

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of September 25, 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: 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 R. Swanson moved, seconded by D. Wolk, 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 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. Davis Depot At Grade Crossing Application Proceeding; CPUC Case No. A.11-08-14.

B. Conference with Legal Counsel –Anticipated Litigation:

1. Initiation of litigation pursuant to Government Code Section 54956.9(c): 1 case.
2. Significant exposure to litigation pursuant to Government Code Section 54956.9(b): 1 case.

C. 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

D. 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.

City Council returned to open session at 6:59 p.m. with no reportable action.

Ceremonial
Presentations

Proclamation in Appreciation of Allegra Silberstein, the Inaugural City of Davis Poet Laureate, was presented by Councilmember Frerichs. A. Silberstein read works *Holding On* and *A Cautionary Tale* .

Proclamation Declaring Eve West Bessier the City of Davis Poet Laureate was presented by Councilmember Wolk. E. Bessier read works *Set to Boil* and *Subterranean* .

City Council recessed for a reception at 7:14 p.m. and reconvened at 7:32 p.m.

City Manager
Brief Communi-
cations

S. Pinkerton: September 28—Water Advisory Committee meeting. October 6—International Festival at International House. October 7—Davis Neighbors Night Out.

Public Com-
ments

- Judy Moores: COOL Davis Festival at Central Park on October 13, 50+ exhibits, demonstrations and family activities.
- Dan Berman: Support efforts related to a Davis municipal utility district, should be able to avoid exit fees from PG&E.

Consent Calen-
dar

Citywide Video Streaming and Agenda Management

1. Approved Resolution No. 12-147 - Authorizing the City Manager to Execute an Agreement with Granicus, Inc. for Agenda Management and Livestream Video Services.
2. Approved Budget Adjustment #45 (\$31,225) – appropriating cable funds

Car Sharing Program – Status Report and Agreement Amendment

Approved Resolution No. 12-148 - Authorizing the City Manager to Execute Amendment No. 2 to the Zipcar for Municipalities Program Agreement with Zipcar, Inc. for Car Sharing Services

Clean Water Act State Revolving Fund Loan Program for Eligible City Utility Capital Improvement Projects

1. Approved Resolution No. 12-149 - Authorizing City Manager to Pursue and Execute Clean Water Act State Revolving Fund Agreements Between the City of Davis (City) and State Water Resources Control Board (SWRCB)
2. Approve Resolution No. 12-150 - Establishing Reimbursement to City of Davis of Clean Water Act State Revolving Funds Per Financing Agreement Between the City of Davis (City) and State Water Resources Control Board (SWRCB) to Cover Eligible Fronted City Project Expenditures

Repeal of Resolution No. 09-063 – City Council Advisory Actions

Approved Resolution No. 12-151 - Rescinding Council Resolution 09-063, Regarding Council Advisory Actions

Additional Grant Revenues in Fiscal Year 2011/12

Approved Budget Adjustments #207 (\$72,612) and #208 (\$17,838) – appropriating grant funds for the Safe Routes to Schools and Bicycle Transportation funds from Caltrans

Additional Developer Paid Fee Revenues for Water and Sewer Connections in Fiscal Year 2011/12

Approved Budget Adjustment #212 (\$806,711) –appropriating impact and connection fees

Carry-Over of Fiscal Year 2011/12 Unencumbered Appropriations

Approve Budget Adjustments #1-FY12/13 (\$9,400,781) and #216-FY11/12 (-\$9,468,254) – re-appropriation of unencumbered appropriations from fiscal year 2011/12 to 2012/13 for specific projects in support of departmental programs and capital improvement projects that were not completed last fiscal year

California Office of Traffic Safety “Avoid the 8” and “Distracted Driver” Grants

Approved Budget Adjustment #31 (\$90,149) – appropriating grant funds

2011/12 Fourth Quarter Administratively Approved Budget Adjustments

Informational

City Council Minutes from the Meetings of January 10, February 7 and 21, 2012

Approved

Commission/Committee/Board Minutes (informational only):

1. Business and Economic Development Commission Meetings of September 26, October 24, November 28, and December 12, 2011 and January 23, February 27, March 7, May 2, June 6 and July 18, 2012
2. City-UCD Student Liaison Commission Meeting of May 9, 2012
3. Civic Arts Commission Meeting of May 14, 2012
4. Finance and Budget Commission Meeting of July 9, 2012
5. Innovation Park Task Force Meetings of September 8, October 13, December 8 and 14, 2011 and January 19, February 16, March 15, 2012
6. Recreation and Park Commission Meetings of June 21 and July 19, 2012
7. Safety and Parking Advisory Commission Meetings of April 5 and July 12, 2012
8. Telecommunications Commission Meeting of June 6, 2012
9. Water Advisory Committee Meetings of June 14 and 28, July 26 and August 9, 2012

Informational

Proclamation Recognizing September as “It Can Wait” Month, Encouraging Individuals Not to Text While Driving

Ceremonial

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

Yolo County
LAFCo Presenta-
tion: Yolo
Shared Services
Program – Ani-
mal Services
Study

Woodland City Manager Paul Navazio: Support larger shared services effort, committed to explore opportunities for cost reductions and improve services levels where possible; recognize that one-size-fits-all model won't work, each jurisdiction will maintain ability to decide when to participate and on what level.

Yolo Local Agency Formation Commission (LAFCo) Executive Officer Christine Crawford: Developing agreement framework to facilitate intra-agency sharing, develop and implement shared service opportunities. LAFCo commissioned study to look at alternatives for animal services. Hope to return with potential agreements before the holidays.

Sue Marks-Gibbs and Tammie Murrell: Conducted animal services study. Study findings: Yolo County Animal Services is doing a good job with minimal resources; improvements could be made to existing system; more resources needed. Recommended improvements to existing services: create licensing unit; enhance spay/neuter program; hire outreach/education director to develop education program; volunteer training; adult education and awareness; hire full-time volunteer coordinator; implement problem-oriented and community-oriented policing models; build a new shelter.

Public comments:

- Julie Sontag, Yolo Coalition for Shelter Reform: Council should establish separate agency to oversee animal services; current shelter's live release rate is 50%, many are 90% or better; opportunities for increased fund raising, volunteerism, accountability and oversight.
- Evelyn Dale: YC Paws convened in 2010 to support countywide improvements; studies concluded that animal services should be provided outside of Sheriff's office; support establishing JPA or contracting with humane society; ensure 90% live release rate, more than 50 communities are able to achieve that rate.
- Lori Lubin: Co-founder of We Fix Yolo; examining performance statistic of current model shows lack of service and substantial budgetary increases; most animals that survive shelter are transferred out, adoption rates are less than 20%; lack of accurate reporting and data acquisition; should have public advisory board.
- Janet Krovoza: No line item for fundraiser or dedicated development staff, Marin Co Human Society raised \$2 million in private gifts; great fundraising potential, many residents care passionately for animals.
- Kasey Wallace: Need to determine service needs for County, should be able to save money; explore options of JPA, need better way of managing needs with better outcome for animals.
- Sandy Bachelor: Modern animal sheltering is a professional field with specialists; support community involvement; commitment to positive change.
- Lorrie Maloney: Concerned with high euthanasia rate; ask Davis to take lead, provide well run, cost effective program with proper oversight; advocate for removal from Sheriff's department, privatize services.

- Carla Bashore: Need to educate humans to make provisions for animals, screen potential doctors.
- Carolyn Hinshaw: Concerns about recommendations—no organization in Yolo County has indicated a willingness to run shelter, first priority should be new modern facility; shelter medicine program at veterinary school should have been consulted regarding shelter recommendations.

Continued Public Hearing: 2012 Sanitation Rates

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

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 12-152 - Establishing City of Davis Customer Rates for Sanitation Services Effective December 1, 2012. Motion passed unanimously.

Public Hearing: CAPER for Program Year 2011 CDBG and HOME Funds

Administrative Analyst Mike Goodison: Summarized 2011 program accomplishments; 14 organizations, including the City, completed 23 projects, primarily served low and moderate income residents.

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

D. Wolk moved, seconded by L. Frerichs, to approve Resolution No. 12-153 - Authorizing the City Manager to Submit Program Year 2011 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) to Fulfill Required Reporting on City Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Funds, with inclusion of comments received in writing and verbally during the review period for the report and the public hearings. Motion passed unanimously.

Appeal of August 8, 2012 Planning Commission Decision – 408 Del Oro Avenue Accessory Dwelling Unit (CUP #07-12), Planning Application #12-39 (Appeal #03-12)

Assistant Planner Eric Lee: Project meets all necessary requirements, consistent with city policies; applicant has made effort to address neighbor issues.

Public comments:

- Gordon Pack, appellant: Owns home directly behind subject residence; will get full view of proposed structure; proposed unit is large, facing boundary; request Council minimize impact to neighbors, change roof angle, request refund of appeal fees.
- Tom Kessinger: East neighbor; supports project; any change to roof will adversely affect other neighbors.
- JoAn Couche, applicant: Intend to build granny unit to personally reside in; need to plan for future; made repeated attempts to contact neighbors; presented display of home and proposed project.

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

1. Determine that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15303.

2. Deny the Appeal (APP#03-12) and uphold the Planning Commission's approval of the Conditional Use Permit (CUP#07-12) for the accessory dwelling unit based on the Findings and subject to the Conditions of Approval.

L. Frerichs proposed to amend the motion to include refunding the \$200 appellant fee. Accepted by second. Following discussion, amendment withdrawn.

Main motion passed unanimously.

City Council recessed at 9:22 p.m. and reconvened at 9:33 p.m.

Natural Resources Commission Priorities Update

NRC Chair Dean Newberry: Summarized Commission Subcommittee Workplans and status.

Alan Pryor, NRC Zero Waste Subcommittee: Intent is for recommendations to require only modest city staff time to implement; will reduce litter or landfill waste, encourage change in resident behavior.

Staff Liaison Jacques DeBra: Request Council direction on wood burning policy single use carry-out bag policy.

Public comment:

- Francis Resta: No studies have been conducted to determine the effect of wood burning smoke on a person's health; 90% of inhaled wood burning particulates are expelled; question purpose of issue, most toxic particulates in air are from automobile exhaust.

Council comments included:

- D. Wolk: Support additional 20% water conservation requirement, implementation of green and kitchen waste composting program; require zero waste for all city events; energy assessment report—support consideration of CCA or PACE program.
- J. Krovoza: Request informational update on Davis Waste Removal contract before Council action on November 27, would like Zero Waste Subcommittee to review. Request wood burning policy drafted by NRC go to staff for analysis, enforcement and cost implications; bring back to Council in October.
- R. Swanson: Request staff to inform DWR that Council is supportive of containerization.
- L. Frerichs: Should wait to approve DWR contract amendment until after solid waste plan approved (anticipated January 2013).

J. Krovoza moved, seconded by L. Frerichs, to agendaize for October 23 the topics of Community Choice Energy and 20% Water Demand Reduction by 2020. Motion passed unanimously.

J. Krovoza moved, seconded by R. Swanson, to agendize for October 9 a check-in on DWR contract—what is under negotiation, how diversion rate goal is impacted; outline steps.

L. Frerichs: Request information on timing of solid waste plan and how it may be affected by DWR contract.

R. Swanson: Request update include containerization options.

Motion passed unanimously.

J. Krovoza moved to agendize for November 27 Residential Variable Sanitation Rates. Consensus.

J. Krovoza moved, seconded by L. Frerichs, to agendize for October 23 staff recommendation on Natural Resource Commission's proposed Wood Smoke Ordinance or possible modification. Can policy be implemented this season? Budget impact? Check in with YSAQMD. If not possible, reasoning? If needed, staff can postpone water demand reduction. Motion passed unanimously.

H. Steiner: To clarify direction on single use bags—suggest staff bring draft Ordinance to Council to weigh options and decide on scope and project description, then proceed with environmental review, to return to Council for final action.

B. Lee: Want to look at charging for paper and plastic for all businesses; minimal reporting requirements.

J. Krovoza moved, seconded by R. Swanson, to refer single use plastic bags back to Natural Resource Commission; by no later than end of February, NRC and staff to return to Council with recommendation on single use plastic bag reduction and polystyrene.

R. Swanson proposed a friendly amendment to remove “plastic”. Accepted.

R. Swanson: Request staff to check in on activities at the County level.

L. Frerichs proposed a friendly amendment to extend to mid to late March. Accepted. Motion passed unanimously.

Consider Scheduling a City Council/Davis Joint Unified School District Joint Meeting and Potential Topics for Discussion

J. Krovoza: Request Councilmembers submit ideas to staff for analysis. DJUSD proposed shared services, but not yet timely.

L. Frerichs: Property issues.

J. Krovoza: Discussion must be initiated by DJUSD. Will first be agendized for a Real Estate Subcommittee, then on to Council.

R. Swanson: Suggest scheduling in early 2013; discuss issues of enrollment, city policies regarding housing affecting family demographics.

J. Krovoza: Support early 2013. Issues of budget and revenue. No more than 1 to 1.5 hours, workshop format.

D. Wolk: Request topics with measurable outcomes

By consensus, schedule in April 2013.

Council Brief
Communications J. Krovoza: Visit to Sister City Sang-Ju, Korea; impressed at compatibility with people and culture; ideas on building sister city relationship. September 28 is the Anniversary of Davis Food Coop.

Long Range
Calendar S. Pinkerton: October 9—Economic Development, Fifth Street Corridor and Commission Appointments. October 23—Wood Smoke, Water Reduction, Cannery Park Update, Water Ballot Measure, Energy Assessment Report, Fire Department Update. October 30—Council Workshop. November 13—Transportation Element, Finalizing Ballot Language, Veterans Memorial Center & Community Pool Feasibility Studies.

Need to schedule closed session for labor negotiation update; looking at week of October 15, will contact Council for individual schedules.

R. Swanson: Request Cannery Park Update be moved to October 9. Should be regular item.

B. Lee: Would like Planning Commission to look at simplified procedures, ways to be more neighbor and city staff friendly.

L. Frerichs: Commission Workplan includes developing a streamlined accessory dwelling unit process.

B. Lee: Request Parking Task Force; Council appoint similar to Water Advisory Committee. Study parking issues; short term, median and long term recommendations; comprehensive approach, action oriented.

R. Swanson: Community issue, not just downtown focused; look at mobility issues, regional events.

S. Pinkerton: Will coordinate with economic development discussion.

J. Krovoza: Request brief summary on staff initiatives related to parking.

Adjournment Meeting was adjourned at 11:50 p.m. in memory of Linnea Lomax, who took her own life, and a Davis man who ended his life by jumping off the 4th and G Streets parking structure.

Zoe S. Mirabile, CMC
City Clerk