

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 26, 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. 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

Approval of Agenda S. Souza 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 Labor Negotiators.

Agency Designated Representatives: City Manager Steve Pinkerton; City Attorney Harriet Steiner; 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.

B. Conference with Legal Counsel - Existing Litigation.

1. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424
2. Neighborhood Partners, LLC v. Davis Area Cooperative Housing Association, et al., Yolo County Superior Court Case No. CV11-649
3. People's Vanguard of Davis, Inc. v. City of Davis, Yolo County Superior Court Case No. PT12-480

Council returned to open session at 6:47 p.m.

J. Krovoza: Council voted 4-1 to reach settlement in Vanguard v. City of Davis. Settlement provides for payment of attorneys fees to Vanguard; all parties leave report in current state. Matter will be concluded upon signing settlement agreement and filing with court.

Ceremonial Presentation: in The following expressed appreciation and well wishes to Councilmembers Greenwald and Souza:

Appreciation of Sue Greenwald and Stephen Souza for Their Leadership and Civic Contributions while Serving on the Davis City Council

Susan Lovenburg, DJUSD Board; Randii MacNear, Davis Farmers Market; Lynne Nittler; Johannes Troost; Kary Fry; Bob Farkle; Rhonda Reed; Eassan Katier; Sheila Allen; Tim Hoban; Desmond Jolly; Norma Turner; Bill Kopper; Rich Rifkin; Ellen Pontac; Linda Parfitt and Robin Souza.

Matt Ivler, representing Senator Lois Wolk and Andrew Benware, representing Assemblymember Mariko Yamada presented Resolutions.

Jim Provenza, County Supervisor, and Diane Perro, Deputy to Supervisor Don Saylor; presented Proclamations.

Proclamation Honoring S. Souza was presented by R. Swanson.

Proclamation Honoring S. Greenwald was presented by J. Krovoza.

Council recessed at 7:48 p.m. and reconvened at 8:09 p.m.

Brief Communications

S. Pinkerton: Dedication at Northstar Park, Julie’s Garden; July 29 at 6 p.m.

J. Krovoza: AB1234 reporting—attended U.S. Mayor’s Conference in Orlando, Florida.

Davis Flute Choir will be represented at Worlds Expo, performing on July 10.

Request from California Infill Builders Association to endorse AB 904, regarding building standards for state, consistent with Davis standards; wrote letter from Mayor in support of legislation.

Davis co-sponsor of SB843, allow communities to create renewable energy, passed committee yesterday.

D. Wolk: Larger issue, discuss Council legislative policy at Retreat; look at Solano and Yolo policies; how does Council handle requests to support/oppose bills.

Public Comments

- Mary Kate Williams, Tim Hoban, Alan Pryor, Sally Parker and Barbara King: Oppose reduction in tree staff; will result in exposure to liability; cycle of trimming is inadequate.
- David Robinson and Mike Maulhart: Tree Commission voted unanimously to protest staff cut backs; true test on achievable service levels.
- Zachary Dashler: Fraternity sponsoring 100 mile backpacking trip on John Muir trail to support Pathway Home for returning soldiers.
- Kyle Thomas: Trying to start food truck business Zen Tacos; will be run by students for students; would like opportunity to discuss plan with Council.

Pacific Gas & Electric (PG&E) Informational

Government & Community Relations Representative Alisa Okelo-Odongo: Transmission Line and Distribution Line Projects. Prioritizing where work is needed; will be ongoing process.

Update –
Activity in the
Davis
Community

Public comments:

- David Johnson: Stonegate resident; Since 2006, at least 88 gas leaks in Stonegate area, safety issue.

J. Krovoza: Suggest posting information on city website; encourage PG&E to work with Fire Chief to provide public outreach to Stonegate residents.

Consent
Calendar

Agreement with Yolo County Department of Employment and Social Services for Administration of CalWORKs Child Development Program for Fiscal Year 2012-2013

Approved Resolution No. 12-085 - Authorizing The City Manager To Enter Into An Agreement With The Yolo County Department Of Employment And Social Services, Related To The Administration Of Yolo County CalWorks Child Development Services

Change of Vendor for Purchase of Patrol Car Mobile Data Computer and Camera System Replacement for Police Department Vehicles

Approved Resolution No. 12-086 - Approving Purchase Of Replacement Patrol Car Computer And Camera Systems

Golf Course Renewable Energy Farm – Exclusive Right to Negotiate

Approved Resolution No. 12-087 - Authorizing The City Manager To Enter Into An Exclusive Negotiation Agreement With Cleanpath Ventures For The Potential Lease Of The Golf Course Farm For A Photovoltaic Facility

New Job Description and Terms, Conditions and Understanding of Compensation for the Individual Executive Management Employees

1. Approved Job Description – General Manager Utilities, Development and Operations
2. Approved Resolution No. 12-088 - Adopting Terms, Conditions and Understanding of Benefits and Employment for the Executive Managers

University Research Park Excess Special Assessment District Reserve for the Fiscal Year 2012-13

1. Approved Resolution No. 12-089 - Determining Excess Funds and Directing Application Thereof University Research Park Assessment
2. Approved Resolution No. 12-090 - Requesting Collection Of Charges On Tax Roll University Research Park Improvement District #1, Series 1993 For the Fiscal Year 2012-13
3. Authorized Mayor to sign Certification of Assessment

Park Maintenance and Open Space Protection Special Taxes for Fiscal Year 2012-13

1. Approved Resolution No. 12-091 – Requesting Collection Of Charges On Tax Roll Park Maintenance Special Tax For The Fiscal Year 2012-2013
2. Approved Resolution No. 12-092 - Requesting Collection Of Charges On Tax Roll Open Space Protection Special Tax For The Fiscal Year 2012-2013

3. Authorized Mayor to sign Certifications of Special Tax

2012-2013 Mello Roos Community Facilities Tax Assessments

1. Approved Resolutions Fixing Tax Rates for the following:
 - A. Resolution No. 12-093 - Fixing Tax Rate For Community Facilities District 1990-1 For The Fiscal Year 2012-2013
 - B. Resolution No. 12-094 - Fixing Tax Rate For Community Facilities District 1990-2 For The Fiscal Year 2012-2013
 - C. Resolution No. 12-095 - Fixing Tax Rate For Community Facilities District 1990-3 For The Fiscal Year 2012-2013
 - D. Resolution No. 12-096 - Fixing Tax Rate For Community Facilities District 1990-4 For The Fiscal Year 2012-2013
 - E. Resolution No. 12-097 - Fixing Tax Rate For Community Facilities District 1990-5 For The Fiscal Year 2012-2013
 - F. Resolution No. 12-098 - Fixing Tax Rate For Community Facilities District 1991-2 For The Fiscal Year 2012-2013
 - G. Resolution No. 12-099 - Fixing Tax Rate For Community Facilities District 2007-2 For The Fiscal Year 2012-2013
2. Approved Resolutions Requesting Collection of Charges on Tax Rolls for the following:
 - A. Resolution No. 12-100 - Requesting Collection Of Charges On Tax Roll Davis Community Facilities District Series 2003 & 2009 Special Tax For The Fiscal Year 2012-2013
 - B. Resolution No. 12-101 - Requesting Collection Of Charges On Tax Roll City Of Davis Community Facilities District No 1991-2 (East Davis-Mace Ranch Area) Series 2007 Special Tax For The Fiscal Year 2012-2013
 - C. Resolution No. 12-102 - Requesting Collection Of Charges On Tax Roll City Of Davis Community Facilities District 2007-2 (East Davis Mace Ranch Area Ii) Series 2007 Special Tax For The Fiscal Year 2012-2013
3. Authorized Mayor to sign Certifications of Special Tax

Lower Sacramento River Flood Plain Coordinating Committee (

1. Authorized the Mayor to sign letter to the Department of Water Resources requesting early and genuine local input into any discussions regarding flood control modification in the Yolo Basin
2. Directed staff to participate in the newly forming Lower Sacramento River Flood Plain Coordinating Committee which will represent the various governmental, resource conservation districts and other stakeholder groups in Yolo and Solano County potentially affected by Department of Water Resource flood control projects

Contract for Integrated Water Resources Study

1. Approved Resolution No. 12-103 - Authorizing The City Manager To Execute Consultant Agreement With Brown And Caldwell For Integrated Water Resources Study
2. Approved Budget Adjustment #178 (\$157,502) – appropriating Maintenance and Operations Water Funds

Code Enforcement Case #09-143; Funding for Legal Costs Associated with the Abatement Proceedings for the Property Located at 2728 Loyola Drive
Approved Budget Adjustment #163 (\$35,500) – appropriating funding for abatement proceedings, to be recovered through the receivership process

ABAG Loan (Association of Bay Area Governments) Payoff Amount Adjustment – Completion of Payoff for Acquisition and Construction of Playfields Park
Approved Budget Adjustment #176 (\$17,939) – appropriating Quimby fees

Ordinance No. 2392 - Repealing In Its Entirety Article 40.29 Of The City Of Davis Municipal Code Relating To Wireless Telecommunication Facilities And Readopting And Reenacting Article 40.29 As Set Forth In Exhibit A Attached Hereto And Incorporated Herein
Adopted (Introduced 06/12/2012)

Commission/Committee Minutes (informational only):

1. Bicycle Advisory Commission Meeting of May 7, 2012
2. Water Advisory Committee Meetings of January 26, March 22 and 24, April 12 and 26, and May 10, 2012

Informational

Advisory Commission Actionable Recommendation:

Finance and Budget Commission Meeting of May 14, 2012

Received commission minutes as informational without acceptance of the Commission's recommendation related to contract review prior to Council action.

Citywide Motorola Radio System Maintenance

Informational

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

Removed from
Consent

Item removed by S. Souza.

Calendar:

S. Souza moved, seconded by D. Wolk, to approve Resolution No. 12-104 - Declaring the Results of the General Municipal Election Held on June 5, 2012, amended to reflect term expiration upon the election of a successor thereto at the General Municipal election in June 2016. Motion passed unanimously.

Certification of
June 5, 2012
Election

Advisory
Commission

Item removed by D. Wolk.

Actionable
Recommendations:

D. Wolk: Appreciation to previous City of Davis Poet Laureate, Allegra Silberstein.

Civic Arts Commission Meeting of May 14, 2012	<p>J. Krovoza: Request staff return with a proclamation honoring the former poet laureate.</p> <p>D. Wolk moved, seconded by R. Swanson, as follows:</p> <ol style="list-style-type: none"> 1. Receive commission minutes of May 14, 2012 2. Approve Commission recommendation to appoint Eve West Bessier as the new City of Davis Poet Laureate, for the term of July 2012-2014 <p>Motion passed unanimously.</p>
Annual Update of City's Investment Policy	<p>Item removed by J. Krovoza.</p> <p>J. Krovoza moved, seconded by R. Swanson, to approve Resolution No. 12-105 – Adopting City of Davis Investment Policy and direct staff return to Council before mid-October with a report on the current Investment Policy and Local Preference Policy for Council discussion. Motion passed unanimously.</p>
Public Hearing: Visitor Attraction Business Improvement District Annual Reauthorization	<p>Deputy City Manager Kelly Stachowicz: Overview of process and proposed assessment.</p> <p>Mayor Krovoza opened the public hearing.</p> <p>Alan Humason, Yolo County Visitors Bureau (YCVB): Positioning YCVB to expand services, hired sales director 2 months ago.</p> <p>Mayor Krovoza closed the public hearing.</p> <p>D. Wolk moved, seconded by R. Swanson, as follows:</p> <ol style="list-style-type: none"> 1. Approve Resolution No. 12-106 - Confirming the Assessment Report and Approving the Levy of an Assessment For the Visitor Attraction District Pursuant to the Parking and Business Improvement Area Law of 1989 2. Approve Resolution No. 12-107 - Authorizing the City Manager to Execute Service Agreement with Yolo County Visitors Bureau <p>Motion passed unanimously.</p>
Public Hearing: 337 D Street (Peña House) – Parkview Place Apartments; Planning Application #11-33 – EIR #02-11, Rezone #01-11, Final Planned Development #01-11, Demolition #02-11, Design Review	<p>Community Development & Sustainability Director Ken Hiatt: Summarized project proposal and staff recommendation.</p> <p>Mayor Krovoza opened the public hearing.</p> <ul style="list-style-type: none"> • Michael Corbett: Good design—energy conservation/production and aesthetics modeled after architecturally significant neighborhood church; infill projects downtown will all look into each others windows, unavoidable. • Dick Bourne: Represent senior group committed to owning project; believe project meets key city goals, brings owner occupancy seniors to downtown Davis; sustainable project, net zero all-electric building; capture gray water, only kitchens and toilets will drain to sanitary sewers. • Mark Braly: Project denied by Planning Commission; believe decision was in error based on misinterpretation of Core Area Plan; development of senior

#06-11; Appeal
#02-12

housing should be encouraged downtown; project advances goals of greater density, owner occupied housing; project complies with CASP as currently enacted.

- Scott Purvis: Business owner across street from project with 17 employees; provide parking permits for employees, always a concern; owners have gone to great lengths to mitigate parking issues; support project.
- Lucas Frerichs: Example of model infill project and should be approved; second Planning Commission recommendation regarding review of the Core Area Specific Plan—need to ensure that policies and planning documents are consistent across the board, streamline process for the development of additional in-fill housing.
- Elaine Roberts-Musser: Project brought to Senior Citizens as informational item, not asked to advise; would like an opportunity to weigh in.
- Alan Pryor, Sierra Club Yolano Club: Support project, meets all requirements for smart growth.
- Lynn Yakzan: Neighborhood resident; support project; environmentally sustainable building, pedestrian friendly.
- Dennis Dingemans, Hattie Weber Museum: Would like to see Pena house preserved on site; longer term vision is to form a preservation organization to raise money for historic preservation activities.
- Giovanna Ottenger: Project in wrong location; 24+ windows on south side looking directly into personal residence.
- Sara Bowsky: Daughter of Giovanna; request reconsideration of height and window design; mother's residence built after great deal of effort to design for retirement.
- Micahel Glassman: If project approved, recommend opaque windows; should include in CC&Rs evergreen screen to be planed permanently, consider clumping bamboo, living screens to facilitate privacy.
- Carol Holmes: Oppose project based on privacy concerns.
- Marilee Hanson: Project not as characterized in EIR, not senior housing or mixed use, no deed restrictions or land use covenants.
- Bill Kopper: Own property around corner from project; support request for more privacy; request Council to impose deed restriction if senior project.
- Roger Root: D St resident; support project.
- Jerry Schenkee: partner in Parkview Place; seniors are partners who would like to build project as senior friendly and ADA compliant; city does not regulate standard for separation between windows; distance between closest window is 27.5 feet.
- Cynthia Gerber: Any deed restriction impacts financing; Core Area Specific Plan is very contradictory; support project.

Mayor Krovoza closed the public hearing.

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

1. Approve Resolution Certifying a Final Environmental Impact Report for the Parkview Place Apartment Project Located at 337 D Street and Adopting a Statement of Overriding Considerations and Mitigation Monitoring Program

2. Introduce Rezoning/Preliminary Planned Development Zoning Ordinance Amending Chapter 40 of the Davis Municipal Code, Rezoning the Property Located at 337 D Street, Consisting of 0.138 Acres, from Mixed-Use (M-U) to Preliminary Planned Development (PD) #01-11 – Parkview Place
3. Approve the proposed Demolition, Design Review and Final Planned Development for the Parkview Place Apartment project based on the Findings and Conditions of Approval

R. Swanson proposed a friendly amendment to include the Planning Commission recommendation to review the Core Area planning documents to determine if amendments are needed to ensure consistency and streamline the process for development of in-fill housing. Accepted by mover.

S. Greenwald proposed a friendly amendment to request the applicant meet with neighbors to attempt to address privacy concerns and return to Council at the next meeting. Not accepted.

J. Krovoza proposed a friendly amendment to direct the Community Development & Sustainability Department Director to work with project proponent and neighbor to look at feasible options to increase privacy that do not impact the solar features. Final discretion will be with the Department Director. Accepted by mover and second.

K. Hiatt: Will need to facilitate options within approximately the next 2 weeks.

Motion passed unanimously.

City Council recessed at 10:48 p.m. and reconvened at 10:57 p.m.

Public Hearing:
FY2012/13
Proposed
Changes to Fees
and Charges;
Annual Budget

City Manager Steve Pinkerton: Budget maintains service levels; allocates resources to address unfunded liabilities.

Mayor Krovoza opened the public hearing.

- Lynne Nittler: If serious about implementing Climate Action Plan, need to prioritize maintenance of shade canopy; in future, will experience more erratic and extreme weather, conditions will likely stress trees.
- Eileen Samitz: Tree crew members laid off immediately after Measure D election; urban forest requires different level of service, need positions restored.

Mayor Krovoza closed the public hearing.

S. Greenwald moved, seconded by D. Wolk, to defer the item to allow the next Council to discuss and agendaize separate discussion of tree trimming issues.

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

1. Approve Resolution No. 12-109 – Approving Changes to Certain Fees and

Charges for the Provision of Services by City Departments

2. Adopt Urgency Ordinance No. 2393 - Approving and Adopting Final Budget of the City of Davis and for the Former Davis Redevelopment Agency for the Fiscal Year 2012-2013, Providing for the Post-Auditing of Paid Demands Certified or Approved as Conforming to Such Approved Budget and Determining the Appropriations Limit of the City of Davis Pursuant to Article XIII-B of the State Constitution.
3. Direct staff to return to Council with a staff report regarding urban forest management plan and potential options, to include providing citizens ability to perform tree trimming using certified arborists.

Motion passed unanimously.

J. Krovoza moved, seconded by R. Swanson, to extend the meeting to no later than 12:30 a.m. Motion passed by the following vote:

AYES: Greenwald, Swanson, Wolk, Krovoza

NOES: Souza

Water Advisory Committee
Ballot Language Recommendation
Item deferred to next Council meeting.

Citywide Information Systems Administrator Jason Best: Overview of software options.

Streaming Video and Agenda Management

J. Krovoza moved, seconded by S. Souza, as follows:

1. Direct the City Manager to execute a contract with Granicus Inc. to perform live video streaming services for meetings in the Davis Community Chambers.
2. Direct staff to review electronic agenda management systems and report back to City Council with potential solutions to streamline agenda creation and simplify archival storage.

Motion passed unanimously.

Long Range Calendar
J. Krovoza: Request agenda discussion of legislative policy.

Closed Session
Council returned to closed session at 12:23 a.m. for a Conference with Real Property Negotiators.
Properties: On or in the immediate vicinity of the following locations:
South side of Covell Blvd. west of Lake Blvd.; Light Pole outside Fire Station at Lake Blvd. and Arlington Blvd. (036-345-03); west side of Marina Circle, north of Bermuda Ave.; Light pole #850: south side of Burr St., west of Arthur St.; Russell Blvd. center median, west of Elm Ln.; south side of W. 8th St., east of Pine Ln.; Civic Center Baseball Field near City Admin Building (Left Field Backstop) (070-080-05); north side of E. 8th St., east of D St.; north side of E. 8th St., west of M St.; east side of Pole Line Rd., south of Loyola Dr.; Denison Dr. median on Covell Blvd., east of Birch Lane; north side of E. Covell Blvd.,

(adjacent to bicycle undercrossing) (071-130-08); Light pole in median on Covell Blvd. just east of intersection with Alhambra Drive; Pole #3927 located in Covell Blvd. median west of Manzanita Dr. intersection; City Well Site #29: west side of Alhambra Dr. (071-100-59); City Well Site #34: Lillard Dr. and El Campo Dr. (069-194-01); south side of Lillard Dr., adjacent to Walnut Park parking lot; SW corner of Mace Blvd. and Redbud Drive; Light pole #161 located on south side of 8th St., in front of City water tower site; Median at SE corner of E. 8th St. and J St.; Light pole #972 located on the east side of Tulip Lane at Slide Hill Park opposite Belmont Dr. (032-601-14)

Agency negotiators: City Attorney Harriet Steiner; Director of Community Development & Sustainability Ken Hiatt
Negotiating parties: Michael Shonafelt; Stephen Garcia
Under negotiation: Price and terms of payment

No reportable action.

Adjournment Meeting was adjourned at 12:38 a.m.

Zoe S. Mirabile, CMC
City Clerk