

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
Virtual Meeting Link: <https://zoom.us/j/97199426600>
Ukiah, CA 95482
February 2, 2022
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on February 2, 2022, having been legally noticed on January 28, 2022. The meeting was held virtually at the following link: <https://zoom.us/j/97199426600>. Mayor Brown called the meeting to order at 6:09 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Douglas, F. Crane, Mari Rodin, Josefina Dueñas, and Jim O. Brown. **Staff Present:** Shannon Riley, Deputy City Manager; Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR BROWN PRESIDING.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Rodin.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment received.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation Recognizing February 2022, as Black History Month in the City of Ukiah.
Presenter: Mayor Brown.

Proclamation was received by Corinne Jones, Diversity and Committee Member.

b. 2021/2022 Ukiah On Ice Presentation and Sponsor Appreciation.
Presenter: Jake Burgess, Community Services Supervisor.

Report was received.

c. Introduction of Electric Utility Director Cindy Sauers.
Presenter: Shannon Riley, Deputy City Manager.

Introduction was received.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the January 19, 2022, Regular Meeting.

Motion/Second: Orozco/Rodin to approve Minutes of January 19, 2022, a regular meeting, as submitted. Motion **carried** by the following roll call votes: **AYES:** Orozco, Crane, Rodin, Dueñas, and Brown. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

Staff Comment: Doug Hutchison, Fire Chief.

- a. Report of Disbursements for the Month of December 2021 - *Finance*.
- b. Adoption of Ordinance Amending Article 1 of Division 1, Chapter 4 of the Ukiah City Code to Reform the Paths, Open Space, and Creeks Commission and the Parks, Recreation and Golf Commission into the Public Spaces Commission – *Community Services*.

ORDINANCE NO. 1219

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING ARTICLE 1 AND REPEALING ARTICLE 1B FROM DIVISION 1, CHAPTER 4 OF THE CITY CODE TO ESTABLISH THE PUBLIC SPACES COMMISSION.

- c. Report of Emergency Purchase Order #47685 Issued to Wipf Construction LLC for the Water Resources Department in the Amount of \$38,500 to Replace Two Check Valves that Failed and Approve a Budget Amendment for Expenses in the 2021/2022 Fiscal Year Related to Equipment Maintenance and Repair using Water Resources Reserve Funds – *Water Resources*.
- d. Award of Professional Services Agreement (COU No. 2122-174) to On Duty Health for Annual National Fire Protection Association (NFPA) Compliant Physical Exams and Screenings for Fire Authority Staff in the Amount of \$28,415.48 - *Fire*.

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

Note: Agenda Item 8 was heard directly after roll call.

9. **COUNCIL REPORTS**

Presenters: Mayor Brown and Councilmember Crane (*spoke during City Manager reports*)

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

Presenters:

- **General Plan Update** – Craig Schlatter, Community Development Director.
- **Clean CA Grant Application** – Shannon Riley, Deputy City Manager.

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

- a. **The Ukiah City Council Will Receive a Financial Report of the Electric Utility and Consider Adoption of the Proposed Electric Rate Adjustments and Create a 100% Green Energy Rate by Resolution.**

Presenters: Cindy Sauers, Electric Utility Director; Mel Grandi, Retired Electric Utility Director; and Boris Prokop, Borismetrics.

PUBLIC HEARING OPENED AT 7:20 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:22 P.M.

Motion/Second: Rodin/Crane to approve the proposed electric rate adjustments and create a 100% Green Energy Rate by Resolution (2022-08). Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

b. Conduct a Public Hearing and Consider Adopting Respective Resolutions Authorizing Lease Revenue Bonds, Series 2022 to Renovate the City Corporation Yard and Construct Improvements to Various City Streets *(This item was continued from January 19, 2022.)*

Presenter: Dan Buffalo, Finance Director.

PUBLIC HEARING OPENED AT 7:55 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:56 P.M.

Motion/Second: Rodin/Crane to adopt resolution (2022-09) authorizing the issuance of lease revenue bonds and authorizing the City Manager to execute all related documents *(including following agreement nos: COU No. 2122-175 – Site Lease; 2122-176 – Lease Agreement; 2122-177 – Indenture of Trust; 2122-178 – Assignment Agreement; 092122-179 – Bond Purchase Agreement)* for the renovation of the City Corporation Yard and improvements to various City streets. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO THE UKIAH PUBLIC FINANCING AUTHORITY MEETING AT 8:06 P.M.

UKIAH PUBLIC FINANCING AUTHORITY

1. ROLL CALL

The Ukiah Financing Authority met at a Special Meeting on February 2, 2022, having been legally noticed on January 28, 2022. Chair Brown called the meeting to order at 8:07 p.m. Roll was taken with the following **Members Present:** Juan V. Orozco, Douglas, F. Crane, Mari Rodin, Josefina Dueñas, and Jim O. Brown. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, Public Financing Authority Secretary.

CHAIR BROWN PRESIDING.

RECESS: 8:07 – 8:20 P.M.

2. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

3. APPROVAL OF MINUTES

a. Approval of the Minutes for the September 30, 2020; December 15, 2021; and January 19, 2022, Special Meetings.

Motion/Second: Crane/Orozco to approve the minutes for the September 30, 2020; December 15, 2021; and January 19, 2022, Special Meetings, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

4. **UNFINISHED BUSINESS**

b. Consider Adopting Respective Resolutions Authorizing Lease Revenue Bonds, Series 2022 to Renovate the City Corporation Yard and Construct Improvements to Various City Streets.

Presenter: Dan Buffalo, Finance Director.

Motion/Second: Crane/Rodin to approve and adopt the attached resolution (PFA Reso 2202-01) authorizing the issuance of lease revenue bonds and City management to execute all related documents for the renovation of the City Corporation Yard and improvements to various city streets. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

5. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:26 p.m.

THE CITY COUNCIL RECONVENED THE REGULAR MEETING AT 8:26 P.M.

12. **UNFINISHED BUSINESS**

a. Possible Introduction By Title Only of Ordinance Restricting the Retail Sale of Nitrous Oxide.

Presenter: Darcy Vaughn, Assistant City Attorney.

Public Comment: Mike Hausberger.

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

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

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING ARTICLE 7.1 TO DIVISION 2, CHAPTER 2 OF THE CITY CODE TO RESTRICT RETAIL SALES OF NITROUS OXIDE.

Motion/Second: Rodin/Orozco to introduce an ordinance Restricting the Retail Sale of Nitrous Oxide Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

b. Receive Annual Report Regarding Review of Ordinance for Marijuana Dispensaries and Consider the Formation of an Ad Hoc to Review Potential Ordinance Modifications to Streamline the Permitting/Renewal Process and Other Potential Considerations.

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

Motion/Second: Crane/Rodin to appoint Vice Mayor Duenas and Mayor Brown to serve on a Cannabis ad hoc committee to explore ordinance modifications. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS

a. Seeking Direction from Council Regarding Updates to the Municipal Codes Regulating City Parks.

Presenter: Neil Davis, Community Services Director.

Council Consensus to refer this item to the Public Spaces Commission - along with Mr. Davis' notes regarding the Council comments and concerns - for refining, then bring back to Council.

b. Discuss and Provide Direction for the Establishment of an Oversight Committee, with Possible Appointments, to Review Measure P Expenditures for Fiscal Years 2019 and 2020 per Resolution 2014-28.

Presenter: Noble Waidelich, Police Chief.

Motion/Second: Crane/Orozco to approve the establishment of an Oversight Committee to review Measure P expenditures for the fiscal years 2019 and 2020; and appoint Edward Eversole, Larry Olson and Roe Sandelin as persons representing members at large; Max Brazill representing the Ukiah Police Department; and Tony Selvitella representing the Ukiah Valley Fire Authority to the Measure P Oversight Committee. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. AB-STAIN: None.

c. Receive Updates; Discussion and Appointments Regarding 2022 Council Assignments; and Consideration of Disbandment and Modification to City Council Committees and Ad Hocs.

Presenter: Shannon Riley, Deputy City Manager.

Motion/Second: Crane/Rodin to form two new ad hocs: Mayor Brown and Councilmember Crane to serve on a Special Districts ad hoc; and Councilmembers Rodin and Orozco to serve on a Public Financing ad hoc. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

14. CLOSED SESSION

a. 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)

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: (1 potential case, involving possible termination of construction contract for cause)

c. Conference with Legal Counsel – Anticipated 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

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-20-74612

e. 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

f. 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

g. 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.

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 Labor Negotiator (54957.6)

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

No Closed Session was held during the regular meeting.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.



Kristine Lawler, City Clerk/CMC