

CITY OF UKIAH  
CITY COUNCIL MINUTES  
Regular Meeting  
CIVIC CENTER COUNCIL CHAMBERS  
300 Seminary Avenue  
Ukiah, CA 95482  
November 16, 2016  
6:00 p.m.

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1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on November 16, 2016, having been legally noticed on November 10, 2016. Mayor Scalmanini called the meeting to order at 6:02 p.m. Roll was taken with the following **Councilmembers Present:** Douglas F. Crane, Maureen Mulheren, Kevin Doble, Jim O. Brown, and Stephen G. Scalmanini. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

*MAYOR SCALMANINI 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:** David Rapport, City Attorney; Sage Sangiacomo, City Manager, and Sean White; Water and Sewer Director.

**Report Out from Closed Session** held as a Special meeting at 4:30 p.m., prior to the Regular Council meeting. City Attorney Rapport reported the following:

*Council instructed me to contact the lawyers for the Ukiah Valley Sanitation District to work out the details of a mediation of the outstanding disputes. As a first step those details will include a requirement for the district to provide a detailed written response and any counter proposals to the City's written proposal that was submitted to the District in March 2014, during the original mediation between the City and the District.*

**Public Comment:** Julie Bawcom and Don Crawford; *Speaking for a second time:* Julie Bawcom.

*PowerPoint presentation, given by Sean White, was received.*

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

- a. **Minutes of November 2, 2016, a Regular Meeting.**
- b. **Minutes of November 4, 2016, a Special Meeting.**
- c. **Minutes of November 8, 2016, a Special Meeting.**

**Motion/Second:** Brown/Crane to approve Minutes of November 2, 2016, a Regular Meeting; Minutes of November 4, 2016, a Special Meeting; and Minutes of November 8, 2016, a Special Meeting, as submitted. Motion **carried** by the following roll call votes: **AYES:** Crane, Mulheren, Doble, Brown, and Scalmanini. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

6. **RIGHT TO APPEAL DECISION**

**7. CONSENT CALENDAR**

- a. Report of Disbursements for the Month of October – *Finance*.
- b. Notification to City Council of the Purchase of SCADA Maintenance Services at the Wastewater Treatment Plant (WWTP) from Telstar Instruments for a Total Not to Exceed \$10,735.71 – *Water and Sewer*.
- c. Adopt the Ordinance Amending Portions of Ukiah City Code (UCC) Division 3, Chapters 1 and 2 Pertaining to the Adoption of the Building Codes and Amendments Thereof – *Planning and Community Development*.

**ORDINANCE NO. 1171**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING PORTIONS OF DIVISION 3, CHAPTERS 1 AND 2 OF THE UKIAH CITY CODE, PERTAINING TO THE ADOPTION OF THE BUILDING CODES AND AMENDMENTS THEREOF

- d. Authorize Execution of Amendment (*COU No. 1213-180-A2*) to the Agreement with Rau and Associates, Inc. in an Amount Not to Exceed \$9,930 for Additional Design Work for the Smith Street Rehabilitation Project and Approve Budget Amendment – *Public Works*.
- e. Approval of Amendment (*COU No. 1516-141-A1*) with SHN Consulting Engineers and Geologists for Construction Management and Inspection Services for the North State Street Sewer Main Improvement Project in the Amount of \$4,146 and Approval of Corresponding Budget Amendment – *Public Works*.
- f. Adoption of Ordinance Amending Division 6, Chapter 3, Articles 1, 2, and 3 of the Ukiah City Code and Adopting the 2016 California Fire Code – *Fire*.

**ORDINANCE NO. 1172**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 6, CHAPTER 3, ARTICLES 1, 2, AND 3, OF THE UKIAH CITY CODE, ENTITLED: FIRE PREVENTION CODE, TO ADOPT THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING ADDITIONS OR AMENDMENTS THERETO TO ADDRESS LOCAL CONDITIONS

- g. Authorize Execution of Amendment (*COU No. 1516-229-A3*) to the Agreement with SHN in an Amount Not to Exceed \$25,266 for Additional Services for the North State Street - Low Gap Road Storm Drain and Traffic Signal Project and Approve Budget Amendment – *Public Works*.

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

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

**Presenter:** M. J. Gerard.

**9. COUNCIL REPORTS**

**Presenters:** Councilmember Mulheren and Mayor Scalmanini.

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

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

**a. Resolution and Urgency Ordinance, Setting Aside the Costco Wholesale Project's EIR, EIR Addendum, Site Development Permit and Airport Industrial Park Land Use Map Amendment – Planning and Community Development.**

**Presenters:** Kevin Thompson, Interim Planning Director and David Rapport, City Attorney.

*Note: The City Attorney determined that this is not a Public Hearing.*

**Public Comment:** James Houle.

**Motion/Second:** Doble/Brown to adopt Resolution (2016-62) with an amendment to include the vote with the 7<sup>th</sup> 'Whereas'. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

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

*City Clerk, Kristine Lawler, read the Ordinance title.*

**Motion/Second:** Doble/Brown to introduce and adopt the Urgency Ordinance setting aside Costco Wholesale EIR, EIR Addendum Site Development Permit and Amendment to the Airport Industrial Park Plan Development. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

**ORDINANCE NO. 1173**

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH SETTING ASIDE ORDINANCE NO. 1146 AND REINSTATING ORDINANCE NO. 1098 AND THE AIRPORT INDUSTRIAL PARK LAND USE MAP AS THEY READ IMMEDIATELY PRIOR TO THE ADOPTION OF ORDINANCE NO. 1146

**b. Discussion and Direction on Proposed Marijuana Dispensary Ordinance and Negative Declaration and if Appropriate, Continue the Corresponding Public Hearing to a Date Certain to Consider Adoption – Planning and Community Development.**

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

*PUBLIC HEARING WAS OPENED AT 7:05 P.M.*

**Public Comment:** Barbara McClain, M. J. Gerard, Chris Watts, Frank Kibbish, Josh Blakely, Steely Inove, Monique Tejasri, Mary Elliot, Mark Hilliker; *Speaking for a second time:* M. J. Gerard, Barbara McClain, Monique Tejasri, Chris Watts, and Frank Kibbish.

*PUBLIC HEARING WAS CLOSED AT 8:33 P.M.*

**Council Consensus** to direct ad hoc and staff to bring back: a map showing all parcels where dispensaries could be located using both the 250 and 500 foot restrictions; a list of all uses within all zoning designations; and show which would go to the Planning Commission and which would go to the Zoning Administrator.

**Motion/Second:** Crane/Brown to continue the public hearing to January 18, 2017. Motion **carried**

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

- c. **1) Prop 218 Public Hearing: Adjustments to Rates, Fees, and Charges for Residential Solid Waste Curbside Collection; and 2) Receive "City Manager's Report" on Recommendation of Adjustments to Solid Waste Rates, Fees, and Charges for Residential and Commercial Curbside Collection and Transfer Station Tipping Fee, and Schedule a Second Public Hearing – Public Works.**

**Presenters:** Sage Sangiacomo, City Manager; Dan Buffalo, Finance Director; and Tim Eriksen, Public Works Director/City Engineer.

*PUBLIC HEARING WAS OPENED AT 8:38 P.M.*

**Public Comment:** Louisa Morris, Solid Waste General Manager.

*PUBLIC HEARING WAS CLOSED AT 8:40 P.M.*

**Motion/Second:** Crane/Doble to continue the Public Hearing to December 7, 2016 at 6:15 PM, pursuant to Ukiah City Code Sections 3950-3957 to consider adjustments to residential and commercial solid waste collection rates, fees, and charges and adjustments to the Transfer Station Tipping Fee. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

*RECESS 8:44 – 8:59 P.M.*

## **12. UNFINISHED BUSINESS**

- a. **Authorize Execution of Amendment to the Agreement with GHD in an Amount Not to Exceed \$130,746 for Supplemental Design Services for the Redwood Business Park Transportation Improvements and the Talmage Interchange Projects and Approve Budget Amendment – Public Works.**

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

**Public Comment:** Chris Watts.

**Motion/Second:** Doble/Mulheren to authorize execution of amendment (*COU No. 1213-142-A9*) to the agreement with GHD in an amount not to exceed \$130,746 for supplemental design services for the Redwood Business Park Transportation Improvements and the Talmage Interchange Projects and approve budget amendment. Motion **carried** by the following roll call votes: AYES: Crane, Mulheren, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

- b. **Approval of Amendment No. 2 to GHD, Inc. in the Amount of \$102,938 for Engineering Design and Construction Oversight Services for Wells #4 and #9 and Corresponding Budget Amendment – Public Works.**

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

**Motion/Second:** Crane/Mulheren to approve Amendment No. 2 (*COU No. 1314-200-A2*) to GHD, Inc. in the amount of \$102,938 for engineering design and construction oversight services for Wells #4 and #9 and corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

- c. **Award of Contract to SMB Environmental for the Preparation of an Environmental**

**Impact Report for the Ukiah Landfill Closure Project in the Amount of \$147,977 and Approval of Corresponding Budget Amendment – Public Works.**

**Presenters:** Tim Eriksen, Director of Public Works/City Engineer and Jarod Thiele, Public Works Management Analyst.

**Public Comment:** Chris Watts.

**Motion/Second:** Crane/Mulheren to award of contract (COU No. 1617-141) to SMB Environmental for the preparation of an Environmental Impact Report for the Ukiah Landfill Closure Project in the amount of \$147,977 and approval of corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

**13. NEW BUSINESS**

**a. Introduction of the Ordinance Amending Section 2000.3 in Chapter 12 in Division 1 of the Ukiah City Code, Entitled “Ukiah Skate Park Rules And Regulations” Pertaining to Hours of Skate Park Operations – Community Services.**

**Presenter:** Tami Bartolomei, Community Services Administrator.

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

*City Clerk, Kristine Lawler, read the Ordinance title.*

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTION 2000.3 IN CHAPTER 12 IN DIVISION 1 OF THE UKIAH CITY CODE, ENTITLED “UKIAH SKATE PARK RULES AND REGULATIONS”

**Motion/Second:** Crane/Brown to introduce the Ordinance by title only amending Section §2000.3 of Chapter 12, Division 1 of the Ukiah City Code, entitled “Ukiah Skate Park Rules and Regulations” pertaining to hours of skate park operations. Motion **carried** by the following roll call votes: AYES: Crane, Doble, Brown, and Scalmanini. NOES: None. ABSENT: None. ABSTAIN: None.

CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:35 P.M.

**14. CLOSED SESSION**

**a. 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) (Landfill)

**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*

**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*

**d. 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. SCUК-CVG-11-59459

**e. 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. SCUКCVPT 14-63579

**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 9:47 p.m.



Kristine Lawler, City Clerk