

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of February 6, 2018

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 Davis.

Roll Call:

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

Councilmembers Absent: None

Other Officers Present: City Manager Mike Webb, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda R. Swanson moved, seconded by W. Arnold, 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:

1. Conference with Labor Negotiators
Agency Designated Representatives: City Manager Mike Webb; Assistant City Manager Kelly Stachowicz; Human Resources Administrator Janet Emmett; Patrick Clark, Patrick Clark Consulting
Employee Groups/Organizations (under discussion): Firefighters Local 3494; Individual Management Employees; Program, Administrative and Support Employees Association
2. Conference with Real Property Negotiators:
Property: 2727 Second Street (APN 071-404-011)
Agency Negotiators: City Attorney Harriet Steiner; City Manager Webb; Public Works Director Robert Clarke; Assistant Public Works Director Stan Gryczko; Environmental Resources Manager Richard Tsai
Negotiating Parties: Davis Waste Removal Company Inc.
Under Negotiation: Price and Terms of Payment
3. Conference with Legal Counsel – Existing Litigation: Old East Davis Neighborhood Association v. City of Davis et al, Yolo Superior Court Case No. PT17-2111

City Council returned to open session at 6:30 p.m. with no reportable action.

City Manager Announcements M. Webb: Davis Futures Forum on Housing February 7, Community Chambers

City Council Announcements None

Public Comments

- Alan Hirsch: New bike map from the Bike Campaign—hope city will fund reprint. Most Council candidates have not weighed in on land use decisions.
- Connor Gorman: Support consent calendar item—Richards Interchange.
- Alan Pryor: Advocated that Social Services Commission not support temporary low income housing ordinance. Projects must be held to highest affordable standards.

Consent Calendar

Actions to Call and Consolidate a General Municipal Election on June 5, 2018 with the Statewide Primary—Election of Two City Council Members

1. Approved Resolution No. 18-015 - Calling a General Municipal Election for the Election of Two City Council Members as Required by the Provisions of the Laws of the State of California Relating to General Law Cities to be Held on Tuesday, June 5, 2018
2. Approved Resolution No. 18-016 - Requesting the Board of Supervisors of the County of Yolo to Consolidate a General Municipal Election to be Held on June 5, 2018, with the Statewide Primary Election to be Held on that Date Pursuant to §10403 of the Election Code

Contract Award for Pavement Rehabilitation Project — 2017/18 Concrete Improvements Package, CIP No. 8250

Approved Resolution No. 18-017 - Awarding Contract to FBD Vanguard Construction for Construction of the Pavement Rehabilitation Project – 2017/2018 Concrete Improvements Package, and Authorizing City Manager to Execute Contract

City Manager Mike Webb: Change in type of contract award proposed. No change to project scope or budget:

Replacement of Clortec Onsite Sodium Hypochlorite System for Civic Pool

1. Waived the competitive bid requirement for the procurement of the Clortec Onsite Sodium Hypochlorite System for the Civic Pool Complex
2. Approved Resolution No. 18-018 - Awarding Equipment Purchasing Contract to De Nora Water Technologies Texas, LLC for the Purchase of Clortec Onsite Sodium Hypochlorite System

Richards Boulevard Interchange Improvements, CIP No. 8730

Approved Resolution No. 18-019 - Approving Cooperative Agreement with Caltrans for Richards Boulevard Interchange Improvements

Safety Enhancement Zone for Picnic Day 2018

Approved Resolution No. 18-020 - Designating a Safety Enhancement Zone for Picnic Day 2018 and Designating the Time During Which Certain Municipal Code Violations Committed Within the Designated Safety Enhancement Zone Will Result in Increased Fines

City Council Minutes from the Meetings of November 14 and December 5, 2017

Approved

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

Proposed Ordinances for a Park Maintenance Special Tax and a Streets and Bike Path Maintenance Special Tax for Inclusion on the June 5, 2018 Ballot

Assistant City Manager Kelly Stachowicz: 2 separate taxes: Renewal of park tax at \$49; new street and bike path maintenance tax at \$99.

Public comments:

- Alan Pryor: Should consolidate into 1 tax with maximum term of 10 years. Need to have same maintenance of effort language in parks tax as is proposed in street and bike path tax.
- Alan Hirsch: Disappointed that there isn't money devoted to improving tree pruning cycle. Need to consolidate or people will pick one over the other.
- Dan Carson: Finance & Budget Commission recommendations regarding accountability have been largely adhered to. Generally support, change low income refund program to be consistent with both taxes, not just for senior citizens.
- Connor Gorman: Support some sort of exemption for low income renters. Need mechanism to ensure rebate is passed on to tenants.
- Alan Miller: Displayed props of different 40 watt LED lights. Asked for support of neighborhood chosen light.
- Elaine Roberts-Musser: Support special taxes over general taxes. Support both taxes.
- Travie Westlund: Park Maintenance Tax should double the amount. Not doing a good enough job for park maintenance.
- Emily Griswold: Good to separate out parks from roads. Current tax is not enough.
- Matt Williams: Staff hasn't produced economic justification for more funding. Need to do more due diligence to justify to public what money is spent for.

R. Swanson moved, seconded by W. Arnold, as follows:

1. Introduce Ordinance No. 2521 - Amending Article 15.14 of Chapter 15 of the Davis Municipal Code Renewing and Amending a Park Maintenance Tax to Fund Maintenance of Parks, Street Trees, Greenbelts, Bike Paths, Medians, Public Landscaping, Urban Wildlife and Habitat, Swimming Pools, and Public Recreational Facilities to Add a Two Percent Inflation to the Maximum Tax Rate Beginning July 1, 2019 and to Extend the Term of the Tax to 2038 Subject to the Approval of the Voters; as amended to change "recreational facilities" to "public recreational facilities"
2. Introduce Ordinance No. 2522 - Adding Article 15.21 of Chapter 15 of the Davis Municipal Code to Establish a Street and Bike Path Maintenance Special Tax to Fund Maintenance of Streets, Sidewalks, Bike Lanes and Bike Paths, for Ten Years Subject to the Approval of the Voters
3. Approve Resolution No. 18-021 - Ordering the Submission to the Voters of a Tax Measure to Renew the Park Maintenance Tax with the Addition of a 2% Increase in the Maximum Tax Rate Per Year and a Tax Measure to Enact a

Street and Bike Path Maintenance Tax at the General Municipal Election to Be Held on Tuesday, June 5, 2018

City Attorney Harriet Steiner clarification: Change ballot language and language within the ordinance.

L. Frerichs proposed friendly amendment: remove language referring to maintenance of property owned by DJUSD or other public agencies. Accepted by mover and second.

R. Davis proposed friendly amendment: Maintenance of effort funding should be subject to inflator; add 2% inflator for maintenance of effort requirement. Not accepted by mover and second.

L. Frerichs proposed friendly amendment: modify ballot measure language and ordinance from “extends” to “renews.” Accepted by mover and second.

W. Arnold proposed friendly amendment: amend ballot language question for Park Maintenance Tax to the following: Shall Ordinance 2521, which renews the existing Park Maintenance Tax of \$49 per year on residential units and on non-residential units in amounts specified in the Ordinance for 20 years and adds an annual 2% inflator, and is expected to generate \$1.4 million in the first year to fund maintenance of parks, street trees, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools, and recreational facilities, be adopted? Accepted by mover.

Motion passed unanimously.

R. Swanson moved, seconded by W. Arnold, to appoint B. Lee and W. Arnold as Council subcommittee to draft Argument(s) in Favor and Rebuttal(s) to Argument(s) Against Measure(s).

W. Arnold moved substitute motion, seconded by R. Swanson, to appoint L. Frerichs and W. Arnold as subcommittee for Park Maintenance Tax and B. Lee and R. Swanson as subcommittee for Street and Bike Path Maintenance Tax. Motion passed unanimously.

City Council recessed at 7:47 p.m. and reconvened at 7:55 p.m.

Proposed Ordinance Amendment to Article 18.05 Allowing for City Council Discretion to Approve Project

Community Development & Sustainability Director Ashley Feeney: Current ordinance has requirement for 35% of total units to be inclusionary, 25% low income and 10% very low income. History of ordinance requirement has demonstrated developers tend to dedicate land rather than provide affordable within development. Additionally, more funding sources were previously available for projects. Requirements were not implemented since 2009 due to case law that has since been overturned. Council has expressed a desire to have affordable units integrated

Specific Affordable Housing Plans for Multi-family Rental Developments

within projects. New state law effective January 1 allows jurisdictions to implement previously adopted inclusionary housing requirements. Staff is progressing with a comprehensive update to the affordable housing ordinance; current ordinance is proposed to provide a bridge until comprehensive effort is completed.

Public comments:

- Connor Gorman: All developments should be subject to affordable requirements. Should use beds or bedrooms rather than units. Current in lieu fees are too low, should be increased.
- Kathryn Wardrop, Sacramento Housing Alliance: Ordinance should include targets or goals to give developers an idea what Council is looking for.
- M.E. Gladys: Affordable housing is critical to future of Davis.
- Susan Ranier: Should keep standard where it is.
- Eileen Samitz: Oppose. Ordinance does not support need for more affordable housing.
- Ron Glick: As long as Measure R is in effect, will continue to have housing shortages. Measure R will sunset in a couple years, should not be renewed.
- Linda Deos: Support proposed 5/5/5 minimum requirements. Should have baseline affordability percentage.
- Darryl Rutherford, Sacramento Housing Alliance: Should not completely do away with requirements when state is finally allowing city to implement what was previously adopted.
- Alan Hirsch: Support ordinance.
- Matt Williams: Council should wait for consultant report to make informed decision.

A. Feeney: State law now says if city has requirement over 35%, may be subject to state review.

City Attorney Harriet Steiner: AB1505 allowed city to again require inclusionary housing for multi-family residential. Ordinance is intended to provide transition for this year for projects that were underway while requirements were suspended.

L. Frerichs moved, seconded by B. Lee, to introduce Ordinance Amending Davis Municipal Code Article 18.05 to Provide Discretion to Approve Project Specific Affordable Housing Plans for Multifamily Rental Developments; amended to include baseline requirement of 15% = 5% extremely low/5% very low/5% low income.

L. Frerichs amend motion: Provide flexibility for adjustment within categories.

B. Lee: Withdrew second to motion

L. Frerichs clarify motion: 15% baseline; target of 5% extremely low, 5% very low, 5% low income

W. Arnold: Second to clarified motion

R. Davis suggest: If provide a deeper level of affordability for more extremely low income, provide incentive.

R. Swanson suggest: 15% minimum correlated to financial target; flexibility if meet financial target with extremely low.

H. Steiner suggest: Require 15% affordable with general breakdown 5/5/5. Total number may be adjusted if developer provides more units at a deeper level of affordability.

City Council recessed at 9:06 p.m. and reconvened at 9:19 p.m.

H. Steiner: Staff clarification—amendment to proposed ordinance: There shall be a requirement of 15% affordable units, bedrooms or beds, except as provided and enumerated in ordinance. Amendment to ordinance and staff clarification accepted by mover and second.

Motion passed unanimously.

Public Hearing: Community Development Administrator Katherine Hess: Overview of project. Nishi Residential Development – Planning Application Affordable proposal to provide 12% of beds to very low income and extremely low. Recommend bus access be provided from Olive Dr. with a grade separated crossing.

#14-57: General Fran Ruger, Ascent Environmental: Background on CEQA Addendum. Nishi Plan Amendment #08-14, Rezoning/Pre-liminary project revised in 2017. Addendum prepared including air quality analysis; previous mitigation measures are included for current project. Changes to project do not result in new significant impacts or changes in information that result in new impacts.

Planned Development #06-14 Community Development & Sustainability Director Ashley Feeney: Summarized proposed edits to Development Agreement.

Tim Ruff, developer: Eliminated private vehicle access to and from Richards Blvd. New undercrossing connection to UCD for bikes/pedestrians and vehicles. Focused on student housing. Affordable housing program that is fully integrated. Overview of site plan; 13 acres of open space surrounding housing. 700 units, mix of 2 and 3 bedroom flats; 2,200 residents. LEED Gold or equivalent. Goal of net zero energy. Fiscally positive.

Don Shor: Urban forest and canopy overview. Aiming for 85% canopy within a few years and ultimately 100% canopy. Plants will be chosen for natural filtration systems.

John: Affordable student housing by private subsidy. Proposal 6% very low and 6% extremely low. Total subsidy up to \$830.016/yr.

Mayor Davis opened the public hearing.

- Don Gibson, GSA/ASUCD Housing Task Force: Nishi developers listened and have met biggest need for student housing.
- Chuck Nower, Carpenters Union, Louanne Villanueva, A. Martinez, Kirk McGregor, Colin Walsh: Oppose project.
- Alan Hirsch; Daniel; Scott Raggsdale; George Gonzales; Jace Edgely, ASUCD Senator; Ryan Downer; Alicia Hacker; Mitch Siu; Adam Matiffi; Sean Raycraft; Aaron Ladda, Davis College Democrats: Support project.
- Tom Cahill: More data needed to make decision on health effects of housing at Nishi. Should delay project.
- Patrick Huber: Concerned with open space elements of project. 100% non-native species. Squander opportunity to put in 7 acres of natural habitat. Won't contribute to open space goals of city. Won't integrate habitat values and native species needs.
- Darryl Rutherford, Sacramento Housing Alliance: Still room to push for more affordability. Potentially add 3% at low income.
- Connor Gorman: Labor issues should be addressed for carpenters union as well as other unions.
- Todd Edelman: EIR mitigation measure 4.3.5.c. Establishes standard but not methodology. Seems unrealistic that technology will improve before certificate of occupancy.
- Matt Williams: Need to include in Development Agreement language that says will be reassessment of fair market value at time occupancy takes place. Project will burden city if changes are not made.
- Roberta Millstein: Concerned with air quality and health impacts.
- Elaine Roberts-Musser: Support. Provide student housing.
- Dan Carson: Finance and Budget Commission reviewed and commented on fiscal analysis, recognized one time benefits and ongoing annual fiscal impact that is modestly net positive.
- Eileen Samitz: Oppose project. Air quality concerns, and need binding agreements regarding tax share and railroad crossing.
- [No Name Given]: Students might accept the risks associated with living next to freeway because it is still a house to live in.
- Nancy Price: Should ask developer to maximize use of site with higher density and taller buildings.

Mayor Davis closed the public hearing.

City Council recessed at 11:00 p.m. and reconvened at 11:07 p.m.

A. Feeney: Reimbursement for property taxes includes city, county and DJUSD.

Matt Dulcich, UCD: MOU is starting point to formalize access to the project via UCD. West Village expansion project, will conclude the practice of master leases.

Charles Salocks: Study showed air at Nishi was average, not worse. EIR did not account for population with short duration of exposure. Not convinced of need to do another study.

R. Swanson moved, seconded by W. Arnold, as follows:

1. Determine that the Addendum to the previously-certified Environmental Impact Report adequately assesses the impacts of the revised projects and there are no changed circumstances or new information requiring recirculation pursuant to Section 15164 of the State of California CEQA Guidelines
2. Approve Resolution No. 18-022 - Adopting Amended CEQA Findings of Fact; and Adopting an Amended Statement of Overriding Considerations; and Adopting an Amended Mitigation Monitoring Plan; and Considering the Previously Adopted Final Environmental Impact Report for the Nishi Gateway Project and Adopting an Addendum to the Environmental Impact Report for the Nishi Residential Development Project
3. Approve Resolution No. 18-023 - Amending the General Plan to Re-Designate the "Nishi" Property From Agriculture to Residential Medium High Density and Natural Habitat Area, and Make Text Amendments to the Agriculture Land Use Category, and Establish the Baseline Project Features Subject to Approval of the Voters
4. Introduce Ordinance Approving an Agreement By and Between the City of Davis and Nishi Gateway, LLC, Relating to the Development of the Property Commonly Known as the Nishi Property, including provisions for affordable housing and Baseline Project Features as required by Chapter 41 of the Davis Municipal Code
5. Introduce Preliminary Planned Development Zoning Ordinance Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code By Prezoning the Nishi Property (APN #036-170-018) Located Southeast of the Union Pacific Railroad (UPRR) Tracks and University of California Davis Campus, Southwest of Putah Creek, and North/Northwest of Interstate 80 (I-80), of Approximately 46.9± Acres, to Planned Development (PD) #6-14 Upon Annexation to the City of Davis as Outlined in Section 40.01.110 of Chapter 40
6. Approve Resolution No. 18-024 - Ordering the Submission to the Voters of a Measure Relating to Development of the Nishi Property at the General Municipal Election to Be Held on Tuesday, June 5, 2018

B. Lee proposed friendly amendment to modify the affordable housing plan as follows: 10% very low/5% extremely low = 220 beds very low/110 beds extremely low. Accepted by mover and second.

L. Frerichs proposed friendly amendment: Add condition to maximize native species and consult with Open Space and Habitat and Tree Commissions.

R. Swanson caveat: Not at expense of air quality
Accepted by mover and second.

R. Davis proposed friendly amendment: Approve staff recommendation to require grade separation of Putah Creek bike path. Vehicular overpass. Accepted by mover and second.

A. Feeney: Envision to have transit over Putah Creek parkway. Development Agreement speaks to it being at grade or grade separated.

M. Dulcich, UCD: UCD does not consider it necessary to have grade separation.

R. Davis: withdraw friendly amendment

Motion passed unanimously.

City Council
Brief Commu-
nications

None

Tentative Meet-
ing Schedule

City Manager M. Webb: February 20—PG&E street lighting moving from consent to regular item

Public comment:

- Eric Gudz: Thank Council for adding public restrooms on agenda in March.

Adjournment

Meeting was adjourned at 12:29 a.m.

Zoe Mirabile
City Clerk