

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
July 20, 2016
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on July 20, 2016, having been legally noticed on July 15, 2016. Mayor Scalmanini called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Douglas F. Crane, Kevin Doble, Jim O. Brown, Stephen G. Scalmanini. **Councilmember Absent by Prearrangement:** Maureen Mulheren. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Introduction of Ukiah's New Poet Laureate.

Presenters: Benj Thomas, Poet Laureate Organization Representative and Bill Churchill, outgoing Poet Laureate.

Incoming Poet Laureate Comments: Michael Riedell.

b. Proclamation of Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Week: July 17-24, 2016.

Presenter: Mayor Scalmanini

Proclamation received by Paul Sagan and (unidentified woman).

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

a. Minutes of July 6, 2016, a Regular Meeting.

Motion/Second: Brown/Crane to approve Minutes of July 6, 2016, a Regular Meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Crane, Brown, and Scalmanini. NOES: None. ABSENT: Mulheren. ABSTAIN: Doble.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

a. Report of Disbursements for Month of June - *Finance*.

b. Adoption of Resolution (2016-42) Making Appointments to the Board of Appeals; Design Review Board; Parks, Recreation, and Golf Commission; and Paths, Open Space, and Creeks Commission – *City Clerk*.

c. Adoption of Resolution (2016-43) Approving an Application for Proposition 1 California Urban Rivers Grant Program for Development of Riverside Park – *Community Services*.

- d. Approval of Purchase of Body Worn Cameras from Data 911 in an Amount not to Exceed \$21,683.38 plus Applicable Sales and Shipping Costs and Approval of Corresponding Budget Amendment - *Police*.
- e. Approve an Agreement (COU No. 1617-090) for Professional Services for Website Design and Maintenance with Rich Anderson and Authorize the Mayor to Execute the Agreement - *Community Services*.
- f. Approval of Notice of Completion for Crosswalk at North State Street and Garrett Drive, Specification No. 15-11 - *Public Works*.
- g. Adoption of Resolution (2016-44) Approving Termination of Participation in PERS Health Plan by Fire Unit Employees - *Human Resources*.
- h. ~~Update on the Groundwater Resource Evaluation in the Vicinity of the Ukiah Golf Course and Request for Council to Consider Approval of the Design of a Water Efficient Irrigation System for the Area - *Public Works*. This item was pulled by Councilmember Crane and moved to Agenda Item 13e.~~
- i. Authorize the City Manager to Negotiate and Enter into a Contract (COU No. 1617-091) with L.S. Mitchell Architect, Inc. for Consulting Services to Assist the Electric Utility Department with the Design and Building Plans for the 1350 Hastings Road Property in an Amount Not to Exceed \$120,000 and Approval of Corresponding Budget Amendment (EUD) - *Electric Utility*.

Motion/Second: Crane/Brown to approve Consent Calendar Items 7a-g and 7i, with the revised resolution for Agenda Item 7b. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, Scalmanini. NOES: None. ABSENT: Mulheren. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Public Comment: Fabiola Ruiz.

9. COUNCIL REPORTS

Presenter: Councilmember Doble.

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager; Chris Dewey, Chief of Police; Shannon Riley, Senior Management Analyst; and Kristine Lawler, City Clerk.

New Police Officers, Cesar Mendoza and Saul Perez, were introduced.

11. PUBLIC HEARINGS (6:15 PM)

- a. Discussion and Possible Adoption of Negative Declaration and Introduction of Ordinance Adding Division 9, Chapter 2, Article 15.6 to the Zoning Code Related to Development and Operating Standards for Community Gardens, Live Entertainment, Outdoor Dining, Sidewalk Cafes, and Specialty Food and Beverage Sales with Tasting - *Planning*.

Presenter: Kevin Thompson, Principal Planner.

PUBLIC HEARING WAS OPENED AT 6:59 P.M.

Public Comment: Phil Baldwin.

PUBLIC HEARING WAS CLOSED AT 7:20 P.M.

Motion/Second: Doble/Crane to adopt the Negative Declaration. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, Scalmanini. NOES: None. ABSENT: Mulheren. ABSTAIN: None.

RECESS 7:27 – 7:39 PM

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

City Clerk, Kristine Lawler, read the title into the record.

Motion/Second: Doble/Crane to introduce by title only the proposed ordinance adding Division 9, Chapter 2, Article 15.6. with the following revisions:

- Section 9173.2 Community Gardens – Change height reference for fences from 6 feet to 7 feet;
- Delete any bracketed comments throughout the document;
- Section 9278 Definitions – ‘Outdoor Dining’ and ‘Sidewalk Cafes’ will be revised to include the wording *food ordered from the establishment*, and the references to being *served by a waiter or waitress* will be deleted;
- Section 9173.3 Live Entertainment, A. - The hours of operation for live entertainment facilities will read from 10 a.m. to 11 p.m.;
- Section 9173.3 Live Entertainment, Subsection B. Management Plan - The hours of operation will be specified in the management plan and will be added as a Section 7, and the current section 7 will be renumbered as Section 8.
- Under 9173.3 Live Entertainment, change the letters A – F to be numbers.
- Assign the letter A to the Live Entertainment paragraph just under the title for Section 9173.3.

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

Council Consensus to move Item 13b before 11b.

13. **NEW BUSINESS**

b. Discussion and Possible Adoption of Resolution Establishing a Public Art Policy and Fees – Planning.

Presenter: Kevin Thompson, Principal Planner.

Public Comment: Chat Ko; Will Carson; Laura Fogg; Alyssum Wier, Arts Council of Mendocino County; Tom Winters; Jaye Alison Moscariello; Elizabeth Raybee; Janae Stephens; Jennifer Ingram; Mark Hiliker; and Amelia (no surname given).

Motion by Councilmember Crane for approval of the recommended action with a fee of \$100.

Motion dies for lack of second

Motion by Councilmember Doble, seconded by Councilmember Crane to adopt the resolution establishing a public art policy and not require a fee to install the art on City property.

Councilmember Crane suggests adding to the motion that the item comes back to Council in a year for review, to which the maker of the motion agrees.

Motion/Second: Doble/Crane adopt the resolution (2016-45) establishing a public art policy and not require a fee to install the art on City property, and bring the item back to Council in a year for review, with the following changes to be made to the resolution:

- Section I. Purpose – Add to last sentence of the first paragraph, ...; *this policy does not apply to City administered art related programs.*
- Section II. Definitions, Subsection “Public Place” – strike the first sentence and begin paragraph with *This Policy shall govern Artwork and/or Public Artwork in the following public places:*.

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

11. PUBLIC HEARINGS - Continued

b. Discussion and Possible Adoption of Revisions to the City Code Amending the Maximum Fence Height from Six Feet to Seven Feet in All Zoning Districts; and Amending the Parking Lot Tree Shading Requirement from Ten Years to Fifteen Years Applicable in the R-2, R-3, C-N, C-1, C-2, P-D, P-F – Planning.

Presenter: Michelle Johnson, Assistant Planner.

PUBLIC HEARING WAS OPENED AT 8:44 PM

Public Comment: Mark Hiliker.

PUBLIC HEARING WAS CLOSED AT 8:55 PM

Motion/Second: Crane/Doble to introduce ordinance by title only.

Clerk read the title.

Motion/Second: Crane/Doble to introduce the ordinance Amending Division 9, Chapter 2, Article 3, Section 9016(A), and Article 16, Section 9178(B) related to Fence Height; Article 4, Section 9037(B)(1)(E), Article 5, Section 9052(B)(1)(E), Article 6, Section 9068(D)(1)(E), Article 7, Section 9087(D)(1)(E), Article 8, Section 9101(D)(1)(E), and Article 15, Section 9170.7(E)(5) related to Tree Shade Requirements. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, Scalmanini. NOES: None. ABSENT: Mulheren. ABSTAIN: None.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Authorize the City Manager to Negotiate and Execute a Sole Source Contract with Aaronson Law Offices, for the Purpose of Providing Independent Police Auditing Services for the City of Ukiah and Approve Corresponding Budget Amendment – Police.

Presenter: Chris Dewey, Police Chief.

Motion/Second: Crane/Brown to authorize the City Manager to negotiate and execute a sole source contract (COU No. 1617-092) with the Aaronson Law Offices, for the purpose of providing independent police auditing services for the City of Ukiah and approve corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, Scalmanini. NOES: None. ABSENT: Mulheren. ABSTAIN: None.

c. Update Regarding Visit Ukiah Activities and Progress – Administration.

Presenter: Shannon Riley, Senior Management Analyst.

Report was received.

d. Receive the Electric Utility Department's Fiscal Year 2016-2017 Operating Budget Significant Change Overview Report (EUD) – Electric Utility.

Presenter: Mel Grandi, Electric Utility Director.

Report was received.

e. Update on the Groundwater Resource Evaluation in the Vicinity of the Ukiah Golf Course and Request for Council to Consider Approval of the Design of a Water-Efficient Irrigation System for the Area – Public Works. This item is from the Consent Calendar Agenda Item No. 7h.

Presenters: Maya Simerson, Program Administrator and Tami Bartolomei, Community Services Administrator.

Motion/Second: Crane/Brown to continue the item. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, Scalmanini. NOES: None. ABSENT: Mulheren. ABSTAIN: None.

Council adjourned to Closed Session at 9:45 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*

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*

c. Conference with Legal Counsel – Existing Litigation

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

Name of case: *County of Mendocino v. Solid Waste System, Inc. et al., Mendocino County Superior Court, Case No. SCUK-CVG-11-59459*

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*

15. ADJOURNMENT

There being no further business, the meeting adjourned at 10:11 p.m.


Kristine Lawler, City Clerk

