

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

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

Ukiah, CA 95482

October 6, 2021

6:00 p.m.

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on October 6, 2021, having been legally noticed on October 1, 2021. The meeting was held virtually at the following link: <https://attendee.gotowebinar.com/rt/9199312935703156493>. Mayor Orozco called the meeting to order at 6:02 p.m. Roll was taken with the following **Councilmembers Present:** Josefina Dueñas, Jim O. Brown, and Juan V. Orozco. **Councilmembers Absent by Prearrangement:** Douglas F. Crane and Mari Rodin. **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 Kristine Lawler, City Clerk.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation: Recognizing National Disability Employment Awareness Month in the City of Ukiah.

Presenter: Mayor Orozco

Proclamation was received by Pam Jensen, Ukiah Valley Association for Habilitation (UVAH) Director.

b. Resolution and Proclamation: Recognizing the Second Monday of October Each Year, as Indigenous Peoples' Day in the City of Ukiah.

Presenters: Traci Boyl, City Manager's Office Management Analyst and Mayor Orozco.

Motion/Second: Brown/Duenas to adopt a resolution (2021-46) recognizing the second Monday in October each year as Indigenous Peoples' Day in the City of Ukiah and directing City staff to take the steps necessary to designate the second Monday in October as an official City holiday and issue a proclamation of the Ukiah City Council recognizing the second Monday in October each year, as Indigenous Peoples' Day in the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

Public Comment: Les Marston, Equity and Diversity Committee and Buffie Schmidt, Sherwood Valley Band of Pomo Indians, Vice-Chair.

Proclamation was received and prayer given by Buffie Schmidt and representatives from the tribes of Mendocino County, including: Cahto Indians, Sherwood Band of Pomo Indians, Hopland Band of Pomo Indians, Round Valley Indian Reservation, Redwood Valley Rancheria, and the Noyo River Indian Community.

4. **PETITIONS AND COMMUNICATIONS**

Clerk stated that there were no communications in respect to the agenda items.

5. **APPROVAL OF MINUTES**

a. **Approval of the Minutes for the September 15, 2021, Regular Meeting.**

b. **Approval of the Minutes for the September 21, 2021, Special Meeting.**

Motion/Second: Brown/Duenas to approve Minutes of September 15, 2021, a regular meeting and September 21, 2021, a special meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

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

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

- a. Council will Consider Awarding a Contract (*COU No. 2122-137*) in the Amount of \$37,339.12 for Bi-Weekly Maintenance for the SCADA and Instrumentation at the Water Treatment Plant to JM Integration of Vacaville, CA – *Water Resources*.
- b. Adoption of an Ordinance to Prezone Certain Parcels in Association with the Western Hills Open Land Acquisition and Limited Development Agreement Project – *Community Development*.

ORDINANCE NO. 1217

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 AGREEMENT PROJECT.

- c. Notification to City Council of Purchase Order #47467 to Family Tree Service for the Removal of Ten(10) Trees and One Stump in the Amount of \$18,350 – *Community Services*.
- d. Request a Budget Amendment to the Park Development Fund Open Space Supplies Account in an Amount of \$2,530.25 from the Park Development Reserve Fund to Cover the Cost of the Filing Fee for the Initial Study and Mitigated Negative Declaration to the County of Mendocino for the Ukiah Western Hills Open Land Acquisition & Limited Development Agreement Project - *Administration*.
- e. Adoption of Resolution (2021-47) Ratifying an Emergency Order of the City Manager Authorizing Temporary Use of the Property at 1240 Airport Park Boulevard as a Disaster Resources Facility to Assist Those Affected by the Hopkins Fire - *Administration*.
- f. Authorize City Manager to Negotiate a Contract (*COU No. 2122-138*) with North Coast Opportunities in the Amount of \$152,000 to Provide Project Support for the CNRA Funded Urban Greening Grant to Build Phase 4 of the Great Redwood Trail – *Community Services*.
- g. Adoption 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 – *City Clerk*.

ORDINANCE NO. 1218

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.

- h. Notification to the City Council of Purchase Order #47493 Issued to Arrow Fencing to Replace Fencing Lost in the Highway Fire at the Water Treatment Plant (WTP) in the Amount of \$25,200 – *Water Resources*.
- i. Request Approval to Amend the Contract (COU No. 1314-213-A5) with Utility Design Services to Increase Design and Engineering Contract Funding for Electric Capital Improvement Projects in the amount of \$260,000 – *Electric Utility*.
- j. Adoption of a Resolution (2021-48) of the City of Ukiah, Adopting the City of Ukiah Social Media Policy - Administration.
- k. Consider Approval of Annual Allocation of Funds, in the Amount of \$68,750, to the Ukiah Valley Basin Groundwater Sustainability Agency, for Agency Administration and Implementation of the Groundwater Sustainability Plan, until Such a Time that a Regulatory Fee or Other Funding Mechanism is Implemented; and a One-Time Contribution of \$4,000 to Perform Additional Groundwater Monitoring to Study the Effects of the Current Drought Emergency on the Groundwater Levels in the Ukiah Valley Basin – *Water Resources*.
- l. Report of a Revised Final Purchase Price of the Seasonal Ice Rink in the Amount of \$198,259.16, and Approve Corresponding Budget Amendment – *Community Services*.
- m. Report of Revised Vendor for the Purchase of LED Lighting System for the Galleries at the Grace Hudson Museum – *Electric Utility*.
- n. Council will Consider Approving the Purchase (PO No. 47516) of One (1) 2022 Ford F250XL 4X4 Pickup Truck in the Amount of \$47,012.87 from Redwood Ford - *Fire*.
- o. Approve City of Ukiah's Coordinated Responses to Grand Jury Reports: "Homelessness in Mendocino County is a Community Concern", "Meeting Mendocino County's Needs for Housing Requires Coordination and Planning", and "The Orr Street Bridge--Twelve Years of Delay" – *Administration*.

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

8. **AUDIENCE COMMENTS ON NON-AGENDA ITEMS**

No public comment was received.

9. **COUNCIL REPORTS**

Presenter: Vice Mayor Brown and Councilmember Duenas.

10. **CITY MANAGER/CITY CLERK REPORTS**

Presenters:

- **Update of Drought and Water Conditions** – Sean White, Water Resources Director.
- **Construction Update** – Tim Eriksen, Public Works Director/City Engineer.
- **Fire Annexation** – Sage Sangiacomo, City Manager

11. PUBLIC HEARINGS (6:15 PM)

a. Conduct a Public Hearing; Adopt Resolution Establishing the State Street Underground District No. 6 from Norton Street to Henry Street and from Mill Street to Gobbi Street, Including the Boundaries and Proposed Schedule; and Approve the Community Development Director's Determination that the Project Qualifies for a CEQA Exemption.

Presenters: Mel Grandi, Electric Utility Director and Cindy Sauers, Assistant Electric Utility Director.

PUBLIC HEARING OPENED AT 6:55 P.M.

Public Comment: Rod Vargas.

PUBLIC HEARING CLOSED AT 7:0 P.M.

Motion/Second: Brown/Duenas to adopt Resolution (2021-49) establishing State Street Underground District No. 6, approve boundaries and timeline, and approve the Community Development Director's Determination that the Project qualifies for a CEQA exemption. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

12. UNFINISHED BUSINESS

Mayor Directive to hear Agenda Item 12b before Agenda Item 12a

b. Receive Report Regarding Annual Review of Ordinance for the Regulation of Shopping Cart Containment and Retrieval, and Provide Direction as Necessary.

Presenters: Craig Schlatter, Community Development Director and Jesse Davis, Planning Manager.

Council Consensus to direct staff to return with a revised ordinance to improve efficiency and effectiveness of the shopping cart containment program.

a. Receive and File Fourth Quarter Financial Report.

Presenter: Dan Buffalo, Finance Director.

Report was received.

c. Receive Report Regarding Review of Ordinance for Development of Operating Standards for Community Gardens, Live Entertainment, Outdoor Dining, Sidewalk Cafes, and Specialty Food and Beverage Sales with Tasting; and Provide Direction to Staff as Necessary.

Presenter: Craig Schlatter, Community Development Director.

Report was received.

Council Consensus to direct staff to keep the status quo and bring a report back in a year for an update.

13. NEW BUSINESS

- a. Adopt a Resolution to enter into the Third Phase Agreement for Power Purchase Agreement with South Feather Water and Power Agency and Authorize the City Manager to Execute the Agreement.**

Presenter: Mel Grandi, Electric Utility Director.

Motion/Second: Brown/Duenas to adopt Resolution (2021-50) authorizing the City of Ukiah to enter into the Third Phase Agreement (COU No. 2122-139) for Power Purchase Agreement with South Feather Water and Power Agency (Third Phase Agreement), including any non-substantial modifications to the Third Phase Agreement recommended and approved by the Member counsel and authorize the City Manager to execute the agreement. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

- b. 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:

No reports were received.

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. SCUK-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

No closed session was held.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.



Kristine Lawler, City Clerk