (unidentified woman).

9. COUNCIL REPORTS

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager and Shannon Riley, Senior Management Analyst.

11. PUBLIC HEARINGS (6:15 PM)

12. UNFINISHED BUSINESS

a. Presentation Regarding Feasibility Analysis for a Hotel in Downtown Ukiah – Administration.

Presenters: Shannon Riley, Senior Management Analyst and Chris Kraus, Managing Director CBRE Hotels.

Public Comment: Steely Inoue, Rick Hansen, Don Crawford, Tom Liden, and Cynthia Coale.

Motion/Second: Doble/Crane to request staff to investigate and bring back options for the Request for Proposal (RFP) process. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

b. Review of Draft Performance Agreement Between the City of Ukiah and the Economic Development Financing Corporation (EDFC) For Fiscal Year 2016-17 – Administration.

Presenter: Shannon Riley, Senior Management Analyst.

Public Comment: John Kuhry.

Motion/Second: Crane/Scalmanini to authorize the City Manager to negotiate and execute the agreement (*COU No. 1617-190*) between Economic Development and Financing Corporation (EDFC) and the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

c. Possible Adoption of a Marijuana Dispensary Ordinance Amending Chapter 8 in Division 6; Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9; and Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code, Entitled “Medical Marijuana Dispensaries” – Planning and Community Development.

Presenters: Kevin Thompson, Interim Planning Director and Darcy Vaughn, Assistant City Attorney.

Public Comment: Robert Werra MD, Steely Inoue, Don Crawford, and Barbara McClain.

ORDINANCE NO. 1176

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING CHAPTER 8 IN DIVISION 6; TABLE 3 IN SECTION 9223.1 OF ARTICLE 18, CHAPTER 2 IN DIVISION 9; AND SECTION 9254 IN ARTICLE 19, CHAPTER 2 IN DIVISION 9 OF THE UKIAH CITY CODE, ENTITLED “MEDICAL MARIJUANA DISPENSARIES”

Motion/Second: Mulheren/Doble to adopt the Marijuana Dispensary Ordinance (1176) amending Chapter 8 in Division 6; Table 3 in Section 9223.1 of Article 18, Chapter 2 in Division 9; and Section 9254 in Article 19, Chapter 2 in Division 9 of the Ukiah City Code, entitled “Medical Marijuana Dispensaries”. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

RECESS 8:00 – 8:06 P.M.

d. Authorize the City Manager to Negotiate and Execute an Agreement with the Sonoma County Water Agency in the Amount of \$34,000 and Approval of a Contribution to the Inland Water and Power Commission in the Amount of \$4,400 Both of Which are for Joint-Funded Water Planning Studies – Public Works.

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

Motion/Second: Crane/Mulheren to authorize the City Manager to Negotiate and Execute an agreement (*COU No. 1617-167*) with the Sonoma County Water Agency in the amount of \$34,000 and approval of a contribution to the Inland Water and Power Commission in the amount of \$4,400 both of which are for Joint-Funded Water Planning Studies. Motion **carried** by the following roll call

votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

e. Approve Plans and Specifications for Talmage Road Interchange Project, Specification No. 16-05, Direct Staff to Advertise for Bids, and Direct Staff to Make Changes to the Specifications Necessary to Obtain a Caltrans Encroachment Permit – Public Works.

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

Motion/Second: Crane/Doble to approve plans and specifications for the Talmage Road Interchange Project, Specification No. 16-05 and direct staff to advertise for bids and to authorize the City Engineer to make changes to the specifications and plans necessary to obtain a Caltrans encroachment permit. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

f. The Ukiah City Council to Adopt the Resolution and Exhibit A Superseding Resolution No. 2016-66, Proposed Electric Rate Adjustments (EUD) – Electric Utility.

Presenter: Mel Grandi, Electric Utility Director.

Motion/Second: Crane/Mulheren to adopt the Resolution (2017-15) and Exhibit A superseding Resolution No. 2016-66, proposed Electric Rate Adjustments (EUD). Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS

a. Approval of Amendment #1 to the Contract with Larry Walker and Associates for Engineering Services and Technical Assistance Related to the City's National Pollutant Discharge Elimination System (NPDES) Permit Renewal for the Wastewater Treatment Plant in the Amount of \$54,710 – Public Works.

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

Motion/Second: Crane/Mulheren to approve amendment #1 to the contract (COU No. 1617-146-A1) with Larry Walker and Associates for engineering services and technical assistance related to the City's National Pollutant Discharge Elimination System (NPDES) permit renewal for the Wastewater Treatment Plant in the amount of \$54,710. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

b. Notification of Acquisition of Emergency Boiler Rental and Installation from Bay City Boiler and Engineering, Inc. in the Amount of \$22,925, Authorization of Continued Boiler Rental in the Amount of \$3,500 Per Month Plus Any Applicable Taxes, Approval of Purchase of Two New Boilers in the Amount of \$99,726.94 from Rite Boiler for the Digesters at the Wastewater Treatment Plant and Approval of Corresponding Budget Amendment – Public Works.

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

Motion/Second: Crane/Doble to authorize the continued boiler rental in the amount of \$3,500 per month plus any applicable taxes, approve the purchase of two new boilers in the amount of \$99,726.94 from Rite Boiler for the digesters at the Wastewater Treatment Plant and approve the

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

c. Consideration and Possible Approval of Debt Management Policy – Finance.

Presenters: Dan Buffalo, Finance Director and Daphine Harris, Management Analyst – Finance Department.

Motion/Second: Crane/Mulheren to *approve resolution (2017-16)* approving the Debt Management Policy. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

(Previously Agenda Item 7e)

d. Authorize the City Manager to Negotiate and Execute a Management Agreement for the Alex Rorabaugh Recreation Center – Community Services.

Presenter: Tami Bartolomei, Community Services Director and Kerry Randall, Facilities Administrator.

Motion/Second: Crane/Scalmanini to authorize the City Manager to negotiate and execute a Memorandum of Agreement (COU No. 021511-A6) for the Alex Rorabaugh Recreation Center with the Ukiah Valley Cultural and Recreation Center and direct staff to schedule a Community Services Work Study Session. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

(Previously Agenda Item 7f)

e. Authorize Award Purchase of a Replacement Aerial Bucket Truck with a 2017 Altec Model AM60E to Altec Industries, Inc., Dixon, California in the Amount of \$314,264.67 (EUD) – Electric Utility

Presenter: Mel Grandi, Electric Utility Director and Tim Santo, Dave Kersh,

Motion/Second: Brown/Crane to award purchase of a replacement Aerial Bucket Truck with a 2017 Altec Model AM60E to Altec Industries, Inc., Dixon, California in the amount of 314,264.67. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

(Previously Agenda Item 7h)

f. Request Approval to Reclassify the Power Engineer Job Series – Electric Utility.

Presenter: Sheri Mannion, Director of Human Resources/Risk Management.

Motion/Second: Crane/Doble to approve the recommended proposal to reclassify the Power Engineer Job Series. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

(Previously Agenda Item 7i)

g. Adoption of Resolution Authorizing the City Manager to Apply for and Submit an Application for a Housing-Related Parks Program Grant – Community Services.

Presenters: Tami Bartolomei, Community Services Director and Sage Sangiacomo, City Manager.

Motion/Second: Crane/Mulheren to adopt resolution (2017-14) authorizing the City Manager to apply for and submit an application for a Housing-Related Parks Program grant. Motion **carried** by

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

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:17 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

(Cal. Gov't Code Section 54956.9(d)(2))

Significant exposure to litigation (1 case) (Coastside Settlement)

b. Conference with Legal Counsel – Existing Litigation

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

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

c. Conference with Legal Counsel – Existing Litigation

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

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

d. Conference with Legal Counsel – Existing Litigation

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

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

e. Conference with Legal Counsel – Existing Litigation

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

Name of case: *Howard Jarvis Taxpayers Assn., et al. v. City of Ukiah, Mendocino County Superior Court, Case No. SCUK-CVG-17-68588* (Measure Y and Z)

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: 429 South Dora St. Ukiah, CA 95482

Negotiator: Sage Sangiacomo, City Manager; Negotiating Parties: City of Ukiah and Ukiah Unified School District; Under Negotiation: Price & Terms of Payment

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.


Kristine Lawler, City Clerk