

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

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

Ukiah, CA 95482

October 20, 2021

6:00 p.m.

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on October 20, 2021, having been legally noticed on October 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 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Josefina Dueñas, Jim O. Brown, and Juan V. Orozco. **Councilmember 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 Mayor Orozco.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the October 6, 2021, Regular Meeting/

Motion/Second: Brown/Dueñas to approve Minutes of October 6, 2021, a regular 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. Approval of Purchase of Mobile Data Terminal (MDT) Units, Docking Station and Mounting Hardware from LEHR in the amount of \$51,606.83 – *Police*.
- b. Award of Contract (COU No. 2122-144) in the Amount of \$56,500 for Roof Repair at the Water Treatment Plant to San Francisco Roofing Services, Inc – *Water Resources*.
- c. Adoption of Resolution (2021-51) of the City of Ukiah Establishing Time Limits on Permit Parking in Municipal Off-Street Parking Lots Pursuant to Ukiah City Code Section 7366 - *Administration*.
- d. Award Contract (COU No. 2122-145) in the Amount of \$42,000 for Scarification of Three Percolation Ponds at the Water Treatment Plant to Gregg Simpson Trucking of Ukiah – *Water Resources*.
- e. Approve Purchase in the Amount of \$25,000 to Aggreko for the Rental of a 200 Ton Chiller for Use at Ukiah on Ice, and Approval of Corresponding Budget Amendment – *Community Services*.

- f. Approve Purchase of a Cardiac Arrest System Assessment and Digital Training for Life Support Courses in the Amount of \$26,371.20 to RQI, and Approve Corresponding Budget Amendment - *Fire*.
- g. Authorize City Manager to Execute a Contract (*COU No. 2122-146*) with Spyglass Group to Perform a Telecommunications Audit - *Finance*.
- h. Authorize the City Manager to Negotiate and Execute a Multi-function Copier Lease and Maintenance Contract (*COU No. 2122-147*) with Xerox for the Replacement of the Existing Machine - *Finance*.
- i. Report to Council of the Three-year Contract (*COU No. 2122-142*) Expenditure with Yenter Group Corporation to Provide a Web-based Electric Vehicle Resource Tools in the Amount of \$13,500 – *Electric Utility*.

Motion/Second: Brown/Dueñas to approve Consent Calendar Items 7a-7i, 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: Councilmember Duenas.

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

Presenters: Sage Sangiacomo, City Manager; and

- **Update of Drought and Water Conditions** – Sean White, Water Resources Director.
- **Initial Report on Draft Infrastructure Financing Plan** – Dan Buffalo, Finance Director.

11. **PUBLIC HEARINGS (6:15 PM)**

12. **UNFINISHED BUSINESS**

a. **Discussion and Direction to Staff on Proposed Ordinance to Ban the Retail Sale of Nitrous Oxide Canisters**

Presenter: Darcy Vaughn, Assistant City Attorney.

Motion/Second: Brown/Dueñas to direct the City Attorney's Department to draft an ordinance that prohibits retail sales of nitrous oxide canisters at businesses operating under a tobacco retailer's license, and establishing the enforcement mechanism as civil/administrative, with one of the enforcement methods being suspension of a non-compliant business's tobacco retailer's license. 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 authorize the City Attorney's office to consult with the Ukiah Valley Youth Leadership Coalition to develop an ordinance within the framework approved by the City Council for educational purposes. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

b. 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: Traci Boyl, City Manager's Office Management Analyst.

Report was received.

13. NEW BUSINESS

a. Discussion and Possible Adoption of Resolution Establishing the In-meeting Process for Nominating and Appointing New Members to the City Council (when appointed), Planning Commission, and Design Review Board.

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Brown/Duenas to adopt resolution (2021-52) establishing the in-meeting process for making appointments to the City Council (when appointed), Planning Commission, and Design Review Board; or give direction to Staff. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

b. Discussion and Possible Adoption of Resolution Making an Appointment to the Planning Commission to Fill the Remaining Term of Ruth Van Antwerp.

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Brown/Duenas to adopt the resolution (2021-53) appointing Alex de Grassi to the Planning Commission to fill the unexpired term of Ruth52 Van Antwerp, who was filling the unexpired term of Chris Watt, with the term expiring in December 2022. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

c. Annual Review and Approval of No Changes to the Existing Fee Schedule for the Ukiah Police Department.

Presenter: Noble Waidelich, Interim Police Chief.

Motion/Second: Brown/Duenas to approve No Changes to the Existing Fee Schedule for the Ukiah Police Department. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

d. Adoption of Resolution of the City Council Implementing Teleconferencing Requirements During a Proclaimed State of Emergency Due to the COVID-19 Pandemic.

Presenter: Darcy Vaughn, Assistant City Attorney.

Motion/Second: Brown/Duenas to adopt a Resolution (2021-54) of the City Council Implementing Teleconferencing Requirements during a Proclaimed State of Emergency Due to the COVID-19 Pandemic; Authorize Re-adoption of the Resolution every 30 days via Consent Calendar. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

e. Discussion and Possible Action Regarding the Cancellation of the December 1, 2021, and the January 5, 2022, Regular City Council Meetings, with the Option for the Mayor and/or City Manager to Call for a Special Meeting on an Alternate Date if Time Sensitive Business Arises.

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Brown/Duenas to approve the cancellation of the December 1, 2021, and the January 5, 2022, Regular City Council Meetings, with the option for the Mayor and/or City Manager to call for a special meeting on an alternate date if time sensitive business arises. Motion **carried** by the following roll call votes: AYES: Dueñas, Brown, and Orozco. NOES: None. ABSENT: Crane and Rodin. ABSTAIN: None.

f. 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).

Reports were received.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 7:21 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. 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

No action was taken; direction was provided to Staff.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 7:57 p.m.



Kristine Lawler, City Clerk