

**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
March 15, 2023
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on March 15, 2023, having been legally noticed on March 10, 2023. The meeting was held in person and virtually at the following link: <https://zoom.us/j/97199426600>. Mayor Rodin called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Susan Sher, Douglas, F. Crane, Josefina Dueñas, and Mari Rodin. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR RODIN PRESIDING.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Crane.

3. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

4. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Administer of Oath of Office, Introduction, and Badge Pinning of New Police Chief, Cedric Crook.

Presenter: Mayor Rodin.

City Clerk administered the Oath of Office.

Cynthia Crook (mother) pinned the badge on Police Chief Crook.

Council and Staff Comment: Chief Crook

Public Comment: David Eyster, District Attorney.

RECESS: 9:11 – 6:19 P.M.

b. Proclamation of Earth Day 2023 and the Mayor's Monarch Pledge Supporting the National Wildlife Federation's Efforts to Save the Endangered Monarch Butterfly.

Presenter: Mayor Rodin and Neil Davis, Community Services Director.

Public Comment: Robert Werra.

Mayor's Pledge was received by Cathy Monroe.

5. PETITIONS AND COMMUNICATIONS

City Clerk, Kristine Lawler, stated that all communications had been distributed.

6. APPROVAL OF MINUTES

a. Approval of the Minutes for the March 1, 2023, Regular Meeting.

Motion/Second: Sher/Duenas to approve Minutes of March 1, 2023, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

7. RIGHT TO APPEAL DECISION

8. CONSENT CALENDAR

- a. Report of Disbursements for the Month of February 2023 - *Finance*.
- b. Council will Consider Authorizing the City Manager to Negotiate and Enter into a Five-Year Contract (COU No. 2223-178) with Borismetrics Inc. for an Amount Not to Exceed \$50,000/year to Assist Ukiah Electric Utility with Regulatory Compliance and Cost of Service, Market Analysis, and Rate Studies – *Electric Utility*.
- c. Consideration of Adoption of Resolution (2023-13) Approving Records Destruction for the Fire and Finance Departments, and Approval of Budget Amendment for City Clerk Contracted Services and Elections Account – *City Clerk*.
- d. Authorize the City Manager to Negotiate and Execute a Contract (COU No. 2223-179) with Online Solutions LLC (DBA CitizenServe) for the Purchase and Deployment of Electronic Permitting Software for the Planning, Building, Fire Prevention, and Code Enforcement Divisions of the Community Development Department – *Community Development*.
- e. Approval Notice of Completion for Ghilotti Construction Co. for the Dora Street Utility Improvement Project, and Direct the City Clerk to File the Notice of Completion with the County Recorder – *Public Works*.
- f. Approve the Plans and Specifications for Thickening and Dewatering Improvements, Specification 23-02, and Authorize Staff to Issue Bids – *Public Works*.
- g. Approve the Purchase (PO No. 47813) of Additional SCADA Software from E&M Electric & Machinery, Inc in the Amount of \$35,452.28 – *Public Works*.
- h. Adoption of Ordinance Adopting and Approving Ukiah Police Department Policy 708, Military Equipment Use Policy, in Compliance with California Assembly Bill No. 481 - *Police*.

ORDINANCE NO. 1229

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADOPTING AND APPROVING UKIAH POLICE DEPARTMENT POLICY 708, MILITARY EQUIPMENT USE POLICY, IN COMPLIANCE WITH CALIFORNIA ASSEMBLY BILL NO. 481.

Motion/Second: Crane/Orozco to approve Consent Calendar Items 8a-8h, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

9. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Public Comment: Larry Olsen, Mendocino County Tobacco Coalition – Tobacco Retail License Ordinance; Greg Hubbs – Senior housing safety policies.

10. COUNCIL REPORTS

Presenters: Vice Mayor Duenas, Mayor Rodin, Councilmember Sher, and Councilmember Orozco (following the City Manager's report).

11. CITY MANAGER/CITY CLERK REPORTS

Presenters:

- **Fire at Hasting Facility** – Sage Sangiacomo, City Manager and Cindy Sauers, Electric Utility Director

12. PUBLIC HEARINGS (6:15 PM)

a. Consider Adoption of a Resolution to Adopt a Mitigation Monitoring and Reporting Program, Initial Study, and Mitigated Negative Declaration for the Ukiah Riverside Park Regeneration Project.

Presenter: Neil Davis, Community Services Director.

Also Present: Patrick Farrar, Melton Design Group.

PUBLIC HEARING OPENED AT 7:28 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:28 P.M.

Motion/Second: Crane/Orozco to adopt the Resolution (2023-14) to adopt an Initial Study and Mitigated Negative Declaration for Riverside Park Regeneration Project. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

b. Possible Introduction of an Ordinance by Title Only Amending Various Sections of Ukiah City Code to Permit On-Site Consumption at Cannabis Dispensaries; and Approval of Planning Commission Finding that the Ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA).

Presenter: Jesse Davis, Chief Planning Manager.

PUBLIC HEARING OPENED AT 7:49 P.M.

Public Comment: Leland Kraemer and Dr. Robert Werra.

PUBLIC HEARING CLOSED AT 7:55 P.M.

Councilmember Crane recessed between 7:54 – 8:04 P.M.

Motion/Second: Crane/Sher to approve the introduction of the ordinance by title only. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, and Rodin. NOES: None. ABSENT: None. ABSTAIN: Duenas.

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

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE TO PERMIT AND REGULATE CANNABIS CONSUMPTION AREAS AT COMMERCIAL CANNABIS RETAIL BUSINESSES AND CANNABIS MICROBUSINESSES

Motion/Second: Crane/Sher to introduce the ordinance amending various sections of Ukiah City Code to permit on-site consumption at cannabis retailers; and find the ordinance categorically exempt pursuant to Section 15061 (b)(3) of the CEQA Guidelines. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, and Rodin. NOES: None. ABSENT: None. ABSTAIN: Dueñas.

RECESS: 8:22 – 8:30 P.M.

c. Conduct a Public Hearing and Adopt Resolution Establishing the Talmage Road Underground District No. 7 from State Street to Lorraine Street and on State Street between Talmage Road and Observatory Avenue, Including the Boundaries and Proposed Timeline; and Approve the Community Development Director's Determination that the Project Qualifies for CEQA Exemption.

Presenter: Cindy Sauers, Electric Utility Director.

PUBLIC HEARING OPENED AT 8:41 P.M.

Public Comment: Leland Kraemer.

PUBLIC HEARING CLOSED AT 8:46 P.M.

Motion/Second: Duenas/Sher to adopt Resolution (2023-15) establishing Talmage Road Underground District No. 7, approve boundaries and timeline, and approve the Community Director's Determination that the Project qualifies for a CEQA exemption. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

13. UNFINISHED BUSINESS

a. Receive and Approve the Submittal of Annual Progress Reports to the Department of Housing and Community Development and the Governor's Office of Policy and Research.

Presenter: Jesse Davis, Chief Planning Manager.

Motion/Second: Orozco/Duenas to approve submittal of annual progress reports to the State. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

b. Update from City Staff Regarding the Appeal Process that the City has Undertaken in Opposition to FEMA's Proposed Adjustments to the Flood Maps that Affect Properties in the City of Ukiah and Provide/Authorize any other Direction Deemed Necessary.

Presenters: Jason Benson, Senior Civil Engineer and Jesse Davis, Chief Planning Manager.

Report was received.

14. NEW BUSINESS

a. Receive Report and Approve Application for Grant Funding from Upstate CA Creative Corps Program, and Approval of Corresponding Budget Amendments if Awarded.

Presenter: Neil Davis, Community Services Director.

Motion/Second: Crane/Orozco to approve an application for grant funding from Upstate CA Creative Corps Program and approval of corresponding budget amendments if awarded. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

b. 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: City Manager Sangiacomo, Vice Mayor Duenas, Mayor Rodin, and Councilmember Sher.

Motion/Second: Sher/Orozco to disband the Police Chief recruitment ad hoc. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Directive to serve as the Alternate for the Library Advisory Board.

15. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

(Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 case)

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 case))

c. 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

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-2018-70200

e. Conference with Legal Counsel – Existing Litigation

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

Name of case: Russian River Keepers et al. v. City of Ukiah, Case No. SCU-K-CVPT-20-74612

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 003-260-01, 003-500-14

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Eric Crane and Francine Selim

Under Negotiation: Price & Terms of Payment

g. Public Employee Performance Evaluation

(Government Code Section 54956)

Title: City Manager

h. Conference with Labor Negotiator (54957.6)

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

No Closed Session was held.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 9:32 p.m.



Kristine Lawler, CMC