

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
September 21, 2016
6:00 p.m.**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

Ukiah City Council met at a Regular Meeting on September 21, 2016, having been legally noticed on September 16, 2016. Mayor Scalmanini called the meeting to order at 6:03 p.m. Roll was taken with the following **Councilmembers Present:** Maureen Mulheren, Kevin Doble, Jim O. Brown, and Stephen G. Scalmanini. **Councilmember Absent by Prearrangement:** Douglas F. Crane. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Ashley Cocco, Deputy City Clerk.

URGENCY ITEM

Presenter: Shannon Riley, Senior Management Analyst.

Motion/Second: Mulheren/Doble to accept urgency item due to timelines and place as agenda item 11a, Public Hearing. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation for Pollution Prevention Week and Creek Week 2016 – Public Works.

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

Proclamation received by Linda Sanders.

b. Presentation, 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 and Sean White, Director of Water/Sewer Utilities.

Public Comment: Don Crawford, Louis Eriksen, Faye Hefty, Linda Sanders, Pinky Kushner, Rich Andersen, Chuck Williams, Donald McMillian, Louis Eriksen (*speaking a second time*), Susan Knopf.

Council Consensus directs staff to reach out to the Ukiah Valley Sanitation District and to bring this item back to Council in two weeks for an update on what communication has transpired.

RECESS: 7:11 - 7:20 P.M.

c. Presentation by Pacific Gas and Electric Regarding Community Pipeline Safety Initiative – Public Works.

Presenters: Tami Bartolomei, Director of Community Services, Darren Cline, and Leslie Borak.

Public Comment: Faye Hefty, Susan Knopf, and Chuck Williams.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Minutes of September 7, 2016, a Regular Meeting.

Motion/Second: Mulheren/Doble to approve Minutes of September 7, 2016, a Regular Meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Mulheren, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: Doble.

b. Minutes of September 14, 2016, a Regular Adjourned Meeting.

Motion/Second: Brown/Mulheren to approve Minutes of September 14, 2016, a Regular Adjourned Meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

a. Approval of Disbursements for the Month of August - Finance.

b. Notification to City Council of the Purchase of NPDES Toxicity Testing Services for the Wastewater Treatment Plant from Pacific Ecorisk for a Total not to Exceed \$18,020.00 – Public Works.

~~c. Adoption of Resolution Designating Darcy Vaughn as Assistant City Attorney – Administration. - Pulled by Mayor Scalmanini and moved to Agenda Item 13b.~~

~~d. Award of Contract for Environmental Impact Report Services for the Costco Wholesale Warehouse Project to Dudek and Associates in the Amount of \$39,205 – Planning and Community Development. - Pulled by Mayor Scalmanini and moved to Agenda Item 13c.~~

e. Notification of Contract (COU No. 1516-228) Award to Chem-Dry of Mendocino County for Carpet Cleaning Services for a Three Year Term at Various City Locations – Community Services.

f. Possible Adoption of Ordinance (#1171) Amending the Ukiah City Code to Authorize City Council to Provide a Bidding Preference for Local Vendors by Resolution – Administration.

ORDINANCE NO. 1171

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING A NEW SUBSECTION D.4 TO UKIAH CITY CODE SECTION 1522

- g. Reporting Contract (COU No. 1516-182-A1) with Ready Set Go Services, LLC for Finance Project Assistance in the Amount of \$20,000, and Requesting Authorization to Amend the Contract for Additional Services as Needed - Finance.**
- h. Adoption of Resolution (2016-54) Designating City Officials who may Contract for City Banking Services with MUFG Union Bank, N.A. – Administration.**

Motion/Second: Doble/Mulheren to approve Consent Calendar Items 7a-b, e-h, as submitted, with Agenda Items 7c-d pulled and moved to Agenda Items 13b-c. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

9. COUNCIL REPORTS

Presenters: Councilmember Mulheren; Councilmember Doble; Mayor Scalmanini; and Bruce A. Carpenter, Ukiah Area California Highway Patrol Captain/Commander.

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager; John Bartlett, Fire Chief; and Tim Eriksen, Director of Public Works/City Engineer.

11. PUBLIC HEARINGS (6:15 PM)

- a. (Urgency Item) Conduct a Public Hearing to Discuss the Grantee Performance for State Community Development Block Grant 13-CDBG-8940; Receive Presentation from Staff and Solicit Citizen Input on this Grant.**

Presenters: Shannon Riley, Senior Management Analyst and Craig Schlatter, CDC.

PUBLIC HEARING WAS OPENED AT 8:31 P.M.

PUBLIC HEARING WAS CLOSED AT 8:32 P.M.

Report was received.

12. UNFINISHED BUSINESS

- a. Update Regarding Emergency Winter Shelter and Possible Direction Regarding Disbursement of Funds.**

Presenter: Shannon Riley, Senior Management Analyst.

Report was received.

Motion/Second: Brown/Doble to authorize the City Manager to negotiate and execute a release of funds agreement with the County of Mendocino for an emergency winter shelter, and approve the corresponding budget amendment(s). Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

b. Approve Contract between Solid Waste Systems and Potrero Hills Landfill for Municipal Solid Waste Disposal and Disposal of the Municipal Solid Waste at Potrero Hills Landfill in Suisun City California; and Approve Amendment to Transfer Station Agreement between City and Solid Waste System and Amended Transfer Station Lease between City and Solid Waste Systems.

Presenters: Tim Eriksen, Director of Public Works/City Engineer; Emmett Jones, CPA; and Daniel Buffalo, Director of Finance.

Motion/Second: Doble/Brown to 1.) Approve contract between Solid Waste Solutions Inc. and Potrero Hills Landfill Inc., 2.) Direct the City Manager to exercise flow control of Ukiah's municipal solid waste directing that it be transported to Potrero Hills Landfill in Suisun City, California, 3.) Approve Amendment to Transfer Station Agreement (COU No. 1212-11-A1), and 4.) Approve amended Transfer Station Lease. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

c. Financial Plan to Extinguish in Fifteen Years the Estimated Unfunded Closure and Thirty-Year Post Closure Maintenance Costs, and the Corrective Action Plan (CAP) Reserve Requirements Mandated by CalRecycle for the Ukiah Landfill.

Presenters: Tim Eriksen, Director of Public Works/City Engineer; Emmett Jones, CPA; and Daniel Buffalo, Director of Finance.

Motion/Second: Brown/Doble to accept the initial Financial Plan to extinguish in fifteen years the estimated unfunded Closure and thirty-year Post - Closure Maintenance costs, and the CAP reserve requirements, and ask that staff bring back the plan which includes the recommended twelve (\$12) increase in the Transfer Station disposal surcharge as recommended by the Landfill Closure Ad Hoc Committee for approval at the November 16, 2016 Council meeting. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

d. Receive Report of Recommended Rate Adjustments at Ukiah Transfer Station for Future Consideration.

Presenters: Tim Eriksen, Director of Public Works/City Engineer; Emmett Jones, CPA; and Daniel Buffalo, Director of Finance.

Report was received.

e. Adoption of Resolution Initiating the Prop 218 Process, Solid Waste Curbside Collection Rates, Fees, and Charges; and Adoption of Resolution Adopting the Guidelines for the Submission and Tabulation of Protests in Connection with the Rate Hearings.

Presenters: Tim Eriksen, Director of Public Works/City Engineer; Emmett Jones, CPA; and Daniel Buffalo, Director of Finance.

Motion/Second: Brown/Doble to adopt a resolution (2016-55) declaring the City Council's intention to adopt increased solid waste collection charges, set a public hearing for November 16, 2016, and direct staff to provide notice pursuant to Proposition 218; and adopt a resolution (2016-56) adopting guidelines for the submission and tabulation of protests in connection with the rate hearings under Proposition 218. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

13. NEW BUSINESS

- a. Update on the Ukiah Valley Golf Course and Request for Approval for the City Manager to Negotiate and Execute an Interim Amendment to the Lease Agreement Contingent upon Consent of the Ukiah Men's and Women's Golf Clubs, and Approval of Corresponding Budget Amendment(s).**

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

Public Comment: Roger Vincent

Motion/Second: Mulheren/Brown to authorize the City Manager to negotiate and execute an interim amendment to the lease (COU No. 1617-112) with Tayman Park Golf Group, contingent upon the consent of the Ukiah Men's and Women's Golf Clubs, with additional review by Council to be put on the agenda planning calendar for one year, and approval of corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

RECESS 9:22 – 9:28 P.M.

(Previously Agenda Item 7c)

- b. Adoption of Resolution Designating Darcy Vaughn as Assistant City Attorney.**

Presenter: David J. Rapport, City Attorney.

Motion/Second: Brown/Doble to adopt resolution (2016-57) designating Darcy Vaughn as Assistant City Attorney. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

(Previously Agenda Item 7d)

- c. Award of Contract for Environmental Impact Report Services for the Costco Wholesale Warehouse Project to Dudek and Associates in the Amount of \$39,205.**

Presenter: Kevin Thompson, Interim Director of Planning and Community Development.

Motion/Second: Scalmanini/Doble to award contract (COU No. 1617-129) for environmental impact report services for the Costco Wholesale Warehouse Project to Dudek and Associates in the amount of \$39,205. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: Crane. ABSTAIN: None.

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:42 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. SCU-K-CVG-11-59459

d. Conference with Legal Counsel – Existing Litigation

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

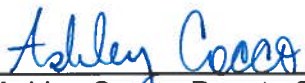
Name of case: *Ukiah Citizens for Safety First v. City of Ukiah*, Mendocino County Superior Court, Case No. SCU-K-CVPT 14-63579

e. Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Cal. Gov't Code Section 54956.9(d)(2) Number of potential cases (1)

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:58 p.m.



Ashley Codco, Deputy City Clerk