

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of May 5, 2015

The City Council of the City of Davis met in regular session beginning at 6:00 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Dan Wolk.

Roll Call:

Councilmembers Present: Robb Davis, Lucas Frerichs, Brett Lee, Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

Other Officers Present: City Manager Dirk Brazil, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda L. Frerichs moved, seconded by R. Swanson, 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: Conference with Legal Counsel—Existing Litigation: Davis Enterprise v. Fairfield Publishing, Yolo County Superior Court Case No. CV06-68

City Council returned to open session at 6:36 p.m. with no reportable action.

Ceremonial Presentations

- A. Proclamation Recognizing National Public Works Week May 17-23, 2015. Presented by R. Swanson.
- B. Proclamation Recognizing May 2015 as Older Americans Month. Presented by B. Lee.
- C. Proclamation Declaring May 2015 as “May is Bike Month” in the City of Davis. Presented by R. Davis.

City Manager Announcements None

Public Comments

- Dorte Jensen: Regular calendar item—Cannery Community Facilities District: Amenities shouldn’t be developed on site without first installing safe crossing.
- Rodney Robinson: Need to protect community from unintended consequences of innovation growth; should include conditional use permit on all activities in development.

Consent Calendar Amendment to Professional Services Agreement for On-Call Engineering Services
Approved Resolution No. 15-054 - Authorizing the City Manager to Execute

Task Order No. 2 to the Agreement with Hydrosience Engineers, Inc. to Perform a Drainage and Fee Assessment Study for Storm Drain District No. 2 South Davis, CIP 8263

Purchase of Para-Transit Bus Utilizing a Cooperative Purchase Agreement with Cal-ACT/MBTA (Morongo Basin Transit Authority)

1. Approved Resolution No. 15-055 - Approving the Purchase of (1) One Para-Transit Bus, at a cost of \$85,410, and the Acceptance of the PTMISEA (the State's Public Transportation Modernization, Improvement and Service Enhancement Account, commonly known as Proposition 1B) Grant for Fiscal Year 2014/2015
2. Approved Budget Adjustment #121 (\$40,000) – Appropriating grant funds

Community Choice Energy Non-Binding Letter of Intent

Approved Resolution No. 15-056 - Authorizing the City Manager or His Designee to Send a Non-Binding Letter of Intent to Marin Clean Energy Expressing the City's Interest in Exploring Possible Membership

L. Frerichs recused from the following item due to real property interest within 500 feet of the subject property:

Prohibiting Parking on Both Sides of B Street Between 7th and 14th Streets

Introduced Ordinance - Amending Section 22.08.310 of the Municipal Code Relating to No Parking

D. Brazil: Amendment to ordinance to correct typographical error. Section 32.01.090 (a) (9) (iii) should read 7th Street instead of 8th Street.

Second Reading: Ordinance - Amending Various Sections of Chapter 32.01 of the Davis Municipal Code to Implement a City-Wide Organics Collection Program

Adopted Ordinance No. 2446 (Introduced 04/07/2015)

2014/15 Third Quarter Administratively Approved Budget Adjustments

Informational

Treasurer's Report for the Quarter Ended March 31, 2015

Informational

Thong Hy Huynh Memorial Awards for 2015

Ratified nomination recommendations from the Human Relations Commission for the 2015 Thong Hy Huynh Awards (to be presented on May 26, 2015):

Lifetime Achievement:..... Alison Pease

Civil Rights Advocacy: Cecilia Escamilla Greenwald and Manuel Medeiros

Public Servant of the Year: Judith MacBrine

Excellence in Community Involvement:..... Sexual Assault Awareness Campaign

.....and Team Davis

Young Humanitarian:..... Emily Masiel and Ryan Nishikawa

City Council Minutes from the Meetings of November 18, 2014 and April 21, 2015

Approved

Commission/Committee/Board Meeting Minutes:

1. Open Space and Habitat Commission Meetings of February 7, March 7, and April 4, 2011
2. Senior Citizens Commission Meetings of September 11, October 9, and November 13, 2014; and January 8 and February 12, 2015

Informational

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

AB1234 Reporting

R. Swanson: Attended annual Cap-to-Cap Conference in Washington DC; focusing on water issues and innovation.

Brief Communications

L. Frerichs: Will be in Washington this week on City's behalf as part of Capitol Corridor JPA; meeting with the Federal Railroad Administration on priority projects.

Long Range Calendar

R. Davis: Council received 2014-16 Economic Workplan; request update on staff efforts related to economic development that are not incorporated into Council Goals.

R. Davis: Request informational update regarding techDavis contract
D. Brazil: Will try to bring back May 26; if not feasible due to workload, will return after Budget.

Council Goals

R. Davis: City Manager's office has been involved in educational efforts related to Goal "Ensure a Safe and Healthy Community." Need to make sure collaboration is active with Police Department, specifically regarding educational efforts with students.

B. Lee: Request Picnic Day Follow-up item agenda'd as a regular discussion item rather than consent. Possibly move from June 2 to later date?

D. Brazil: Will try to accommodate on June 2. If need to wait, will return to Council after Summer recess.

L. Frerichs: Request agenda'd Street Light Conversion Update

R. Swanson: Request staff follow-up on lights at 4th and D intersection; timing of lights are not correct.

D. Wolk: Would like to discuss potential infrastructure measure before Summer recess.

D. Brazil: Moved from June 2 to July 7

City Council Subcommittee on Commissions (*Fre-ri-chs/Lee*):

Public comment:

- David Hickman: Introduced himself as an applicant

City Council voted through use of a grid system:

Appointment to Historical Resources Management Commission

Historical Resources Management Commission								
4 Vacancies (3 Regular, 1 Alternate)								
Applicants		RD	LF	BL	RS	DW	TOTAL	APPOINT
Beason	Mark	R	R	R	R	R	5	Regular
Miltenberger	Scott	R	R	R	R	R	5	Regular
Hickman	David	R	R	R	R	R	5	Regular
Howard	Jonathan	A	A	A	A	A	5	Alternate

Public Hearing: Cannery Request for Community Facilities District (CFD) Formation and Development Agreement Amendment

Community Development & Sustainability Director Mike Webb: Total bond amount has been reduced to \$8 million, will fund \$6 million of infrastructure with \$2 million to be set aside until completion of parks and greenbelts. Proposed amendment to Development Agreement pertains to southwest grade separated bicycle and pedestrian crossing, provides options for possible third connection.

Mayor Wolk opened the public hearing.

Mayor Wolk announced that the Public Works Director prepared a report regarding the estimated costs of public facilities and services to be provided for and within the CFD.

- Michelle Millet: Oppose formation of CFD; potential negative impacts include putting at risk future parcel taxes.
- Matt Yancy, Chamber of Commerce: Support establishing CFD at Cannery. New Home Company has demonstrated commitment and responsiveness to community.
- Elaine Roberts-Musser: Support formation of CFD. Generally, infrastructure costs are included in cost of new homes or in CFD. Cannery developer has worked to lower CFD amounts. Also, support Development Agreement amendment.
- Ron Glick: Agenda states bond amount is up to \$17 million; discrepancy with staff presentation needs to be addressed if only \$8 million. Amenities that make project marketable for developer shouldn't be paid by future homeowners.
- Ashley Feeney, New Home Company: Thank Council and staff for efforts related to CFD. Support formation.

Bond Counsel Kym Byrens: Initial bond size expected when the CFD proceedings began was for the amount of 17 million; however, reduction of special taxes will result in a smaller bond issue to produce proceeds available for improvements of \$8 million.

City Clerk Zoe Mirabile: No written protests have been received. No persons are registered to vote in the District. Notices of public hearing were mailed on April 20 and published in newspaper on April 28. Owners of taxable property in the District have consented to holding the special elections on May 5. Clerk concurs that special elections may be held on May 5.

Mayor Wolk closed the public hearing.

R. Swanson moved, seconded by L. Frerichs, as follows:

1. Approved Resolution No. 15-057 - Establishing Community Facilities District No. 2015-1 (Cannery) of the City of Davis, County of Yolo, State of California, and Establishing the Boundaries Thereof and Approving a Funding and Acquisition Agreement
2. Approved Resolution No. 15-058 - Determining Necessity for Community Facilities District No. 2015-1 (Cannery) to Incur Bonded Indebtedness in an Aggregate Principal Amount Not to Exceed \$17,000,000 for Providing Public Facilities and Calling a Special Election of the Community Facilities District on the Proposition for Incurring Such Bonded Indebtedness
3. Approved Resolution No. 15-059 - Calling a Special Election and Submitting to the Voters of Community Facilities District No. 2015-1 (Cannery) of the City of Davis Propositions with Respect to the Annual Levy of Special Taxes Within Said CFD and Establishing an Appropriations Limit for Said Community Facilities District

R. Davis moved substitute motion, seconded by B. Lee, to approve up to \$2 million in financing in order to move forward all parks items (staff to use as a reference the table of comparison of timing of CFD eligible improvements with and without CFD approval as guide). Instruct staff to return on May 26 or at a special meeting with updated calculation based on \$2 million target. Motion failed by the following vote:

AYES: Davis, Lee
NOES: Frerichs, Swanson, Wolk

Main motion passed by the following vote:

AYES: Frerichs, Swanson, Wolk
NOES: Davis, Lee

City Clerk Z. Mirabile opened the 4 ballots received (The New Home Company Northern California LLC, TNHC-HW Cannery LLC, Shea Homes Limited Partnership) and announced that all votes were unanimously in favor.

L. Frerichs moved, seconded by R. Swanson, to approve Resolution No. 15-060 - Declaring the Results of Consolidated Special Elections within Community Facilities District No. 2015-1 (Cannery) on Propositions Regarding (i) Incurring a Bonded Indebtedness in an Amount Not to Exceed \$17,000,000, (ii) the Annual Levy of Special Taxes to Pay Principal and Interest on Bonds, and (iii) Establishing an Appropriations Limit. Motion passed by the following vote:

AYES: Frerichs, Swanson, Wolk
NOES: Davis
ABSTAIN: Lee

L. Frerichs moved, seconded by R. Swanson, to introduce Ordinance Levying Special Taxes to be Collected During Fiscal Year 2015-16 Within Community Facilities District 2015-1 (Cannery), and Declaring Ordinance to Be Effective Upon Adoption. Motion passed by the following vote:

AYES: Frerichs, Swanson, Wolk
NOES: Davis, Lee

R. Davis moved, seconded by L. Frerichs, to introduce Ordinance Approving First Amendment to the Development Agreement for The Cannery Project, Between the City of Davis and THNC Land Company, LLC. Motion passed unanimously.

City Council recessed at 8:26 p.m. and reconvened at 8:39 p.m.

L. Frerichs left the meeting.

Fiscal Year
2014/15 Budget
Update – All
Funds Revenue
and Expenditure
Results through
March 31, 2015
and General
Fund Projection
Through June
30, 2015

City Manager Dirk Brazil: Budget is trending in positive direction, nearing 15% general fund reserve goal. Sales tax and property tax revenues continue to increase; staff is cautiously optimistic. For upcoming FY15-16 budget, departments are being realistic and cautious in approach.

Public comments:

- Elaine Roberts-Musser: Commend Council for becoming fiscally sustainable. Important to discuss potential parcel tax in near future.

Council comments:

R. Davis: Is staff reviewing reserve policy? Reserves are usually a certain number of months of operating revenue.

Budget Manager Kelly Fletcher: Over next couple months, staff will be looking at reserve policy and return to Council.

R. Davis: General fund projections need to acknowledge that budget does not represent full accounting of unmet needs: road infrastructure, other city facilities, maintenance backlogs, etc. Need to use opportunity to build into budgeting pro-

cess funding to take care of backlogs; build in way that is sustainable, grow as revenues grow. Encourage staff to look to bolster road infrastructure and possibly create new line item for other maintenance costs.

B. Lee: Request update on roads before next year's budget is finalized. Interested in amount estimated just to maintain current pavement index, and amount to improve pavement index.

R. Swanson: Request bigger picture as move forward with next year's budget. Want to get closer to being fiscally sustainable. Giant backlog of unmet needs; should no longer put projects on hold.

D. Wolk: Revenues are above expectation. As develop next year's budget, build on allocations to long term needs. Need to have discussion about roads, tax measures, additional budget allocations, etc.

Proposed
Drought Regu-
lations and Up-
date on Water
Use Data

Assistant Public Works Director Stan Gryczko: State Water Board currently in session discussing proposed regulations; final decisions have not been made. Staff intends to return to Council on May 26 with update.

Public comments:

- Jacques Franco: Appointed to represent City on Yolo Waste Advisory Committee. Nexus between water conservation and overall waste management and sustainability. Opportunities to save in terms of hard costs and reduction of greenhouse gas emissions.
- Matt Williams: Already have drought surcharge built into water rate structure. Should be transparent regarding production information and how revenues from water system relate to cost of system.

R. Davis: Request staff provide information on May 26 related to the drought surcharge.

Adjournment

Meeting was adjourned at 9:34 p.m.

Zoe S. Mirabile
City Clerk