

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

Virtual Meeting Link: <https://attendee.gotowebinar.com/rt/9199312935703156493>

**Ukiah, CA 95482
September 1, 2021
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on September 1, 2021, having been legally noticed on August 27, 2021. The meeting was held virtually at the following link: <https://attendee.gotowebinar.com/rt/9199312935703156493>. Mayor Orozco called the meeting to order at 6:01 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; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR OROZCO PRESIDING.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sarah Marshall.

The Mayor called for a moment of silence for the fallen service members from Afghanistan.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Receive Presentation of Exceptional Employee Recognition Award.

Presenters: Sage Sangiacomo, City Manager; Tim Eriksen, Public Works Direction/City Engineer; and Andy Phillips, Police Lieutenant.

Andrew Stricklin, Associate Engineer: Andrew was nominated by a City team member for his professionalism, innovation, and dedication in service to our community. As the "Construction Inspector" for the City Streetscape Project, from April 2020 to present, he responded to numerous difficult customer service related project issues, provided innovative solutions to help the business community remain accessible to the public, and consistently adjusted his schedule to meet the needs of both the City and community.

Mario Dogali, Water & Sewer Attendant II, and the Water & Sewer Crew: Mario and the Water & Sewer crew were nominated by a member of the public for their professionalism and dedication in service to our community. Mario responded to a utility customer's notification of a significant water leak outside their home just after 5:00 p.m., during one of the hottest days of the summer, and without hesitation he was observed working "blindly" with both arms down in a meter box attempting to seal off the leak as the water poured up obscuring his view below. Realizing the problem required assistance, he left briefly and returned with the crew and equipment, and everyone worked late into the night to resolve the problem. The customer was thoroughly impressed by the responsiveness of the Water and Sewer crew and their timely attention to the matter and dedicated work ethic.

Chase Rigby, Police Officer: Chase was nominated by a City team member for his dedication and compassion in service to our community. On May 8th at approximately 1:10 a.m. Chase and a member of the public responded to a burning house. Prior to fire personnel arriving, he took down a portion of a fence and rescued a 50-year-old female who was trapped in her bedroom inside the burning house.

Staff Comment: Andrew Stricklin, Associate Engineer and Don Brown, Streets Supervisor.

Certificates were presented.

b. Presentation on the Hazards of Nitrous Oxide from the Ukiah Valley Youth Leadership Coalition, a Program of the Redwood Community Services' Arbor Program, and Provide Direction Regarding the Coalition's Proposed Ordinance to Ban the Retail Sale of Nitrous Oxide.

Presenters: Dr. Marvin Trotter; Mina Al-shahed, PharmD; Kate Feigin, Ukiah Valley Youth Leadership Coalition Director; and the Ukiah Valley Youth Leadership Coalition: Mya McCoy, Miranda Ashurst, Hailey Caborn, Wesley Duong, Sofie Knight, Mercy Ruiz, Randi Pielas, and Aiden Hale.

Public Comment: Jackeline Orozco, Kida Grimborg, and James M (*read by City Clerk*).

Council Consensus to refer this item to the City Attorney's office for review of a potential ordinance to ban or limit the sale of nitrous oxide, specifically taking a look at sale in smoke shops and maybe beyond, and work with the Coalition to move forward with education.

Recess for technical issues 6:58 – 7:03 p.m.

PowerPoint presentations were received.

c. Proclamation of the Ukiah City Council Recognizing September 2021, as Hispanic Heritage Month in the City of Ukiah, and Presentation by Ukiah Vecinos en Accion (UVA)

Presenters: Mayor Orozco; Xochilt Martinez, City of Ukiah Equity and Diversity Committee; Lydia Lopez and Sarah Marshall, Ukiah Vecinos en Accion (UVA).

Proclamation was received by and Toni Martin.

Public Comment: Toni Martin.

Presentation was received.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the August 18, 2021, Regular Meeting.

Motion/Second: Crane/Brown to approve Minutes of August 18, 2021, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

- a. ~~Approve the Purchase of a Caterpillar 926M Wheel Loader from Peterson CAT in the Amount of \$237,711.75 as Approved in the Fiscal Year 2021-2022 Capital Budget — Public Works. Pulled by Staff.~~

- b. ~~Approve the Purchase of a 360X-200H Reclaimer from Asphalt Zipper in the Amount of \$163,154.63 as Authorized in the Fiscal Year 2021-2022 Capital Budget – Public Works. Pulled by Staff.~~
- c. Approval of Notice of Completion for Pedestrian Access Improvements Project, Specification No. 20-16, at the Crosswalk Across South Dora Street and Luce Avenue – *Public Works*.
- d. Award of Contract (COU No. 2122-099) to Pavement Coatings Co. in the Amount of \$321,078.00 for the 2021 Slurry Seal of Local Streets – *Public Works*.
- e. Award of Contract (COU No. 2122-100) to All Star Painting in the Amount of \$53,000 for Painting Services at the Alex Thomas Plaza, and Approval of Corresponding Budget Amendment – *Community Services*.
- f. Adoption of 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 – *Community Development*.

ORDINANCE NO. 1216

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.

- g. Report of Acquisition of Professional Services (COU No. 2122-101) from Alpha Analytical Laboratories, Inc. in the Amount of \$15,920.80 for Quarterly Water Sampling and Completion of Chemical Examination Reports for the Ukiah Landfill – *Public Works*.
- h. Renewal of Revised Lease Agreement (COU No. 2122-102) Between the City of Ukiah and the Ukiah Player's Theater for the Use of the Property at 1041 Low Gap Road and Authorization for the City Manager to Negotiate and Execute Corresponding Lease – *Community Services*.
- i. Consideration of Adoption of Resolution (2021-39) Authorizing Submittal of an Application to the California Department of Housing and Community Development for Funding under the Competitive Permanent Local Housing Allocation (CPLHA) and, if Selected, Providing Authorization to the City Manager to Execute a Standard Agreement (COU No. 2122-103), Any Amendments Thereto, and Any Related Documents Necessary to Participate in the CPLHA Program; and Approval of Corresponding Budget Revenue and Expense Amendments, if Awarded – *Community Development*.
- j. Approve the Purchase of a Maintenance and Protection Plan for LifePak15 Monitor/Defibrillator Units and Lucas Chest Compression System from Stryker in the Amount of \$41,030.50 for a five (5) year term – *Fire*.
- k. Approve Issuing a Notice of Termination to Paymentus for Electronic Bill Payment Services, and Authorize the City Manager to Negotiate a Contract (COU No. 2122-104) with Invoice Cloud for Online Payment Processing – *Finance*.
- l. Approve Sole Source Purchase of LED Lighting System for the Galleries at Grace Hudson Museum from Sixteen5hundred for \$86,276.50 Plus Tax and Shipping; and Approve Corresponding Budget Amendment – *Community Services*.

Motion/Second: Crane/Rodin to approve Consent Calendar Items 7c-7l, 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

Presenter: Mayor Orozco

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager; and

- **Construction Update** – Tim Eriksen, Public Works Director / City Engineer.
- **Update of Drought and Water Conditions** – Sean White, Water Resources Director Director.
- **Measure B Update** – Shannon Riley, Deputy City Manager.

11. PUBLIC HEARINGS (6:15 PM)

a. Consideration and Possible Adoption of a Resolution Adjusting Fees for Pre Hospital Emergency Medical Services and Emergency Ambulance Services Provided by the Ukiah Valley Fire Authority.

Presenters: Doug Hutchison, Fire Chief; Tim Maybee and Scott Cough, AP Triton, LLC.

PUBLIC HEARING OPENED AT 8:20 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 8:42 P.M.

Motion/Second: Crane/Rodin to adopt the proposed Resolution (2021-40) to adjust the fees for Pre-Hospital Emergency Services and Emergency Ambulance Services provided by the Ukiah Valley Fire Authority. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

RECESS at 8:22 – 8:35 p.m.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Award Professional Services Agreement to BKF Engineers in the Amount of \$195,789 to Prepare the Plans, Specifications, and Estimate for the Gobbi Street Utility Replacement Project, and Approve Corresponding Budget Amendments.

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

Motion/Second: Crane/Rodin to award professional services agreement (COU No. 2122-105) to BKF Engineers in the amount of \$195,789 to prepare the plans, specifications, and estimate for the Gobbi Street Utility Replacement Project, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

Staff Directive to agendize an update and policy discussion regarding undergrounding on Gobbi Street and other streets.

b. Discussion and Possible Action to Determine the City's Position on the 2021 Resolutions being Considered by the League of California Cities and Provide Corresponding Voting Instructions to the City of Ukiah's Voting Delegate.

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Crane/Rodin directs the voting delegates to support both resolutions. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

c. Authorization to Purchase a Seasonal Ice Rink in the Amount of \$167,737, and Approve Corresponding Budget Amendments.

Presenter: Jake Burgess, Recreation Supervisor.

Motion/Second: Brown/Duenas to authorize the Purchase of a Seasonal Ice Rink, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

d. Consider Approval of a Joint Powers Agreement between the City of Ukiah and County of Mendocino Regarding Land Use and Building Code Enforcement on Property Leased from the City of Ukiah by the Ukiah Rifle and Pistol Club.

Presenter: David Rapport, City Attorney.

Motion/Second: Rodin/Brown to approve Joint Powers Agreement (COU No. 2122-106) regarding land use and building code enforcement on property leased from the City of Ukiah by the Ukiah Rifle and Pistol Club, and authorize Mayor to sign. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

e. 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 9:31 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

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

b. Conference with Legal Counsel – Anticipated Litigation

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

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

c. Conference with Legal Counsel – Anticipated Litigation

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

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (1 potential case, involving possible termination of construction contract for cause)

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. SCU-K-CVPT-2018-70200

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-20-74612

f. 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

g. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))

Name of case: Siderakis v. Ukiah, et al, Mendocino County Superior Court, Case No. 21CV00603

h. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 003-500-19; 003-190-08; 057-050-12; 157-050-11; 157-060-003; 001-040-83;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; 003-181-01; 003-582-38

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

City Attorney Rapport reported out that the Council instructed legal counsel to initiate litigation; Motion by Councilmember Crane, Seconded by Vice Mayor Brown and carried unanimously (5-0). The parties and the court will be disclosed later upon inquiry.

Note: Gov. Code §54957(a)(2) the identity of the defendants, and the other particulars shall, *once formally commenced*, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 10:21 p.m.

Kristine Lawler, City Clerk