

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting**

Virtual Meeting Link: <https://attendee.gotowebinar.com/rt/3862698010362077965>

Ukiah, CA 95482

May 19, 2021

6:00 p.m.

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on May 19, 2021, having been legally noticed on May 14, 2021. The meeting was held virtually at the following link:

<https://attendee.gotowebinar.com/rt/3862698010362077965>.

Mayor Orozco called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Douglas F. Crane, Mari Rodin, Josefina Dueñas, Jim O. Brown, and Juan V. Orozco. **Staff Present:** Sage Sangiacomo, City Manager; Shannon Riley, Deputy City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR OROZCO PRESIDING.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Brown.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation of the Ukiah City Council Recognizing May as Bicycle Month.

Presenter: Mayor Orozco.

Proclamation was received by Neil Davis, Community Services Administrator.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the May 5, 2021, Regular Meeting.

Motion/Second: Brown/Rodin to approve Minutes of May 5, 2021, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: Orozco.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

a. Report of Disbursements for the Month of April 2021 – Finance.

b. Award of Bid (COU No. 2021-208) to Northwest Construction Inc. in the Amount of \$42,244 for the Pedestrian Access Improvements Project at the Crosswalk Across South Dora Street and Luce Avenue, Specification No. 20-16, and Approve Corresponding Budget Amendment – Public Works.

c. Annual Report on Mobilehome Park Stabilization Fees and Activities, and Consideration of Approval to Waive Fees for the Fiscal Year 2020-21 – City Clerk.

- d. Authorize the City Manager to Sign Federal Aviation Administration Reimbursement of PAPI and REIL Design for Runway 15-33 Grant No. 3-06-0268-018-2021 (COU No. 2021-209) for Ukiah Municipal Airport in the Amount of \$218,851 – *Airport*.
- e. Authorize the City Manager to Negotiate and Execute a Professional Services Agreement (COU No. 2021-210) for an Amount Not to Exceed \$81,385 with The KPA Group for Design and Engineering Services to Develop Building Plans/Specifications and a Cost Estimate for ADA Improvements at 501 South State Street, to be Funded through an Awarded CDBG Grant and Series 2020A Lease Revenue Bond, and Approve Corresponding Budget Amendment – *Community Development*.
- f. ~~Adoption of Resolution Removing Approximately 220 Lineal Feet of On-Street Parking at 1100 Hastings Road – *Public Works*. Pulled by Vice Mayor Brown and placed as Agenda Item No. 13d.~~
- g. Adopt Resolution (2021-20) Identifying the 2020-21 Project Funded by SB 1: The Road Repair and Accountability Act, and Approval of Corresponding Budget Amendment – *Public Works*.

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

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

9. COUNCIL REPORTS

No council reports were received.

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Shannon Riley, Deputy City Manager; and

- **Update on Drought and Water Conditions** – *Sean White, Water Resources Director.*
- **Energy Outlook and Preparedness for a Statewide Drought and Warm Temperatures** – *Mel Grandi, Electric Utility Director and Tami Bartolomei, Office of Emergency Services Coordinator.*

11. PUBLIC HEARINGS (6:15 PM)

12. UNFINISHED BUSINESS

- a. **Receive Status Report and Consider Any Action or Direction Related to the Novel Coronavirus (COVID-19) Emergency Including Operational Preparedness and Response; Continuity of City Operations and Services; Community and Business Impacts; and Any Other Related Matters.**

Presenter: Tami Bartolomei, Office of Emergency Services Coordinator.

Report was received.

- b. **Update on Emergency Repair of the Yosemite Drive Water Main and Determine that Emergency Conditions Continue to Require the Emergency Repair.**

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

Motion/Second: Crane/Rodin to determine that emergency conditions continue to require the repair of the Yosemite Drive Water Main without competitive bidding. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

c. City Council Primer on Budget Document and Review of Capital Improvement Program Budget for the 2021-22 Fiscal Year

Presenter: Dan Buffalo, Finance Director and Mary Horger, Financial Services Manager.

Public Comment: Susan Sher.

Presentation was received.

13. NEW BUSINESS

a. Consideration and Adoption of a Resolution Supporting an Application for Annexation of the City of Ukiah into the Ukiah Valley Fire District, and Adjust the Fire District's Sphere of Influence to Encompass the City of Ukiah.

Presenters: Doug Hutchison, Fire Chief; Dan Buffalo, Finance Director; and Phil Williams, Welty, Weaver, and Currie Legal Counsel.

Motion by Vice Mayor Brown, Seconded by Councilmember Crane for the recommended action.

The maker of the motion and the second agree to amend the motion to include a suggested modification to the paragraph no. 1, following 'Now, Therefore' of the resolution as proposed by Councilmember Rodin in an email sent to all councilmembers from the clerk's office.*

Motion/Second: Brown/Crane to adopt a resolution (2021-21) with the suggested modification, supporting the Ukiah Valley Fire District's application to the Mendocino County Local Area Formation Commission (LAFCO) to annex the City of Ukiah into the Fire District and adjust the Fire District's Sphere of Influence (SOI) to include the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

**Note: a copy of the email is attached.*

b. Approval of Purchase of Elgin Single Engine Crosswind Street Sweeper from Owen Equipment in the Amount of \$298,071.44, and Approval of Corresponding Budget Amendment.

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

Motion/Second: Crane/Rodin to approve purchase of Elgin Single Engine Crosswind Street Sweeper from Owen Equipment in the amount of \$298,071.44, and approve corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

c. 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).

Presenter: Mayor Orozco.

Mayor Directive for Councilmember Duenas to serve as the Alternate on the Ukiah Valley Basin Groundwater Sustainability Agency (GSA).

d. Adoption of Resolution Removing Approximately 220 Lineal Feet of On-Street Parking at 1100 Hastings Road – *From Consent Calendar Item.*

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

Motion/Second: Brown/Crane to continue this item. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:51 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

(Government Code Section 54956.9(d)(2) & (4))

Significant exposure to litigation pursuant to paragraph (2) or (4) of subdivision (d) of Section 54956.9. Consideration of potential litigation arising from emergency drought declaration. (Government Code Section 54956.9(e)(2)): (Number of potential cases: 1)

Recommended Action: Confer in Closed Session

b. Conference with Legal Counsel – Anticipated Litigation

(Government Code Section 54956.9(d)(2 & 3))

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(d)(2))

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

d. Conference with Legal Counsel – Existing Litigation

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

Name of case: Gerardo Magdaleno, by and through his Guardian Ad Litem, Pedro Francisco Magdaleno v. City of Ukiah, Justin Wyatt (Fed. Dist. Ct. N.D. Cal.) 3:21-2609 VC.

e. 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

f. 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-20-74612

g. 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

h. 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

i. **Conference with Real Property Negotiators**

(Cal. Gov't Code Section 54956.8)

Property: APNs 184-090-07-00 and 184-100-04-00

Negotiator: Sean White, Water Resources Director and Sage Sangiacomo, City Manager;

Negotiating Parties: Noble Vineyard Management

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

j. **Conference with Labor Negotiator (54957.6)**

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

Direction was given to staff.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:18 p.m.

Kristine Lawler, City Clerk

Kristine Lawler

From: Kristine Lawler
Sent: Wednesday, May 19, 2021 7:49 PM
To: Doug Crane; Jim Brown; jorozco@cityofukiah.com; Josefina Dueñas (jduenas@cityofukiah.com); Mari Rodin
Cc: Sage Sangiacomo; Shannon Riley
Subject: 13a Modified Resolution
Attachments: Resolution in Support of Fire District Annexation and SOI Amendment (002) - modified.pdf

Mayor and Councilmembers,

Please find attached a modified resolution for agenda item 13a, submitted by Councilmember Rodin.

~Kristine

RESOLUTION NO. 2021-

RESOLUTION BY THE CITY OF UKIAH IN SUPPORT OF THE UKIAH VALLEY FIRE PROTECTION DISTRICT'S APPLICATION TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF THE CITY OF UKIAH AND TO INITIATE PROCEEDINGS TO AMEND THE FIRE PROTECTION DISTRICT'S SPHERE OF INFLUENCE TO INCLUDE THE CITY OF UKIAH**WHEREAS:**

1. The Ukiah Valley Fire Protection District ("District") and the City of Ukiah ("City") began the process of consolidating the management and delivery of fire prevention and protection services (collectively "Fire Services") within their respective jurisdictions in 2017 by entering and operating under an Agreement for Shared Management of Fire Departments ("2017 JPA"), dated July 1, 2017; and
2. Pursuant to the 2017 JPA, the City and the District consolidated the provision of Fire Services under the name "Ukiah Valley Fire Authority" by (1) sharing the use of District fire stations, (2) making all fire protection personnel City employees, (3) combining the fire fighting equipment and assets of the City and the District to provide Fire Services to the City and District under one unified command structure, headed by a Fire Chief, serving both the City and the District; (4) reducing District costs and taking advantage of economies of scale by having the City provide the District with financial and general services, including accounts payable, procurement, billing and accounts receivable, general accounting and reporting, budget development and monitoring, human resources and clerical services as requested by the District; and (5) creating an Executive Committee, consisting of two City Council members and two District Board members, to coordinate decision-making by the governing bodies of the City and the District; and
3. Under the 2017 JPA, upon the recommendation of the Executive Committee the City Council and District Board of Directors adopt an annual budget for the combined operations of the Ukiah Valley Fire Authority with the understanding that the annual shared costs of operation should be shared equally by the District and the City; and
4. The District's revenues consist exclusively of its share of property taxes imposed on property within the District as determined by Division 1, Part 0.5, Chapter 6, beginning with Section 50 of the Revenue and Taxation Code and two special taxes adopted by 2/3 of District voters as Measures J and B (collectively, "Measures J and B"); and
5. Subject to the lawful approval of the voters within the Fire District, the Fire District Board adopted Resolution 97-1 on February 12, 1997, and adopted Ordinance 97-1, on March 12, 1997, ("Measure J") which imposed a special tax of \$50.00 per identified unit upon certain parcels of property based on that parcel's use; provided however, that in the event a subject property has more than one actual use, only the single highest and best use of the property be subject to the special tax.
6. The Fire District Board held a public hearing on another special tax on June 11, 2003 ("Measure B"). A hearing on Measure B was held on November 4, 2003, and, having been approved by over 2/3 of District voters, Measure B was imposed and became effective on July 1, 2004. Measure B levies a rate of \$10.00 per unit using the uniform schedules and rates found in Section 7 of Ordinance 97-1, calls for Measure B to be collected in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected as agreed to with Mendocino County, and provides that Measure B shall be levied in addition to any other tax that the District is authorized by law to collect and receive.

5. The combined District revenue from property tax and Measures J and B do not produce enough revenue for the District to pay its full share of the budgeted annual expenses and required capital expenditures of the Ukiah Valley Fire Authority; and
6. On June 17, 2020, the District and the City entered an Amended and Restated Agreement for Shared Management of Fire Departments ("2020 Amended JPA"), which only becomes effective upon annexation of the City by the District; and
7. The 2020 Amended JPA can only be terminated by the mutual agreement of both the City and the District. Accordingly, neither party can terminate the 2020 Amended JPA unless both parties agree that termination will not prejudice the ability of the parties to provide fire prevention and protection services after the agreement is terminated; and
8. Health and Safety Code ("HSC") § 13810 expressly authorizes the District to annex territory within the boundaries of the City; and
9. In 2005 the City voters approved Advisory Measure T which advises the City Council to use all the proceeds from the half-cent sales tax enacted by Measure S to fund public safety services, including police and fire services; and
10. HSC § 13911 empowered the District to levy the special taxes enacted as Measures J and B pursuant to Government Code § 50075 et seq.; and
11. Under Gov Code §57330 any territory in the City annexed to the District will become subject to the special taxes previously enacted within the District as Measures J and B; and
12. Annexation of the City by the District will provide necessary additional revenue to the District to enable it to fund its share of the costs of providing Fire Services through the Ukiah Valley Fire Authority to its residents and businesses and to enable the District and the City to staff the Ukiah Valley Fire Authority, make needed capital improvements to the District's fire stations and facilities, and acquire much needed equipment to effectively provide Fire Services and to better cope with the increasing risk of emergency; and
13. The District and the City have determined that the District is to serve as lead agency for purposes of complying with the California Environmental Quality Act ("CEQA"); and
14. The City is not currently within the District's Sphere of Influence ("SOI") and therefore, to effect the Fire Services Annexation, the District's SOI must be amended to include the City (the "Fire District Sphere Amendment"); and
15. The City desires for the District to initiate the Fire Services Annexation and the Fire Services Sphere Amendment.

NOW, THEREFORE, the Council of the City of Ukiah does hereby resolve and order as follows:

1. That the current circumstances, including the precarious financial situation of the Ukiah Valley Fire Authority and the drought affecting water supply outside of the city limits during a time of increased threat of fire, makes the Fire District Annexation and Fire District Sphere Amendment a matter of paramount importance to the health and safety of the residents of the Ukiah Valley.

2. That, after review of the Fire District's Justification of Proposal to Annex the City of Ukiah (the "Fire Services Annexation Proposal") the City supports the Fire District's submittal of the Fire District Annexation Proposal to Mendocino LAFCo,.
3. That, after review of the Fire District's Justification of Proposal to Amend the Fire District's Sphere of Influence (the "Fire District Sphere Amendment Proposal"), the City supports the Fire District's submittal of the Fire District Sphere Amendment Proposal to Mendocino LAFCo.
4. The City understands that the Fire Services Annexation Proposal and the Fire District Sphere Amendment Proposal are made, and requests that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
5. A map of the territory proposed to be affected by the Fire District Annexation and the Fire District Amendment is set forth in Attachment 1, attached hereto and incorporated herein, and is inhabited, adjacent, and contiguous to the District's boundaries.
6. The City understands that, once approved, the Fire District Annexation Proposal will be consistent with the District's amended Sphere of Influence.
7. The City requests that approval of the Fire Services Annexation be consistent with the terms and conditions as set forth in the 2020 Amended JPA, attached hereto as Attachment 2.
8. The City consents to the levying of taxes, including Measures J and B, and to the allocation of those taxes to the District for those taxes' respective purposes and as will be determined by the County Auditor pursuant to Revenue and Taxation Code Section 99(b)(2).
9. The City Manager and City staff and agents are hereby directed and authorized to take any and all actions necessary to support the Fire District in effecting the Fire Services Annexation and the Fire District Sphere Amendment, and are hereby directed to provide the City Council with an update on the status of those efforts during the first regular City Council meeting of every month.

PASSED AND ADOPTED by the Council of the City of Ukiah this 19th day of May 2021 by the following roll call vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Juan Orozco, Mayor

ATTEST:

Kristine Lawler, City Clerk