CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
Virtual Meeting Link: https://attendee.gotowebinar.com/rt/3862698010362077965
Ukiah, CA 95482
August 18, 2021
6:00 p.m.

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1. ROLL CALL

Ukiah City Council met at a Regular Meeting on August 18, 2021, having been legally noticed on August 13, 2021. The meeting was held virtually at the following link: *https://attendee.gotowebinar.com/rt/3862698010362077965*. Mayor Orozco called the meeting to order at 6:05 p.m. Roll was taken with the following **Councilmembers Present:** Douglas F. Crane, Josefina Dueñas, Jim O. Brown, and Juan V. Orozco. **Councilmember Absent by Prearrangement:** Mari Rodin. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR OROZCO PRESIDING.

RECESS: 6:05 – 6:15 P.M. (to address technical issues.)

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kristine Lawler, City Clerk.

The Mayor led a moment of silence for Ted Goforth, a former City of Ukiah Public Works Director.

Council Consensus to include the City Manager's following remarks:

> *Mr. Goforth was a team member with the City of Ukiah from 1956 to 1993, and served our community with distinction in both employment and beyond. Mr. Goforth started with the City as an engineering aide, and over a 37-year career promoted through the ranks all the way up to Director of Public Works. Mr. Goforth was instrumental in the development of significant infrastructure projects our city uses today, specifically with water and sewer. Some of those project include number of our water wells, the original granny collector, our water treatment plant, the Civic Center reconstruction project, and the list goes on with countless other projects that Mr. Goforth was absolutely instrumental in developing and coordinating. As documented in his retirement proclamation, he was known for his hard work, innovative spirit, and professionalism.*

Comments: Councilmember Crane and David Rapport, City Attorney.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation in Honor of the 101st Anniversary of the 19th Amendment to the United States Constitution.

Presenter: Councilmember Duenas.

Proclamation was received by Val Muchowski, Mendocino Women's Political Coalition Chair.

b. Certificate of Recognition for Frank Acosta for his 101 Years of Life Celebration and His Many Years of Service to Our Country and Community.

Presenter: Kristine Lawler, City Clerk.

Public Comment: *Beatrice Acosta and Lisa Acosta.*

Certificate was received by Frank Acosta.

4. PETITIONS AND COMMUNICATIONS

No public comment was received.

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the July 21, 2021, Regular Meeting.

Motion/Second: Brown/Duenas to approve Minutes of July 21, 2021, a regular meeting. Motion **carried** by the following roll call votes: AYES: Crane, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Rodin. ABSTAIN: None.

b. Approval of the Minutes for the August 2, 2021, Regular Meeting.

Motion/Second: Crane/Duenas to approve Minutes of August 2, 2021, a special meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Crane, Dueñas, and Orozco. NOES: None. ABSENT: Rodin. ABSTAIN: Brown.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

a. Report of Disbursements for the Month of June 2021 – *Finance.*

b. Report of Disbursements for the Month of July 2021 – *Finance.*

c. Approval of Settlement Agreement *(COU No. 2122-084)* in the Amount of $13,391.33 with the Defense Logistics Agency Energy, an Agency within the United States Department of Defense, Related to the Erroneous Charges of Excise and Sales Tax on Department of Defense Fuel Purchases at the Ukiah Regional Airport – *Finance.*

d. Consideration of Adoption of Resolution *(2021-35)* Approving the Application to the CA Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 Per Capita Grant Program to Replace the Large Playground Structure at Todd Grove Park – *Community Services.*

e. Consideration of Adoption of Resolution *(2021-36)* Appointing James Bair to the Paths, Open Space, and Creeks Commission (POSCC) – *City Clerk.*

f. Report of the Purchase *(PO No. 47401)* of Variable Frequency Drive (VFD) for the High Service Pump Station at the Water Treatment Plant (WTP) from Industrial Technical Services Inc. of La Miranda CA in the Total Amount of $97,255.41 – *Water Resources.*

g. Approval for the City Manager to Negotiate and Execute a Lease Agreement *(COU No. 2122-085)* Between the City of Ukiah and the Ukiah Youth Baseball League Inc., for the Use of a Portion of Riverside Park – *Community Services.*

h. Approval of Amendment No. 2 to a Professional Services Agreement *(COU No. 1920-138-A2)* with PSOMAS for an Amount Not to Exceed $2,600 to Provide Land Surveying Services Related to the City's Annexation Efforts; and Approval of Corresponding Budget Amendment – *Community Development.*

i. Adoption of Resolution *(2021-37)* of the City of Ukiah Establishing Two-Hour and Five-Hour Time Limits on Parking on Designated Streets Pursuant to Ukiah City Code Sections 7160, 7163, and 7164, Thereby Replacing 26 Five-Hour Spaces with Two-Hour Spaces, 11 Ninety-Minute Spaces with Two-Hour Spaces, and 9 Two-Hour Spaces with Five-Hour Spaces – *Administration.*

j. Approval of Lease Agreement *(COU No. 2122-086)* Between the City of Ukiah and Judy Chan for Use of Parks Maintenance Facilities at 185 Mason St, Ukiah – *Community Services.*

k. Approval of Agreement *(COU No. 2122-087)* with Moss Adams, LLP for Accounting Review Services of Ukiah Waste Solutions, Inc., and Solid Waste Systems, Inc. – *Finance.*

l. Approve Contract Amendment *(COU No. 1819-215-A5)* with Thomas Hise, Architect, for Architectural Services for the Grace Hudson Museum in the Amount of $14,163, and Approve Corresponding Budget Amendment – *Community Services.*

m. Approval of Change Order #06 *(COU No. 2021-087-CO6)* to CV Larsen Company in the Amount of $430,773.04 and Extend the Pressure Zone 2 South Reservoir Replacement Project, Specification No. 20-02 for a Total Revised Contract Amount of $1,206,724.09 – *Water Resources.*

n. Approval of Purchase of One (1) Set of Genesis Auto Extrication Tools from Municipal Emergency Services in the Amount of $30,834.41 per the Fiscal Year 2022 Capital Improvement Plan (CIP) – *Fire.*

o. Approval of Purchase of One (1) Breathing Air Compressor from Bauer Compressors in the Amount of $55,131.81 per the Fiscal Year 2022 Capital Improvement Plan (CIP) – *Fire.*

p. Approval of Lease Purchase of Two (2) 2021 North Star 147-1 Type 1 Ambulances from Braun NW Inc., in the Amount of $382,410.00 Plus Tax per the Fiscal Year 2022 Capital Improvement Plan (CIP) and Approval of Corresponding Budget Amendment(s) – *Fire.*

q. Report of Acquisition *(PO 47389-00)* from Western Fire Supply in the Amount of $23,776.04 for a Solo Rescue SCBA-Decon Washer – *Fire.*

r. Notification of Change Order #2 *(COU No. 2021-185-CO2)* to Coastal Mountain Electric in the Amount of $15,700.62 for Design Changes due to Unidentified Obstacles with the Electric Service Transfer from Overhead to Underground on State Street, and Approve Corresponding Budget Amendment – *Electric Utility.*

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

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

9. COUNCIL REPORTS

Presenters: Councilmembers Duenas and Crane

10. CITY MANAGER/CITY CLERK REPORTS

Presenters:

- **Construction Update** – Tim Eriksen, Public Works Director / City Engineer.
- **Speeding Education/Enforcement** – Sage Sangiacomo, City Manager.

- **Update of Drought and Water Conditions** – Sean White, Water Resources Director.

11. PUBLIC HEARINGS (6:15 PM)

a. Consideration and Possible Introduction by Title Only of Proposed Ordinance Amending Division 9, Chapter 2 of the Ukiah Municipal Code to Execute General Plan Housing Element Implementation Tasks and Comply with New State Housing Laws; and Consideration of Adoption of Resolution Approving Initial Study/Negative Declaration and General Plan Amendment No. 21-01 to Allow for Increased Density and Lot Coverage in Compliance with the General Plan Housing Element and State Housing Laws.

Presenters: Craig Schlatter, Community Development Director and Mireya Turner, Planning Manager.

PUBLIC HEARING OPENED AT 7:42 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:42 P.M.

Motion/Second: Brown/Crane to approve the minimum duplex parking requirement to be 1.5 space(s) per unit. Motion **carried** by the following roll call votes: AYES: Crane, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Rodin. ABSTAIN: None.

Motion/Second: Brown/Crane to adopt Resolution *(2021-38)* approving IS/ND and General Plan Amendment No. 21-01 to allow for increased density and lot coverage in compliance with the General Plan Housing Element and State housing laws. Motion **carried** by the following roll call votes: AYES: Crane, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Rodin. ABSTAIN: None.

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

City Clerk, Kristine Lawler, read the following title into the record:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 9, CHAPTER 2 OF THE CITY CODE TO EXECUTE GENERAL PLAN HOUSING ELEMENT IMPLEMENTATION TASKS AND TO COMPLY WITH NEW STATE HOUSING LAWS.

Motion/Second: Brown/Crane to introduce the proposed Ordinance Amending Division 9, Chapter 2 of the Ukiah Municipal Code to execute General Plan Housing Element Implementation Tasks and comply with new State housing laws. Motion **carried** by the following roll call votes: AYES: Crane, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Rodin. ABSTAIN: None.

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.

Public Comment: Robert Reveles.

Report was received.

RECESS: 8:10 – 8:22 P.M.

Councilmember Duenas returning at 8:32 p.m.

13. NEW BUSINESS

a. Discussion and Consideration of Possible Approval of Sale of C & S Holdings' Stock to Waste Connections US, Inc., and Possible Approval of Sale Agreement, Based on Availability of Information and Staff Recommendations at the time of the August 18th, City Council Meeting.

Presenters: David Rapport, City Attorney; Dave Carroll, C&S Waste Solutions; Sue Vandelinder and Dan Schooler, Waste Connections; and Bruce McCracken, Ukiah Waste Solutions.

Public Comment: Robert Reveles.

Motion/Second: Brown/Orozco to approve the Assignment and Consent Waste Collection Contract *(COU No. 2122-088)*, and the Assignment and Consent Transfer Station Contract and Lease Agreement *(COU No. 2122-089)*, and authorize the City Manager to execute them on behalf of the City. Motion **carried** by the following roll call votes: AYES: Crane, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Rodin. 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).

No Reports were received.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:01 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. SCUK-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. SCUK-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. SCUK- 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 9:40 p.m.

Kristine Lawler, City Clerk