

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue, Ukiah, CA 95482
Virtual Meeting Link: <https://zoom.us/j/97199426600>
Ukiah, CA 95482
August 17, 2022
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on August 17, 2022, having been legally noticed on August 12, 2022. The meeting was held in person and virtually at the following link: <https://zoom.us/j/97199426600>. Mayor Brown called the meeting to order at 6:03 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

The Pledge of Allegiance was led by Councilmember Orozco.

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

a. Approval of the Minutes for the August 3, 2022, Special Meeting.

b. Approval of the Minutes for the August 3, 2022, Regular Meeting.

Motion/Second: Crane/Orozco to approve Minutes of August 3, 2022, Special and Regular meetings, 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 July 2022 – Finance.

b. Delegate City Manager Authority to Negotiate and Approve a Generator Share Agreement (COU No. 2223-096) with New Cingular PCS, LLC - Administration.

c. Delegate City Manager Authority to Negotiate and Approve Mutual Aid Agreement (COU No. 2223-097) for Emergency Assistance Among the City of Ukiah, City of Fort Bragg, City of Willits, City of Point Arena, City of Clearlake, and the City of Lakeport - Administration.

d. Adoption of Resolution (2022-50) 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 – City Attorney.

- e. Authorize City Manager to Negotiate and Execute an Antenna Site/Lease Agreement (COU No. 2223-098) with Ukiah Wireless Powered by Wi-Fiber for the Sole Purpose of Providing High-speed Internet to Ukiah Valley residents - *Administration*.
- f. Approval of Notice of Completion of the Electric Utility Department's Gobbi Street Underground Communications Rework Project, Specification No. 22-03, and Approve Final Payment of the 5% Retention to Diamond D Construction, LLC – *Electric Utility*.
- g. Award of Contract (COU No. 2223-099) to SHN Engineers in the Amount of \$13,000.00 for Compaction and Materials Testing Services Related to the Clara Avenue Reconstruction Project Specification No. 20-08, and Approval of Corresponding Budget Amendment – *Public Works*.
- h. Consideration of Adoption of Amended Resolution (2022-51) Authorizing Application for Funding and the Execution of Grant Agreement (COU No. 2223-100) and any Amendments thereto from the 2022 Funding Year of the State Community Development Block Grant Program – *Community Development*.
- i. Report of Acquisition (P.O. No. 48141) of Professional Services from Alpha Analytical Laboratories, Inc. in the Amount of \$36,985.50 for Quarterly Water Sampling and Completion of Chemical Examination Reports for the Ukiah Landfill – *Public Works*.
- j. Consideration of Adoption of Resolution (2022-52) Appointing Casey Thompson to the Public Spaces Commission – *City Clerk*.
- k. Approval of Purchase (P.O. No. 48146) of a Replacement Symmetra LX Power Array Battery Backup for the Ukiah Police Department Including Installation, for the Amount of \$35,208.00, and Approval of Corresponding Budget Amendment - *Police*.
- l. Authorize the City Manager to Negotiate and Execute an Amendment (COU No. 2122-201-A1) to the Ukiah Western Hills Open Land Acquisition and Limited Development Agreement for Electrical Utility and Communication Infrastructure; and Approve a Corresponding Budget Amendment if Necessary - *Administration*.
- m. Notification of Change Order #1 (COU No. 2122-240-CO1) to Ghilotti Construction Company in the Amount of \$640,975.73 for Additional Roadway Excavation, Base and Asphalt for the Dora Overlay Project Specification 21-05, and Approve Corresponding Budget Amendment – *Public Works*.

Motion/Second: Rodin/Orozco to approve Consent Calendar Items 7a-7b, 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: Mayor Brown and Councilmembers Rodin and Orozco

10. CITY MANAGER/CITY CLERK REPORTS

Presenters:

- **Election Update** – Kristine Lawler, City Clerk.
- **Ukiah Airport Runway Extension Study** – Greg Owen, Airport Manager.
- **Public Works Update** – Tim Eriksen, Public Works Director/City Engineer.

11. PUBLIC HEARINGS (6:15 PM)

a. Public Hearing and Consideration of 1) Approval of a Resolution to Adopt an Initial Study and Negative Declaration; and 2) Possible Introduction by Title Only of an Ordinance to Approve a General Plan Amendment and Rezone of 701 South Orchard Avenue.

Presenters: Michelle Irace, Planning Manager and Maya Simerson, Project and Grant Manager, and Craig Schlatter, Community Development Director.

PUBLIC HEARING OPENED AT 6:38 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 6:39 P.M.

Motion/Second: Rodin/Orozco to adopt Resolution (2022-53) adopting the Initial Study and Negative Declaration. Motion carried by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

Motion/Second: Rodin/Orozco 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 Ordinance title into the record:

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING THE OFFICIAL ZONING MAP AND GENERAL PLAN LAND USE MAP FOR THE CITY OF UKIAH, CALIFORNIA BY ESTABLISHING THE COMMUNITY COMMERCIAL (C1) ZONING DISTRICT AND COMMERCIAL (C) LAND USE DESIGNATION AT 701 SOUTH ORCHARD AVENUE (APN 003-181-01)

Motion/Second: Rodin/Orozco to introduce the Ordinance to approve the General Plan Amendment and Rezone. Motion carried by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

b. Consideration of Adoption of a Resolution Adopting a Power Cost Surcharge Rider.

Presenters: Cindy Sauers, Electric Utility Director and Boris Prokop, Borismetrics.

PUBLIC HEARING OPENED AT 6:49 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 6:50 P.M.

Motion/Second: Crane/Orozco to adopt Resolution (2022-54) establishing the Power Cost Surcharge Rider. Motion carried by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

12. UNFINISHED BUSINESS

a. Discussion and Possible Adoption of Resolution Amending Procedures for Purchasing Thresholds and Change Order Limits.

Presenter: Mary Horger, Financial Services Manager.

Motion/Second: Crane/Orozco to adopt resolutions (2022-55, 2022-56) amending the procedures for purchasing thresholds and change order limits, as amended*. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

**Amendments include:*

- *In title of Resolution listed as Attachment 3 of Staff Report; adding "...and also Resolution No. 13" to follow "Amending and Replacing Resolution No. 2015-10..."*
- *Last word in first paragraph of the 'Now, therefore, be it resolved...' section; change from "appropriate" to "appropriation."*

b. Receive Report Regarding Annual 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.

Staff Comment: Shannon Riley, Deputy City Manager.

Report was received.

Council Consensus to discontinue annual reporting of this item.

13. **NEW BUSINESS**

a. Public Benefits Program Update and Approval of New Customer Programs and Rebates.

Presenters: Cindy Sauers, Electric Utility Director and Diann Lucchetti, Program Coordinator.

Motion/Second: Crane/Orozco to received report and approve program additions. Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

Council Directive to bring back item for annual report.

b. Consideration of Adoption of Resolution Authorizing Application to and Participation in the California Department of Housing and Community Development ProHousing Designation Program.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Crane/Orozco to adopt resolution (2022-57) authorizing application to and participation in the California Department of Housing and Community Development's (HCD) Prohousing Designation Program (COU No. 2223-101). Motion **carried** by the following roll call votes: AYES: Orozco, Crane, Rodin, Dueñas, and Brown. NOES: None. ABSENT: None. ABSTAIN: None.

c. 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: Councilmember Rodin.

Note: The Special Assignments List was updated to correct and show the Cannabis Ordinance Modifications ad hoc members as Vice Mayor Duenas and Mayor Brown, as appointed on February 2, 2022.

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 – Existing Litigation

(Government Code Section 54956.9(d)(1))

Name of case: Roofing & Solar Construction, Inc. v. City of Ukiah et al., Mendocino County Superior Court Case No. 22CV00048

c. 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

d. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))

Name of case: Arturo Flores Valdes et al., (Fed. Dist. Ct., N.D. Cal.) 22-CV-03125 RMI

e. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 157-070-04, 001-040-84, 001-040-82, 001-040-65

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Dave Hull and Grady Huff

Under Negotiation: Price & Terms of Payment

f. 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 7:55 p.m.



Kristine Lawler, City Clerk

