

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
Virtual Meeting Link: <https://zoom.us/j/97199426600>
Ukiah, CA 95482
February 16, 2022
6:00 p.m.

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on February 16, 2022, having been legally noticed on February 10, 2022. The meeting was held virtually at the following link: <https://zoom.us/j/97199426600>. Mayor Brown called the meeting to order at 6:02 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:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR BROWN PRESIDING.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was held during the special meeting.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Trench Cut Fee Study Presentation.

Presenters: Tim Eriksen, Public Works Director/City Engineer; and Margo Yapp and Debaroti Ghosh, NCE.

PowerPoint Presentation was given and received.

4. PETITIONS AND COMMUNICATIONS

Clerk stated that all communications had been distributed.

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the February 2, 2022, Special Meeting.

b. Approval of the Minutes for the February 2, 2022, Regular Meeting.

Motion/Second: Crane/Rodin to approve the Special and Regular Meeting Minutes of February 2, 2022, 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

a. Report of Disbursements for the Month of January 2022 – *Finance*.

b. Approval of a Four-Year Cooperative Agreement (COU No. 2122-181) for Dispatch Services with the California Department of Forestry and Fire Protection in an Amount Not to Exceed \$1,540,822 - *Fire*.

c. Notification to City Council of Contract No. 2122-163 with Flock Group Inc. for the Rental of Two Cameras in the Amount of \$10,500 for the Ukiah Valley Fire Authority - *Fire*.

- d. Adoption of Resolution (2022-10) Authorizing Submittal of an Application (COU No. 2122-182) to the California Department of Housing and Community Development for Funding under the HOME Investment Partnerships Program; and if Selected, the Execution of a Standard Agreement (COU No. 2122-183), Any Amendments Thereto, and of Any Related Documents Necessary to Participate in the HOME Investment Partnerships Program, as well as Authorization of the Corresponding Budget Amendments – *Community Development*.
- e. Adoption of Resolution (2022-11) of the City Council Reconsidering the Circumstances of the State of Emergency and Implementing Teleconferencing Requirements for City Council and Board and Commission Meetings During a Proclaimed State of Emergency Due to the COVID-19 Pandemic – *Administration*.
- f. ~~Possible Adoption of Ordinance Restricting the Retail Sale of Nitrous Oxide—Administration – Pulled by Councilmember Rodin and placed as Agenda Item 13b.~~
- g. Award Purchase to Steven Engineering, for a Vibration Monitoring System for Pumps and Motors for the Waste Water Treatment Plant, in the Amount of \$33,312.31 – *Water Resources*.
- h. Notification of the Purchase of Axon Fleet 2 Car Camera Five-Year Service Agreement (COU 2122-191) in the Amount of \$63,912.61 - *Police*.
- i. Adoption of a Resolution (2022-12) of Notice of Intent to Comply with Regulatory Requirements of Senate Bill 1383, Short-Lived Climate Pollutants: Organic Waste Reductions and Authorize the Submittal of Intent to Comply to CalRecycle – *Public Works*.
- j. Approval of Change Order #13 (COU No. 1920-216-CO13) to Ghilotti Construction in the Amount of \$53,242.91 for Traffic Signal Revisions and Other Amenities to the Downtown Streetscape and Road Diet Project, Specification #19-18 and corresponding budget amendment from the General Fund in the amount of \$15,693.96 – *Public Works*.
- k. Approval of Purchase of Vendor Cloud Hosting of Tyler Munis Enterprise Resource Planning (ERP) Finance System Servers, in the Amount of \$170,296.00 – *Information Technology*.
- l. Adoption of Resolution (2022-13) Opposing Initiative 21-0042A1 - *Administration*.

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

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

No public comment received.

9. **COUNCIL REPORTS**

Presenter: Councilmember Rodin.

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

Presenters: Sage Sangiacomo, City Manager.

- **Public Assistance Programs** – Mary Horger, Financial Services Manager and Lori Martin Customer Services and Billing Manager.
- **Construction Update** – Tim Eriksen, Public Works Director/City Engineer.

11. PUBLIC HEARINGS (6:15 PM)

a. Approval of Application to Demolish Two Structures over the Age of 50 Years Located at 1100, 1102, and 1104 South State Street.

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

PUBLIC HEARING OPENED AT 7:15 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:16 P.M.

Motion/Second: Rodin/Crane to approve the application to demolish two structures located at 1100, 1102 and 1104 South State Street. 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 Electric Revenue Bonds, Series 2022 to Make Capital Improvements to the City's Electric System.

Presenter: Dan Buffalo, Finance Director.

PUBLIC HEARING OPENED AT 7:27 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:28 P.M.

Motion/Second: Crane/Rodin to adopt a resolution (2022-14) authorizing the issuance of electric revenue bonds and authorizing the City Manager to execute all related documents (*including following agreement nos: COU No. 2122-185– Installment Sale Agreement; 2122-186 – Indenture of Trust; 2122-187 - Purchase Contract*) for the improvement to various capital assets of City's electric system. 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 7:30 P.M.

UKIAH PUBLIC FINANCING AUTHORITY

1. ROLL CALL

The Ukiah Financing Authority met at a Special Meeting on February 16, 2022, having been legally noticed on February 10, 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.

2. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

3. APPROVAL OF MINUTES

a. Approval of the Minutes for the February 2, 2022, Special Meeting.

Motion/Second: Crane/Orozco to approve the minutes for the February 2, 2022, Special Meeting, 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

a. Consider Adopting a Resolution Authorizing Electric Revenue Bonds, Series 2022 to Make Capital Improvements to the City's Electric System.

Presenter: Dan Buffalo, Finance Director.

Motion/Second: Crane/Rodin to adopt a resolution (PFA 2022-02) authorizing the issuance of electric revenue bonds and authorizing the City Manager to execute all related documents for the improvement to various capital assets of City's electric system. 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 7:33 p.m.

THE CITY COUNCIL RECONVENED THE REGULAR MEETING AT 7:33 P.M.

13. NEW BUSINESS

b. Possible Adoption of Ordinance Restricting the Retail Sale of Nitrous Oxide - From Consent Calendar Agenda Item 7f.

Presenter: Darcy Vaughn, Assistant City Attorney.

Public Comment: Randi Pielaszczyk, Sofie Knight, and Noah Block, Ukiah Valley Youth Leadership Coalition.

Motion/Second: Rodin/Brown to adopt the Ordinance Restricting the Retail Sale of Nitrous Oxide with a program report to Council in one year. Motion carried by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

ORDINANCE NO. 1220

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

RECESS: 7:52 – 8:00 P.M.

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 Management Coordinator.

Report was received.

b. Award Professional Services Agreement to GHD Engineers, Inc. in the Amount of \$239,393 to Prepare the Plans, Specifications, and Estimate for the Talmage Road Rehabilitation Project, and Approve Corresponding Budget Amendments.

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

Motion/Second: Orozco/Rodin to award professional services agreement (COU No. 2122-188) to GHD Engineers, Inc. in the amount of \$239,393 to prepare the plans, specifications, and estimate for the Talmage Road Rehabilitation Project, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

c. Award Professional Services Agreement to Coastland in the Amount of \$285,353 to Prepare the Plans, Specifications, and Estimate for the Main Street Utilities Improvement Project, and Approve Corresponding Budget Amendments.

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

Motion/Second: Rodon/Orozco to award professional services agreement (COU No. 2122-189) to Coastland in the amount of \$285,353 to prepare the plans, specifications, and estimate for the Main Street Utilities Improvement Project, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

d. Award Professional Services Agreement to BKF Engineers in the Amount of \$308,031 to Prepare the Plans, Specifications, and Estimate for the East Perkins Widening Project, and Approve Corresponding Budget Amendments.

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

Motion/Second: Rodin/Orozco to award professional services agreement (COU No. 2122-190) to BKF Engineers in the amount of \$308,031 to prepare the plans, specifications, and estimate for the East Perkins Widening Project, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

e. Receive Annual Progress Reports on the 2019-2027 Housing Element and 1995 (Current) Ukiah Valley General Plan; and Provide Direction as Necessary.

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

PowerPoint Presentation was given and report was received.

Clerk's Note: See below for vote to accept report.

f. Consideration of Financial Contribution in the Amount of \$50,000 to the Inland Water and Power Commission for Legal Services Related to the Potter Valley Project.

Presenter: Sean White, Water Resources Director.

Motion by Councilmember Crane, seconded by Councilmember Rodin for the recommended action.

Upon further discussion, the motion was updated as follows:

Motion/Second: Crane/Rodin to approve a financial contribution in the amount of \$50,000 to the Inland Water and Power Commission for legal services related to the Potter Valley Project. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

g. Mid-year Budget Report for Fiscal Year 2021-22.

Presenters: Dan Buffalo, Finance Director and Mary Horger, Financial Services Manager.

Report was received.

e. (Continued) Receive Annual Progress Reports on the 2019-2027 Housing Element and 1995 (Current) Ukiah Valley General Plan; and Provide Direction as Necessary.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Crane/Rodin to accept the annual progress reports on the 2019-2027 Housing Element and 1995 (Current) Ukiah Valley General Plan. 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. Receive Updates; Discussion and Appointments Regarding 2022 Council Assignments; and Consideration of Disbandment and Modification to City Council Committees and Ad Hoc.

Presenters: Councilmember Rodin, Mayor Brown, Councilmember Crane, and City Manager Sangiacomo.

Reports were received.

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. SCUK-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. SCUK-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 9:56 p.m.



Kristine Lawler, City Clerk/CMC