

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 6, 2012

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 and Beacon Hotel, 1615 Rhode Island Avenue, NW, Washington DC 20036. The meeting was called to order by Mayor Krovoza.

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

Councilmembers Absent: None

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

Approval of Agenda City Manager Steve Pinkerton: Consent calendar item ADA Home Rehabilitation Program Contract has been removed from the agenda and will be brought back at later date.

R. Swanson moved, seconded by D. Wolk, to approve the agenda as amended. Motion passed unanimously.

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

1. Conference with Legal Counsel – Existing Litigation: (City Council & City Acting as Successor Agency):
 - 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

R. Swanson recused herself from the following due to a conflict of interest from a leasehold within 500 feet of the property:

2. Conference with Legal Counsel – Existing Litigation: Davis Depot At Grade Crossing Application Proceeding; CPUC Case No. A.11-08-14
3. Conference with Legal Counsel – Anticipated litigation: Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (two cases)
4. Conference with Real Property Negotiators:
 - Property: Staib 72 Property; APN 040-200-15
 - Agency negotiators: City Attorney Harriet Steiner and Sustainability Program Manager Mitch Sears
 - Under negotiation: Property resale price and terms of payment
5. 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; Fire Management; Police Management; Program, Administrative and Support Employees Association.

City Council returned to open session at 6:45 p.m. with no reportable action.

Ceremonial
Presentation

Proclamation Recognizing March 2012 as “Women’s History Month” and Honoring the Yolo County Women’s History Month Committee Upon its 25th Anniversary was presented by Councilmember Greenwald.

Proclamation Recognizing March 2012 as Colorectal Cancer Awareness Month was presented by Councilmember Wolk.

Brief Commu-
nications

S. Pinkerton: Water Advisory Committee meeting on March 8.

Assistant City Manager Paul Navazio: City mailed out postcards last week to correct a message that should have been on the city services bill; cost to city.

S. Souza: Teleconferencing in from Washington DC; lobbying on behalf of RD2035 and Woodland Davis Clean Water Authority.

R. Swanson: Arbor Day Celebration in Central Park on March 7. Women’s History Month Luncheon in Woodland at Community Center on March 8.

D. Wolk: TREE Davis planting on March 10 in Wildhorse Greenbelt, celebrating 25th Anniversary.

J. Krovoza: Davis Little League opening on March 10, parade at 10:00 a.m. from Community Park to Little League Fields.

Public Com-
ments

· David Kalb: Applicant for Finance and Budget Commission

Regarding regular item - Non-profit Davis Roots Use of Hunt-Boyer Mansion:

- Meg Arnold, Sacramento Area Regional Technology Alliance (SARTA): Non-profit focused on accelerating technology ventures to drive economic diversification in region; recently published map of technology companies in Sacramento region--more than 150, 40+ of those companies are based in Davis, largest concentration in single jurisdiction outside of Sacramento; community has potential to drive accelerated level of entrepreneurship; good location close to campus.
- Rob White, CEO IGATE Innovation Hub: Proposal to provide resources and assets, partners with city and university along with larger region of Sacramento; opportunities for relationship building to support Davis Roots efforts.
- Lynn Nitler, Cool Davis: Hunt Boyer contains a nice conference room; have

a hard time finding meeting space; 4 Cool Davis groups meet every week; request opening space to public to use as meeting space.

- Gary Sandy, Government Relations UC Davis: UC Davis supports proposal for Davis Roots use of Hunt Boyer.

Sacramento-Yolo Mosquito and Vector Control District Presentation

David Brown, Manager of the Sacramento-Yolo Mosquito and Vector Control District, presented information on the current issues and challenges related to mosquito control. Encourage residents to eliminate standing water.

Consent Calendar

Supportive Housing Program Grant for Program Year 15

Approved Resolution No. 12-028 - Authorizing the City Manager to Execute Agreements with the US Department of Housing and Urban Development and Davis Community Meals for the Implementation of the Supportive Housing Program.

Plans, Specifications and Estimate Approval and Contract Award for City Hall HVAC Replacement Project, CIP No. 8215

1. Approved the plans and specifications
2. Approved Resolution No. 12-029 - Authorizing the City Manager to Award Construction Contract for City Hall HVAC Replacement, Project No. 8215

Mayoral Appointments to Serve on the Oversight Board for the Successor Agency to the Former Davis Redevelopment Agency

1. Approved Resolution No. 12-030 - Confirming the Mayor's Appointments of 2 Members to the Oversight Board Created by Health and Safety Code Section 34179 et seq., Regarding Dissolution of the Redevelopment Agency of the City of Davis
2. Directed the City Clerk to forward the name of the appointees to the County Administrator's Office

Arbitrage and Rebate for the 2007 Community Facilities District – Mace Ranch Bond

Approved Budget Adjustment #111 (\$17,000) – allocating tax proceeds to cover cost of arbitrage and rebate

Wayfinding Plan for Downtown Davis

Approved Budget Adjustment #112 (\$24,200) – allocating the remaining Target community enhancement funds to the plan

Bikes Belong Foundation “Green Lane Project” Grant Opportunity

Directed staff to pursue the grant opportunity “Green Lane Project”

Commission/Committee Minutes:

1. City-Chamber of Commerce 2x2 Committee Meetings of November 17 and December 15, 2011

2. City-Davis Joint Unified School District 2x2 Committee Meetings of September 29, 2011 and January 20, 2012
3. Historical Resources Management Commission Meeting of January 23, 2012
4. Planning Commission Meetings of January 25 and February 8, 2012
5. Safety and Parking Advisory Commission Meeting of December 1, 2011
6. Water Advisory Committee Meeting of January 26, 2012

Informational

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

Removed from
Consent Calendar:

Item removed by D. Wolk.

ICLEI Energy
Benefits Program – Yolo
County

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 12-031 - Supporting the Local Governments for Sustainability (ICLEI) Energy Benefits Program for Yolo County and Authorizing the City Manager or His Designee to Enter into the Program to Promote the Installation of Solar PV Systems and Energy Efficiency Measures by Public and Private Sector Employees through Collaborative Purchasing. Motion passed unanimously.

City Council
Agendas and
Packets

Item removed by D. Wolk and R. Swanson.

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

1. Concur with staff recommendation to post agendas and release agenda packets by the Thursday prior to a Tuesday council meeting. Deadline shall be 10:00 a.m.
2. Concur with staff recommendation that, in general, items without a staff report available at the time of packet release will be held to the next available Council agenda.

Motion passed unanimously.

Water Advisory
Committee
Check In

Item removed by D. Wolk and J. Krovoza.

Public comments:

- Elaine Roberts-Musser, WAC Chair: Committee has worked hard to devise a structure to make sure recommendations to Council are timely.
- Alf Brandt, WAC: WAC should be focusing their efforts on rates and design build operate structure.

D. Wolk moved, seconded by R. Swanson, to direct the Water Advisory Committee to take until the end of April to deliberate on the surface water project and alternatives—no project, surface water project, groundwater, conservation, alternatives from 2007 Environmental Impact Report (EIR). WAC to work out details with staff on alternatives. Use EIR as basis for discussion.

R. Swanson proposed a friendly amendment that the WAC discuss feasible options from EIR, consider limitations on aquifer and groundwater, and appropriate

conjunctive use.

D. Jenson clarified: June 28 deadline will allow for consideration of three options. Concerned that if WAC given only until end of April to work on topic, may not allow for full discussion of other issues.

R. Swanson moved substitute motion, seconded by S. Greenwald, as follows:

1. Confirm that the three items the Water Advisory Committee has defined as goals are consistent with Council’s direction:
 - A. Surface water project and any potential alternatives
 - B. Design-build-operate model or possible alternatives to such a model for the surface water project
 - C. All matters related to the rates of the surface water project or for any project that the Committee recommends as a feasible alternative
 2. Confirm that the schedule presented meets Council’s needs.
- Motion passed unanimously.

City Council recessed at 8:38 p.m. and reconvened at 8:51 p.m.

City Council Appointment to the Finance & Budget Commission

D. Wolk moved, seconded by R. Swanson, to appoint the current alternate member, Philip King, to regular member status. Motion passed unanimously.

City Council voted to fill the alternate vacancy through use of a grid system:

| Finance & Budget Commission -- 1 Vacancy (ending 9/30/14) | | | | | | | | |
|---|------------|----|----|----|----|----|-------|-------------|
| APPLICANT | | SG | JK | SS | RS | DW | TOTAL | APPOINTMENT |
| Last Name | First Name | | | | | | | |
| Clark | Linda | | | | | | 0 | |
| Kalb | David | X | X | X | X | X | 5 | Alternate |
| Salomon | Raymond | | | | | | 0 | |

Authorization to Proceed with Final Engineering to Raise the Regional Water Treatment Facility (RWTF) Site

Interim Public Works Director Robert Clarke: Staff is requesting Council authorize proceeding with final engineering; not committing City to point of no return on surface water project.

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 12-032 - Authorizing Woodland-Davis Clean Water Agency to Proceed with Final Engineering of Regional Water Treatment Facility Site Fill Work for Davis-Woodland Water Supply Project. Motion passed by the following vote:

AYES: Souza, Swanson, Wolk, Krovoza
 NOES: Greenwald

Consider Adop-

Police Chief Landy Black: Desire is to change the culture of partying and youth-

tion of a Minor Alcohol Preclusion Ordinance for the City of Davis

ful drinking in Davis. Outlined amendments to Ordinance since it was initially presented to Council.

Public comments:

- Robert Canning: Rates of binge drinking among high school and college age is close to 30%; need to address underage drinking; agree with sunset and collecting data; would like to see larger public health approach.
- Tia Will: Public health issue and should be treated as such; suggest more evidence be collected; need collaborative approach.
- Rebecca Sterling, Bradley Bottums, Erica Pagett, Dillan Schafer, Kamir Kapoor, Carly Sandstrom, and Gena Gindi, all from ASUCD: Main issue is safe partying and safety of residents; ordinance does not address issue of student health and bad behavior; fines excessive; if ordinance is adopted, students will feel targeted; need to make sure students are safe and comfortable calling police; should focus on more educational efforts.
- Kate Uglow, Collegiate Panhellenic Association: Concern that after current student body graduates and current city staff moves on, education on ordinance will not be enough in future.
- Justin Cable: Oppose ordinance, bad precedent, picking on students.
- Dana Bait, Ryan Lockwood, Eric Winslow, Don Gilbert, and Adrian Kausborn, all UCD students: Targets students; does not address public health effects of binge drinking; too much discretion given to officers to determine age and status.
- Michelle Famula, Student Health Center: Support sunset provision; will only be effective if trust established; thank Police for trying to explore new opportunities to address public health.
- David Greenwald: Oppose ordinance, no student buy in; if ordinance is adopted, should include language that people being approached will be showing overt signs of intoxication, disturbing the peace, some other secondary offence beyond consumption of alcohol.
- Elaine Roberts-Musser: Residents don't feel safe in their own neighborhoods; suggest trying out ordinance; students will only get stopped if police recognize reasonable suspicion that students are drunk.
- Ron Glick: Alcohol abuse is a public safety and health problem, ordinance is discriminatory; consider re-working standard language of rental agreements to address problems.
- Trease Petersen, Davis Police Department, and Sheila Smith, Vice Principal at Davis Senior High School: Juvenile arrests are up 25%; underage drinking is unhealthy and illegal; ordinance will help officers in addressing students coming to and from school; school diversion program is restorative, police work with school as partners in educating students.

J. Krovoza moved to introduce the revised Minor Alcohol Preclusion Ordinance adding Article 26.06 to the City's Municipal Code relating to the Minor Alcohol Preclusion Act. No second.

R. Swanson moved, seconded by D. Work, to direct that ordinance be agendized as a formal discussion item for City-UCD Student Liaison Commission consideration within the next 60 days, to be brought back to Council for consideration.

D. Wolk proposed a friendly amendment to include Human Relations Commission consideration as well. Accepted by mover.

S. Greenwald moved substitute motion to direct staff to review all potential tools for dealing with the issue. Discussion to be agendized at the City-UCD Student Liaison, Social Services and Human Relations Commissions. Determine if we can find mechanism for dealing with noise and vandalism enforcement; look for buy in. No second.

S. Pinkerton clarified: Staff will need minimum 90 days to accommodate commission input on the ordinance and possible modifications.

R. Swanson clarified: Discussions to include issues with alcohol consumption that are associated with irresponsible and unlawful behaviors, high risk and underage drinking, and public health and safety concerns.

Main motion passed by the following vote:

AYES: Greenwald, Swanson, Wolk, Krovoza

NOES: None

ABSENT: Souza

By consensus, Council continued the meeting until 12:30 a.m.

City Council recessed at 11:50 p.m. and reconvened at 11:59 p.m.

Item Deferred Item deferred to next regular meeting: Update on Facilities Cost Recovery Policy and Proposed Community Services Revenue and Pricing Policy

Item Submitted by Councilmembers (Krovoza/Swanson): J. Krovoza: Proposal is to enter into 6 month agreement.
R. Swanson: Necessary dynamics of incubator being located in downtown area.

Non-profit Davis Roots Use of Hunt-Boyer Mansion Public comments:
· Andy Hargadon and Anthony Costello, Davis Roots: Davis is losing too many startups to other communities; Hunt Boyer is available now, good downtown location; primary goal is to root companies in Davis and have them take up their own office space, hire employees; conceived as partnership between city, university and nonprofits; looking to city to provide space as their contribution to partnership.
· Steve Boschken: City has discussed technology transfer and ways to attract businesses to downtown for years; Davis Roots is willing to take the risk; should support effort; fair market value of space is approximately \$1.00/ft., on second floor, not renovated; great benefit to city for very small risk.

- Gary Sandy. UCD Government Relations: Jobs conference on campus today, need to create job opportunities to retain youth in the area; project has captured much attention; has support of university through highest level.

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

1. Approve Resolution No. 12-033 - Authorizing the City Manager to enter into a short-term lease of portions of the Hunt-Boyer Mansion to Davis Roots; and
2. Staff to report to City Council within four (4) months of lease commencement detailing the activities of Davis Roots, along with a proposed longer-term lease of the building.

Motion passed by the following vote:

AYES: Swanson, Wolk, Krovoza
 NOES: Greenwald
 ABSENT: Souza

City Council
 Long Range
 Calendar

S. Pinkerton: March 20—Youth in Government and Telecommunications Commission joint discussion; April 3—Agreement for City’s Representative for Secondary and Tertiary Improvements Phase and Police Department Report on Crime Statistics.

Rental of Vacant City-owned Affordable Units & Formation of Affordable Housing Advisory Task Force (AHTF)

D. Wolk: Recused himself from item as Steve Boschken is the Treasurer for his Campaign Committee.

City Attorney Harriet Steiner: Wolk is recusing for perception issue. No legal conflict; Steve Boschken is also Treasurer for R. Swanson’s Campaign Committee; however, she is not actively campaigning.

By consensus, Council deferred discussion and action on establishing the structure and purpose of the Affordable Housing Task Force.

R. Swanson moved, seconded by S. Greenwald, to approve Resolution No. 12-034 - Authorizing the Leasing of the Twenty City Owned Single Family Housing Units and Amendment to Property Management Contract with Boschken Properties, taking the following actions:

1. Directing staff to amend the existing property management contract to expand their scope of work to include all aspects of property management for the twenty city-owned single-family affordable homes, including rent collection, marketing, and tenant qualification, with a contract term through August 2012
2. Directing staff and Boschken Properties to accept the warranty claim offer, complete preparation work on the vacant units, and fill the existing vacant affordable homes with qualifying low-income renters, using the city’s standard tenant selection process, a low-income rent, and a lease term through August 31, 2013

Motion passed by the following vote:

AYES: Greenwald, Swanson, Krovoza
 NOES: None

ABSTAIN: Wolk
ABSENT: Souza

Adjournment Meeting was adjourned at 12:58 a.m.

Zoe S. Mirabile, CMC
City Clerk