

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

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

**Ukiah, CA 95482
September 15, 2021
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on September 10, 2021, having been legally noticed on September 15, 2021. The meeting was held virtually at the following link: <https://attendee.gotowebinar.com/rt/3862698010362077965>. Mayor Orozco called the meeting to order at 6:03 p.m. Roll was taken with the following **Councilmembers Present:** Mari Rodin, Josefina Dueñas, Jim O. Brown (*arriving at 6:05 p.m.*), and Juan V. Orozco. **Councilmembers Absent by Prearrangement:** Douglas F. Crane. **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 Mayor Orozco.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Introduction of Neil Davis, Director of Community Services.

Presenter: Shannon Riley, Deputy City Manager.

Staff Comment: Neil Davis, Director of Community Services.

Introduction was received.

URGENCY ITEM

a. Approve the Sole Source Purchase of a 2020 F-150 Police Responder XL Truck in the Amount of \$57,030.46 from Redwood Ford.

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Rodin/Duenas to approve urgency item due to timelines and place as agenda item 13d. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

4. PETITIONS AND COMMUNICATIONS

Clerk stated that all communications had been distributed.

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the August 30, 2021, Special Meeting.

Motion/Second: Rodin/Duenas to approve Minutes of August 30, 2021, a special meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Crane, Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: None. ABSTAIN: None.

b. Approval of the Minutes for the September 1, 2021, Regular Meeting.

Motion/Second: Rodin/Duenas to approve Minutes of September 1, 2021, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

- a. Report of Disbursements for the Month of August 2021 – *Finance*.
- b. Report to Council for the Emergency Replacement of a Flow Meter at the Water Treatment Plant (WTP), from JM Integration LLC, (PO No. 47439) in the Amount of \$19,366.39 – *Water Resources*.
- c. Approval of Budget Amendment in the Amount of \$3,000 for CASp Training Expenses for the Chief Building Official – *Finance*.
- d. Adopt Resolution (2021-41) Approving an 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 – *Community Development*.
- e. Adoption of Resolution (2021-42) Approving Records Destruction for City Manager's Office – *City Clerk*.
- f. Approval of Budget Amendment in the Amount of \$10,000 for Colantuono, Highsmith & Whatley PC for Specialized Legal Services Related to LAFCo Matters – *Finance*.
- g. Authorize City Manager to Execute an Memorandum of Understanding (MOU) (COU No. 2122-113) to Partner with Ukiah Unified School District to Expand the After School Education and Safety Program – *Community Services*.
- h. Approve Budget Amendment (COU No. 2021-204-A1) in the Amount of \$565,727 for Contract No. 2021-204 with CWS Construction Group for the Electric Service Center Site Work, and Approve the Reset of Staff's 10% Change Order Authority Based on the Revised Contract Amount of \$2,963,326.85 – *Electric Utility*.
- i. Review Landfill Closure Financial Plan Update – *Finance*.
- j. Adoption of Resolution (2021-43) Approving the Application to the CA State Parks Outdoor Equity Grant Program – *Community Services*.
- k. Consideration and Action Regarding Recommendation to Reject All Bids Received for Specification No. E38915 Percolation Ponds 1-3 Scarification for the Waste Water Treatment Plant – *Water Resources*.

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

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

9. COUNCIL REPORTS

Presenters: Councilmembers Rodin and Duenas, and Mayor Orozco.

10. CITY MANAGER/CITY CLERK REPORTS

Presenter: Sage Sangiacomo, City Manager.

- **Update of Drought and Water Conditions**

11. PUBLIC HEARINGS (6:15 PM)

a. Consideration of the Planning Commission's Recommendation to 1) Adopt an Initial Study and Mitigated Negative Declaration (SCH No.2021040428); 2) Conditionally Approve the Ukiah Western Hills Open Land Acquisition & Limited Development Agreement Project; and 3) Introduce by Title Only an Ordinance to Prezone the Conservation Parcels to "PF" Public Facilities and the Development Parcels to "R1-H" Single Family Residential-Hillside Overlay District. File No.: 20-5915

Presenters: Craig Schlatter, Community Development Director; Michelle Irace, Planning Manager; and Maya Simerson, Project Administrator.

PUBLIC HEARING OPENED AT 7:30 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:31 P.M.

Motion/Second: Brown/Rodin to adopt the Initial Study and Mitigated Negative Declaration. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

Motion/Second: Brown/Rodin to conditionally approve the Ukiah Western Hills Open Land Acquisition and Limited Development Agreement (COU No. 2122-114) Project including added language that Planning Manager, Michelle Irace added (*see added language below*). Motion carried by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

Added Language: *Condition of Approval No. 1 - Approval of the Project is contingent upon City Council approval of the Development Agreement, which includes an easement, road access and maintenance agreement.*

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

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

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH TO PREZONE CERTAIN PARCELS IN ASSOCIATION WITH THE WESTERN HILLS OPEN LAND ACQUISITION AND LIMITED DEVELOPMENT PROJECT

Motion/Second: Brown/Rodin to introduce the Ordinance to prezone the conservation parcels to "PF" Public Facilities and the development parcels to "R1-H" Single Family Residential-Hillside Overlay District. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. 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.

Report was received.

RECESS: 8:04 – 8:17 P.M.

Councilmember Duenas returning at 8:19 P.M.

- b. Presentation of Findings to Improve the Efficiency and Productivity of the Paths, Open Space and Creeks Commission (POSC) and the Parks, Recreation, and Golf Commission (PRGC); and Seeking Direction from Council Regarding the Reformation of the Commissions as a Single Public Spaces Commission.**

Presenters: Neil Davis, Community Services Director; Shannon Riley, Deputy City Manager; and Craig Schlatter, Community Development Director.

Motion/Second: Rodin/Brown to approve staff initiation of processes to reform the Paths, Open Space and Creeks Commission (POSCC) and the Parks, Recreation into a combined Public Spaces Commission. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

- c. Adoption of Resolution of the City Council of the City of Ukiah Opposing the Application from the North Coast Railroad Company and Encouraging the Surface Transportation Board to Support Railbanking Between Willits and Humboldt County.**

Presenter: Shannon Riley, Deputy City Manager.

Motion/Second: Rodin/Brown to adopt Resolution (2021-44) opposing the application from the North Coast Railroad Company and encouraging the Surface Transportation Board to support railbanking between Willits and Humboldt County. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

13. NEW BUSINESS

- a. Award Professional Services Agreement to GHD Inc. in the Amount of \$312,491 to Prepare the Plans, Specifications, and Estimate for the Great Redwood Trail Phase 4 Project.**

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

Motion/Second: Rodin/Brown to award professional services agreement to GHD Inc. (COU No. 2122-118) in the amount of \$312,491 to prepare the plans, specifications, and estimate for the Great Redwood Trail Phase 4 Project. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

- b. Possible Introduction by Title Only of an Ordinance Amending Division 1, Chapter 4, Article 4B of the City Code Regarding the Procedure for Filling Vacancies on the Design Review Board.**

Presenters: Kristine Lawler, City Clerk and Craig Schlatter, Community Development Director.

Motion/Second: Rodin/Duenas to introduce Ordinance by title only. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. 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 1, CHAPTER 4, ARTICLE 4B, SECTION 1161 OF THE CITY CODE REGARDING APPOINTMENT OF DESIGN REVIEW BOARD MEMBERS

Motion/Second: Brown/Rodin to introduce the Ordinance to amend Division 1, Chapter 4, Article 4B of the City Code Regarding the Procedure for Filling Vacancies on the Design Review Board. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. 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.

d. Approve the Sole Source Purchase of a 2020 F-150 Police Responder XL Truck in the Amount of \$57,030.46 from Redwood Ford.

Presenter: Noble Waidelich, Police Captain.

Motion/Second: Brown/Rodin to approve the sole source purchase of a 2020 F-150 Police Responder XL Truck in the amount of \$57,030.46 from Redwood Ford. Motion **carried** by the following roll call votes: AYES: Rodin, Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:04 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. SCUK-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. SCUK- 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 Labor Negotiator (54957.6)**

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

Direction provided to Staff.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:59 p.m.



Kristine Lawler, City Clerk