

MINUTES OF THE DAVIS CITY COUNCIL AND REDEVELOPMENT AGENCY
Meeting of January 24, 2012

The City Council and Redevelopment Agency Board 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 Krovoza.

Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza, Stephen Souza, Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

Other Officers Present: City Manager Steve Pinkerton, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Closed Session City Council/RDA convened a closed session pursuant to Government Code §54954.5 to discuss the following:

1. (CC & RDA) Conference with Legal Counsel – Existing Litigation:
 - A. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424
 - B. Neighborhood Partners, LLC v. Davis Area Cooperative Housing Association, et al., Yolo County Superior Court Case No. CV11-649
2. (CC) Conference with Real Property Negotiators.

Property: 616 First Street, APN 70-260-23

Agency negotiators: City Attorney Harriet Steiner, Property Management Coordinator Anne Brunette

Negotiating parties: John Natsoulas

Under negotiation: Price and terms
3. (CC) Conference with Labor Negotiators.

Agency Designated Representatives: City Manager Steve Pinkerton; City Attorney Harriet Steiner; Assistant City Manager Paul Navazio; Human Resources Administrator Melissa Chaney; Tim Yeung, Renne Sloan Holtzman Sakai, LLP.

Employee Groups/Organizations (under discussion): Davis City Employees Association; Davis Police Officers Association; Department Heads; Executive and General Management; Firefighters Local 3494; Police Management; Program, Administrative and Support Employees Association.

City Council/RDA returned to open session at 6:49 p.m. with no reportable action.

Approval of Agenda R. Swanson moved, seconded by S. Souza, to approve the agenda. Motion passed unanimously.

Brief Communications S. Pinkerton: Water Advisory Committee meeting will be held January 26.

R. Swanson: Attended League of California Cities Policy Committee meeting regarding environmental quality, storm water and water comparisons to other cities.

J. Krovoza: Sacramento Area Council on Governments Board voted to support SB659, a bill to extend Redevelopment Agencies to April 15.

Public Comments

David Greenwald: Requested Council consider televising Water Advisory Committee meetings

Elaine Roberts-Musser: Water Advisory Committee member; at initial meeting, WAC decided not to recommend televised meetings request citizens contact committee to weigh in; will bring issue up for discussion at next meeting.

City Attorney Harriet Steiner clarified: Staff will have to agendaize a special meeting of the Water Advisory Committee to discuss televised meetings as the agenda has already been posted.

Consent Calendar

(CC) License Agreement with Davis Aquadarts for Use of Community Pool for Three Months
Approved Resolution No. 12-005 - Authorizing the City Manager to Enter into a Temporary License Agreement with Aquadarts to Use Community Pool for Three Months.

(CC) Professional Services Agreement with Aquatic Design Group (ADG) to Conduct a Feasibility Study for the Community Pool Complex

1. Approved Resolution No. 12-006 - Authorizing the City Manager to Enter into a Consultant Agreement with Aquatic Design Group to Prepare a Feasibility Study for Community Pool
2. Approve Budget Adjustment #77 (\$31,500) – Allocating Park Impact Fees for Consultant Agreement, survey work and hazardous materials testing

(CC) Participation in the Cool California Challenge

Approved Resolution No. 12-007 - Supporting the City of Davis' Participation in the Cool California Challenge and Authorizing the City Manager or His Designee to Work with Local Partner Organizations to Submit Application Materials and Participate in the Design and Execution of a Participant Recruitment Plan for the Challenge

(CC) Support of Community Access Preservation (CAP) Act

Approved Resolution No. 12-008 - Support of HR 1746, the Community Access Preservation Act (*item appeared on the January 10 agenda for initial review.*)

(CC) Second Reading: Ordinance Amending Section 22.08 of the Municipal Code Relating to Timed Parking Zones, Section 22.08-280; Establishing 2-Hour Parking – North Side of Fourth Street East of G Street

Adopted (Introduced 01/10/2012)

(CC) Second Reading: Ordinance Repealing Ordinance No. 2379 which Determined the City would Comply with the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Davis
Adopted (Introduced 01/10/2012)

(CC) Restoration of the Integrated Pest Management Position to Full Time Status for the Balance of Fiscal Year 2011/12
Approved Budget Adjustment #78 (\$41,000) – allocating General Fund reserves to restore IPM Specialist from a 50% to a 100% position

(CC) 2011 Business and Economic Development Awards
Affirmed the Business and Economic Development Commission’s recommendation and awarded the 2011 Business and Economic Development Awards to the following recipients:

- Individual, Business or Organization Contributions to Local Economic Development: Blue Oak Energy
- Extended Excellence in Local Economic Development: Carbahal & Co

(CC) Development Impact Fee Annual AB1600 Report
Received and accepted the Report, which was prepared for public and City Council review pursuant to the requirements of Government Code Section 66006 (AB1600)

(CC) Fiscal Year 2011/12 Second Quarter Administratively Approved Budget Adjustments
Informational

(CC) Commission Minutes (informational only):
1. Bicycle Advisory Commission Meeting of November 7, 2011
2. Planning Commission Meeting of December 7, 2011
Informational

R. Swanson moved, seconded by D. Wolk, to approve the consent calendar as listed above. Motion passed unanimously.

Removed from Consent: Item removed by S. Greenwald.

(CC) Feasibility Study for the Rehabilitation/ Modernization of Veterans’ Memorial Center Complex
D. Wolk moved, seconded by S. Souza, as follows:
1. Approve Resolution No. 12-009 - Authorizing the City Manager to Enter into a Consultant Agreement with Hibser Yamauchi Architects to Prepare a Feasibility Study for Veterans’ Memorial Center
2. Approve Budget Adjustment #76 (\$43,500) – allocating Park Impact Fees for consultant agreement, survey work and hazardous materials testing
Motion passed by the following vote:
AYES: Souza, Wolk, Krovoza
NOES: Greenwald

(CC) Public Hearing: Appeal of December 7, 2011 Planning Commission Decision to Deny Conditional Use Permit for 5060 and 5080 Chiles Road, Davis Diamonds Gymnastics and MarkeTech Group; Appeal Application PA#11-37; PA #11-37; Conditional Use Permit #06-11

Principal Planner Michael Webb: MarkeTech Group and Davis Diamonds Gymnastics propose to jointly purchase and develop two adjacent parcels located at 5060 Chiles Road and 5080 Chiles Road. Parcels are located in the Auto-Center (A-C) zoning district and require a Conditional Use Permit. On December 7, 2011, the Planning Commission denied the project by a vote of 5-1. Applicant submitted an appeal of the Planning Commission decision.

Community Development & Sustainability Director Ken Hiatt: A-C is most restrictive zoning in town; application is not consistent with Council goals related to economic stability.

Public comments:

- Xavier Santana: Broker for project; location has been vacant for 5 years, question whether Davis is a good fit for auto dealerships; economically not feasible to look at other properties, buying existing building is most economic option.
- Warren Sachs, American River Marketing: Hold lease on premises since August 1985; spend \$12,000-\$15,000/month on empty building; support Market Tech and Davis Diamonds Gymnastics project.
- Gene: Prior owner of Datsun auto dealership on Olive Drive, closed in 1982; history of dealership and ownership of parcels.
- Mark Davis and Christian Renaudin, MarkeTech: A-C zoning does not appear to fit auto dealership world today, dealerships are fewer in number and larger in size; City should support retention of local jobs, foster growth of technology companies, and encourage youth activities; will be able to provide affordable rent to fledgling startups.
- Hilde Aune, James Major, Nicole Bradshaw, Samuel Resendes, Chris Ochoa, Liz Sheridan, Roman Gankin, Leo and Olivia Cooper, Donna Olsen, Erik, Darrell Dickey, Venita Dolmia, Nancy Lesha, Camille Baumont, Linda and Carlos Casillas, Krista Thompson, Chris, David Chan, Irene Waylan, and Sydney Greg Simmons, all from or on behalf of Davis Diamonds: Davis Diamonds has grown from 30 to nearly 700 participants in 10 years, 25 full-time and part-time staff; current location lease is expiring and site is no longer suited to business; need to expand to accommodate growing business, want to provide space to hold meets; South Davis has many empty lots, would be boost to neighborhood.

City Council recessed at 9:03 p.m. and reconvened at 9:18 p.m.

S. Souza moved, seconded by D. Wolk, to direct staff to return to Council with conditions and finding for granting the Conditional Use Permit.

R. Swanson moved substitute motion, seconded by J. Krovoza, to continue the public hearing to February 21 and direct staff to work with the project applicants to consider a potential public-private partnership with the City, to include looking at legalities and the City's gymnastics programs, proposed alternate locations and more specifics for the project.

M. Webb clarified motion: direct staff to conduct appropriate research and work with applicants on the project, provided they are willing. Applicants requested brief recess to confer with partners and broker regarding motion.

City council recessed at 10:19 p.m. and reconvened at 10:30 p.m.

James Major: willing to cooperate with City, previously provided revenue neutral proposal to City; not willing to delay CUP.

K. Hiatt: staff will look at alternative sites and project proforma, consider potential financial gaps and possible solutions.

Substitute motion failed by the following vote:

AYES: Swanson, Krovoza

NOES: Greenwald, Souza, Wolk

Main motion amended as follows: continue public hearing to February 7 and direct staff to return to Council with conditions and findings for granting CUP. Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk

NOES: Swanson, Krovoza

City Council recessed at 11:12 p.m. and reconvened at 11:24 p.m.

R. Swanson moved, seconded by S. Souza, to continue the meeting until midnight. Motion passed unanimously.

(CC) Water Utility Update – Timing of Potential Ballot Measure and Authorization for Water Rate Study Contract

City Attorney Harriet Steiner: Staff recommends targeting the November 2012 General Election for a possible ballot measure related to the surface water project and ratification of water rates, in conjunction with a new Proposition 218 rate-setting process. Ballot measure options include an advisory measure or affirmative initiative measure.

Public comment:

- Elaine Roberts-Musser and Michael Bartolic: Water Advisory Committee members; support ballot measure in November; request Council allow the Water Advisory Committee enough time to complete tasks; Committee is doing great work, good will among members.
- Ernie Head: Request information on the total amount of funding spent on the surface water project.

S. Souza moved, seconded by R. Swanson, as follows:

1. Received staff report related to specific elements of the City Council's direction from December 6, 2011 meeting related to a potential ballot measure for Surface Water Project, comprehensive water rate study, and timeline for consideration of new water rate(s).
2. Direct staff to return to the City Council with proposed language for an advisory

measure to be placed before the voters at the November 2012 General Election.

D. Wolk proposed a friendly amendment to remove “advisory” from #2. Accepted by mover and second. Motion passed unanimously.

Assistant City Manager Paul Navazio: Request for Proposals for a water rate study was sent to 10 firms known for expertise in the field; final scope of work will be based on input from the Water Advisory Committee and a final proposed budget will be negotiated by the City Manager.

S. Souza moved, seconded by D. Wolk, as follows:

1. Approve resolution No. 12-010 - Authorizing the City Manager to Execute Consultant Agreement with Bartle Wells Associates Water Rate Study, to undertake a comprehensive water rate study, for a not-to-exceed amount of \$125,000.
2. Approve Budget Adjustment #80 (\$140,000), to include the contract and associated legal and professional services costs outside of the contract.
3. Direct staff to work closely with the Council-appointed Water Advisory Committee on the development of the rate study, and return to the Council by July 1st with a recommendation for the appropriate rate structure and multi-year rate requirements in support of the City’s water utility.

Motion passed unanimously.

(CC) Park Maintenance Special Tax – Renewal at Existing Rates, Subject to Voter Approval at the June 5, 2012 Election

D. Wolk moved, seconded by S. Souza, to Introduce Ordinance Amending Article 15.14 of Chapter 15 of the Davis Municipal Code Establishing a Park Maintenance Tax to Fund Maintenance of Parks, Street Trees, Greenbelts, Bike Paths, Medians, Public Landscaping, Urban Wildlife and Habitat, Swimming Pools, and Recreational Facilities to Extend the Term of the Tax Subject to the Approval of the Voters. Motion passed unanimously.

Removed from Consent:

Item removed by S. Greenwald.

(RDA) Allocating Redevelopment Agency Housing Set-Aside Funds

D. Wolk moved, seconded by R. Swanson, to approve Budget Adjustment #79 (\$250,000) - allocating Housing Set-Aside funds to Agency legal expenses related to the production and preservation of affordable housing. Motion passed unanimously.

(CC & RDA) Redevelopment Agency Dissolution –EOPS and ROPS &

City Attorney Harriet Steiner: As of February 1, 2012, the Redevelopment Agency is dissolved; assets and obligations of the Agency are transferring to the Successor Agency.

D. Wolk moved, seconded by R. Swanson, as follows:

Transfer Agency Fund Balance & Budget Obligations to the City

1. Approve RDA Resolution No. 1273 – Approving Enforceable Obligation Payment Schedule for the Period Ending June 30, 2012
2. Approve Resolution No. 12-011 – Approving Recognized Obligation Payment Schedule for the Period Ending June 30, 2012
3. Approve Resolution No. 12-012 – Approving Recognized Obligation Payment Schedule for the Period Ending June 30, 2012
4. Approve Budget Adjustments #88 and #117 – de-appropriating balances and transferring fund balances and budget obligations to the City

Removed from Consent:

Item removed by S. Greenwald.

S. Greenwald: Request item be deferred to next meeting; will discuss with staff. Council concurred.

New Job Specification – Asset Manager

Reconsideration of Development Impact Fee Annual AB1600 Report (consent calendar item)

S. Greenwald: Intended to remove item from consent calendar for discussion prior to approval; request reconsideration. Council concurred. Item will be included on next agenda as item submitted by councilmember for reconsideration.

Long Range Calendar

R. Swanson: Request presentation by Mosquito Abatement District regarding upcoming mosquito season and new regulations. Council concurred.

S. Souza: Request staff to post a special meeting agenda so the Water Advisory Committee may discuss communication dissemination of meetings; request recommendation from Committee on televised meetings. Council concurred.

Adjournment

Meeting was adjourned at 12:15 a.m.

Zoe S. Mirabile, CMC
City Clerk