



Special Meeting **AGENDA**

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Register for Ukiah City Council Regular Meeting at:

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After registering, you will receive a confirmation email containing information about joining the webinar. Alternatively, you may view the meeting (without participating) by clicking on the name of the meeting at www.cityofukiah.com/meetings.

December 9, 2020 - 3:30 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The City Council welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Council when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

3. NEW BUSINESS

- 3.a. Authorize the City Manager to Negotiate and Execute a Final Agreement for the Donation of Open Space in the Western Hills; Authorize the City Manager to Execute Any Other Documents Necessary to Close Escrow; Approve Community Development Director Determination that the Proposed Donation Qualifies for a CEQA Exemption; and Approve Corresponding Budget Amendment.

Recommended Action: Authorize the City Manager to negotiate and execute a final agreement for the donation of open space in the Western Hills; authorize the City Manager to execute any other documents necessary to close escrow; approve Community Development Director determination that the proposed donation qualifies for a CEQA Exemption; and approve corresponding budget amendment.

Attachments: None

4. CLOSED SESSION

- 4.a. **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: 3)
Recommended Action: Confer in Closed Session
Attachments: None
- 4.b. **Conference with Legal Counsel—Anticipated Litigation**
(Government Code Section 54956.9(d)(4))
Deciding whether to initiate litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (Potential Cases: 1)
Recommended Action: Confer in Closed Session
Attachments: None
- 4.c. **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. SCU-K-CVPT-2018-70200
Recommended Action: Confer in Closed Session
Attachments: None
- 4.d. **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. SCU-K- CVPT-15-66036
Recommended Action: Confer in Closed Session
Attachments: None
- 4.e. **Conference with Labor Negotiator (54957.6)**
Agency Representative: Sage Sangiacomo, City Manager
Employee Organizations: All Bargaining Units
Recommended Action: Confer in Closed Session
Attachments: None
- 4.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
Recommended Action: Confer in Closed Session
Attachments: None

5. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon

request. Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 24 hours prior to the meeting set forth on this agenda.

Kristine Lawler, City Clerk
Dated: 12/8/2020



AGENDA SUMMARY REPORT

SUBJECT: Authorize the City Manager to Negotiate and Execute a Final Agreement for the Donation of Open Space in the Western Hills; Authorize the City Manager to Execute Any Other Documents Necessary to Close Escrow; Approve Community Development Director Determination that the Proposed Donation Qualifies for a CEQA Exemption; and Approve Corresponding Budget Amendment.

DEPARTMENT: City Manager / Admin
PREPARED BY: Maya Simerson, Project & Grant Administrator, David Rapport, City Attorney
PRESENTER:

ATTACHMENTS:

None

Summary: Staff is seeking authorization for the City Manager to negotiate and execute a final agreement for the donation of open space in the Western Hills, including any other documents necessary to close escrow; and approval of the Community Development Director determination that the proposed donation qualifies for a CEQA Exemption; and approval of a corresponding budget amendment.

Background: City staff has been working with Dave Hull for the possible donation of approximately 128 acres of open space in the western hills adjacent to Doolan Canyon. Dave Hull has agreed to make a charitable donation of the parcel so that it may be kept and preserved as open space. This donation is separate from a larger project that is under review and development to secure even more open space in the western hills.

Discussion: The City has a vision, and is working towards a goal, of promoting the protection of Ukiah's western urban interface to restore and conserve forest and stream ecosystems, provide large-scale wildfire mitigation and to protect the Upper Russian River Watershed to benefit fish, wildlife and the greater Ukiah community. Accepting this donation aligns with these goals and brings us a step closer to realizing success. Additionally, this action helps meet one of the City Council's strategic planning goals, "Enhance Our Neighborhoods" (Actionable Item: Work to preserve, conserve, and protect the natural resources/features of the Ukiah Valley and open space).

Mr. Hull, along with a business partner, has made a similar donation of open space to the City in the past, and staff is grateful for his continued vision for enhancing the open space that can be preserved for our community's benefit with this new donation. The donated property, if secured by the City, will provide protection of oak woodlands, conifer and riparian habitat, including conservation of old growth Redwood and Douglas Fir stands. This unique property currently supports an abundance of wildlife including steelhead, amphibians (foothill yellow-legged frog, red-bellied newts) and large mammals (including mountain lion and black bear).

Staff is requesting approval for the City Manager to negotiate and execute a final agreement that will complete the donation and execute any other related documents necessary to close escrow with a commitment to pay title and escrow fees required in connection with this transaction, which will be paid by the City. The City will utilize funds in the Open Space reserve account. A budget amendment may be necessary to transfer the funds from the Open Space fund to the Park Development fund.

(Update to staff report - added 12-9-20)

The final agreement will only be finalized and executed by the City Manager if it requires the issuance to the City of a policy of title insurance with no unacceptable exceptions and City receives adequate assurance of legal access to the donated property.

The California Environmental Quality Act

The City's Director of Community Development is required to make, and he has made, a determination as to the required level of environmental review required by the California Environmental Quality Act (CEQA). The Community Development Director has determined the agreement for the donation of land to the City of Ukiah to be categorically exempt from environmental review under CEQA Guidelines, Article 19, Section 15325 (f).

The project is categorically exempt from environmental review under CEQA Guidelines Section 15325 (f) because it involves the donation of land to the City for the preservation of approximately 128 acres of open space in the western hills adjacent to Doolan Canyon. No other uses for the land besides open space preservation are planned. Class 25 projects under Section 15325 consist of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources, and 15325 (f) consists of the acquisition, sale, or other transfer to preserve open space or lands for park purposes.

The "project" under CEQA at this time is the Council's approval of authorization to the City Manager to negotiate and execute an agreement for the donation of open space in the Western Hills. If Council approves this action, the Community Development Director will record a Notice of Exemption, which finds the agreement for the donation of land to the City qualifies for a categorical exemption pursuant to CEQA Guidelines Article 19, Section 15325 (f).

Recommended Action: Authorize the City Manager to negotiate and execute a final agreement for the donation of open space in the Western Hills; authorize the City Manager to execute any other documents necessary to close escrow; approve Community Development Director determination that the proposed donation qualifies for a CEQA Exemption; and approve corresponding budget amendment.

BUDGET AMENDMENT REQUIRED: yes

CURRENT BUDGET AMOUNT: tbd

PROPOSED BUDGET AMOUNT: tbd

FINANCING SOURC: 25100000.39015

PREVIOUS CONTRACT/PURCHASE ORDER NO.: n/a

COORDINATED WITH: Sage Sangiacomo, City Manager, Craig Schlatter, Community Development Director & Dave Hull, Property Owner

Sage Sangiacomo, City Manager