



October 8, 2021

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Dear Foreperson,

Please find enclosed the *Narrative Summary of Required/Requested Responses to Grand Jury Findings*, and four response forms for the Grand Jury Report entitled, *The Orr Street Bridge – Twelve Years of Delay*. These responses are from the City Council, City Manager, Community Development Director, and Public Works Director/City Engineer.

These responses have been emailed to the Presiding Judge and to the Foreperson for the Grand Jury. If you have any questions or concerns regarding the responses, please contact me at 707-463-6217 or klawler@cityofukiah.com.

Sincerely,

A handwritten signature in blue ink that reads "Kristine Lawler". The signature is written in a cursive, flowing style.

Kristine Lawler
Ukiah City Clerk/CMC

**Mendocino County Grand Jury Report:
The Orr Street Bridge – Twelve Years of Delay
July 16, 2021**

City of Ukiah Responses

Narrative Summary of Required/Requested Responses to Grand Jury Findings:

F1. The extension of Orchard Avenue to Brush Street relieved the traffic and made it possible to close the Orr St bridge for repairs which provided an opportunity for the WNA to seek a change in the use of the bridge. (Required response by Ukiah City Council. Requested response by Ukiah City Manager.)

Wholly disagree. Orr Creek Bridge was closed by the City before the Orchard Avenue Bridge was constructed.

F2. City Council decisions on October 6, 2010 and again on February 21, 2018 supported the WNA goals for bridge use but did not include formal assignments of Lead and Responsible Agencies which has resulted in long-term delays and increases in project scope and costs. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Community Development Director.)

Partially disagree. City Council decisions may have in part supported the WNA goals for the bridge, but assignment of Lead and/or Responsible Agencies is related to and a function of the California Environmental Quality Act (CEQA) and associated regulations. This project was categorically exempt from CEQA, and although the City would be the Lead Agency for this project, this Lead Agency assignment had no bearing or impact on delays and/or increases in project scope and costs. r

F3. Since the closure of the bridge in 2009, development of housing and a new roadway on County land to the north ending abruptly at the bridge. This has accelerated the need for repairing the bridge for traffic and introduced new potential stakeholders to the project. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Community Development Director.)

Partially disagree. While the housing projects in the county may have introduced potential stakeholders to the project, this has not influenced the timing of bridge repairs.

F4. Project delays caused by the change in project scope have resulted in increased costs for either repairs or alterations to the Orr Street Bridge. Bridge repair estimates in 2009 were \$125,000, and in 2017 were between \$300,000-\$400,000. It is unknown what the costs for 2022 will be. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Community Development Director.)

Partially disagree. While it is generally true that construction costs go up over time, due in part to uncontrollable effects such as inflation and increased costs of materials, the examples cited in this Finding represent completely different projects. The 2009 proposal was for structural bridge repair only; in 2017, the scope included potential land acquisition for appropriate vehicular access. Ultimately, the Community Development Block Grant (CDBG)-funded study, “The Orr Street Bridge and Transportation Corridor Study and Plan,” plus Council’s approval will determine the final scope of work.

F5. The Regional Redwood trail crossing, one block West of Orr Street, with a pedestrian bridge over Orr Creek limits the justification for a pedestrian/bike only bridge on Orr Street. (Required response by Ukiah City Council. Requested response by Ukiah City Manager.)

Agree.

F6. The bridge repairs have been included in the 2019 grant application for the entire Wagenseller Neighborhood which may cause delays in construction for two to four more years. (Required response by Ukiah City Council. Requested response by Ukiah City Manager, Community Development Director, and Public Works Director.)

Wholly disagree. The City does not agree with this finding, as it does not accurately reflect the scope of the CDBG grant application or the project timeline.

F7. Refurbishment of the Orr Street Bridge for vehicle, pedestrian and bicycle traffic would have met all the needs of the neighborhood residents and qualified for project exemptions under CEQA in 2009. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Public Works Director.)

Wholly disagree. It is impossible to know if the 2009 project would have met the needs of all of the residents of WNA. The CDBG-funded study will help determine those needs, as it will require input and engagement with the neighborhood.

F8. The root cause for inaction on the bridge is that the focused outcome pursued by the WNA requires more planning and a CEQA review which can take years to complete under normal circumstances. (Required response by Ukiah City Council. Requested response by Ukiah City Manager, Community Development Director, and Public Works Director.)

Wholly disagree. The generalizations in this finding are unsubstantiated in the report. Further, it has not been determined the level of CEQA review that would be required.

F9. Project delays have led to the current blighted condition of the Orr Street Bridge. (Required response by Ukiah City Council. Requested response by Ukiah City Manager, Community Development Director, and Public Works Director.)

Agree.

F10. The City Council could have formally assigned this project to the Planning Department and not Public Works after accepting recommendations from a community group. (Required

response by Ukiah City Council. Requested response by Ukiah City Manager, Community Development Director, and Public Works Director.)

Partially disagree. The City Council does not typically assign workloads to specific departments. That is an administrative function, typically directed by the City Manager. Further, it would be unusual for a project making repairs or improvements to a public street to be managed by the Community Development (Planning) Department.

F11. The Planning Department was not informed of the line-item fund available for bridge repair/refurbishment in the City budget while managing the application for CDBG funds. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Community Development Director.)

Partially disagree. Capital funding including for the Orr Bridge repair/refurbishment is identified throughout city budgetary documents and has been discuss a number of times at various City Council meetings. It is common practice to apply for grant funding for projects, even when other sources of funding may be available. Further, the line-item funding in the City budget was for construction of the project compared to the CDBG award, which was only for a planning study and no construction. According to CDBG regulations, funding awarded within the planning studies allocation cannot be used for construction activities and vice-versa. Funding for construction of the project would require a separate application to CDBG under a different type of allocation.

Narrative Summary of Required/Requested Responses to Grand Jury Recommendations:

R1. the City utilize public surveys funded by the Community Development Block Grant and in the final decision on the alterations to the bridge. Requested response by Ukiah City Manager and Community Development Director.)

The recommendation has been implemented. The CDBG activities will involve completion of a plan and preparation of plans and specifications and an Engineer's Cost Estimate to be used for a future public improvement project for Orr Street.

R2. in future disagreements between Staff and Community Groups, the city investigate alternatives, document a decision and make quarterly progress reports. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Public Works Director.)

The recommendation requires further analysis, as it includes a prescriptive formula that may not be appropriate for all types of projects. In some cases, the City already provides for even more engagement than what is recommended here.

R3. if plans for projects change based on need or finance, the City shall inform interested parties of delays or fundamental changes. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Public Works Director.)

The recommendation has been implemented. The CDBG grant process will require public noticing and community engagement.

R4. in areas like the Wagenseller/Brush neighborhood which straddle the City and County jurisdiction, it is essential for agencies to coordinate plans for the area. (Required response by Ukiah City Council. Requested response by Ukiah City Manager, Community Development Director, and Public Works Director.)

The recommendation has been implemented and memorialized in specific documents and agreements, including the agreement for the development of the Orchard Bridge, the Out-of-Area Service Agreement for the RCHDC affordable housing project adjacent to the Orr Street Bridge, and others.

R5. the city prevent any use of the bridge until reconstruction or refurbishment is complete and the bridge deemed safe for access from either side. (Required response by Ukiah City Council. Requested response by Ukiah City Manager and Community Development Director.)

The recommendation has been implemented. The bridge is closed and signs prohibiting access are posted.

R6. the Planning Department should be the agency that does research and seeks public input on projects that have ramifications beyond engineering and construction. (Required response by Ukiah City Council. Requested response by Ukiah City Manager, Community Development Director, and Public Works Director.)

The recommendation will not be implemented as stated. Many City Departments engage in projects that involve research and public input; some of these projects involve multiple departments. For each project, the most appropriate lead department generally manages community outreach to ensure the team members with the greatest expertise are available for engagement.

REQUIRED RESPONSE FORM

Grand Jury Report Title : *The Orr Street Bridge – Twelve Years of Delay*

Report Dated : July 16, 2021

Response Form Submitted By:

Ukiah City Council
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: October 16, 2021

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

I (we) agree with the Findings numbered:

F5, F9

I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.

F1, F2, F3, F4, F6, F7, F8, F10, F11

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:

R3, R4, R5

The following Recommendation(s) have not yet been implemented, but will be implemented in the future; **attached, as required**, is a time frame for implementation:

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

- The following Recommendation(s) require further analysis, and **attached, as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

R2

- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable; **attached, as required**, is an explanation therefore:

R6

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 4

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.mendocinocounty.org/government/grand-jury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail in pdf file format to:

- The Grand Jury Foreperson at: grandjury@mendocinocounty.org
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Juan Orozco

Title: Mayor

Signed: 

Date: 10/6/21

REQUIRED RESPONSE FORM

Grand Jury Report Title : *The Orr Street Bridge – Twelve Years of Delay*

Report Dated : July 16, 2021

Response Form Submitted By:

Sage Sangiacomo, City Manager
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: October 16, 2021

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

I (we) agree with the Findings numbered:

F5, F9

I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.

F1, F2, F3, F4, F6, F7, F8, F10, F11

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- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Sage Sangiacomo

Title: City Manager

Signed:  _____

Date: 10/6/21

REQUIRED RESPONSE FORM

Grand Jury Report Title : *The Orr Street Bridge – Twelve Years of Delay*

Report Dated : July 16, 2021

Response Form Submitted By:

Craig Schlatter, Director of Community Development
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: October 16, 2021

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

I (we) agree with the Findings numbered:
F9 _____

I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
F2, F3, F4, F6, F8, F10, F11 _____

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R1, R4, R5 _____

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Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Craig Schlatter

Title: Community Development Director

Signed: 
Craig Schlatter (Oct 8, 2021 11:55 PDT)

Date: 10/6/21

REQUIRED RESPONSE FORM

Grand Jury Report Title : *The Orr Street Bridge – Twelve Years of Delay*

Report Dated : July 16, 2021

Response Form Submitted By:

Tim Eriksen, Director of Public Works
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: October 16, 2021

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

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F9 _____
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R3, R4 _____
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GRAND JURY REPORT
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Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Tim Eriksen

Title: Director of Public Works

Signed:  _____ Date: 10/6/21