

**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
February 21, 2024
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on February 21, 2024, having been legally noticed on February 15, 2024. The meeting was held in person and virtually at the following link: <https://us06web.zoom.us/j/97199426600>. Mayor Dueñas called the meeting to order at 6:04 p.m. Roll was taken with the following **Councilmembers Present:** Mari Rodin, Juan V. Orozco, Susan Sher, Douglas, F. Crane, and Josefina Dueñas. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR DUEÑAS PRESIDING.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Rodin.

MOMENT OF SILENCE

The City Attorney read the following statement into the record, which was followed by a moment of silence honoring Judge David Nelson:

A large circle of judges, former judges, colleagues, family, long-time friends and others whose life he touched mourn the loss on February 17 of Judge David Nelson. He died peacefully surrounded by his family, listening to the music he loved.

Dave was a criminal defense lawyer, one of the best in the County, before he was appointed as a superior court judge in the Mendocino County Superior Court. Before that he played football for Stanford University, attended Yale law school, spent a year working for DNA Legal Services on the Navaho Indian Reservation and a number of years as a public defender in Contra Costa County.

He was a gentle giant who had empathy for others and a wonderful sense of humor. There will be an empty space in Ukiah with his passing, but Ukiah has been enriched by the many years he worked and played here and contributed to the community.

3. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

4. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation of the Ukiah City Council Recognizing March as Women's History Month.

Presenter: Councilmember Sher.

Proclamation was received by Kyle Mayers, Mendocino Womens' Political Coalition and the Ukiah Chapter of the American Association of University Women.

b. 2023/2024 Ukiah On Ice Presentation.

Presenter: Jake Burgess, Community Services Supervisor.

PowerPoint Presentation was received.

5. PETITIONS AND COMMUNICATIONS

City Clerk, Kristine Lawler, stated that no communications had been received.

6. APPROVAL OF MINUTES

a. Approval of the Minutes for the February 7, 2024, Special Meeting.

b. Approval of the Minutes for the February 7, 2024, Regular Meeting.

Motion/Second: Rodin/Sher to approve the Special and Regular meeting minutes of February 7, 2024, as submitted. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

7. RIGHT TO APPEAL DECISION

8. CONSENT CALENDAR

- a. Report of Disbursements for the Month of November 2023 - *Finance*.
- b. Consideration of the Approval of a Change Order (PO No. 48425-CO1) in the Amount of \$13,567.14 for the Yardney Filters Replacement Project from Durham Pump & Irrigation at the Wastewater Treatment Plant – *Water Resources*.
- c. Possible Adoption of Ordinance Imposing Possible Civil Penalties for Failure to Abate Public Nuisances on Residential Property – *City Attorney*.

ORDINANCE NO. 1236

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE AMENDING CHAPTER 12 OF DIVISION 3 OF THE UKIAH CITY CODE IMPOSING POSSIBLE CIVIL PENALTIES FOR FAILURE TO ABATE PUBLIC NUISANCES ON RESIDENTIAL PROPERTY.

- ~~d. Possible Adoption of an Ordinance Amending Division 9, Chapter 1 of the Ukiah City Code Article 17.1 (Lot Line Adjustments) and Article 17.2 (Parcel Mergers) – Community Development – Pulled by Councilmember Sher and placed as Agenda Item 14d.~~
- e. Possible Adoption of Resolution (2024-04) Authorizing the Submittal of an Application to the California Department of Housing and Community Development for Funding under Round 2 of the Prohousing Incentive Pilot Program; and if Selected, Authorize the City Manager to Execute a Standard Agreement (2324-161), Any Amendments Thereto, and of Any Related Documents Necessary to Participate in the Prohousing Incentive Pilot Program, as well as Authorization of the Corresponding Budget Amendments – *Community Development*.
- f. Consideration of an Amendment to Contract (2021-181-A1) for Medical Control Oversight with Dr. Brandon Begley, Increasing the Annual Compensation to \$52,000.00 for the Third Year of the Contract - *Fire*.
- g. Authorize City Manager or Designee to Accept Chapter 11 Bankruptcy Plan for Claims Related to Opioid Settlement Funds Allocated to the City of Ukiah – *City Attorney*.
- h. Notification to City Council of Purchase (PO 48529-\$40,300.86; PO 48530-\$42,992.56) of Equipment from Stryker Corp. in the Amount of \$83,293.42 for the Ukiah Valley Fire Authority - *Fire*.

- i. Approval of Notice of Completion for the Grace Hudson Museum Roof Replacement Project, Specification 23-05 – *Community Services*.

Sean White, Water Resources Director and Ryan Kriken, Wastewater Treatment Plant Supervisor, responded to questions from Vice Mayor Crane in respect to Agenda Item 8b.

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

9. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comments were received.

10. COUNCIL REPORTS

Presenters: Councilmembers Rodin and Sher.

11. CITY MANAGER/CITY CLERK REPORTS

Presenters:

- **Construction Update** – Tim Eriksen, Public Works Director / City Engineer.
- **Master Tax Sharing** – Sage Sangiacomo, City Manager.
- **Palace Hotel Update** – Shannon Riley, Deputy City Manager.

Public Comment: Dennis Crean.

12. PUBLIC HEARINGS (6:15 PM)

a. Consideration and Possible Adoption of a Resolution Amending the Fee Schedule for the Planning and Building Divisions of the Community Development Department.

Presenter: Craig Schlatter, Community Development Director.

PUBLIC HEARING OPENED AT 7:42 P.M.

No public comment was received.

PUBLIC HEARING CLOSED AT 7:43 P.M.

Motion/Second: Orozco/Crane to adopt Resolution (2024-05) amending the Fee Schedule for the Planning and Building Divisions of the Community Development Department. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

Councilmember Consensus to direct Staff to go forward with the two recommendations:

1. Direct Staff to revise layout of online fee schedule posted on webpage of Planning Division and available at front counter (Attachment 3, pg. 444) such that terms well-explained and information is easier to access/understand; and
2. Direct Staff to further research and analyze existing fee reduction categories and present report to Council with recommendations by 6/30/24.

Motion/Second: Rodin/Sher to eliminate the current ad hoc committee on the fee schedules and reconstitute a new ad hoc committee with the same two councilmembers (Crane/Orozco). Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

13. UNFINISHED BUSINESS

a. Possible Approval of Joint Exercise of Powers Agreement for the Ukiah Valley Water Authority and if Approved Appoint Two Representatives to the Ukiah Valley Water Authority.

Presenter: Sean White, Water Resources Director.

Public Comment: Devon Boer, Pinky Kushner, and Steve Scalmanini.

Motion/Second: Sher/Rodin to approve the Joint Exercise of Powers Agreement (2324-162) for the Ukiah Valley Water Authority and authorize the City Manager to execute the agreement on behalf of the City, and to make any modifications that do not make material, substantive changes to the agreement, including approval of Exhibits A-C thereto, and if approved appoint two representatives to the Ukiah Valley Water Authority. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

Motion/Second: Rodin/Sher to appoint Vice Mayor Crane and Councilmember Orozco to serve as representatives to the Ukiah Valley Water Authority. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

RECESS: 8:42 – 8:51 P.M.

b. Possible Adoption of Resolution Making Findings of Fact Regarding the Need for Additions and Amendments to the California Fire Code, Including the National Fire Protection Association (NFPA) 1 Chapter 38 Due to Local Conditions; and Consideration and Possible Introduction of an Ordinance by Title Only to Adopt the Amended 2022 California Fire Code.

Presenter: Matt Keizer, Chief Building Official /Fire Code Official UVFD (*attending virtually*).

Motion/Second: Crane/Rodin to adopt Resolution a (2024-06) making Findings of Fact regarding the need for additions and amendments to the California Fire Code, including the National Fire Protection Association (NFPA) 1 Chapter 38 due to local condition. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

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

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

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 6, CHAPTER 3, ARTICLES 1 AND 3, OF THE UKIAH CITY CODE, ENTITLED: FIRE PREVENTION CODE.

Motion/Second: Crane/Rodin to Introduce the Ordinance to adopt the amended 2022 California Fire Code. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

c. Annual Report on Climate Initiatives.

Presenters: Shannon Riley and Maria Ceja, Administrative Analyst.

PowerPoint Presentation and report was received.

14. NEW BUSINESS

a. Discuss and Provide Direction for the Establishment of an Oversight Committee, with Possible Appointments, to Review Measure P Expenditures for Fiscal Years 2021 and 2022 per Resolution 2014-28 as well as Fiscal Years 2023 and 2024.

Presenter: Cedric Crook, Police Chief.

Council Consensus to direct Staff to solicit member representatives from the Diversity and Equity Committee, the Chamber of Commerce, and the Fire Safe Council; and to bring back the item on Consent for final appointments to the Measure P Oversight Committee.

b. Review and Update, if Warranted, the Ukiah City Council Strategic Plan.

Presenter: Traci Boyl, City Manager's Office Senior Analyst.

Public Comment: Xochilt Morales de Martinez.

Council input was given to Staff.

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); and Committee Appointments to serve on the Community Health Needs Assessment (CHNA) Steering Committee with Adventist Health.

Presenter: Sage Sangiacomo, City Manager.

Motion/Second: Crane/Orozco to appoint Councilmembers Rodin and Sher to serve on the Community Health Needs Assessment Steering Committee. Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

d. Possible Adoption of an Ordinance Amending Division 9, Chapter 1 of the Ukiah City Code Article 17.1 (Lot Line Adjustments) and Article 17.2 (Parcel Mergers) – from Consent Calendar Item 8d.

Presenter: Councilmember Susan Sher.

Motion/Second: Crane/Sher to adopt an ordinance amending Division 9, Chapter 1 of the Ukiah City Code Article 17.1 (Lot Line Adjustments) and Article 17.2 (Parcel Mergers) with a modification making a minor clerical correction to move the phrase "...in 14 days", located in the fifth 'Whereas' to the beginning of the paragraph following "2023,". Motion **carried** by the following roll call votes: AYES: Rodin, Orozco, Sher, Crane, and Dueñas. NOES: None. ABSENT: None. ABSTAIN: None.

ORDINANCE NO. 1237

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING DIVISION 9, CHAPTER 1 OF UKIAH CITY CODE ARTICLE 17.1 (LOT LINE ADJUSTMENTS) AND ARTICLE 17.2 (PARCEL MERGERS) TO ENHANCE APPLICATION PROCESSES AND REVIEW

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 10:17 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 – Anticipated Litigation**
(Government Code Section 54956.9(d)(4))
Initiation of litigation (2 cases)
- 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. SCUК-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. SCUК-CVPT-20-74612
- e. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9)
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)
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 Legal Counsel – Existing Litigation**
(Government Code Section 54956.9(1)(d))
Name of case: Plaintiff v. City of Ukiah et al., Mendocino County Superior Court Case No. 22CV01113
- h. **Conference with Real Property Negotiators**
(Cal. Gov't Code Section 54956.8)
Property: APN Nos: 184-080-37; 184-080-36; 184-090-01; 184-090-07; 184-090-06; 184-100-04
Negotiator: Sage Sangiacomo, City Manager
Negotiating Parties: Henry's Original
Under Negotiation: Price & Terms of Payment
- i. **Conference with Real Property Negotiators**
(Cal. Gov't Code Section 54956.8)
Property: APN Nos: 180-110-07
Negotiator: Shannon Riley, Deputy City Manager
Negotiating Parties: GMB Realty Partners, Inc.
Under Negotiation: Price & Terms of Payment
- j. **Public Employee Appointment**
(Government Code Section 54957)
Title: (City Appointment to City Civil Service Commission)
- k. **Conference with Labor Negotiator (54957.6)**
Agency Representative: Sage Sangiacomo, City Manager
Employee Organizations: All Bargaining Units

No action reported; direction provided to Staff.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 11:10 p.m.



Kristine Lawler, CMC/CPMC

