

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
April 5, 2023
6:00 p.m.

1. **ROLL CALL**

Ukiah City Council met at a Regular Meeting on April 5, 2023, having been legally noticed on March 31, 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 6:03 p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Susan Sher, Josefina Dueñas, and Mari Rodin. **Councilmember Absent by Prearrangement:** Douglas, F. Crane. **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 Orozco.

3. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

4. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Proclamation Recognizing April 9th – 15th as National Public Safety Telecommunicators Week in the City of Ukiah.

Presenter: Mayor Rodin.

Staff Comment: Chief Crook.

Proclamation was received by Tracey Porter, Communications/Records Manager and Tiffany Breece, Dispatch Supervisor.

b. Proclamation Recognizing April as Arts, Creativity, and Culture Month.

Presenter: Councilmember Sher.

Proclamation was received by Alyssum Wier, Mendocino County Arts Council Executive Director.

c. Proclamation Declaring April 2023 as Sexual Assault Awareness in the City of Ukiah.

Presenter: Vice Mayor Duenas.

Proclamation was received by Jamie Pitman, Project Sanctuary Community Prevention Educator.

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 15, 2023, Special Meeting.**
- b. Approval of the Minutes for the March 15, 2023, Regular Meeting.**

Motion/Second: Orozco/Sher to approve Minutes of March 15, 2023, a special and regular meetings, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

7. RIGHT TO APPEAL DECISION

8. CONSENT CALENDAR

- a. Approval of Notice of Completion of the Electric Service Center-Site Work, Specification 16-07, and Approve Final Payment of the 5% Retention to CWS Construction Group, Inc – *Electric Utility*.
- b. Authorize City Manager to Negotiate and Execute Memorandum of Agreement (COU No. 2223-184) with Ukiah Adventist Hospital to Allow Participation in 340B Program, a Charitable Drug Discount Program – *Administration*.
- c. Approval Notice of Completion for Granite Construction Company for the State Street and Dora Street Rehabilitation Project, and Direct the City Clerk to File the Notice of Completion with the County Recorder – *Public Works*.
- d. Adoption of Resolution (2023-16) of the City Council Authorizing the City Manager to Execute Current and Future Participation Documents for the National Opioid Settlements - *Administration*.
- e. Approve a Budget Amendment (COU No. 2223-185) for a Contract with GSM Landscape to Prepare a Landscape Plan for McGarvey Park – *Community Services*.
- f. ~~Award Bid to MARZ Engineering in the Amount of \$113,499.84 for Specification 23-03 – Todd Grove Park Public Barbecue Facility Reconstruction – Community Services – Pulled by Pinky Kushner (public member) and placed as Agenda Item 14d.~~
- g. Consideration of a Donation of Real Property on Cherry Court (APN 003-050-41) from Peggy White and Authorization of the City Manager to Negotiate and Execute the Corresponding Donation Agreement (COU No. 2223-186); and Approval for the Closing Costs in the Amount of Approximately \$1,200 - *Administration*.
- h. Receive Report 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 – *Public Works*.
- i. Approve the Purchase of a Three-Year SCADA Software Subscription Renewal (COU No. 2223-187) for the Water Treatment Plant with E&M Electric in the Amount of \$63,545 – *Water Resources*.
- j. Consideration of Nomination and Possible Adoption of a Resolution (2023-17) Appointing Joe Scriven to the Public Spaces Commission – *City Clerk*.
- k. Approval of Assignment of Agreement (COU No. 2223-188) for Web-based Electric Vehicle Resource Toolkit and Design Services to CLEAResult Consulting Inc. and Authorize the City Manager to Execute any Corresponding Documents – *Electric Utility*.

- I. Approval of Contract Amendment (COU No. 1516-143-A6) with Ukiah Waste Solutions for Biosolids Removal at the Wastewater Treatment Plant – *Water Resources*.

Staff Comment: Maya Simerson – Agenda Item 8g.

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

9. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

10. COUNCIL REPORTS

Presenters: Councilmember Orozco, Vice Mayor Duenas, and Councilmember Sher.

11. CITY MANAGER/CITY CLERK REPORTS

Presenter:

4th Quarter review with HdL Coren & Cone (sales tax consultants) – Sage Sangiacomo, City Manager.

12. PUBLIC HEARINGS (6:15 PM)

a. Adoption of Resolution Prezoning City-Owned Properties within Unincorporated Mendocino County, Introduction of Ordinance by Title Only Establishing Prezoning Districts, and Approval of Community Development Director Determination that the Aforementioned Actions Qualify for a CEQA Exemption.

Presenter: Jesse Davis, Chief Planning Manager.

PUBLIC HEARING OPENED AT 7:02 P.M.

Public Comment: Susan Knopf.

PUBLIC HEARING CLOSED AT 7:04 P.M.

Motion/Second: Sher/Duenas to approve the Community Development Director's Determination that the Aforementioned Actions Qualify for a CEQA Exemption. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

Motion/Second: Duenas/Sher to adopt a Resolution (2023-18) to Prezone Sixteen (16) Parcels. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

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

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH TO PREZONE CERTAIN PARCELS IN ASSOCIATION WITH THE ANNEXATION OF CITY-OWNED PROPERTIES WITHIN UNINCORPORATED MENDOCINO COUNTY

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

13. UNFINISHED BUSINESS

a. Adoption of an Ordinance Amending Various Sections of Ukiah City Code to Permit On-Site Consumption at Cannabis Dispensaries.

Presenter: Jesse Davis, Chief Planning Manager.

Public Comment: Robert Werra.

Motion/Second: Sher/Orozco to adopt an Ordinance Amending Various Sections of Ukiah City Code to Permit On-Site Consumption at Cannabis Dispensaries. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, and Rodin. NOES: Dueñas. ABSENT: Crane. ABSTAIN: None.

ORDINANCE NO.1230

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

b. Award Professional Services Agreement to LDA Partners, Inc. in the Amount of \$68,800 to Prepare the Feasibility Study for the Corporation Yard Design.

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

Public Comment: Pinky Kushner.

Motion/Second: Rodin/Duenas to award professional services agreement (COU No. 2223-189) to LDA Partners, Inc. in the amount of \$68,800 to prepare the Feasibility Study for the Corporation Yard design. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

c. Consideration of Approval and Authorization for the City Manager to Negotiate and Execute the Services Agreement between the City of Ukiah and Mendocino Solid Waste Management Authority (MSWMA) to Provide General Manager and Related Administrative Services to MSWMA; that will Restructure the Operation of MSWMA.

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

Public Comment:

Motion/Second: Duenas/Sher to approve and authorize the City Manager to negotiate and execute the services agreement (COU No. 2223-190) between the City of Ukiah and Mendocino Solid Waste Management Authority (MSWMA) to provide general manager and related administrative services to MSWMA; that will restructure the operation of MSWMA; dependent on the action to approve the same agreement, by MSWMA at their regular Board meeting on April 20, 2023. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

RECESS: 7:58 – 8:08 P.M.

14. NEW BUSINESS

Council Consensus to move agenda item 14d before item 14a.

d. Award Bid to MARZ Engineering in the Amount of \$113,499.84 for Specification 23-03 - Todd Grove Park Public Barbecue Facility Reconstruction – From Consent Calendar Agenda Item 8f.

Presenter: Neil Davis, Community Services Director.

Public Comment: Pinky Kushner.

Motion/Second: Orozco/Sher to award bid (COU No. 2223-191) to MARZ Engineering in the amount of \$113,499.84 for Specification 23-03 Todd Grove Park public BBQ Facility Reconstruction. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

a. Consideration of Purchase of Real Property Near Doolan Canyon Drive (APN 003-260-01-00 and 003-500-14-00) from Eric Douglas Crane and the Francine Crane Selim Separate Property Trust in the Amount of \$402,400; and Authorization of the City Manager to Negotiate and Execute the Corresponding Lease Agreement with Option to Purchase; and Approval for Associated Closing Costs.

Presenter: Maya Simerson, Project and Grant Administrator.

Public Comment: Robert Werra.

Staff Comment: Neil Davis, Community Services Director.

Motion/Second: Orozco/Duenas to approve purchase of real property near Doolan Canyon Drive (APN 003-260-01-00 and 003-500-14-00) from Eric Douglas Crane and the Francine Crane Selim Separate Property Trust in the amount of \$402,400 (including closing costs); and authorize the City Manager to negotiate and execute the corresponding Lease Agreement (COU No. 2223-192) with Option to Purchase. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. ABSTAIN: None.

b. Report an Emergency Contract with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings

Presenters: Cindy Sauers, Electric Utility Director and Mary Horger, Financial Services Manager.

Motion/Second: Orozco/Sher to receive report on an emergency contract (COU No. 2223.193) with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings, and approve the work to continue under these emergency circumstances. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Dueñas, and Rodin. NOES: None. ABSENT: Crane. 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: Mayor Rodin.

Mayor Directive to assign Councilmember Sher as the Alternate Commissioner for the Mendocino Solid Waste Management Authority (MSWMA) Commission.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 9:25 P.M.

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 – 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

(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: Russian River Keepers et al. v. City of Ukiah, Case No. SCUK-CVPT-20-74612

e. Conference with Legal Counsel – Existing Litigation

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

Name of case: Ukiah v. Questex, Mendocino County Superior Court Case No. 15-66036

f. Conference with Legal Counsel – Existing Litigation

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

Name of case: Jane Doe v. City of Ukiah et al., U.S.D.C. (Eureka Division) Case No. 123-cv-009808.

g. 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

h. Public Employee Performance Evaluation

(Government Code Section 54956)

Title: City Manager

i. Conference with Labor Negotiator (54957.6)

Agency Representative: Sage Sangiacomo, City Manager

Employee Organizations: All Bargaining Units

No report out; direction given to Staff.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.



Kristine Lawler, CMC