

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of April 3, 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 W. Arnold 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:

- A. Conference with Real Property Negotiators:
  - Property: Solid Waste Franchise: Transfer of Franchise and 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
- B. Conference with Legal Counsel – Existing Litigation:
  - 1. Application of the Union Pacific Railroad Company to Alter, Relocate, or Close the County Road 32A Railroad Grade Crossing in Yolo County, California (DOT #751224V), California Public Utilities Commission #A1710009
  - 2. Davis Coalition for Sensible Planning v. City of Davis et al, Yolo County Superior Court Case No. PT18-433
  - 3. City of Davis et al. v. Zochlinski, Court of Appeal Third Appellate District Case No. C086318; Yolo County Superior Court Case No. CVPT171327
  - 4. Michael J. Harrington, appellant v. City of Davis, et al, respondents, California Third District Court of Appeal Case No. C081263, Yolo County Superior Court Case No. PT14461
- C. 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

City Council returned to open session at 6:38 p.m. with the following reportable action: Council unanimously approved instructing legal counsel to defend Davis Coalition for Sensible Planning and City of Davis v. Zochlinski.

Ceremonial Presentations Proclamation Designating April 8-14, 2018 as National Library Week, presented by W. Arnold.

Proclamation in Recognition of the Davis Chorale's 40<sup>th</sup> Anniversary, presented by L. Frerichs.

City Manager Announcements M. Webb: Signals installed and operational at Second Street and Cantrill. 10<sup>th</sup> Annual Painters Conference at Natsoulos Gallery—city sponsored event included competition, awards presented by B. Lee. Upcoming events—Davis Futures Forum Community Design Impacts Health, April 4 in Community Chambers. April 14—free compost and mulch for residents. Bulky item drop off days—April 13 & 14 at Davis Waste Removal. April 24-28, Davis Community Church 412 C Street, Participatory Design Workshop. Budget fact sheet—overview of budget process.

City Council Announcements None

Public Comments

- Alan Hirsch: Davis Farmers Market—concerned that not managed optimally. Long time since staff review of Farmers' Market.
- Gloria Partida: Aggressive conduct ordinance—understand need and purpose but question how effective it will be. Singling out only one side of the issue.
- Richard McCann: Recommendation from Utility Rate Advisory Commission on sale of Davis Waste Removal franchise—should require Recology to move site if study finds it beneficial. Incorporate into contract.
- Kirk McGregor: Broadband Feasibility Study—service needs to be spread across and servers should be co-located. Reduce costs.
- Robert Canning: Request Council to pull second reading of Aggressive conduct ordinance from consent. Separate out aggressive conduction from remaining items.
- Zarah Wyley: Support Urban Greening Grant Proposal.
- Chris Granger, Cool Davis: Manor Neighborhood proposal—support.
- Michael Adams, Broadband Advisory Task Force member (BATF): Davis Community Network feels creation of municipally owned fiber network is a unique and beneficial opportunity.
- Steve McMahan, BATF member: Urge Council to continue to explore alternative based on municipal infrastructure.
- Ron Glick: Thank city for installing signal on Second Street for public safety. Worked with Union Pacific Railroad and PG&E, took 2 years.

- Jimmy Crisholoffsky, A&B Taxi: Ask for ride share companies to comply with safety of customers and payment of fees. Support broadband services.
- Eric Gudz: Request city follow-up on commitment to provide closed captioning.
- Larry Guenther: Budget fact sheet—ask to be cover of budget on web. Also, not just percentages, but actual numbers.

M. Webb: Ride share services has been agendized for informational update on June 19.

Consent Calendar

Construction Contract for the Pavement Rehabilitation Project – Pedestrian and Bike Path Package, CIP No. 8250

Approved Resolution No. 18-048 - Awarding Contract to Northern Pacific Corporation for Construction of the Pavement Rehabilitation Project – Bike Path Package, and Authorizing City Manager to Execute Contract

Revised Salary Table to Incorporate Corrections and Changes to Salary Ranges from Recently Adopted Labor Contracts

Approved Resolution No. 18-049 - Approving Citywide Salary Table for All Positions

Weed Abatement 2018 – Setting a Public Hearing on May 1, 2018 for Owners to Object to Proposed Removal of Weeds

Approved Resolution No. 18-050 - Declaring Weeds Growing Upon Private Property Within the City of Davis to be a Public Nuisance: Directing the Chief of the Fire Department to Post or Mail Notice to Destroy Weeds, and Providing Notice of Hearing on Objections Thereto Pursuant to California Government Code, Article 2, Section 39560 Through 39588

Recommended Projects for SB 1 Road Repair and Accountability Act: Local Streets and Roads Funding for City of Davis

Approved Resolution No. 18-051 - Adopting a List of Transportation Projects for Potential Funding from SB 1: The Road Repair and Accountability Act for Fiscal Year 2018/19

Urban Greening Grant Application to the California Natural Resources Agency to Retrofit the Davis Manor Neighborhood with Green Infrastructure

Approved Resolution No. 18-052 - Approving Grant Application for the California Climate Investments Urban Greening Program

Second Reading: Ordinance Approving a Development Agreement with High-bridge Properties Relating to the Lincoln40 Project

Adopted Ordinance No. 2526 (Introduced 03/13/2018)

Second Reading: Ordinance Adding Article 26.07 of the Davis Municipal Code Regarding City Use of Surveillance Technology and Establishing the Penalty for a Violation Thereof

Adopted Ordinance No. 2527 (Introduced 03/20/2018)

Second Reading: Ordinance Repealing Section 26.01.140 of the Davis Municipal Code Regarding Solicitation Near ATMs and Adding Article 26.06 to Prohibit Aggressive and Obstructive Conduct and Unattended Personal Property in Public Places and Rights of Way

Adopted Ordinance No. 2528 (Introduced 03/20/2018) by the following vote:

AYES: Arnold, Frerichs, Lee, Swanson

NOES: Davis

California Office of Emergency Services Strike Team Reimbursements

Approved Budget Adjustment #108 (\$251,931) – appropriating reimbursement funds

Residential Development Status Report and Annual General Plan Housing Element Progress Report for Calendar Year 2017

1. Received the Residential Development Annual Status Report
2. Received the State Housing Element Progress Report and direct staff to forward the Annual Progress Report to Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD)

Fiscal Year 2017/18 Mid-Year Budget Update

1. Received mid-year update, which presents revenue and expenditure results through the first seven months of Fiscal Year (FY) 2017/18 and an update on General Fund estimates through the end of the fiscal year (June 30, 2018)
2. Held any allocations of current reserve funds until the Council discusses the FY 18-19 budget later this spring

Treasurer's Report for the Quarter Ended December 31, 2017

Accepted the report

Minutes from the Historical Resources Management Commission Meetings of January 22 and February 26, 2018

Informational

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

Presentation: District Manager Gary Goodman: Overview of mosquito habitats and management measures. Diseases include west nile virus, summary of activity from 2017. Sacramento-Yolo Mosquito and Vector Ongoing surveillance for invasive mosquito species. Prevention methods include

Control District Update draining standing water, avoiding outdoors dawn and dusk, doors and screens in working condition.

Bike Share Program and Proposed Station Locations & Bicycle Share Business Ordinance Sam Shelton, Sacramento Area Council of Governments (SACOG) Senior Analyst: Regional bike share program; locations from Sacramento State to UCD to Sacramento City College. Membership based system. Initial 150 hub system located along light rail stations and major bus stops. Planning partnership between SACOG, Jump and City of Davis.

Bicycle Pedestrian Coordinator Jennifer Donofrio: Set clear expectations, establish rules and regulations, compensation for use of right-of-way.

Public comments:

- Ron Glick: Already impacted bike parking downtown. Should remove improper locking citation language from ordinance.
- Alan Hirsch: Number of charging spots is critical. Weight Concerns. Great program—but not tested yet.
- Daniel Janworth: Question locking provision in ordinance.
- Chris Cost: Support program. Large enough number of cycles and stations. Need to ensure affordability of system.

S. Shelton: Jump is the main sponsorship currently. Data sharing is a component of SACOG agreement with Jump.

L. Frerichs moved, seconded by B. Lee, to introduce Ordinance Adding Article 6.05 to Chapter 6 of the Davis Municipal Code to Establish Permitting and Regulations for Bike Share Businesses and to Amend Section 27.02.040 to Prohibit Locking Bicycles and Electric Bicycles to Trees, Poles, or Fences in City Parks. Motion passed unanimously.

City Council recessed at 8:36 p.m. and reconvened at 8:47 p.m.

Broadband Feasibility Study Chief Innovation Officer Diane Parro: Introduced speakers and summarized background information.

Chris Clemens, Broadband Advisory Task Force: Next steps: study multi-family housing environment. Understanding stakeholders and need of community. Search for champions to help project by advocacy and funding.

Doug Dawson, CCG Consulting: Overview of study. Engineering design for citywide fiber, speed tests/bill analysis, review of legal issues, financial business plans, risks & benefit analysis, timeline. Cost of the network: 50% customer penetration = \$106.7 million

Public comments:

- Eric Gudz: Think about preparing underground infrastructure. Have conversations with DJUSD and UCD to help with funding and maintenance.
- Wes Gardener and Connor Gorman: Support study. Find a way to make cost effective.
- Gilbert Coville: Support Task Force continuing. Opportunities for commercial and community advancement. Concerned about partnering with single provider.
- Doug Walter, Davis Community Network Board: Support.
- Phillip Arna, Comcast Government Affairs: Comcast is here and willing to work with city in finding gaps. Comcast is continuing to invest in its network and to build into the future.
- Robert Nickerson: Work with DCN and DavisGig. Potential of community owned fiber network with open platform. Ensure affordability and market diversification.
- Jeff Hoshinsky, BATF member: Study is a good first step. Made conservative financial projections. Social benefits to municipally owned and controlled broadband networks.

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

1. Accept the Broadband Feasibility Study as informational
2. Authorize work of Broadband Advisory Task Force to continue

Motion passed unanimously.

Council comments included:

R. Swanson: Work with legislature.

L. Frerichs: More engagement with UCD and neighboring jurisdictions.

R. Davis: Should have specific conversations with UCD, DJUSD, Woodland. Economies of scale, even in just bidding for construction. Look at opportunities for funding from UCD. Need to understand sensitivity to increased broadband fees and increased interest rates. Need to look at emerging technologies.

City Council Brief Communications	None
Tentative Meeting Schedule	B. Lee: July 9 as special meeting—certification of election and swearing in of new members  R. Davis: Poll Councilmember about holding meeting on July 9
Adjournment	Meeting was adjourned at 10:06 p.m.

Zoe Mirabile  
City Clerk