

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

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on November 1, 2017, having been legally noticed on November 9, 2017. Mayor Brown called the meeting to order at 6:01 p.m. Roll was taken with the following **Councilmembers Present:** Stephen G. Scalmanini, Douglas F. Crane, Maureen Mulheren, Kevin Doble, and Jim O. Brown. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR BROWN PRESIDING.

The Pledge of Allegiance was led by Vice Mayor Doble.

Mayor Brown led a moment of silence for former Councilmember and Mayor, Benj Thomas. Councilmember Crane commented on having served with Benj on the Council and appreciated his insights and kind heart.

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.

Presenter: Sage Sangiacomo, City Manager.

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

a. Approval of the November 1, 2017, Regular Meeting Minutes.

b. Approval of the November 6, 2017, Special Meeting Minutes.

Motion/Second: Crane/Doble to approve Minutes of November 1, 2017, a regular meeting, with the mentioned administrative correction; and November 6, 2017, a Special 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**

Public Comment: Barry Vogel.

a. Report of Disbursements for the Month of October 2017 - Finance.

- b. Approval of Notice of Completion for the Perkins Street Underground District #2 Project, Specification No. 14-15, and Approval of Final Payment of the 5% Retention to Coastside Concrete (EUD) – *Electric Utility*.
- c. Approve the Purchase of Printing Services (COU No. 1718-145) for the Activities and Recreation Guide from Wesco Graphics in the Amount of \$45,127.62 Plus Tax – *Community Services*.
- d. Approval of Ukiah Valley Fire District and City of Ukiah Employee Transfer Agreement (COU No. 1718-146) – *Administration and Fire*.
- e. ~~Possible Adoption of an Ordinance of the City Council of the City of Ukiah Amending Section 3951 of Article 1 to Chapter 6 in Division 4 of the Ukiah City Code, Regarding the Requirements for Notice of a Proposed Utility Rate Change – Finance. – Pulled by public citizen, Barry Vogel, and placed as Agenda Item 13b.~~
- f. Notification to City Council of Amendment No. 2 for Contract #1617-220 (COU No. 1617-220-A2), with Lee Mechanical, Inc. for the Repair of 54-inch Valve Bearing for a Total Contract Amount of \$15,989.56 (EUD) – *Electric Utility*.

Motion/Second: Crane/Doble to approve Consent Calendar Items 7a-d, and 7f, as submitted. 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**

No public comment was received.

9. **COUNCIL REPORTS**

Presenters: Councilmembers Crane and Scalmanini.

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

Public Comment: Barry Vogel – Garbage and collection rate change. (Mr. Vogel submitted a Public Record Act request to the clerk.)

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

Presenters: Sage Sangiacomo, City Manager; Kirk Thomsen, Interim Fire Chief; and Kristine Lawler, City Clerk.

13. **NEW BUSINESS**

b. Possible Adoption of an Ordinance of the City Council of the City of Ukiah Amending Section 3951 of Article 1 to Chapter 6 in Division 4 of the Ukiah City Code, Regarding the Requirements for Notice of a Proposed Utility Rate Change – Finance (From Consent Calendar Agenda Item 7e.)

Presenter: David Rapport, City Attorney.

Public Comment: Barry Vogel.

Motion/Second: Crane/Scalmanini to adopt the Utility Rate Change Ordinance. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

ORDINANCE 1184

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTION 3951 OF ARTICLE 1 TO CHAPTER 6 IN DIVISION 4 OF THE UKIAH CITY CODE, REGARDING THE REQUIREMENTS FOR NOTICE OF A PROPOSED UTILITY RATE CHANGE

11. PUBLIC HEARINGS 6:15 PM)

a. Discussion and Possible Adoption of Resolution Amending Aviation Fuel Prices at the Ukiah Regional Airport.

Presenter: Greg Owen, Airport Manager.

PUBLIC HEARING OPENED AT 6:27 P.M.

Public Comment: *No public comment was received.*

PUBLIC HEARING CLOSED AT 6:30 P.M.

Motion/Second: Crane/Scalmanini to adopt the Resolution (2017-53) amending the aviation fuel prices at the Ukiah Regional Airport. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

b. Conduct a Public Hearing and Adopt Resolution to Establish the Gobbi Street Underground District No. 3 Gobbi Street from Orchard Ave. to State Street Including Sections of Main Street and Leslie Street, Its Boundaries, Proposed Schedule. (EUD)

Presenter: Mel Grandi, Electric Utility Director.

PUBLIC HEARING OPENED AT 6:31 P.M.

Public hearing was continued to later in the meeting due to technical difficulties.

12. UNFINISHED BUSINESS

a. Conduct Interviews, Review the Nomination Received, and Adopt a Resolution Making an Appointment to the Parks, Recreation, and Golf Commission.

Presenter: Kristine Lawler, City Clerk.

Public Comment: Henry Sadowski and John Johns.

Motion/Second: Mulheren/Crane to approve the nomination and adopt the proposed resolution (2017-54) appointing Henry Sadowski to the Parks, Recreation, and Golf Commission with a term ending November 15, 2020. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

11. PUBLIC HEARINGS - Continued

b. Conduct a Public Hearing and Adopt Resolution to Establish the Gobbi Street Underground District No. 3 Gobbi Street from Orchard Ave. to State Street Including Sections of Main Street and Leslie Street, Its Boundaries, Proposed Schedule. (EUD)

Presenter: Mel Grandi, Electric Utility Director.

Public hearing was continued to later in the meeting due to additional technical difficulties.

12. UNFINISHED BUSINESS - Continued

b. Discussion and Request for Direction on the Proposed Cannabis Cultivation Ordinance.

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

Public Comment: Pinky Kushner; Nicole Gilentzer, Ukiah Unified School District; and Don Crawford.

Council Consensus to direct staff to bring the ordinance for introduction at the December 6, 2017, meeting, and include language defining an immature plant as a plant that hasn't flowered and is no more than a foot high and a foot wide. Councilmembers wishing to submit additional language to be considered, will do so as soon as possible.

RECESS 7:34 – 7:44 P.M.

11. PUBLIC HEARINGS - Continued

b. Conduct a Public Hearing and Adopt Resolution to Establish the Gobbi Street Underground District No. 3 Gobbi Street from Orchard Ave. to State Street Including Sections of Main Street and Leslie Street, Its Boundaries, Proposed Schedule. (EUD)

Presenters: Mel Grandi, Electric Utility Director; Al Smatsky, Electric Projects Designer; and Diann Lucchetti, Administrative Secretary.

PUBLIC HEARING CONTINUED FROM 6:31 P.M. (Earlier in the meeting.)

Public Comment: John Kuhry, Economic Development and Financing Corporation (EDFC).

PUBLIC HEARING CLOSED AT 8:03 P.M.

Motion/Second: Doble/Crane to continue the public hearing to the December 6, 2017, City Council meeting, for modifications to include Marshall Street and notifications to property owners. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

12. UNFINISHED BUSINESS - Continued

c. Receive Report Regarding the Economic Development and Financing Corporation (EDFC); Consideration of Request for Funding from EDFC; and Request for Authorization for the City Manager to Negotiate and Execute Performance Agreement Between the City of Ukiah and EDFC.

Presenter: Shannon Riley, Deputy City Manager.

EDFC Representative: Diane Simmons, Economic Development Financing Corporation (EDFC) Program Director.

Public Comment: John Kuhry, EDFC Boardmember.

Motion/Second: Crane/Doble to approve the expenditure to the Economic Development and Financing Corporation (EDFC) (\$12,000 for the 17/18 fiscal year), and authorize the City Manager to negotiate and execute Performance Agreement (*COU No. 1718-147*) between the City of Ukiah and EDFC. Motion **carried** by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

Council Consensus directs staff to work with EDFC and the other jurisdictions to create a better performance agreement before the February budget/goal priority setting workshop.

13. NEW BUSINESS - Continued

a. Discussion of the Fiscal Year 2018-19 Budget Development Schedule.

Presenter: Daphine Harris, Finance Management Analyst.

Council Consensus to accept the budget development and adoption schedule for the 2018-19 fiscal year.

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:10 P.M.

14. CLOSED SESSION

a. 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)

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 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