

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 18, 2023

The City Council of the City of Davis met in regular meeting session beginning at 6:43 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Will Arnold.

Roll Call: Councilmembers Present: Josh Chapman, Gloria Partida, Bapu Vaitla, Will Arnold

Councilmembers Absent: None

Other Officers Present: City Manager Michael Webb, City Attorney Inder Khalsa, City Clerk Zoe Mirabile

Approval of Agenda G. Partida moved, seconded by B. Vaitla, to approve the agenda. Motion passed unanimously.

Ceremonial Presentations

1. Proclamation Declaring the City of Davis a Defender of Reproductive Freedom, presented by G. Partida
2. Proclamation Recognizing April 29, 2023 as Arbor Day, presented by J. Chapman
3. Proclamation Recognizing April 22, 2023 as Earth Day, presented by W. Arnold
4. 2023 Environmental Recognition Awards:
Sustainable Community Special Recognition:Rancho Yolo Individual/Group: Cathie Bullis, Davis Picks It Up Business:..... Active4me (Founded by Tim Starback) Non-Profit: Davis Electric Vehicle Association (DEVA) Environmental Legacy:.....Explorit Science Center

City Council recessed at 7:11 p.m. and reconvened at 7:30 p.m.

City Manager & City Council Brief Announcements

City Manager Mike Webb:

- April 22—Cesar Chavez Celebration in Central Park.
- April 27—Villanova/14th St Corridor Road Design public outreach meeting at Veterans Memorial Center.
- April 29—Arbor Day Celebration in Central Park and Travel Training Workshop at Davis Senior Center.
- City will be receiving a grant from California Energy Commission to develop permit streamlining efforts for energy efficiency upgrades.

Public Comments

- Eliot Larson, Mettias Thronbill, Desmond Leach, and unnamed individual, Fridays for Future Davis (FFFD); Kat Torres, Party for Socialism & Liberation; Tristan Candellaria; Leslie Karenna, Cool Davis; and John Whitehead: Climate Action Adaptation and Plan (CAAP) is

a good start. Need more work toward carbon neutrality, and to encourage community to participate in climate challenge events/initiatives. Should prioritize and establish a carbon mitigation fund to pay for efforts. Climate anxiety is an issue for young people. Decision makers should listen and encourage the ideas of young people as they bring an alternative perspective.

- Scott Adler, Davis United Pickleball Player: City should solicit community input for Phase 2 of sport court upgrades. Phase 1 resulted in courts designed that have created problems and unsafe conditions.
- Dorte Jensen: Colin Wright will be holding event at Davis library on April 22. Request police presence to ensure a safe event. Analysis has shown that Davis High School has the highest number of youth in the country that self-identify as trans.
- Mason Harry: Lillard public restrooms at soccer field—a resident was locked inside from magnetic release button. Request button be removed.
- Cecilia Escamilia-Greenwald: Davis Public Speaking Workshop at Davis High School on April 29 will include panel discussion of elected officials and business people, lecture, and interactive activities.
- Beth Bourne; and Mimi McMahan: Request Council agendaize an item to discuss the Davis Phoenix Coalition's role in the community and city interactions. Concerned with Davis Phoenix Coalition's involvement with children regarding gender and sexual identity, organizing drag show, and exposing children to illicit material.
- Mina Walker: Growth in gender medical treatment to children. Medically altered children result in lifetime medical treatment.
- Rochelle Swanson: Thank Council for reviewing development proposal materials submitted by Village Farms and for posting online for community. Submitted analysis of wells and groundwater on site of former landfill.
- Alan Miller: Amtrak station crossing to Olive Drive—Request Council support undercrossing option.
- Ron Glick: Proposed peripheral developments will address housing needs. Council should reconsider decision to not schedule any Measure J/R/D land use projects for 2024 ballot.
- Eileen Samitz: Village Farms proposal should not be fast tracked. Three other projects have been waiting 2-4 years to be processed. Not a fair or transparent process. Shriners project is superior, should be moved forward.
- Mike Brown: Request Council listen to community on both sides of youth identity issues. Need to discuss root of issue and care for children that are going through identity crisis.
- Connor Gorman: City of Davis holds an annual Cesar Chavez event in Central Park. Event includes performances, speakers, and tables featuring community organizations.

- Tracy DeWit: Davis Joint Unified School District, City, Communicare, Davis Phoenix Coalition are hyper-focused on gender identity. Not being forthright and transparent.

Consent Calendar

Construction Contract for Davis Community Park Pump Track and Categorical Exemption per CEQA Guidelines, CIP No. ET8311
Approve Resolution No. 23-042 - Awarding Construction Contract to F. Loduca Company for the Davis Community Park Pump Track, and Finding Project Exempt from Review Pursuant to CEQA Guidelines Section §15332 In-Fill Development Projects and Executing a Memorandum of Understanding with Davis Bike Park Alliance

Construction Contract for H Street Sewer Rehabilitation and Categorical Exemption per CEQA Guidelines, CIP No. ET8166
Approve Resolution No. 23-043 - Awarding Construction Contract to McGuire and Hester for the H Street Sewer Rehabilitation, and Authorizing the City Manager to Execute Contract and Finding Project Exempt from Review Pursuant to CEQA Guidelines Section §15302 Replacement or Reconstruction

Amendment 4 to On-Call Engineering Services Agreement, and Task Order 10.1 for the Richards Boulevard/ I-80 Interchange Project, CIP No. ET8730
Approve Resolution No. 23-044 - Authorizing Amendment 4 to On-Call Engineering Services Agreement, and Task Order 10.1 with Mark Thomas and Company for the Richards Boulevard/ I-80 Interchange Project

Amendment to West Coast Arborists, Inc. Professional Services Agreement for Tree Maintenance Services
Approve Resolution No. 23-045 - Authorizing the City Manager to Execute Amendment No. 1 to the Professional Services Agreement with West Coast Arborists, Inc. for Tree Maintenance Services

Amendment to Cell Tower License - Covell Boulevard Overcrossing
Approve Resolution No. 23-046 - Authorizing the City Manager to Execute a Second Amendment to the Cell Tower Agreement with Sacramento-Valley Limited Partnership, Doing Business as Verizon Wireless, for the Cell Tower on the City's Property Located at the Northeast Corner of Covell Boulevard and F Street, which (1) Allows Dish Wireless to Sub-license a Portion of the Cell Tower to Install Three Antennas and Install Additional Equipment on the Ground, (2) Charges an Annual Sublicense Fee to Dish Wireless, (3) Increases the Annual License Fee Charged to Verizon Wireless, and (4) Makes Other Minor Modifications

Second Reading: Ordinance Amending Article 35.03 and 35.07, and Adding Article 35.8 to Chapter 35 of the Davis Municipal Code Relating to Trench Cut Fees

Adopt Ordinance No. 2640 (Introduced 04/04/2023)

Re-Establishment of Underground Utility District No. 9

Approve Resolution No. 23-047 - Identifying Previously Established Underground Utility District No. 9 and Stating an Intent to Extend Deadline for Completion of Underground Installation Work

B. Vaitla moved, seconded by J. Chapman, to approve consent calendar. Motion passed unanimously.

Public Hearing: CDBG and HOME 2023-24 Funding Deliberations and Recommendations; Annual Action Plan 2023-24

Assistant City Manager Kelly Stachowicz: Overview of public outreach process, including review and recommendation by the Social Services Commission. Summarized staff recommendations for funding allocations.

Mayor Arnold opened the public hearing.

- Tracey DeWit: Funds should not be allocated to Pacifico project. Not enough funding to properly renovate the buildings. Lack of management and proper oversight of property.

Mayor Arnold closed the public hearing.

J. Chapman moved, seconded by B. Vaitla, to approve Resolution No. 23-048, that:

- a. Approves funding recommendations for use of the estimated 2023-2024 Community Development Block Grant and HOME Investment Partnerships Program funds, contingent upon funding provided by Housing and Urban Development (HUD).
- b. Authorizes staff's submittal of the required One-Year Action Plan after the close of the 30-day comment period and completion by staff, to HUD, based on the approved funding awards contained in the City Council resolution.

Motion passed unanimously.

City Council recessed at 8:37 p.m. and reconvened at 8:45 p.m.

Final 2020-2040 CAAP Report, CEQA Negative Declaration, and

City Attorney Inder Khalsa: Legal development with respect to city's ability to regulate natural gas appliances. Ninth Circuit panel has ruled that ban on natural gas appliances is preempted by federal law. Not recommending changes to Climate Action Adaptation and Plan (CAAP) document at this time.

GHG Thresholds of Significance

Public Works Engineering & Transportation Director Dianna Jensen: Working on a three-year CAAP grant strategy. Have applied for multiple grants already, opportunities for incentives and rebates, will be considering funding via a Climate Resiliency District, Enhanced Infrastructure Financing District, or other funding mechanism.

Sustainability Coordinator Kerry Loux: Summarized community engagement process, and diversity, equity and inclusion workgroup activity including equity considerations for each proposed CAAP action. Final CAAP report provides a plan to attain community vision of carbon neutrality by 2040 with 28 actions in five categories: building energy and design, transportation and land use, water conservation and waste reduction, climate adaptation, carbon removal. Regular review and updates will occur.

Josh Lathan, AECOM: No clear path to achieve 2030 GHG reduction targets with activities identified in CAAP; approximate gap of 17,000 metric tons of carbon per year to meet minimum target. 2040 goal of carbon neutrality has a gap of 247,000 metric tons of carbon per year. Will need to identify additional actions with future CAAP updates.

Matthew Gerken, AECOM: Overview of environmental review focused on physical impacts of implementing the CAAP, resulting in an Initial Study/ Negative Declaration and memo identifying options and recommendations for Greenhouse Gas (GHG) Thresholds of Significance. Each project that comes before the City will need to provide its own qualitative/quantitative GHG analysis instead of using the CAAP for analysis streamlining.

Public comments:

- Chris Granger and Kristen Heinemeyer, Cool Davis; Richard McCann; Mark Hosking; Johnathon London; Judy Ennis; Connor Gorman; Emily Haus; and John Whitehead: CAAP actions have potential, but do not set us on path to achieving goals. Need more work on benchmarks, incentives and motivations. Consider internal funding source and facilitation to help homeowners use state and federal funding. City's Reach Code is based on building codes rather than health and safety so should withstand any legal challenges. Need to develop a bold community consensus and vision moving forward. Cool Davis is ready to help.
- Alan Miller: Community opposes mandatory conversion from gas appliances to electric. High cost.
- NJ Mvondo: CAAP Dashboard should include a clear plan for incentives. Trackable. Need language that is understandable and relatable, what it means in terms of personal budgeting and decisions.

- Johnathon London: Support climate justice framework. Focus on least responsible and most impacted populations—people of color, low income, outdoor workers, youth and elderly. Use as focus for priorities.
- Connor Gorman: Interested in future Council discussion regarding proposed freeway widening and how that might impact the CAAP. Need to improve public transportation system within city and between neighboring cities. Support free transit.

J. Chapman moved, seconded by G. Partida, to approve Resolution No. 23-049 - Adopting a CEQA Negative Declaration and Greenhouse Gas Thresholds of Significance for the Davis 2020-2040 Climate Action and Adaptation Plan. Motion passed unanimously.

B. Vaitla moved, seconded by J. Chapman, to approve Resolution No. 23-050 - Adopting the 2020-2040 Final Climate Action and Adaptation Plan. Motion passed unanimously.

B. Vaitla moved, seconded by J. Chapman, to direct staff to prioritize researching steps necessary to create a carbon mitigation fund. Motion passed unanimously.

B. Vaitla moved, seconded by G. Partida, to create a Council Subcommittee consisting of B. Vaitla and G. Partida to advise staff on implementation of the Climate Action and Adaptation Plan. Motion passed unanimously.

B. Vaitla moved, seconded by W. Arnold, to direct staff to work with relevant commissions and community groups to assess impact of different forms of housing on carbon emissions.

Clarification provided: Perform analysis of housing density and housing development in general as it relates to carbon emissions. Quantitative measures: Consider scale, height, proximity to transit and services. Review data from other jurisdictions relating to zoning codes and carbon emissions.

Motion passed unanimously.

B. Vaitla moved, seconded by J. Chapman, to direct staff to work with relevant commissions and community groups to develop voluntary electrification plan that considers incentives and disincentives, with the goal of reaching interim targets by 2030. Consider fast track permitting for electrification projects. Discuss infrastructure bottlenecks with PG&E and labor market issues with SACOG and consider possible solutions. Motion passed unanimously.

B. Vaitla moved to direct staff to consider options for low income and other cost exemptions if Council should decide to mandate building electrification.

W. Arnold proposed friendly amendment: Explore income based and other cost exemptions related to increased voluntary electrification. Not accepted by mover. Motion failed due to lack of a second.

B. Vaitla moved, seconded by W. Arnold, to direct staff to consider options for low income and other cost exemptions with an eye toward potential future legislative actions at the state or local level. Motion passed unanimously.

City Council recessed at 10:46 p.m. and reconvened at 10:52 p.m.

Status Update
for Housing
Element (Ver-
sion 2)

Community Development Director Sherri Metzker: Summarized comments in letter from the California Department of Housing and Community Development (HCD) related to Housing Element (Version 2) submittal, and staff response with proposed next steps.

Public comments:

- Judy Ennis; Chris Granger; Francesca Wright; Alan Miller, and Connor Gorman: Need to address policy gaps and issues brought up by Legal Services of Northern California related to site inventory, constraints such as land use controls, permit processing, etc. Interested in how form based code will help the community conceptualize greater density developments and provide linkages to economics and affordability. Consider impacts to working poor, marginalized, and vulnerable populations. Robust public participation process is important.
- Thelma Lakely, Ash Brown, and Margaret Brunner, UCD students; Kaitlyn McCalla and Maren Heise, realtors: Need more affordable housing for students and missing middle housing. Question status of Nishi housing project. Hope Council can push through other projects to develop much needed units.

S. Metzker: Staff will proceed with implementation of steps necessary to resubmit the Housing Element to HCD to achieve full compliance.

Brown Act
Meetings: Re-
mote Access
Options

B. Vaitla moved, seconded by J. Chapman, to take up next agenda item after 11:30 p.m. Motion passed unanimously.

Assistant City Manager Kelly Stachowicz: Staff undertook pilot effort to test out remote options for Brown Act meetings. Overview of options and staff recommendation.

Public comments:

- Alan Miller: Should consider live call in for Council meetings. Support recording commission meetings.
- NJ Mvondo: Support video recordings to have access to full meeting details. Online Planning Commission video is indexed by item; other commission meetings should have the same option.
- Connor Gorman: Glad staff is recommending video recording and closed captioning. Should consider additional remote public comment options. Support full hybrid meetings.

B. Vaitla moved, seconded by J. Chapman, to direct staff to video record commission meetings and post the recordings online after the meetings. Motion passed unanimously.

AB1234

M. Webb: Next meeting is May 2. Will include Resolution in Support of 30x30 California Initiative.

Long Range
Calendar

W. Arnold: Request staff return with potential election date options in 2025 with timelines for processing Measure J/R/D projects.

M. Webb: Staff could draft up and share timeline

Public comment:

- NJ Mvondo: If need another special election due to a Council seat vacancy, should consider an interim appointment to the seat until the election is held.

Adjournment

Meeting was adjourned at 12:03 a.m.

Zoe Mirabile
City Clerk