

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue, Ukiah, CA 95482
Virtual Meeting Link: <https://us06web.zoom.us/j/97199426600>
Ukiah, CA 95482
April 19, 2023
6:00 p.m.

1. **ROLL CALL**

Ukiah City Council met at a Regular Meeting on April 19, 2023, having been legally noticed on April 14, 2023. The meeting was held in person and virtually at the following link: <https://us06web.zoom.us/j/97199426600>. Mayor Rodin called the meeting to order at 6:04 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 Sage Sangiacomo, City Manager.

3. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

4. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Proclamation of the City Council of the City of Ukiah Recognizing the Climate Initiative "Biodiversity in the City."

Presenter: Councilmember Orozco.

Proclamation was received by Dennis Crean and Erich Sommer.

5. **PETITIONS AND COMMUNICATIONS**

City Clerk, Kristine Lawler, stated that there were no communications.

6. **APPROVAL OF MINUTES**

a. Approval of the Minutes for the April 5, 2023, Special Meeting.

b. Approval of the Minutes for the April 5, 2023, Regular Meeting.

Motion/Second: Sher/Orozco to approve Minutes of April 5, 2023, special and regular meetings, as submitted. Motion **carried** by the following roll call votes: **AYES:** Orozco, Sher, Dueñas, and Rodin. **NOES:** None. **ABSENT:** None. **ABSTAIN:** Crane.

7. **RIGHT TO APPEAL DECISION**

8. **CONSENT CALENDAR**

a. Report of Disbursements for the Month of March 2023 - *Finance*.

b. Authorize City Manager to Negotiate and Execute Contract (COU No. 2223-196) Renewal with OpenGov for Software Services - *Finance*.

- c. Consideration and Possible Adoption of an Ordinance Establishing Prezoning Districts for Sixteen (16) City-Owned Properties Within Unincorporated Mendocino County – *Community Development*.

ORDINANCE NO. 1231

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

- d. Consideration of Award of Bid (COU No. 2223-197) to Ghilotti Construction Company in the Amount of \$9,835,445.75 for the Downtown Streetscape, Road Diet and Utilities Project – Phase II, Specification No. 21-01, and Approval of Corresponding Budget Amendment – *Public Works*.
- e. Consider Approval of a Three-Year Microsoft Enterprise Licensing Agreement (COU No. 2223-198) with Dell Marketing, Inc. in the Amount of \$140,462.76 Per Year, Plus the Yearly True-up of Installed Licensed Products – *Information Technology*.

Motion/Second: Crane/Orozco to approve Consent Calendar Items 8a-e, with the vote correction to the ordinance on agenda item 8c. 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: Greg (no surname given).

10. COUNCIL REPORTS

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

11. CITY MANAGER/CITY CLERK REPORTS

Presenters:

- **Summer Concert Line-up** – Sage Sangiacomo, City Manager.
- **Modification to Agenda Summary Report Template** – Shannon Riley, Deputy City Manager.

12. PUBLIC HEARINGS (6:15 PM)

13. UNFINISHED BUSINESS

- a. **Status Report of the Emergency Contract with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings.**

Presenter: Cindy Sauers, Electric Utility Director.

Report was received.

Motion/Second: Crane/Orozco to approve the continued work on the emergency contract (COU No. 2223-177) with West Coast Fire & Water for Fire Remediation Work at the Electric Utility Service Center at Hastings. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

- b. **Receive Report Regarding the Annual Review of the Ordinance for Shopping Cart Containment and Retrieval, and Provide Direction to Staff as Necessary.**

Presenter: Jesse Davis, Chief Planning Manager.

Report was received.

Council Consensus for Staff to continue to bring this report back annually.

c. Approval of Plans and Specifications for the Recycled Water Project Phase 4, Specification 23-01, and Authorize Staff to Issue Bids.

Presenters: Tim Eriksen, Public Works Director/City Engineer and Shannon Riley, Deputy City Manager.

Motion/Second: Crane/Sher to approve Plans and Specifications for the Recycled Water Project Phase 4 and Authorize Staff to Issue Bids for Specification Number 23-01. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

d. Adoption of Resolution Updating City of Ukiah Tree Management Guidelines.

Presenter: Neil Davis, Community Services Director.

Motion/Second: Crane/Orozco to adopt Resolution (*Reso 2023-19*) updating the Tree Care Guidelines. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Directive to add an agenda item to the forecasting for Tree Preservation.

e. Receive Annual Report for Ordinance Restricting the Retail Sale of Nitrous Oxide and Provide Additional Direction as Necessary.

Presenter: Matt Keizer, Chief Building Official.

Report was received.

Council Consensus to direct Staff to include this report with an annual report of the tobacco retail sales ordinance in agenda item 14a.

14. NEW BUSINESS

a. Possible Introduction by Title Only of Ordinance Prohibiting Retail Sales of Flavored Tobacco Products Including Several Clean Up Provisions to Bring the City's Anti-Smoking Regulations into Compliance with Current State Law.

Presenters: Darcy Vaughn, Assistant City Attorney and Matt Keizer, Chief Building Official.

Public Comment: Larry Olson, JoAnn Saccato, Lucy Kramer, Jaime Rojas, and Jay McCubbrey.

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

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 RELATING TO TOBACCO RETAILERS AND TOBACCO SMOKING

Motion/Second: Sher/Duenas to introduce the Ordinance prohibiting retail sales of flavored tobacco products - including several clean up provisions to bring the City's anti-smoking regulations

into compliance with current State law. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

Mayor Directive to place the adoption of this Ordinance on Unfinished Business on the May 5, 2023, meeting.

RECESS: 8:16 – 8:25 P.M.

b. Review Report and Approve Application for Grant Funding from CalTrans Clean CA Grant Program, Adopt Resolution Authorizing the City Manager to Negotiate a Contract if Awarded, and Approve Corresponding Budget Amendments.

Presenter: Neil Davis, Community Services Director.

Motion/Second: Crane/Sher to approve application for grant funding from CalTrans Clean CA Grant Program, adopt resolution (*Reso 2023-20*) authorizing the City Manager to negotiate a contract (*COU No. 2223-199*) if awarded, and approve corresponding budget amendments. Motion **carried** by the following roll call votes: AYES: Orozco, Sher, Crane, Dueñas, and Rodin. NOES: None. ABSENT: None. ABSTAIN: None.

c. Receive Report Regarding SB1383 and the Current Corrective Action Plan (CAP).

Presenters: Tim Eriksen, Public Works Director/City Engineer and Jason Benson, Senior Civil Engineer.

Report was received.

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).

No reports were received.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:56 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. **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 report out; direction given to Staff.

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:45 p.m.



Kristine Lawler, CMC

