

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 11, 2017

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 Davis.

Roll Call:

Councilmembers Present: Will Arnold, Lucas Frerichs, Brett Lee, Rochelle Swanson, Robb Davis

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

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

City Council & Planning Commission Joint Discussion/Workshop Planning Commission members present: R. Hofmann, C. Essex, S. Mikesell, S. Streeter, D. Robertson, D. Rutherford

- A. Presentation from Sacramento Area Council of Governments and California Department of Housing and Community Development
- Sustainable Communities Strategy and Regional Housing Needs Allocation (RHNA)
 - Housing Element

Presenters: SACOG Senior Planner Greg Chew & HCD Policy Specialist Melinda Coy

SACOG develops long range regional transportation plan, uses projections for housing allocation. Goal is to create more livable communities, balance jobs/housing. RHNA looks at population projections, household formation rate, other factors to determine total need of housing for expected growth. Overview of housing element adoption process, required updated every 8 years, reviewed and certified at state level. Next housing element 2021-2029. Statute requires jurisdictions plan for variety of housing types. Default density for Davis is 30 dwelling units per acre. Requires programmatic solutions.

- B. Housing Overview/Strategies for Considering Applications for Residential Development
- Progress toward City policies and goals on housing
 - Potential scenarios (vacancy rate and future RHNA for years 2021-29)

Assistant City Manager Mike Webb: Council goal to increase affordable housing. 1% growth resolution excludes affordable, vertical mixed-use and accessory dwelling units.

2017-2021 anticipated: base units 1108, exempt 297. Potential scenarios to consider: Goal of 5% rental vacancy rate or recovering 5-10% single family rentals. Currently, good alignment with needs and approved and current pending/anticipated proposals. Consider “green light” sights identified by 2008 Housing Element Steering Committee. Next step: Fall 2017 workshop on affordable housing.

Planning Commissioner comments included:

- May be significantly under-assuming rental need
- Interested in recapturing single-family homes from student rentals. Consider opportunities for tiny houses, Accessory Dwelling Units and mobile home sites.
- Need guidance and framework—where to focus and how to balance competing interests/policies.
- Core Area Specific Plan (CASP) update—potential to address housing needs in Core. Meet sustainability goals, walkable community near transit and supports business community. Should think about formulating housing goals for the CASP, lay out vision for consultant; consider certain number of housing units or range.
- Dominant issue over last year has been how to bring higher density development into established neighborhoods and how to make consistent with character.
- Misunderstanding of homelessness, transitional housing, housing first model. Need conversation so all can understand goals.
- Conflict between regional and local policies. Entire region needs to work together to meet greenhouse goals. Regional transportation plan assumes models—targets are not obligation, they are used for aspirational purposes.

Councilmember comments included:

- What are the competing interests/policies? Need specifics.
- Consider different scenarios—demand is greater than 10% student population living outside campus as indicated by UCD Long Range Development Plan. Interested in increasing vacancy rate overall.
- CASP goal to encourage people to live closer to school/work rather than driving from outside jurisdictions.
- Affordable housing—interested in overall sense of different markets that need housing. Workforce housing. Students. Seniors. Put projects in context.
- Suggest another discussion with Planning Commission focusing on topics of density, vacancy rate, CASP, role of Planning Commission, and affordable housing.
- Request deeper analysis of demographic groups, understanding needs and how to match proposals with need. Analyzing pent up demand for rental and how that may affect decision making process.
- Request Planning Commission provide information on tensions, what are the struggles that come before commission.

Public comments:

- Tia Will: May be under-counting many students who couch surf. Should also address issue of homelessness as well as other housing needs.
- Ira Bray: Encourage public outreach about housing policy issues. Have more forums for input and discussion.
- Mark Grote: If SACOG or state agency goal conflicts with city land use ordinance, who prevails? When is city policy superseded?
- Teresa Guymer: Siting of new apartment complexes should be spread throughout town.
- Kyriacos Kyriacou: Disconnect between local planning documents and overarching regional plans. Ask SACOG and city planning staff to explain how targets are identified in sustainable communities plan, and how neighborhoods and members of the community are affected.
- Sara: Should not reclaim single family rental homes if results in displacing students. Many students would rather live in student-oriented units in Davis if it was affordable. Support having family-based community.
- Holly Wong: Apartment complexes aren't geared toward professionals and families. Interested in discussion about providing for different demographics.
- Amanda Barnal, ASUCD External Affairs: Housing is difficult to obtain for students. Understand there are various demographic needs.
- Rene Toledo: Need to incorporate fingerprint of neighborhood when considering new developments. Need to respect all interests, including existing homeowners.
- Matt Williams: Need to understand how RHNA numbers are calculated and how Measure J/R fits into RHNA process.
- Eno Kujippo: Consider allocation of housing in terms of engaging community. Refer back to discussion from 2008 Housing Element Steering Committee, might be useful to consider decommissioned properties and using them for another purpose now.
- Jim Gray: Potential sites such as PG&E, DJUSD, and City Corporation Yard are more likely for potential development than tops of shopping centers. Consider implementing inspections and business license fee/tax increases in an effort to return rental homes back to the housing stock. Could use generated revenue for affordable housing.
- Don Fouts: Should look at restructuring fees for affordable housing when compared to economic benefit. Approval process in Davis needs to be streamlined. Projects go to several commissions and undergo public process review, which can take 2-3 years.
- Rhonda Reed: Encouraged that Davis is on track for meeting regional growth needs. City should consider coming up with a policy to address equitable provision of housing.
- Eileen Samitz: UC Davis is largest in UC system, yet 71% of students live off campus. Long Range Development Plan process needs to provide more student housing on campus.

City Council recessed at 8:01 p.m. and reconvened at 8:09 p.m.

Ceremonial Presentation Mayor Davis presented Proclamation Designating July 2017 as National Parks & Recreation Month

City Manager & City Council Announcements None

- Public Comments
- Tom Joste: Froggy’s and Tommy J’s Grill &Catering: Regular item—Revenue Measures. Tight margins in restaurant business. Soda tax is just one more thing that will make owners increase prices and push businesses out of town.
 - Alan Pryor, Davis Oral Health Project: Davis Oral Health raised \$9,000 to purchase dental kits. All funds go directly toward purchasing supplies. . Previously requested grant funds from city and was denied.
 - Dean Johansson, DJ, Katlyn Costa, and Teresa Banworth: Support police surveillance ordinance and oversight.
 - Tawney Sara Sweeney, William Kemper, Mike Williams, Stephanie Parrera, Carole Standingelk, Timothy Irvin, Antonio Arorra, Anya Durran, Daniel, ASUCD External Affairs, Kate Alibamwa, and Samantha Chang, ASUCD spoke regarding police activities and the Picnic Day 5 incident. Comments included: Should fire officers involved in the incident and drop charges against youths. Police must be held accountable for racial profiling and aggression. Need an independent auditor and police oversight.
 - Robert Abalon, represent locally owned restaurants and bars in region. Regular item—Revenue measures. Concerned about sugary beverage tax and impact on businesses. Not sustainable tax. Request stakeholders be consulted.
 - Eric Gudz: Consent calendar item—support city action to reaffirm goals to reduce climate pollution in alignment with Paris Climate Agreement.
 - David Owen: Encountered homeless man in driveway, combative and damaged property in neighborhood. Homeless issue is not just downtown, but throughout the city.

City Manager Dirk Brazil: Police Surveillance ordinance will be agendized after summer recess.

Consent Calendar Third Street Improvements – Phase V, CIP No. 8164 – Surface Improvements Package

1. Approved Resolution No. 17-096 - Awarding Contract to Teichert Construction for Construction of the Third Street Improvements Project — Surface Improvements Package, CIP 8164 and Authorizing City Manager to Execute Contract
2. Approved Budget Adjustment FY17-18 #2 (\$1,377,000)

Credit Card Processing Project
Approved Resolution No. 17-097 - Authorizing City Manager to Enter Into an Agreement with Paymentus

Professional Services Agreement for Grant Preparation Work
Approved Resolution No. 17-098 - Authorizing the City Manager to Execute an Agreement with Consero Solutions for Grant Services

Final Maps for Chiles Ranch Phase 1A (Subdivision No. 4953) and Phase 1B (Subdivision No. 5011)

Approved Resolution No. 17-099 - Approving Chiles Ranch Phase 1A (Subdivision No. 4953) and Authorizing the City Manager to Execute the Subdivision Agreements with New Urban Development – Davis

Approved Resolution No. 17-100 - Chiles Ranch Phase 1B (Subdivision No. 5011) and Authorizing the City Manager to Execute the Subdivision Agreements with New Urban Development - Davis

Interfund Loan Repayment of the Sewer Maintenance and Operations Fund Loan to the Equipment Replacement Fund—Debt Program No. 8860

Approved Resolution No. 17-101 - Approving the Budget Adjustment (FY16-17 #131) to Repay in Full the Outstanding Balance of a Loan from the Equipment Replacement Fund (621) to the Sewer Maintenance and Operations Fund (531)

City Manager Purchasing and Approval Authorization During Council Recess
Approved Resolution No. 17-102 - Authorizing the City Manager to Execute Professional Services Contracts, Award Construction Contracts, Manage Grants and Approve Budget Adjustments During the City Council Recess From July 19, 2017 Through August 28, 2017

Climate Action Executive Order – Paris Climate Agreement
Approved Resolution No. 17-103 - Re-Affirming City of Davis Commitment to Taking Action to Reduce Climate Pollution Consistent with the Davis Climate Action and Adaptation Plan and in Alignment with the Paris Climate Agreement

Owendale Loan Payoff and Reloan Request
Approved Resolution No. 17-104 - Authorizing City Manager and City Attorney to Work with Mutual Housing California to Enter Into a Loan Agreement for Owendale Affordable Housing Complex

Correction to Water Metered Base Rate Charge for 1 ½” Meters

1. Adopted Urgency Ordinance No. 2506 - Amending Section 39.03.030 of the City of Davis Municipal Code to Correct a Typographical Error in Monthly Base Rate Charges for 1 ½” Meters for the Year Beginning January 1, 2017
2. Introduced Ordinance Amending Section 39.03.030 of the Davis Municipal Code to Correct a Typographical Error in Monthly Base Rate Charges for 1 ½” Meters for the Year Beginning January 1, 2017

Second Reading: Ordinance Adding Article 22.17 to Chapter 22 of the Davis Municipal Code to Establish Permitting of Certain Bikebus Pedicabs in the City

Adopted Ordinance No. 2507 (Introduced 06/20/2017)

Second Reading: Ordinance Amending Chapter 33 of the Municipal Code Relating to Sewer Rates

Adopted Ordinance No. 2508 (Introduced 06/20/2017)

Second Reading: Ordinance Adding Chapter 21 to the Davis Municipal Code to Establish Permitting and Regulatory Requirements for Operation of Commercial Cannabis Businesses (not including dispensaries, retailers and commercial cultivation)

Adopted Ordinance No. 2509 (Introduced 06/20/2017)

Public Review Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan and the Public Review Draft Environmental Impact Statement/ Environmental Impact Report

Informational

Commission Minutes (action items):

1. Human Relations Commission Meetings of January 26, February 23, April 27 and May 25, 2017
 - A. Received minutes as informational. Council will not be acting on recommendations regarding Police Surveillance (April) and Police Oversight (May), as those will be addressed as separate City Council items.
 - B. May 25, 2017 action item: Approved the Human Relations Commission recommendation to update City owned single stall bathroom signage with gender inclusive signage and where possible update the International Symbol of Accessibility to the more active version, with the stipulation that all signage changes meet current building codes.
2. Recreation and Park Commission Meeting of May 18; Senior Citizens Commission Meeting of May 11, 2017
 - A. Received minutes as informational
 - B. May 18, 2017 RPC action item:
 1. Received information on the Senior Center Legacy Patio Expansion Project elements and conceptual design as provided by HDR, on-call engineering firm.
 2. Approved the conceptual design for the Senior Center Legacy Patio Expansion Project and authorized staff to proceed with a Request for Proposal to solicit final design and contract management services for the project and develop more definitive construction estimates as part of approved CIP Project #8280.

Social Services Commission Minutes from the Meetings of March 20 and May 22, 2017

Informational

W. Arnold moved, seconded by L. Frerichs, to approve the consent calendar as listed above. Motion passed unanimously.

Public Hearing: Mayor Davis opened the public hearing, and after no comment, closed the public hearing.
Bikebus Pedicabs Ordinance

Permit Fees L. Frerichs moved, seconded by W. Arnold, to approve Resolution No. 17-105 - Establishing Bikebus Pedicabs Permit Program Fees Authorized by Section 22.17.100 of the Davis Municipal Code. Motion passed unanimously.

Public Hearing: Planner Eric Lee: Vacation of right-of-way is approximately 7,000 sq. ft.; property owner will become responsible for maintenance.
Vacation of

Right-of-Way at 525 Oxford Circle Mayor Davis opened the public hearing.

Alan Hirsch: City vacating .16 acres for purposes of developing existing parcels, giving land to developer. City should explore getting revenue back.

Matt Williams: Negative impacts on neighbors losing parking spaces. City should conduct a fiscal analysis on value of land and defer decision until completed.

Roy Benson: Manager of 517 Oxford Circle. Densely populated area; parking is an issue on Lake Forest and Oxford Circle. Oppose vacation.

Mayor Davis closed the public hearing.

L. Frerichs moved, seconded by R. Swanson, to approve Resolution No. 17-106 - to Vacate Right-of-Way and Retain a Public Utility, Parking, Bicycle and Pedestrian Easement Over Approximately 0.161 Acres Located in Front of 525 Oxford Circle. Motion passed unanimously.

Police Oversight Police Chief Darren Pytel: Oversight systems used in the past or currently in existence are Personnel Board, Independent Police Auditor, Police Advisory Committee, Community Advisory Board, Alternative Conflict Resolution Program, and Volunteers in Police service. Typical oversight models include investigatory, review, monitoring/auditing, police and process advisory.

Request Council direction regarding:

- The type of oversight system(s) Council wants to continue or adopt
- The issuance of a Request for Proposal (RFP) and expected timeline for contracting with a new police auditor, including any proposed contract provisions

Public comments:

- Carole Standingelk; Trent Montgomery; Stephanie Parrera; Jeff Newberry; Francesca Wright, ACLU Davis People Power: Support implementing additional police oversight. More citizen involvement will improve policies. Should expand auditor role to develop public accountability system to monitor

goals and establish independent citizen police commission with measurable indicators of progress, issue public reports.

- Emily Montgomery: Surveillance ordinance will bring transparency and oversight in purchasing of equipment. City should work to improve reputation of police department.
- Elaine Roberts-Musser and Carlos Mantos: Should be careful with choice of oversight model. Important that any model be proper fit so that both sides have fairness in process.
- Judith Macbride: Need to understand context in which bias operates. Bias is pattern of recognition based on prior experience or habit. Officers are trained to be vigilant; need to allow themselves to be vulnerable. Support Chief Pytel.
- David Greenwald: People are afraid to file complaints against the police. Council will have to overcome that. City is limited in terms of what we can do regarding police oversight; consider possibility of Charter City.

W. Arnold moved, seconded by R. Swanson to direct the City Manager's Office to hire a short-term consultant to:

1. Review current system, historical documents and recommendations from the Human Relations Commission.
2. Participate in up to five public or sponsored forums (sponsored forums could be for vulnerable groups who may not be willing to come to public forums) as content expert. Davis-based facilitators could provide structure for community dialogue at the meeting but the consultant would help ground the conversation with accurate technical information/input. Forums should be used to solicit community input on the goals of oversight, guiding principles, and key desired processes for oversight.
3. Use his/her own experience, public input from forums, input from the Davis Police Department, and review of extant systems to recommend 1-3 options that would seem to fit in Davis given size, history of policing and community needs.
4. Recommendations should include model contract and Scope of Work for ombudsman/auditor and details of the role of any entities (CAB, PAC) and how they might change from what is currently in place.
5. Independently solicit input from the Davis Police Department on key elements, questions, concerns about oversight that they wish to have considered highlighted in any eventual policy.
6. Present results of foregoing in comprehensive report to the City Council for decision making on preferred model in January 2018.

Motion passed unanimously.

City Council recessed at 11:17 p.m. and reconvened at 11:25 p.m.

Consideration
of Future Revenue
Measures

Assistant City Manager Kelly Stachowicz: Summary of potential revenue options
Public comments:

- Bob Poppingay: Consider tax that could benefit both city and schools, sugar-sweetened beverage tax and marijuana sales tax. Could use funds to support nutritional centers at schools.
- Dan Carson, Finance and Budget Commission: Need to give voters assurance that money will be spent for purposes specified. Address which unfunded liabilities will be funded through taxes, through economic development, etc. Consider basing tax on square footage of property.
- Robert Donahue: Oppose sugar sweetened beverage tax. Competitive disadvantage with large retailers that can offer a lower price. Will not be a viable source of revenue.
- Alan Pryor: City must prove it is properly managing itself financially before a new tax measure is passed. Employee compensation is up 5% from 2015 and is at the root of our problem.
- Alan Hirsch: Suggest taxing the rental housing industry. Should define as rentable bedroom, not just parcel.
- Diane Clark: Suggest parcel tax to assist homeless with housing and supportive services.
- Kevin Roddy, St. James Church: Church spends close to \$50,000 on homeless assistance. Hope the city could help raise funds to help the homeless and nearly homeless population.
- Neil Ruud: Support sugar-sweetened beverage tax. Consider different levels of tax. Should fund nutrition and health education. Ensure that revenue measures do not substantially impact working poor or renters.
- Elaine Roberts-Musser: Oppose Utility User Tax on water, sewer and electricity; sugar-sweetened tax; increase to the Transient Occupancy Tax; or increase on the sales tax. General Obligation bond is not practical. Should ask for increase in park tax and a modest parcel tax of \$50-75 for roads and bike path repair. Also, support 5% UUT on phone, internet, and cable and an update to the business tax structure. Needs to go along with economic development.
- Matt Williams: Annual cost for employee CalPERS retirement will go up \$4 million in next few years, compensation is not sustainable. Need accountability when asking citizens for money.

Councilmember comments:

- W. Arnold: Interested in tax reform and how taxes are allocated. Would like a diversity of sources. Need to at least renew the parks tax; consider increasing to \$99. Interested in more information regarding sugar sweetened beverage tax. Possibly consider 2 taxes on the ballot. Advisory measure to go along with general tax. Would like more information on how to proceed and what are the potential pitfalls.
- L. Frerichs: Need to conduct polling as next step. Do not support UUT, especially on electricity. Possibly open to cable. Support renewing and increasing the parks tax to cover the cost of maintenance. Support sugar sweetened beverage tax.
- B. Lee: Do not support increasing the Transient Occupancy Tax (TOT). Will need to deliberate on the Sugar sweetened beverage tax. Demonstrate some

level of cost cutting ability; implement a plan for long term cost reductions. Open to parks tax renewal at some level. Interested in infrastructure, addressing social issues, and enhanced design for streets and bikepaths. Specific tax for services for youth in community. Not ready for polling yet.

- R. Swanson: Need to identify supporters and cost to put on ballot. Interested in sugar sweetened beverage tax and renewing the park tax with a potential increase. Would like information as to what is covered by tax. Do not support TOT increase. Do not support UUT tax.
- R. Davis: Potential general taxes are UUT and sugar sweetened beverage, but not sure if there is any interest in a general tax. Consensus on a Parcel tax such as the parks tax. Possibly define parcel in other ways such as square footage, etc. Support exploring sugar beverage tax and would like to consider 2 cents per ounce. Need to work on clear actionable items regarding cost containment. Make clear to citizens that taking action on short, medium and long term. Support infrastructure tax. Could propose a parcel tax that would encompass small taxes such as parks tax, street/bikepath, and homelessness component. An alternative could be a \$150-200 dedicated tax toward specific areas such as parks tax, and infrastructure. Include social infrastructure and a sustainable housing first approach. Can still consider looking into UUT, but exclude water, sewer, electricity.

City Council
Brief Commu-
nications

None

Long Range
Calendar

R. Swanson: Police Department Surveillance. Conduct outreach.
D. Brazil: Potentially September 19

B. Lee: Green waste containerization. Schedule August 29—initial discussion, then follow up with a specific proposal at later date.

Public comment:

- Alan Hirsch: Do not forget the trees.

Adjournment

Meeting was adjourned at 12:46 a.m.

Zoe Mirabile
City Clerk