

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 19, 2013

The City Council of the City of Davis met in regular session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Joe Krovoza.

Roll Call: Councilmembers Present: Lucas Frerichs, Joe Krovoza, Brett Lee, Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

Other Officers Present: City Manager Steve Pinkerton, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda D. Wolk moved, seconded by L. Frerichs, to approve the agenda. Motion passed unanimously.

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:

A. Conference with Real Property Negotiators:

Property: Yolo County Assessor Parcel Number 69-060-01

Negotiating Party: Cassidy Turley

Properties: Yolo County Assessor Parcel Numbers 71-140-06 & 71-262-23

Negotiating Party: Dave Taormino

Agency Negotiators: Property Management Coordinator Anne Brunette, City Attorney Harriet Steiner

Under Negotiation: Price and terms of payment

B. Conference with Legal Counsel. Anticipated Litigation: Initiation of litigation pursuant to Government Code Section 54956.9(c): 1 case.

C. Conference with Labor Negotiators:

Agency Designated Representatives: City Manager Steve Pinkerton; Assistant City Manager/Administrative Services Director Yvonne Quiring; City Attorney Stacey Sheston; Human Resources Administrator Melissa Chaney; Tim Yeung, Renne Sloan Holtzman Sakai, LLP

Employee Groups/Organizations (under discussion): Davis City Employees Association and Firefighters Local 3494

D. Public Employee Performance Evaluation: City Manager

City Council returned to open session at 6:54 p.m. with no reportable action.

City Manager
Brief Communi-
cations

F St parking garage still partially closed; work will be completed this weekend.
Holiday tree lighting December 5. 3rd St railroad crossing will be closed No-
vember 21-16.

Public Com-
ments

John Troidl: Thank staff for fixing street light in Boy Scouts parking lot on 1st
and F Street. Request inventory of burned out lights be posted to webpage so
that everyone can check.

Casey Wallace and Janet Krovoza: Increase in number of secondary poisonings
caused by rodenticides, not safe for children, pets and wildlife. Request Davis
pass resolution opposing sale and use of rodenticides.

Elaine Roberts-Musser: Request universal design ordinance be put back on ra-
dar screen.

Alan Miller: Recent accident at Davis Amtrak station. No signage on platform.
Request City make request to Capitol Corridor to make safety changes.

Bobby Weist: Informed about mid-year budget review and potentially several
million dollar deficit, reductions likely to include personnel. Recently found out
City will be testing and resume hiring for department; conflicting information,
unsure of actual budget status.

Joe Tenney, Davis firefighters. Express concern regarding future of fire depart-
ment and management merger with UC Fire. Confusion as to who is in charge.
Equipment and uniforms have new name patch. Presumptuous to move forward
without Council actually voting on final action.

Consent Calen-
dar

Revised Integrated Pest Management (IPM) Policy
Approved Resolution No. 13-153 – Adopting the Revised Integrated Pest Man-
agement Policy

Public Parking License Agreement for Davis Commons, 500 First Street
Approved Resolution No. 13-154 – Authorizing the City Manager to Execute
the Public Parking License Agreement to Perform Parking Enforcement Services
in the Parking Lot Located at 500 First Street, Commonly Known as Davis
Commons

S. Pinkerton clarification. Change deadline for URAC recruitment from De-
cember 3, 2013 to January 6, 2014.

Formation of a Utility Rate Advisory Commission (URAC) and Acknowledging
the Services of and Disbanding the Water Advisory Committee (WAC)

1. Approved Resolution No. 13-155 – Recognizing the Water Advisory Com-
mittee for Their Service and Dissolving the Committee
2. Approved Resolution No. 13-156 – Establishing the City of Davis Utility
Rate Advisory Committee

Federal Transit Administration (FTA) Grant Application
Approved Resolution No. 13-157 – Authorizing the City Manager to Execute FTA Grant Application for the University of California-Davis, for Operations and Capital Assistance of Unitrans [CA-90-Z095]

Tree Preservation Fund Expenditure for Tree Planting
Approved Budget Adjustment #55 (\$12,500) – allocating Tree Preservation funds

Amendments to Chapter 8-Buildings of the Davis Municipal Code; 2013 Edition of the California Building Standards Code
Introduced Ordinance Repealing Articles 8.02, 8.09, 8.13, 8.15 and 8.16, and Repealing and Re-Enacting Article 8.01 of Chapter 8 of the Davis Municipal Code, and Adopting By Reference the California Code of Regulations Title 24, 2013 Edition of the California Building Standards Code Including the Following Parts: Part 2 California Building Code, Part 2.5 California Residential Code, Part 3 California Electrical Code, Part 4 California Mechanical Code, Part 5 California Plumbing Code, Part 6 California Energy Code, Part 11 California Green Standards Code; and Amending Those California Building Standards Codes as Identified Herein, Through Express Findings of Local Necessity

2013 Edition of the California Fire Code
Introduced Ordinance Amending Chapter 13 Article 13.01 of the Davis Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2013 Edition of the California Building Standards Code Including the Following Part: Part 9 California Fire Code; and, Amending Those California Building Standards as Identified Herein, Through Express Findings of Local Necessity

Removing East and West Stop Signs on Drexel Drive at Chestnut Lane - Drexel Bicycle Boulevard, CIP No. 8237

1. Introduced Ordinance Amending Section 22.07.030 of the Davis Municipal Code Relating to Stop Intersection Designation
2. Approved the installation of two advisory signs indicating “Cross Traffic Does Not Stop” on the remaining north and south stop signs

Second Reading: Ordinance Amending Lifeline Water Utility Rate Assistance Program to Expand the Program to Qualifying Households in Owner Occupied Units in Master Meter Multifamily Developments
Adopted Ordinance No. 2423 (Introduced 11/12/2013)

Second Reading: Ordinance Amending Section 23.01.030 of the Davis Municipal Code Regarding the Definition of Public Nuisances
Adopted Ordinance No. 2424 (Introduced 11/12/2013)

City-UCD Student Liaison Commission Minutes of September 11, 2013

Recommendation: Informational

R. Swanson moved, seconded by L. Frerichs, to approve consent calendar as listed above. Motion passed unanimously.

City's Last, Best and Final Offer to Davis City Employee's Association (DCEA)

Tim Yeung, Chief Negotiator: Recommend City impose last, best final offer. Negotiations began in March 2012 and reached impasse in November 2012, proceeded through mediation and fact finding. One issue still problematic, will not be imposing retiree health plan.

Alan Davis, attorney for DCEA: No mention made to Henderson fact finding. Fact finder found that city had violated the law. Issues before fact finder in no way involve what Council is doing tonight: grievance and disciplinary appeals process, water study, certification issues, standby pay, and increase of safety allowance and terms of MOU.

Ken Akens: Represent DCEA since late 1990s. No meaningful negotiations during last process. No counter proposal or written response to DCEA proposals. Process flawed from beginning.

Public comments:

Mike Legillesse: Davis resident and city employee. Worked for Davis for 5 years, dedicated group of people. Morale is low but direction is common and goals are the same. City employees are here to be treated fairly. Greatest asset of city is its employees.

Eric Spann: Davis resident and city employee. Request Council vote not to impose. Can't keep doing same job with less people, dwindling budgets. City does not need more managers to oversee less people. Council should get involved in process. Have offered concessions, but don't believe information is relayed to Council.

Larry Keane: Imposition not specifically spelled out. Employees don't know how they will be affected. Waiting on classification study for years and response to grievance filed on issue.

Dave Owens, DCEA: President DCEA. Should follow collective bargaining process to fact finding, then offer report to employees to get MOU. If bargaining unit not accept, have no other option than to impose. Get negotiated agreements, not imposed agreements.

T. Yeung: Have passed counter proposals to DCEA proposals. Put a lot of thought into offering fair and equitable proposals. To implement fact finding report will cost approximately \$1 million for DCEA and another \$1 million for other groups.

B. Lee moved, seconded by L. Frerichs, to approve Resolution No. 13-158 – Imposing Last, Best, Final Offer to the Davis City Employee’s Association (DCEA), pursuant to Government Code Section 3505.7 with an effective date of November 25, 2013. Motion passed unanimously.

City Council recessed at 8:02 p.m. and reconvened at 8:10 p.m.

Options for the Mace 391/Leland Ranch Property Community Development & Sustainability Director Mike Webb: Outlined options for use of property:
Option 1 - Finalize NRCS Conservation Easement (current Council direction)
Option 2 - Status Quo -Keep Property as City-owned Asset
Option 3 - Resell Mace 391 without NRCS Conservation Easement
Option 4 - Use Portion of Mace 391 for Business Park
Option 5 - Use Most of Mace 391 for Business Park

Summarized pros/cons, potential fiscal impacts.

Michelle Clark, Yolo Land Trust: Yolo Land Trust would not be involved in Leland Ranch if not approached by City. City owned fee title to land and could not apply for NRCS grant on its own. Land Trust will co-hold conservation easement. Obligation on behalf of city is to monitor to ensure that terms of easement are adhered to. Funding obtained for Leland Ranch was from NRCS program. Urge Council to continue to support project with NRCS grant.

Allana Kiegger, Acting State Conservationist NRCS: Receive certain amount of money allocated to California, competitive, nationwide. Setting aside this grant in 2011 necessitated turning down 4 other projects. Closing efficiency can result in fewer dollars to state if not able to close easement projects.

Public comments:

Mark Hoshovsky: Success of open space program is because we have reliable funding source and open and public process. Local landowners are willing to come forward and sell land to city. If city does not follow through, why should they trust city? If funding partners can’t trust city, why should they risk cost sharing?

Mike Hart: Local businessman; support idea of innovation park. Have location appropriately zoned for park, Cannery.

Gary Albertson: Need to determine best location for business park. Need visibility from freeway and close proximity to university.

Jeff Boone: Unique opportunity, potential great revenue. Davis has tax revenue at approximately 50% of comparable cities. Not enough good job opportunities, losing home grown companies.

Dan Frank: Support preserving Leland Ranch as open space. Should promote city objective of preserving open space.

Carolyn Chamberlain: Taxpayers voted for and pay each year to fund Measure O. Shouldn't break any commitments already made on property. Support accepting NRCS grant.

Roberta Millstein: Concerns raised about process. Potential loss of credibility and reduced ability to obtain grants in future.

Katie Holser: Need to demonstrate ability to use funds effectively

Colleen Rossier, Katlyn Wells, Rhonda Reed, Tracy Tomaski: Support conservation easement.

Casey Walsh and Chris Scheering, Yolo Land Trust Board: Land Trust takes no position on land use matters, only concern is loss of dollars. Urge Council to proceed with conservation easement.

Dan Riaud: Protection of farmlands around Davis very important. Many business parks in other locations are sitting empty. Entitlement process would be extensive.

Patrick Huber: Support easement, preserve integrity of process.

Greg House: Matter of public trust. Hard to get properties for conservation easement.

Ron Glick: Of 2,000 acres preserved with Measure O funds, not 1 acre has public access. City already owns land. Suggest city sell a portion of the land in order to pay back funds, take rest of land and make regional park, habitat conservation, restoration, bird watching, bike paths.

Jennifer House: Should proceed with easement and sell property in good faith.

Rhonda Gerska: City is in trouble, economic issues. Businesses are leaving or thinking about leaving Davis. Discussions happen in vacuum at Open Space & Habitat Commission, should have also involved Finance & Budget Commission and others.

Doby Fleeman: Real potential, opportunity for long lasting high impact win-win for community. Achieve both goals of environmental as well as fiscal sustainability. Set standards for sustainable practices and community. Interconnectedness of fiscal and environmental stewardship.

Kemble Pope, Chamber of Commerce: Discussion should be about best and highest use of city property. Many companies since 2010 have stepped forward

and said they will leave Davis if space not available. Need choices, vetted and discussed approach. Responsive to changing community needs. Demand thorough data and engage entire community.

Bob Schneider: Difficult issue. Would probably vote on side of conservation easement. Should focus on other opportunities for business park.

Peter Henry and Rodney Robinson: Support easement.

Daniel Parrella: Keeping companies in Davis is extremely important when it comes to future startups and lives impacted by businesses that will leave.

Kary Fry: Should look at long game and opportunity cost. Support open space and concept of community farm. Need to consider revenue when making policy decisions. Opportunity to come together as community and make good decisions.

Matt Williams: If not close this project, could mean 3% impact on closing efficiency. City owned asset; \$50 million asset of city being sold for \$4 million. If reap some revenues, will be able to conserve much more. Put into position to accomplish both conservation and economic stability. Should be fiscally responsible with city's money.

Harlem Sart: Opportunity to use land for anything other than easement ended when used Measure O funds and asked Yolo Land Trust to participate. Will result in years of litigation.

Christie Deweiss: Supported Measure O; maintain concept of open space ring around Davis.

Alan Hirsch: Break trust of Measure O and social compact. Passing Measure J will be difficult if break trust already.

L. Frerichs moved, seconded by J. Krovoza, to direct staff to finalize the USDA Natural Resources Conservation Grant and conservation easement. Motion passed unanimously.

City Council recessed at 10:19 p.m. and reconvened at 10:31 p.m.

The Cannery /
1111 Covell
Boulevard, at J
Street (former
location of the
Hunt-Wesson
tomato cannery)

Community Development & Sustainability Director Mike Webb: Project meets city objectives for development, provide resources for connectivity.

Ashley Feeney, New Home Company: Iterative design process and collaboration with staff and community. 10 advisory commissions, community outreach meetings.

Public comments:

Mike Hart, Sierra Energy & Sierra Railroad Company: Should be new companies and new ideas getting place to start. Housing development does not provide revenue to city. Cannery lot is already zoned for business park. Cheap property, already has utilities and zoning.

Mary Jo Bryan and John Poulos Choice for Healthy Aging: Pleased with agreement made with New Home Company. Cannery offers many innovations, will be multi-generational.

Alan Hirsch: Concern that City is taking risk. In 4 years, will find that City can't afford H Tunnel. Is there guaranteed funds to pay for southwest connection? Make developer pay for improvements everyone agrees are needed.

Carolyn Kenney: Support project. Fits Davis community.

Carole Marquis-Macintosh: Support project. Support 1 or 2 grade separated crossings. Oppose F St overcrossing option.

Armando Garalleva: Will construction workers laboring on project receive benefits? Many workers do not receive living wage or benefits.

Lydia Della-Schlosser, North Davis Land Company: Comprehensive connectivity system, provide safe bicycle access. Agreed to begin dialogue with staff to regarding easements for H St tunnel. Understand issues need to be resolved. Look forward to working with Cannery and city toward common goal.

Laura Westrup: Tree Commission comments expressed in October have been incorporated into Tentative Map conditions. Subcommittee proposal for Tree Commission review in conjunction with staff to review tree removal/planting. Support ways to incorporate public comment and greater public involvement.

Jim Baggerly: Cannery will bring children to schools, create jobs, addresses housing needs, pushes envelope in accessibility and sustainability, connectivity. Model infill project.

Feng Lee: Cannery will provide space for growing startups and housing choices for up and coming.

Alan Miller: On north end, good idea to provide footprint for bridge over railroad on both sides in a place where appropriate. Understand not the time to install.

Debra Solice: Davis is multi-cultural and multi-generational. Feel included and pleased with process. Project includes accessible features.

Mont Hubbard: Advocating for 2 grade separated crossings. Pleased that proposed plan includes those. Southwest crossing needs to be done well, crucial

part is easements.

Elaine Roberts-Musser: Support universal design incorporated into development.

Eileen Samitz: Community involved in project almost a decade. City studies reveal that it will not work as high tech park. Support for mixed-use, opposed to large commercial use.

Rodney Robinson: Suspect project will contribute to city debt issues over time; global warming happening at much more rapid pace than anticipated. Expect project will not come close to addressing future needs.

D. Wolk moved, seconded by R. Swanson, as follows:

1. Approve Resolution Adopting CEQA Findings of Fact; Adopting A Statement of Overriding Considerations; Adopting a Mitigation Monitoring Plan; and Certifying the Final Environmental Impact Report (SCH#2012032022)
2. Approve Resolution to Amend the General Plan of the City of Davis for the Cannery Development Project (GP Amendment #01-11)
3. Introduce Ordinance Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code by Rezoning the Cannery Property (APN #035-970-034, 035-970-035, 035-97-037, 035-970-051 and 035-970-052) Located North of East Covell Boulevard and East of the Union Pacific Railroad and F Street Open Drainage Channel, of Approximately 100.1+ Acres, from PD-1-00 (Planned Development – Light Industrial) to Planned Development #1-11 (Rezoning/Preliminary PD #01-11)
4. Introduce Ordinance Adopting the Development Agreement (DA #01-11) by and between the City of Davis, ConAgra Food Packaged Foods, LLC and TNHC Land Company, LLC Relating to the Development of the Property Commonly Known as The Cannery.
5. Approve the following entitlement applications:
 - a. Final Planned Development #03-11
 - b. Tentative Subdivision Map #01-11
 - c. Affordable Housing Plan #01-11
 - d. Site Plan and Architectural Review #05-11 (by accepting the Design Guidelines)

J. Krovoza moved substitute motion, seconded by L. Frerichs, as follows:

1. Approve Resolution No. 13-159 – Adopting CEQA Findings of Fact; Adopting A Statement of Overriding Considerations; Adopting a Mitigation Monitoring Plan; and Certifying the Final Environmental Impact Report (SCH#2012032022)
2. Approve Resolution No. 13-160 – to Amend the General Plan of the City of Davis for the Cannery Development Project (GP Amendment #01-11)
3. Introduce Ordinance Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code by Rezoning the Cannery Property (APN #035-970-034, 035-970-035, 035-97-037, 035-970-051 and 035-970-052) Located North of

East Covell Boulevard and East of the Union Pacific Railroad and F Street Open Drainage Channel, of Approximately 100.1+ Acres, from PD-1-00 (Planned Development – Light Industrial) to Planned Development #1-11 (Rezoning/Preliminary PD #01-11)

4. Introduce Ordinance Adopting the Development Agreement (DA #01-11) by and between the City of Davis, ConAgra Food Packaged Foods, LLC and TNHC Land Company, LLC Relating to the Development of the Property Commonly Known as The Cannery.
5. Approve the following entitlement applications:
 - a. Final Planned Development #03-11
 - b. Tentative Subdivision Map #01-11
 - c. Affordable Housing Plan #01-11
 - d. Site Plan and Architectural Review #05-11 (by accepting the Design Guidelines)

Further, to amend the Development Agreement as follows:

1. Appendix G: Row for Southwest Grade Separated Pathway beneath Covell Blvd., the columns to read as follows: Estimated Cost - \$2M; Estimated Cannery Cost - \$0; Community Enhancement Funds - \$2M.
2. The Development Agreement be amended so that the preferred alternative for the Southwest Grade Separated Pathway beneath Covell Blvd. is the H Street Tunnel Connection of the Final EIR, and the secondary option is North of Covell Connection of the Final EIR, with the Development Agreement being modified to specify that [second option] would cross under the railroad tracks north of Covell Blvd., not over. The southwest crossing that utilizes the south side of Covell Blvd to cross the railroad tracks will not be considered.
3. Funds dedicated through tonight’s action for bike and pedestrian crossings of Covell Blvd, if not needed for the southwest and southeast crossings discussed above, will be used to support bike and pedestrian connectivity from the Cannery Park subdivision to areas of Davis surrounding the site based on a future direction from the City Council.
4. The Community GHG Reduction Efforts allocation in the Development Agreement be changed to \$250,000 from \$100,000, with at least \$50,000 being dedicated by the city for information development and dissemination to Cannery Park prospective residents on their sustainability options at the time of home energy amenities selection and residency once they move into the neighborhood.

City Council recessed at 12:15 a.m. and reconvened at 12:20 a.m.

City Council
Brief Communi-
cations

None

Long Range
Calendar

December 3—Cannery Second reading of Ordinances. Fire JPA on regular calendar, not consent. Parking Task Force recommendations.
L. Frerichs to arrive between 7-8

December 10—B. Lee leave at 8
Wayfinding moved to TBD. Open space discussion 5:30-6:30. Transportation element, Infrastructure plan, Water conservation issues related to parks, cost saving measures. Central Park restroom, PG&E Economic Feasibility Study

December 17—Planning Commission discussion 5:30-6:30. Council goals, Budget update, Pacifico. Moved URAC to January 28.

January 14—solid waste & green waste

B. Lee—discussion of business park opportunities for properties west of Mace 391 project. Universal Design Ordinance be agendized

B. Lee—cyclists without bike lights, safety concern. Would like to hear from PD, what is required to give light citation. Are non-sworn officers able to issue tickets for lack of bike light?

J. Krovoza: Go to Bicycle Advisory Commission first, maybe Safety & Parking Advisory Commission

BL: liaison to BAC, can pass along concerns directly

J. Krovoza: rodenticide pesticide

S. Pinkerton: will talk to staff about issue

J. Krovoza: If supported by staff, can be on consent. If need review, vetting send thru commission review.

R. Swanson: November 26, 6:00 closed session.

Closed session Adjourn to closed session 12:28:
Closed Session pursuant to Government Code §54954.5: Conference with Real Property Negotiators.
Property: Yolo County Assessor Parcel Numbers 033-290-58, 033-290-01 & 033-290-04
Agency Negotiators: City Manager Steve Pinkerton, Community Development & Sustainability Director Mike Webb, Sustainability Program Manager Mitch Sears, City Attorney Harriet Steiner
Under Negotiation: Price and terms of payment

No reportable action.

Adjournment Meeting was adjourned at 12:37 a.m.

Zoe S. Mirabile, CMC
City Clerk