

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

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on December 6, 2017, having been legally noticed on December 1, 2017. Mayor Brown called the meeting to order at 6:02 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 Lori Martin, Community Service Representative (CSR) III.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Appointment of New Mayor and Vice Mayor, and Council Reorganization.

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Crane/Scalmanini to nominate and appoint Kevin Doble as Mayor and Maureen Mulheren as Vice Mayor for 2018. Motion carried by the following roll call votes: AYES: Scalmanini, Crane, Mulheren, Doble, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

OUTGOING MAYOR BROWN PASSED THE GAVEL TO INCOMING MAYOR DOBLE. THE COUNCIL THEN ROTATED TO THEIR NEW SEATING ARRANGEMENTS ON THE DAIS.

MAYOR DOBLE PRESIDING.

b. Presentation of Employee Recognition Awards.

Presenters: Sage Sangiacomo, City Manager; Sean White, Water Resources Director; Chris Dewey, Police Chief; and Jake Burgess, Recreation Supervisor.

Awards presented.

c. Introduction of New Employee – Tyler Anliker, Buyer, Finance Department - Purchasing.

Presenter: Mary Horger, Purchasing Supervisor.

Public Comment: Tyler Anliker, Buyer.

Introduction received.

d. Presentation of 2017 City of Ukiah Leadership Academy Graduates.

Presenters: Sage Sangiacomo, City Manager and Shannon Riley, Deputy City Manager.

Presentation received and certificates presented to graduates.

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

Public Comment: Linda Anderson.

4. **PETITIONS AND COMMUNICATIONS**

Kristine Lawler, City Clerk, read the names of additional protest letters received for Agenda Item 11a. (*Note: additional protest letters not read out were received subsequent to this agenda item*)

11. **PUBLIC HEARINGS (6:15 PM)**

a. Consideration of Proposal to Adjust Solid Waste Rates, Hold a Public Hearing on the Proposed Adjusted Rates, and Adoption of Resolutions Establishing Adjusted Rates.

Presenters: Tim Eriksen, Public Works Director and Dan Buffalo, Director of Finance.

A PowerPoint presentation was given.

PUBLIC HEARING OPENED AT 7:12 P.M.

Public Comment: Linda Bailey, Barry Vogel, Peter Good, Deborah Edelman, Jim Morgan, Sharon Thomas, Joel Kohen, Glenda Anderson, Leslie Dammuller, Tony Ford, Dennis Crane, Robin Sunbeam, Lois Cook, Shawn Mycho, Patty Black, Chuck Williams, and Phil Baldwin.

PUBLIC HEARING CLOSED AT 8:10 P.M.

Consultant Comment: Emmett Jones, Management Advisory Services Consultant.

Motion/Second: Crane/Brown to continue this hearing to the December 20, 2017 meeting, with the following direction to staff:

- Review of CPI index to determine what other cities are using the index and whether it is appropriate to put a cap on the index;
- Insure that the website contains written answers to questions regarding the access rate;
- Provide information regarding the continuance of this item on social media, a press release, and on the website; and to provide contact information for additional questions that the public may have;
- Expand the educational outreach plan to include a report to council;
- Provide information to Council and the public of what enforcement is currently in place, explore alternatives, and provide exact amount of enforcement numbers;
- Provide an analysis of the cost difference between a 20 and 32 gallon cans;
- Explain the use/non-use of the 10 gallon can in the staff report;
- Move forward with the low income senior subsidy program to come forward as a separate agenda item including a budget amendment; and
- Bring back an amended contract with the hauler.

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

RECESS: 9:40 – 9:50 P.M.

Note: the following three items were continued to December 20, 2017, with one motion by Council.

c. Public Hearing to Consider Adoption a Resolution Amending the Fee Schedule for the Planning and Building Divisions of the Community Development Department, Including Renewal of Cannabis Related Business Use Permits, Recorded Subdivision Map Modifications, and a Minimum Building Permit Fee

13. NEW BUSINESS

a. Consideration of a Restructuring Proposal for the Community Development Department and Corresponding Budget Amendment.

b. Presentation of the City of Ukiah Budget Story.

Motion/Second: Crane/Scalmanini to continue Items 11c, 13a, and 13b to December 20, 2017. 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 - Continued

e. 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.

Presenters: Sage Sangiacomo, City Manager; Dan Buffalo, Finance Director; and Sean White, Water Resources Director.

Report was received.

5. APPROVAL OF MINUTES

a. Approval of the November 15, 2017, Regular Meeting Minutes.

Motion/Second: Mulheren/Crane to approve Minutes of November 15, 2017, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

- a. Notification of Purchase of Professional Services (*COU No. 1718-128*) from Crawford & Associates for On-Call Planning Services in the Amount of Up To \$20,000 – *Community Development*.
- b. Report of Acquisition of Professional Services (*COU No. 1718-158*) from Alpha Analytical Laboratories, Inc. in the Amount of \$34,887.80, for Quarterly Water Sampling and Completion of Chemical Examination Reports for the Ukiah Landfill – *Public Works*.
- c. Award the Purchase (*PO No. 45101*) of a New 2018 Altec Model AT40-G Telescopic Articulating Aerial Device with an Insulated Boom Truck to Altec Industries, Inc., Dixon, California in the Amount of \$168,965.00 (EUD) – *Electric Utility*.
- d. Approve the Purchase (*PO No. 45145*) of a New Cat 242D Skid Steer Loader from Peterson CAT in the Amount of \$62,269.96 – *Public Works*.
- e. Notification of Contract (*COU No. 1617-119-A1*) with NHA Advisors, LLC for Financial Advisory Services in the Amount of \$19,500 – *Finance*.
- f. Consideration of the Viability of Energy Storage for the Electric Utility and Target Setting for Electric Energy Storage Systems as per AB2514, and Adopt Corresponding Resolution (2017-55) (EUD) – *Electric Utility*.
- g. City Council to Consider Authorizing the City Manager to Sign Applicant's Agent Resolution (*non-city resolution*) for Non-State Agencies with the Governor's Office of Emergency Services – *Community Services*.

- h. Approve the Purchase (PO No. 45141) of a New Toro Groundsmaster 4010-D Wide Area Mower from Turf Star, Inc. in the Amount of \$84,902.50, and Approve Corresponding Budget Amendment – *Community Services*.

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

9. **COUNCIL REPORTS**

Presenters: Councilmember Brown and Vice Mayor Mulheren.

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

Presenter: Sage Sangiacomo, City Manager.

11. **PUBLIC HEARINGS - Continued**

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

Presenters: Mel Grandi, Electric Utility Director and Diann Lucchetti, Administrative Secretary.

A PowerPoint presentation was given.

PUBLIC HEARING OPENED AT 10:14 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 10:14 P.M.

Motion/Second: Crane/Scalmanini to adopt Resolution (2017-56) establishing Gobbi Street Underground District No. 3, and approve boundaries and proposed timeline. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

d. Consideration and Possible Introduction for Cannabis Related Business Zoning Ordinance

Presenters: Kevin Thompson, Principal Planner and Darcy Vaughn, Assistant City Attorney.

A PowerPoint presentation was given.

PUBLIC HEARING OPENED AT 10:24 P.M. (Mayor Doble said 10:20 p.m. into the recorded record; however, the clock read 10:24 p.m.)

Public Comment: Dr. Werra and Chris Watt.

PUBLIC HEARING CLOSED AT 10:30 P.M.

Motion by Councilmember Scalmanini, seconded by Councilmember Crane to go with the Planning Commission's Version 2.

The maker and the second agreed to amend the motion to include in the Ordinance an allowance for Microbusinesses (defined as being limited to 5,000 square feet of cultivation) and Retail to operate

in C1 and the downtown zoning districts with a Major Use Permit.

PUBLIC HEARING RE-OPENED AT 11:04 P.M.

Public Comment: Chris Watt.

PUBLIC HEARING CLOSED AT 11:06 P.M.

Vice Mayor Mulheren made a friendly amendment to the motion, to which the maker and second agreed, to include Cannabis Testing Laboratories allowed to operate in the C1 and the downtown zoning districts subject to a Major Use Permit.

Motion/Second: Scalmanini/Crane to go with the Planning Commission's Version 2 with above stated amendments, and continue the hearing to December 20, 2017. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

Council Consensus directs staff to only bring the amended version back to Council.

12. **UNFINISHED BUSINESS**

a. Discussion and Possible Introduction of the Proposed Cannabis Cultivation Ordinance.

Presenter: Darcy Vaughn, Assistant City Attorney.

A PowerPoint presentation was given.

Motion/Second: Brown/Doble to go with Version 2. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

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

Kristine Lawler, City Clerk, 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 REGULATING PERSONAL AND COMMERCIAL CANNABIS CULTIVATION.

Motion/Second: Brown/Doble to introduce the Cannabis Cultivation Ordinance. 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**

c. Approval of the Agreement for Bond and Disclosure Counsel Services and Corresponding Budget Amendment

Presenter: Dan Buffalo, Director of Finance.

Motion/Second: Crane/Brown to approve and authorize the City Manager to negotiate and execute an agreement (COU No. 1718-159) with The Weist Law Firm for bond and disclosure counsel services related to the refunding of the City-issued 2006 wastewater revenue bond issue. Motion **carried** by the following roll call votes: AYES: Brown, Scalmanini, Crane, Mulheren, and Doble. NOES: None. ABSENT: None. ABSTAIN: None.

b. Receive Presentation and Provide Direction Regarding the City of Ukiah's Sewer Lateral Policy

Council Consensus to continue this item to a future meeting.

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 11:25 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

No reportable action was taken.

There being no further business, the meeting adjourned at 12:26 p.m.



Kristine Lawler, City Clerk