

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
August 7, 2019
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on August 7, 2019, having been legally noticed on August 2, 2019. Mayor Mulheren called the meeting to order at 6:01 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Jim O. Brown, Stephen G. Scalmanini, Douglas F. Crane (*arriving at 6:19 p.m.*), and Maureen Mulheren. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; Pamela Mathias, Deputy Clerk; and Kristine Lawler, City Clerk.

MAYOR MULHEREN PRESIDING.

The Pledge of Allegiance was led by Pete Bushby, Retired Fire Captain.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Introduction of New Employees: Tyler Anderson, Environmental Laboratory Technician; Nicholas Weiss, Water/Sewer Attendant I; Kevin Smallcomb, Sports Coordinator; and Jose Najera, Facility Maintenance Attendant.

Presenters: Sean White, Water Resources Director; Tami Bartolomei, Community Services Administrator; and Kerry Randall, Facilities Supervisor.

Staff Comment: Tyler Anderson, Kevin Smallcomb, and Jose Najera.

4. **PETITIONS AND COMMUNICATIONS**

5. **APPROVAL OF MINUTES**

a. Approval of the July 17, 2019, Regular Meeting Minutes

Motion/Second: Brown/Orozco to approve Minutes of July 17, 2019, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, and Mulheren. NOES: None. ABSENT: Crane. ABSTAIN: None.

6. **RIGHT TO APPEAL DECISION**

7. **CONSENT CALENDAR**

a. Report of Disbursements for the Month of June 2019 – *Finance*.

b. Receive Annual Report of Boards and Commission Term Expirations and Vacancies, and Adopt Resolution (2019-41) Appointing Jay Stein to the Airport Commission and Susan Marie Knopf to the Paths, Open Space, and Creeks Commission (POSCC) and Parks, Recreation, and Golf Commission – *City Clerk*.

- c. Annual Review of Mobilehome Park Stabilization Fees and Activities, Possible Adoption of Resolution (2019-42) Amending Resolution No. 2018-22; and Approval to Waive Fees for the FY 2018-19 – *City Clerk*.
- d. Adoption of Resolution (2019-43) Approving Records Destruction – *City Clerk*.
- e. Approve a Budget Amendment to Fund the Open Space Contractual Services Account for Possible Expenses in the 2019/2020 Fiscal Year Related to the Donation, Acquisition, and/or Improvement of Open Space – *Administration*
- f. Notification to Council of Revised Personnel Schedule in 2019-20 City Budget Document – *Human Resources*.
- g. Authorize City Manager to Negotiate and Execute an Agreement (COU No. 1920-104) with the Ukiah Brewing Company for Concessions at the Ukiah Skate Park – *Community Services*.
- h. Approve a Budget Amendment to Fund the Reimbursement Expense of a Joint Study Between the City of Ukiah, and the Cities of Willits and Fort Bragg, for Professional Services Regarding Property Tax Distribution for this Fiscal Year Not to Exceed \$6,700 – *Administration*
- i. Approval of Plans and Specifications for the 2019 Slurry Seal of Local Streets and Authorize Staff to Issue Bids for Specifications No. 19-10 – *Public Works*.
- j. Authorize the City Manager to Terminate Existing Contract with Briscoe, Ivester, and Bazel, and Negotiate and Execute a Contract (COU No. 1920-105) for Legal Services with Welty, Weaver, and Currie for Counsel on Issues Related to Water, Natural Resources, and Planning – *Water Resources*.
- k. Report of Contract (COU No. 1819-186) in the Amount of \$10,668.00 with Hunters Services for Pest Control Services at Various City of Ukiah Locations – *Community Services*.
- l. Award of Contract (COU No. 1920-106) to Golden Bell Products in the Amount of \$26,632.50 for Insecta Application to 1,005 Manholes and approval of Corresponding Budget Amendment – *Public Works*.
- m. Report to the City Council of the Contract (COU No. 1819-199) Expenditure with Laco Associates for the Preparation and Filing of the Hazard Mitigation Grant Application in the Amount of \$19,500.00 – *Electric Utility*.
- n. Award Three-Year Contract (COU No. 1920-107) to Evergreen Job and Safety Training in the Amount of \$77,140.64 to Provide Job and Safety Training for the Electric Utility Employees – *Electric Utility*.
- o. Award Bid to Bartley Pump (COU No. 1920-108) in the Amount of \$137,650 for the Installation of the El Dorado Lift Station – *Public Works*.
- p. Approve Amending the Budget for Housing Accounts – *Community Development*.
- q. Approve Cancellation of Purchase Order 45951 with Redwood Ford for a New 2020 Ford Explorer Interceptor, and Approve Re-Bid for a 3/4 Ton Crew Cab Truck – *Fire*.

Motion/Second: Scalmanini/Brown to approve Consent Calendar Items 7a-7q, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, and Mulheren. NOES:

None. ABSENT: Crane. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Public Comment: Ike Heinz – landfill waste, Crispin B. Hollingshead – PG&E power shut down, Robin Sunbeam – gasification plant, and Anthony Pierce –business license requirements.

9. COUNCIL REPORTS

Presenter: Mayor Mulheren

10. CITY MANAGER/CITY CLERK REPORTS

Presenters: Sage Sangiacomo, City Manager.

11. PUBLIC HEARINGS (6:15 PM)

Vice Mayor Crane arrived at 6:19 p.m.

12. UNFINISHED BUSINESS

a. Receive a Status Update on the County's Development of a Potential Exclusive Operating Agreement for Inland Mendocino County Ambulance Services, and Consider the City of Ukiah's Continued Participation.

Presenters: Doug Hutchison, Fire Chief and Sage Sangiacomo, City Manager.

Public Comment: John McCowen, Mendocino County 2nd District Supervisor.

Motion/Second: Crane/Brown to authorize notice to the County of Mendocino declining inclusion in the County's exclusive operating area, and authorize staff to identify and evaluate options for the continued delivery of EMS services within the City of Ukiah. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

b. Possible Adoption of Broadband Deployment Ordinance.

Presenter: Darcy Vaughn, Assistant City Attorney.

Motion/Second: Crane/Brown to adopt the Broadband Deployment Ordinance. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: Scalmanini. ABSENT: None. ABSTAIN: None.

ORDINANCE No. 1194

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING ARTICLE 10 TO CHAPTER 2 OF DIVISION 2 OF THE UKIAH CITY CODE, ENTITLED "BROADBAND DEPLOYMENT," COMMENCING WITH SECTION 2400

c. Award of Bid to Apparent Low Bidder in an Amount to be Provided for the Northwestern Pacific Rail Trail, Phase 3 Specification No. 18-04, and Possible Budget Amendment.

Presenter: Jarod Thiele, Public Works Management Analyst; Mary Horger, Procurement Manager; and Jason Benson, Senior Civil Engineer.

Public Comment: John McCowen, Mendocino County 2nd District Supervisor.

Motion/Second: Crane/Scalmanini to Award bid (COU No. 1920-109) to Rege Construction, Inc. in the amount of \$1,393,523 for the Northwestern Pacific Rail Trail, Phase 3, Specification No. 18-04; including amending the subcontractor list to remove Humboldt Fence and include Arrow Fencing, as well as reversing the cross-out of DC Electric, and including them as a subcontractor; and, if necessary, approve a budget amendment. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

d. Award of Bid to Apparent Low Bidder in an Amount to be Provided for the 2019 Street Reconstruction Project, Specification No. 19-09 and Possible Budget Amendment

Presenter: Jarod Thiele, Public Works Management Analyst; Mary Horger, Procurement Manager; and Jason Benson, Senior Civil Engineer.

Motion/Second: Crane/Brown to award bid (COU No. 1920-110) to Granite Construction in the amount of \$1,218,041 for the 2019 Street Reconstruction Project, Specification No. 19-09 and, if necessary, authorize corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: Scalmanini,

e. Award of Contract for Gobbi Street Underground District No. 3, Specification No. 19-03 to St. Francis Electric, LLC in the Amount of \$2,024,419, and Approve Budget Amendment in the Amount of \$1,900,000.

Presenter: Mel Grandi, Electric Utility Director.

Motion/Second: Crane/Scalmanini to award contract (COU No. 1920-111) for Gobbi Street Underground District No. 3, Specification No. 19-03 to St. Francis Electric, LLC in the amount of \$2,024,419, and approve budget amendment in the amount of \$1,900,000. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

f. Introduction and Adoption of Urgency Ordinance to Amend the City of Ukiah's Camping Ordinance.

Presenters: Darcy Vaughn, Assistant City Attorney and Shannon Riley, Deputy City Manager.

Public Comment: Anthony Pierce; John McCowen, Mendocino County 2nd District Supervisor; Tony Marsh.

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

Deputy Clerk Pamela Mathias, Deputy Clerk, read the following Ordinance title into the record:

ORDINANCE No. 1195

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 7, CHAPTER 1, ARTICLE 8 OF THE UKIAH CITY CODE, ENTITLED "CAMPING."

Motion/Second: Brown/Orozco to introduce and Adopt the Ordinance as an Urgency Ordinance. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: Scalmanini ABSENT: None. ABSTAIN: None.

13. NEW BUSINESS

- a. Award Contract for Specification #E32818 – Installing Underground Conduit and Associated Equipment on North Orchard Avenue to Diamond D Construction, LLC of Ukiah, CA in the amount of \$44,052.25.**

Presenter: Mel Grandi, Electric Utility Director.

Motion/Second: Crane/Brown to award contract (COU No. 1920-112) to Diamond D Construction, LLC in the amount of \$44,052.25.. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

- b. Discuss and Consider Responses to the Ukiah Valley Sanitation District Regarding the Calculation of ESSUS and Notice to Assume Billing and Collection.**

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Brown/Crane to send letters under Mayor's signature. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

- c. Approval of Proposal for a General Capital Equipment Municipal Lease Agreement with Umpqua Bank**

Presenter: Dan Buffalo, Finance Director and Mary Horger, Procurement Manager.

Motion/Second: Crane/Brown to approve proposal for a general capital equipment municipal lease agreement (COU No. 1920-112) with Umpqua Bank, for the financing of capital equipment as needed for a one-year term, and authorize the City Manager to approve the extension for two additional years. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

- d. 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).**

Presenters: Mayor Mulheren and Vice Mayor Crane.

Motion/Second: Brown/Crane to approve adding Adventist Health Community Advisory Council to the City Council Special Assignment List, and appointing Councilmember Brown to serve on said Council. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 7:29 P.M.

RECESS 7:29 – 7:40 P.M.

14. CLOSED SESSION

- a. Conference With Legal Counsel—Anticipated Litigation**

(Government Code Section 54956.9(d))

A. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (Number of potential cases: 1.)

B. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Number of potential cases: 1)

b. 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

c. 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. SCU-K- CVPT-15-66036*

d. 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

e. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 003-040-77; 003-040-78; 003-040-79

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Shapiro/Danco

Under Negotiation: Price & Terms of Payment

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-192-14-00 (280 E. Standley)

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Onetogther Solutions

Under Negotiation: Price & Terms of Payment

g. Public Employee Performance Evaluation

Government Code Section 5495

Title: City Manager

Direction was given to staff.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:21 p.m.



Kristine Lawler, City Clerk