

CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
July 17, 2019
6:00 p.m.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

Ukiah City Council met at a Regular Meeting on July 17, 2019, having been legally noticed on July 12, 2019. Mayor Mulheren called the meeting to order at 6:01p.m. Roll was taken with the following **Councilmembers Present:** Juan V. Orozco, Jim O. Brown, Stephen G. Scalmanini, Douglas F. Crane, and Maureen Mulheren. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR MULHEREN PRESIDING.

The Pledge of Allegiance was led by Vice Mayor Crane.

URGENCY ITEM

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Crane/Scalmanini to accept the urgency item due to timelines and place as agenda item 13d. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

3. **PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS**

a. Introduction of New Public Safety Dispatcher Stacey Schofield.

Presenter: Justin Wyatt, Police Chief.

Staff Comment: Stacey Schofield, Public Safety Dispatcher.

Introduction was received.

b. Presentation by Zero Waste Mendo.

Presenter: Heather Guevara, Zero Waste Mendo.

Public Comment: Robin Sunbeam and Ike Heinz.

Presentation was received.

4. **PETITIONS AND COMMUNICATIONS**

5. APPROVAL OF MINUTES

a. Approval of the July 3, 2019, Regular Meeting Minutes.

Motion/Second: Brown/Orozco to approve Minutes of July 3, 2019, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

- a. Approval of Contract (*COU No. 1920-283*) with West Yost Associates for Administrative and Implementation Service for the Russian River Confluence Program on Behalf of the Russian River Watershed Association in the Amount of \$40,000 – *Water Resources*.
- b. Report of Rental Agreement (*COU No. 1920-092*) for Generators for the Sewer Lift Stations and Water Wells to Peterson Power Systems in the Amount of \$9,651.00 Plus Tax in Preparation for Anticipated Public Safety Power Shutoffs, Approve Additional Two-month Rental, and Approve Associated Budget Amendment – *Water Resources*.
- c. Approval of Amendment No. 1 (*COU No. 1617-141-A1*) with SMB Environmental to Update Sections of the Environmental Impact Report for the Ukiah Landfill Closure Project in the Amount of \$22,000 – *Public Works*.
- d. Consideration of Adoption of Resolution (*2019-35*) Designating the Director of Community Development as the Certifying Officer recognized by the U.S. Department of Housing and Urban Development and California Department of Housing and Community Development for Implementing the National Environmental Policy Act – *Community Development*.
- e. City Council to Adopt two Resolutions for Submission of Two Grant Applications for Proposition 68 Statewide Park Development and Community Revitalization Grant Program for Vinewood (*2019-36*) and Oak Manor Park (*2019-37*) Improvements, and Authorize City Manager to Sign Applications and Grant Documents – *Community Services*.
- f. Adoption of Resolution (*2019-38*) to Extend the Declaration of a Local Emergency Related to the 2019 Winter Storm Event – *Community Services*.
- g. Approve Notice of Completion for Vinewood Park Renewal - Phase 1, Specification 19-02 – *Community Services*.
- h. Award a Contract (*COU No. 1920-093*) for Specification #E32819 - EV Charging Station Project to Diamond D Construction, LLC of Ukiah, CA in the amount of \$42,936.96, and Approve Corresponding Budget Amendment. – *Electric Utility*.

Motion/Second: Crane/Scalmanini to approve Consent Calendar Items 7a-7h, as submitted. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

No public comment was received.

9. COUNCIL REPORTS

Presenter: Councilmember Scalmanini.

10. **CITY MANAGER/CITY CLERK REPORTS**

Presenter: Sage Sangiacomo, City Manager.

11. **PUBLIC HEARINGS (6:15 PM)**

12. **UNFINISHED BUSINESS**

a. Discussion and Request for Direction on Cannabis Special Events Ordinance within the City Limits.

Presenter: Darcy Vaughn, Assistant City Attorney.

Council Consensus directs the ad hoc and assistant city attorney to continue going in the current direction.

b. Possible Introduction by Title Only of Broadband Deployment Ordinance and Approval of Community Development Director Determination that Broadband Deployment Ordinance Qualifies for a CEQA Exemption.

Presenter: Darcy Vaughn, Assistant City Attorney.

Motion/Second: Crane/Brown to introduce the ordinance by title only. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: Scalmanini. 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 ADDING ARTICLE 10 TO ARTICLE 2 OF DIVISION 2 OF THE UKIAH CITY CODE, ENTITLED "BROADBAND DEPLOYMENT," COMMENCING WITH SECTION 2400.

Motion/Second: Crane/Brown to introduce the ordinance adding Article 10 to Article 2 of Division 2 of the Ukiah City Code, entitled "Broadband Deployment," commencing with Section 2400. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: Scalmanini. ABSENT: None. ABSTAIN: None.

Motion/Second: Crane/Brown to approve the Community Development Director's determination that the Broadband Deployment Ordinance qualifies for a CEQA Exemption. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Crane, and Mulheren. NOES: Scalmanini. ABSENT: None. ABSTAIN: None.

c. Consideration and Action Regarding Recommendation to Reject All Bids Received for Specification No. 19-04 Electric Utility Line Tree Trimming at Various Locations, and Resolve Associated Bid Protest Received.

Presenter: Mel Grandi, Electric Utility Director.

Public Comment: Greg Musgrave, Family Tree Service; Greg Musgrave (speaking a second time.)

Motion/Second: Crane/Brown to deny requested action of bid protest, and reject all bids received for Specification No. 19-04 Electric Utility Line Tree Trimming at Various Locations, and direct Staff to rebid the work. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

d. Authorize City Manager to Execute Grant Agreement with the Federal Aviation Administration and Award of Bid for Spec. 19-11 - Runway 15-33 Pavement Rehabilitation Project, Contingent on Grant Offer to Rehabilitate the 75-foot Center Section of Runway 15-33 (Construction).

Presenter: Greg Owen, Airport Manager.

Motion/Second: Crane/Scalmanini to authorize City Manager to execute grant agreement (COU No. 1920-094) with the Federal Aviation Administration and award bid for Spec. 19-11 - Runway 15-33 Pavement Rehabilitation Project, contingent on grant offer to rehabilitate the 75-foot Center Section of Runway 15-33 (Construction), and approve corresponding budget amendment. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

e. Adopt Resolution Authorizing the Submittal of an Application, Acceptance of Allocation of Funds, and Execution of Grant Agreement with the California Department of Transportation, for an Airport Matching Grant to Complete Runway 15-33 Pavement Rehabilitation Construction.

Presenter: Greg Owen, Airport Manager.

Motion/Second: Crane/Brown to adopt Resolution (2019-39) authorizing the submittal of an application, acceptance of allocation of funds, and execution of grant agreement with the California Department of Transportation, for an Airport Matching Grant to complete Runway 15-33 Pavement Rehabilitation Construction. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

RECESS: 7:37 – 7:47 p.m.

13. NEW BUSINESS

a. Consideration and Approval of Responses to the Grand Jury Report titled "Ukiah Valley Sanitation District, Change and Transparency Needed."

Presenter: Sean White, Water Resources.

Public Comment: John McCowen, Mendocino County 2nd District Supervisor.

Motion/Second: Brown/Scalmanini to approve the required responses to the Grand Jury Report titled "Ukiah Valley Sanitation District, Change and Transparency Needed." Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

b. Introduction and Adoption of Urgency Ordinance to Amend the City of Ukiah's Camping Ordinance.

Presenters: Darcy Vaughn, Assistant City Attorney and Shannon Riley, Deputy City Manager.

Public Comment: John McCowen, Mendocino County 2nd District Supervisor.

Motion by Vice Mayor Crane, Seconded by Councilmember Brown to introduce the ordinance by title only, with an amendment to strike the word "overnight" from the definition of camp or camping.

Upon further discussion, Vice Mayor Crane withdrew his motion.

Motion/Second: Crane/Scalmanini to continue this item to the next meeting. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. 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: Mayor Mulheren and Shannon Riley, Deputy City Manager.

Council Consensus for Mayor Mulheren to be the representative for the Greater Ukiah Business and Tourism Alliance, and as alternate on the Library Advisory Board.

d. Urgency Item to Adopt Resolution Authorizing Application for, and if Awarded Receipt of, SB 2 Planning Grant Program Funds.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Crane/Scalmanini to adopt resolution authorizing application for, and if awarded receipt of, SB 2 Planning Grant Program Funds. Motion **carried** by the following roll call votes: AYES: Orozco, Brown, Scalmanini, Crane, and Mulheren. NOES: None. ABSENT: None. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:26 P.M.

14. CLOSED SESSION

a. Conference With Legal Counsel—Anticipated Litigation

(Government Code Section 54956.9(d))

A. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (Number of potential cases: 1.)

B. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Number of potential cases: 1)

b. 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

c. Conference with Legal Counsel – Existing Litigation

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

Name of case: *City of Ukiah v. Questex, LTD, et al, Mendocino County Superior Court, Case No. SCU-K- CVPT-15-66036*

d. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 157-050-03, 157-060-02, 157-050-04, 157-050-03, 157-030-02, 157-050-01, 157-050-02, 157-050-10, 157-050-09, 157-070-01, 157-070-02, 003-190-01

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Dave Hull and Ric Piffero

Under Negotiation: Price & Terms of Payment

e. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 003-040-77; 003-040-78; 003-040-79

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Shapiro/Danco

Under Negotiation: Price & Terms of Payment

f. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-273-19-00 and 002-273-30-00

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Bank of America

Under Negotiation: Price & Terms of Payment

g. Conference with Real Property Negotiators

(Cal. Gov't Code Section 54956.8)

Property: APN Nos: 002-192-14-00 (280 E. Standley)

Negotiator: Sage Sangiacomo, City Manager;

Negotiating Parties: Onetogther Solutions

Under Negotiation: Price & Terms of Payment

Direction was given to staff.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:53 p.m.



Kristine Lawler, City Clerk