

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
September 4, 2019
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on September 4, 2019, having been legally noticed on August 30, 2019. Mayor Mulheren called the meeting to order at 6:05 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Jim O. Brown, Stephen G. Scalmanini (*arriving at 6:09 p.m.*), Douglas F. Crane, and Maureen Mulheren. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR MULHEREN PRESIDING.

The Pledge of Allegiance was led by Mayor Mulheren.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

- a. **Approval of the August 21, 2019, Regular Meeting Minutes.**
- b. **Approval of the August 27, 2019, Special Meeting Minutes.**

Motion/Second: Brown/Crane to approve Minutes of August 21, 2019, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

Motion/Second: Brown/Crane to approve Minutes of August 27, 2019, a special meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: None. ABSENT: Scalmanini. ABSTAIN: None.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

- a. Approve Budget Amendment for Ukiah Fire for Fiscal Year 19-20 for Facility Maintenance – *Fire*.
- b. Authorization for City Manager to Negotiate and Execute Three-Party Agreement (*COU No. 1920-132*) with Special Ice for 2019-2020 Seasonal Ice Rink; Authorize Greater Ukiah Business and Tourism Alliance to Serve as Fiscal Agent for Rink, and Authorization to Transfer Corresponding Funds to the Business and Tourism Alliance – *Community Services*.
- c. Request Approval of Extension of the Term for the Tayman Park Golf Group Lease Agreement (*COU No. 1920-133*) and Request Authorization for the City Manager and the City Attorney to Negotiate and Execute an Amended and Restated Agreement (*COU No. 1920-134*) with the Contractor for the Extended Term – *Administration*.

- d. Award a Contract (COU No. 1920-135) for Specification #E36883 – Street Striping 2019 to Traffic Limited of Lodi, California in the amount of \$44,104.01 for Street Striping 2019 – *Public Works*.
- e. Approval of Agreement (COU No. 1920-136) with Walk & Bike Mendocino for Update of City of Ukiah Bicycle and Pedestrian Master Plan – *Public Works*.
- f. Notification to City Council of the Purchase of Power Monitoring Equipment to Power Monitors Inc. (PMI) in the Amount of \$23,384.23 – *Electric Utility*.
- g. Report to Council Regarding the City Manager's Execution of a Contract (COU No. 1920-127) for Legal Services with Wright, L'Estrange & Ergastolo, for Counsel on Issues Related to Fire and Emergency Medical Services, and Approval of Corresponding Budget Amendment – *Administration*.
- h. Authorize the City Manager to Execute an Agreement (COU No. 1920-138) with Psomas for Land Surveyor Services in an Amount of \$42,245, and Approve Corresponding Budget Amendments – *Public Works*.

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

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

No public comment was received.

9. **COUNCIL REPORTS**

Presenter: Mayor Mulheren and Councilmember Brown

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

Presenters:

- New website interface – Kristine Lawler, City Clerk
- Planning Commission Vacancy – Kristine Lawler, City Clerk
- Fire and EMS Update – Sage Sangiacomo, City Manager

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

12. **UNFINISHED BUSINESS**

a. Receive Report Regarding Review of Ordinance on Development and Operating Standards for Community Gardens, Live Entertainment, Outdoor Dining, Sidewalk Cafes, and Specialty Food and Beverage Sales with Tasting.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Doug/Brown to direct staff to bring this item back annually for review. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

Consideration and Possible Adoption of a Resolution Amending the Fee Schedule for the Planning Division of the Community Development Department to establish a Broadband Application Fee.

Presenter: Darcy Vaughn, Assistant City Attorney.

Motion/Second: Crane/Brown to adopt the Resolution (2019-45) establishing a new permit fee for broadband infrastructure deployment. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

c. Consider Final Approval of Mendocino Solid Waste Management Authority Joint Powers Agreement and an Increase to the Existing Sur Charge of \$1.50 per ton of Solid Waste.

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

Motion/Second: Crane/Brown to approve 1) The Joint Powers Agreement (COU No. 1920-139) for the Mendocino Solid Waste Management Authority and authorize the Mayor to execute notwithstanding non-substantive changes negotiated by the City Attorney, and 2) the additional \$1.50 surcharge that will be incorporated in the City's curbside rates in January of 2020. This approval is subject to all other agencies agreeing to the same terms as the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS

a. Authorize City Manager to Negotiate and Execute Reimbursable Agreement and Grant Agreement with the Federal Aviation Administration for Engineering Design Review and Oversight Support for Runway 15 Visual Approach Slope Indicator (VASI) Replacement and Runway 15 and 33 Runway End Identifier Lights (REIL) Relocation/Replacement.

Presenter: Greg Owen, Airport Manager.

Motion/Second: Crane/Scalmanini to authorize City Manager to Negotiate and Execute Reimbursable Agreement (COU No. 1920-140) and Grant Agreement (COU No. 1920-141) with the Federal Aviation Administration for Engineering Design Review and Oversight Support for Runway 15 Visual Approach Slope Indicator (VASI) Replacement and Runway 15 and 33 Runway End Identifier Lights (REIL) Relocation/Replacement. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

b. Authorize Community Development Director to Draft Comment Letter to the County of Mendocino Regarding their Draft Housing Element.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Crane/Brown to authorize Community Development Director to draft a comment letter to the County of Mendocino regarding their draft Housing Element. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: Scalmanini.

c. Consider the Request by Solid Waste Systems to Temperately Suspend Operations of the Buy-back Center at the Ukiah Transfer Station.

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

Public Comment: Linda Brown.

Motion/Second: Scalmanini/Brown to approve the amendment to the contract (COU No. 1920-137) with Solid Waste Systems to temperately suspend operations of the buy-back center at the Ukiah transfer station. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

d. Receive Updates on City Council Committee and Ad Hoc Assignments and, if Necessary, Consider Modifications to Assignments and/or the Creation/Elimination of Ad Hoc(s).

Presenters: Councilmember Brown, Vice Mayor Crane, Mayor Mulheren, City Manager Sangiacomo, and Councilmember Orozco.

THE CITY COUNCIL ADJOURNED TO A 10-MINUTE BREAK, FOLLOWED BY CLOSED SESSION AT 7:15 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel—Anticipated Litigation

(Government Code Section 54956.9(d))

A. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (Number of potential cases: 1.)

B. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Number of potential cases: 1)

b. Conference with Legal Counsel—Anticipated Litigation

(Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (Number of potential cases: 1)

c. Conference with Legal Counsel - Anticipated Litigation

(Government Code Section 54956.9)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Section 54956.9: (1 potential case)

d. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9(d)(1))

Name of case: *Vichy Springs Resort v. City of Ukiah, Et Al*; Case No. SCUK-CVPT-2018-70200

e. 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*

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 157-050-03, 157-060-02, 157-050-04, 157-050-03, 157-030-02, 157-050-01, 157-050-02, 157-050-10, 157-050-09, 157-070-01, 157-070-02, 003-190-01

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Dave Hull and Ric Piffero

Under Negotiation: Price & Terms of Payment

g. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 003-040-77; 003-040-78; 003-040-79

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Shapiro/Danco

Under Negotiation: Price & Terms of Payment

h. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-273-19-00 and 002-273-30-00

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Bank of America

Under Negotiation: Price & Terms of Payment

i. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-192-14-00 (280 E. Standley)

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Onetogogether Solutions

Under Negotiation: Price & Terms of Payment

j. **Public Employee Performance Evaluation**

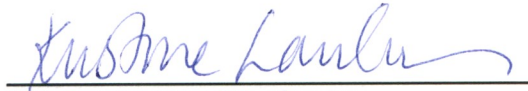
Government Code Section 5495

Title: City Manager

Direction was given to staff.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:54 p.m.



Kristine Lawler, City Clerk