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: Lucas Frerichs, Joe Krovoza, Brett Lee, 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

J. Krovoza: Overview of the Beyond Platinum Bicycle Action Plan will be heard before Water Advisory Committee Recommendations regarding the Water Supply Project and Contract to Raise the Regional Water Treatment Facility.

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

Closed Session

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

   
   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.

2. Conference with Real Property Negotiators.

   Properties: APN Nos. 33-290-88 and 70-311-04
   
   Agency Negotiators: City Attorney Harriet Steiner, Property Management Coordinator Anne Brunette
   
   Negotiating Parties: Mark Mendenhall
   
   Under Negotiation: Price and terms of payment

3. Conference with Legal Counsel–Existing Litigation: Davis Depot At Grade Crossing Application Proceeding; CPUC Case No. A.11-08-14.

City Council returned to open session at 6:52 p.m. with no reportable action.

Brief Communications

City Manager Steve Pinkerton: August 22 will be high traffic day, first day of school for K-12 graders.

R. Swanson: City will be hosting a symposium with I-Gate partners; consider innovative plans for transportation.

B. Lee: Attended Yolo County Housing Association meeting.

J. Krovoza: Sister City Sang-Ju, Korea, will be hosting conference on Water September 14-15; invited sister city Mayors to attend; will be speaking at conference regarding water and energy connections.

Public Comments

- Alan Pryor: Request item regarding plastic bags be pulled from the consent calendar and sent back to Natural Resources Commission for deliberation.
- Trish Stanionis, Yolo Family Service Agency: Will be screening children from 0-5 years, will return to Council in a few months with status report, screen early to get a head start on developmental needs.
- Mike Gualco, Downey Brand, counsel for Verizon Wireless: Request consent calendar item – Cell Tower Lease County Road 105 be removed for Council discussion; tower owned by client and will remain so after lease; interested in maintaining service at site.
- Matt Carrow, American Towers: Request removal of consent calendar – Cell Tower Lee County Road 105; request lease extension to end of month; significant revenue sharing opportunity.

Consent Calendar

Agreement with First 5 Yolo Children and Families Commission for Fiscal Year 2012-2013
Approved Resolution No. 12-126 - Authorizing the City Manager to Enter Into an Agreement with First 5 Yolo Children and Families Commission, Related to the Administration of Childcare Quality Improvement Programs.

Sewer System Management Plan
Approved Resolution No. 12-127 - Adopting the Sewer System Management Plan for the City of Davis.

Subrecipient Agreement for the Pass-Through of Federal Funds to UC Davis for Highway Bridge Replacement and Rehabilitation Program (HBRRP)
Approved Resolution No. 12-128 – Resolution Authorizing the City Manager to Execute Subrecipient Agreement with the University of California-Davis for Use of Federal Highway Bridge Replacement and Rehabilitation Funds

Legal Services Contract with McKenna Long & Aldridge, LLP for Legal Support During the Preparation of the Design-Build Procurement Documents for the Wastewater Improvements Project (CIP No. 8219)
Approved Resolution No. 12-129 - Authorizing the City Manager to Execute a
Consultant Agreement with Mckenna Long & Aldridge for Legal Services for the Wastewater Treatment Plant Improvements Project, CIP No. 8219

Fiscal Year 2012-13 Chrome 6 Pilot Project
1. Approved Resolution No. 12-130 - Authorizing the City Manager to Execute Professional Services Agreement with Kennedy/Jenks Consultants for the Fy12-13 Chrome 6 Pilot Project
2. Approved Resolution No. 12-131 - Resolution Authorizing the City Manager to Execute The Grant Funding Agreement with the State Water Resources Control Board (SWRCB) to Fund a Portion of the City of Davis Chrome 6 Pilot Study
3. Approved Resolution No. 12-132 - Authorizing the City Manager to Execute Cost Sharing Partner Agreements with Sacramento Groundwater Authority (SGA) and Water Resources Association of Yolo County (WRA) to Fund a Portion of the Chrome 6 Pilot Study
4. Approved Budget Adjustment #20 ($139,358) – appropriating grant revenue and cost sharing funding contributions from project partners

Community Park Play Area Renovation
1. Approved implementation of the play equipment replacement scope
2. Approved Budget Adjustment #22 ($45,000) – allocating Park Impact Fees

School Crossing Guard Contract
1. Approved Resolution No. 12-133 - Authorizing the City Of Davis to Enter into a Contract with American Guard Services, Inc., for Operating the School Crossing Guard Program
2. Approved Resolution No. 12-134 - Authorizing the City Of Davis to Enter into a Memoranda Of Agreement with Davis Joint Unified School District to Share Expenses of the School Crossing Guard Program

Cool Cities Challenge - Letter of Intent
Approved Resolution No. 12-135 - Supporting the Cool Cities Challenge and Authorizing the City Manager to Sign a Non-Binding Letter of Intent to Be Considered as a Candidate City to Participate in the Challenge

Conservation Easement Defense – Easement Baseline Updates
Approved Budget Adjustment #24 ($17,890) – allocating Open Space Program Funds

Plans, Specifications and Estimate for Wastewater Rehabilitation and Replacement Project, CIP No. 8219, Project 82001
Approved the plans and specifications, and authorized bid advertisement

Reject Bids for the Central Park Restroom Project, CIP No. 8211
Approved Resolution No. 12-136 - Rejecting All Bids for Central Park Restroom, CIP No. 8211
League of California Cities - 2012 Annual Conference Resolution Packet
Reviewed the five resolutions introduced for consideration at the League of California Cities 2012 Annual Conference, and directed its appointed voting delegates to represent the position of the City of Davis as follows:
1a. NEUTRAL: Resolution 3 – Desert Protection Act
1b. SUPPORT: Resolution 1 – Public Safety-Fines & Forfeitures;
   Resolution 2 – Public Safety-Internet Crimes Against Children;
   Resolution 5 – Public Safety-Emergency Management Mission
1c. OPPOSE: Resolution 4 – Global Warming
   1. Waive City Council policy requiring two readings of resolutions establishing a City position on matters not directly related to City affairs.
   2. Authorize the City’s voting delegate(s) to represent the City of Davis on any additional “petitioned” resolutions that may be presented to the General Assembly for consideration.

Treasurer’s Report for the Quarter Ended June 30, 2012
 Accepted the report

Yolo County Historical Society Annual Report
Informational

Commission Minutes (informational only):
1. Bicycle Advisory Commission Meetings of June 4 and July 2, and Joint Meeting with the Safety and Parking Advisory Commission of May 3, 2012
Informational

D. Wolk moved, second by L. Frerichs, to approve consent calendar as listed above. Motion passed unanimously.

Removed from Consent

Amend Consultant Contract
Amount for Additional Services – Fifth Street Corridor Improvements, CIP No. 8138

Item removed by B. Lee.

By consensus, Council directed staff to return with further options on pedestrian crossing safety that could be incorporated into phase 1.

B. Lee moved, seconded by L. Frerichs, to approve the following:
1. Resolution No. 12-137 - Authorizing the City Manager to Execute Amendment No. 1 to Consultant Agreement with KD Anderson & Associates for Additional Services for the Fifth Street Corridor Improvements Project, CIP No. 8138
2. Budget Adjustment #23 ($25,000) – allocating Roadway Impact Fee and RDA Successor Agency Funds
Motion passed unanimously.

E Street “Parklet” Proposal

Removed from consent by R. Swanson.

R. Swanson: Highlight project for community; thanked developer
R. Swanson moved, seconded by D. Wolk, to approve Resolution No. 12-138 - Authorizing Installation of a Parklet at 105 E Street. Motion passed unanimously.

Council Direction Regarding Single Use Carry-out Bag Ordinance Policy

Item removed by D. Wolk.

D. Wolk: Suggest tabling discussion at Council level and task Natural Resources Commission to draft priorities and return to Council for check in.

Utilities Manager Jacques De Bra: After state regulations are settled, staff will return for Council further direction.

J. Krovoza moved, seconded by R. Swanson, to direct staff to return to Council with proposed Natural Resources Commission Plastic Bag Ban Ordinance, to include discussion of overall priorities of the Commission and alternative approaches that would result in reduction in plastic bag use. Motion passed unanimously.

Successor Agency Consent Calendar

R. Swanson moved, seconded by L. Frerichs, to approve Resolution No. 12-139 - Approving Recognized Obligation Payment Schedule for the Period Ending June 30, 2013. Motion passed unanimously.

Public Hearing: Planning Application #12-33: Mitigated Negative Declaration #1-12, Preliminary Planned Development/Rezone #2-12: 2750 Cowell Boulevard

R. Swanson Recused herself from item due to a conflict of interest stemming from real property within 500 feet of site, and left the room.

Planner Cathy Camacho: Overview of project, primary difference in zoning is adding new use of commercial recreation.

Mayor Krovoza opened the public hearing, and after no comments, closed the public hearing.

D. Wolk moved, seconded by L. Frerichs, as follows:

1. Determine that Mitigated Negative Declaration #1-12 adequately addresses the environmental impacts associated with the proposed project
2. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code, Rezoning the Parcel Located at 2750 Cowell Boulevard (APN #69-390-95), Consisting of Approximately 3.37 Acres, from Planned Development #12-87, Industrial Research Subarea to Planned Development (PD) #2-12
3. Approve PA #12-33; Rezone #2-12, based on the findings contained in the body of the Ordinance in support of the proposed action

Motion passed by the following vote:

AYES: Frerichs, Lee, Wolk, Krovoza
NOES: None
ABSENT: Swanson
Active Transportation Coordinator Dave Kemp: Presented updated 2009 bicycle plan and draft objectives.

Public comment:
- Elaine Roberts-Musser: Support plan and integration into transportation element; safety is of paramount concern, seniors as pedestrians don’t know how to handle bicycles; support addressing bike theft.

R. Swanson: Request additional check-ins with Council
D. Kemp: Suggest twice yearly; final draft plan scheduled to return to Council in January.

By consensus, Council approved the public input process and authorized staff to continue the plan process.

City Council recessed at 8:16 p.m. and reconvened at 8:30 p.m.

Principal Civil Engineer Dianna Jensen: Summarized Water Advisory Committee (WAC) timeline and recommendation.

Public comments:
- Matt Williams: Wording in staff recommendation dropped the word “equally” in 2A: both cities share equally in cost of pipelines to convey the treated water to the city limits of each city, etc. Good compromise; encourage 2x2 meetings with West Sacramento to be publicly noticed and provide for public attendance.
- Elaine Roberts-Musser, WAC Chair: Long and successful process; will be attending meetings to provide answers if needed.

B. Lee moved, seconded by D. Wolk, as follows
1. The City Council agrees with the main ideas of the Water Advisory Committee (WAC) recommendation and agrees to the following:
   1A. Negotiate via the Joint Powers Authority (JPA) to have the cost sharing of the Woodland/Davis joint water project better reflect the proposed water split percentages. The proposed water split is 18 mgd for Woodland, 12 mgd for Davis. These percentages are 60%/40%. The current cost sharing of the treatment facility is based upon a roughly 56% Woodland share, 44% Davis share.
   1B. Negotiate via the JPA a shared piping cost for the cost of the pipelines from the treatment plant to each of the cities. Currently, Davis pays for its own cost of piping from the treatment facility to the city limits and Woodland pays for its own costs as well.
   2A. Negotiate with the City of West Sacramento to determine if they are willing to lower the connection costs for jointing their system.
   2B. Negotiate with the City of West Sacramento to determine if they are
willing to enter into a long-term water supply agreement for 12 mgd for a time period in the neighborhood of 30 years with long-term renewal options.

2C. Negotiate with the City of West Sacramento to create a pathway for future system upgrades.

2. Whichever project/approach is chosen, Davis shall seriously investigate and consider the use of deferred financing options to reduce the initial rate impacts for our water users.

3. It is understood that the WAC has not yet investigated the pros and cons of the proposed design-build-operate (DBO) approach, and the City Council looks forward to receiving the WAC’s advice on this subject.

R. Swanson proposed a friendly amendment to include the following: That over the next 60 days, the City Council pursue negotiations with Woodland and West Sacramento to implement the recommendations of the WAC. Accepted.

R. Swanson proposed a friendly amendment for City Council to pursue negotiations with Cities and Councilmembers, instead of Joint Powers Authority (JPA). Accepted.

J. Krovoza moved substitute motion, seconded by L. Frerichs, as follows:
1. The Davis City Council formally receives the recommendations of the Water Advisory Committee from its August 16 meeting.
2. Over the next 60 days, the City Council will negotiate with Woodland and West Sacramento to pursue the recommendations of the WAC. As soon as these negotiations are completed with either or both parties, or advanced as far as feasible, Council will share its progress with the WAC to seek the WAC’s acceptance or further direction.
3. During this period, the WAC will continue to prepare recommendations to the City Council on the Woodland Davis Clean Water Agency’s proposed DBO bidding process, and on the appropriate rate structure for future city water supply pricing.

Motion passed unanimously.

J. Krovoza moved, seconded by L. Frerichs, to authorize J. Krovoza and B. Lee to negotiate with West Sacramento, and B. Lee and R. Swanson to negotiate with Woodland as needed.

R. Swanson moved substitute motion, seconded by B. Lee, to authorize J. Krovoza and B. Lee to negotiate with West Sacramento, and R. Swanson and D. Wolk to negotiate with Woodland. Motion passed unanimously.

Construction Contract to Raise the RWTF Site

R. Swanson moved, second by D. Wolk, to approve Resolution No. 12-140 – City of Davis to Pay the City of Woodland for the Incremental Additional Cost to Place Fill Necessary to Raise the Regional Water Treatment Facility (RWTF)
Site Out of the Floodplain. Motion passed unanimously.

Removed from Consent Calendar:

Cell Tower Lease on County Road 105

Property Management Coordinator Anne Brunette: City acquired property, which includes cell tower lease agreement that is set to expire August 31, 2012; staff began lease negotiations 2 years ago. Summarized recent offers. Staff recommends 2 potential options:

- Direct City Manager and staff, along with possible Council Subcommittee, to negotiate terms of an agreement with American Tower Corp. to be resolved by August 31, 2012, consistent with terms described: request a shorter initial time frame (5-year term) to allow for additional discussions for a replacement tower that could potentially provide more carriers and generate more revenue for the City; request money up front alongside a completely signed agreement with Verizon; and address minor issues such as revenue sharing consistent with lease at John Jones Road site.
- ComSites West as alternative, using existing lease at John Jones Road as template for lease at this site.

Public Comments:

- Mike Carrows, American Tower: Reasonable to discuss further; in regards to extending tower and potential additional carriers—staff would like American Tower to pursue AT&T and T-Mobile; highly interested in saving site.
- Mike Gualco, Downey Brand: Thanked Council and staff for patience; would like to maintain presence at site.

R. Swanson moved, seconded by L. Frerichs, to allow American Tower to negotiate with staff and legal counsel; if agreement is not reached along with executed documents and upfront payment by August 31, 2012, then contract will be terminated and staff will pursue negotiations with ComSites West. Motion passed unanimously.

Item Submitted by Councilmembers (Krovoza/Wolk):

J. Krovoza: Possible mechanisms for bond financing and raising revenue

S. Pinkerton:

- SB 1156 – Sustainable Communities Investment Authority; California Redevelopment Association and League of California Cities (LOCC) do not support in current form
- AB 2144 – Infrastructure and Revitalization Financing Districts is being watched
- SB 214 - Infrastructure Financing Districts, LOCC supports

J. Krovoza moved, seconded by D. Wolk, that Council support in concept SB 214 and AB 2144 in their efforts to create infrastructure financing districts in California. Motion passed unanimously.

J. Krovoza: Request staff prepare a letter of support to Senator’s office and
Speaker’s office for Mayor to sign.

Long Range Calendar

S. Pinkerton:
- Fifth Street Update and Plastic Bag Ordinance will be agendized next month
- September 11—public hearing on sanitations rates
- September 25—Cannery Park project
- October 9—Energy assessment report
- October 23—Investment policy
- November: Community pool feasibility study

D. Wolk: Request staff agendize September 11 remembrance Proclamation. Council consensus.
R. Swanson: Fire station morning memorial activities; suggest incorporate Council efforts.

R. Swanson: September 3—labor day race and Sister City Inuyama, Japan visit.

Adjournment

Meeting was adjourned at 10:15 p.m.

Zoe S. Mirabile, CMC
City Clerk