

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of November 13, 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 City Manager Steve Pinkerton: Consent Calendar item Water Conservation Program Funding has been removed from the agenda for further staff review.

B. Lee: Request Council reorder agenda items--discuss Downtown Parking Task Force before Surface Water Project Ballot Measure. Council concurred.

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 Real Property Negotiators.

Properties: Hunt-Boyer Mansion, 604 Second Street

Agency negotiators: City Attorney Harriet Steiner, Community Development & Sustainability Director Ken Hiatt

Negotiating parties: Davis Roots

Under negotiation: Lease price and terms of payment

B. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b): 1 case.

C. Conference with Labor Negotiators.

Agency Designated Representatives: City Manager Steve Pinkerton; City Attorney Harriet Steiner; Assistant City Manager Yvonne Quiring; 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 6:52 p.m. with no reportable action.

City Manager  
Brief Communi-  
cations

S. Pinkerton: Water Advisory Committee meeting will be held November 15. City offices will be closed for Thanksgiving holiday week; Police and Fire Departments will continue as normal.

Public Com-  
ments

- Catherine Portman, Burrowing Owl Preservation Society: City signed agreement in 2004 for owl mitigation; vegetation shall be kept shorter than 5 inches year round so that owls may nest.
- Bobby Weist, Davis Firefighters Local 3494: Fire Union is holding two fundraisers for Thanksgiving turkey baskets; halfway to needed funds, anticipate needing to feed 700 families in area.

Consent Calen-  
dar

California Department of Education Application for Continued Funding of Child Development Services in FY2013-2014  
Approved Resolution No. 12-162 - Authorizing the City Manager to Submit a Funding Application to the California Department of Education for Continued Funding of Child Development Services in FY2013-2014 and to Enter into Contract for Provision of Said Services.

R. Swanson recused herself from the following item due to a conflict of interest from a leasehold interest within the District:

Davis Business Improvement District 2012 Core Area BID Report; Proposed FY 2013-2014 Budget; and Resolution of Intention to Levy and Collect an Assessment for FY 2013-2014

1. Approved the 2012 Core Area BID Report including the FY 2013-2014 proposed budget and programs from the Davis Downtown Business Association subject to any changes or modifications that may be made subsequent to a public hearing on the request to increase, levy and collect an annual assessment, which will be held on December 11, 2012
2. Approved Resolution No. 12-163 - Intention to Levy and Collect the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the Davis Business Improvement District for Fiscal Year 2013-2014

License Agreement for Crown Castle Distributed Antenna System (DAS) Wireless/Cellular Services Infrastructure Network, Conditional Use Permit #10-10  
Approved Resolution No. 12-164 - Authorizing the City Manager to Enter into a License Agreement Between the City of Davis and NewPath Networks, LLC for the Distributed Antenna System Network in the City of Davis (Conditional Use Permit #10-10)

Amendment to PG&E Rebate Program Agreement

Approved Resolution No. 12-165 - Authorizing the City Manager to Execute the

2012 PG&E Agreement Amendment Between City of Davis and PG&E to Continue the City of Davis Clothes Washer Rebate Program Through Calendar Year 2013

North Davis Riparian Greenbelt – Prop 84 Urban Greening Grant and CEQA Finding

1. Approved Budget Adjustment #75 (\$757,746) - appropriating Strategic Growth Council Urban Greening Grant funds under Proposition 84 for implementation of the North Davis Riparian Greenbelt Urban Greening Project
2. Approved Resolution No. 12-166 - Approving the Application for Grant Funds for the Urban Greening Grant Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)
3. Found that the North Davis Riparian Greenbelt Urban Greening Project is categorically exempt under CEQA as a minor alteration of an existing facility
4. Authorized staff to file a Notice of Exemption from CEQA with Yolo County

Memorandum of Understanding - Joint Emergency Management Services

1. Approved Resolution No. 12-167 - Authorizing the City Manager to Execute a Memorandum of Understanding for Joint Emergency Management Services
2. Approved Budget Adjustment #76 (\$36,975) – allocating public safety funds for Davis’ share of the services for Fiscal Year 2012-13

GAMAT Homes and Boschken Properties Contract Update

1. Approved Budget Adjustment #77 (\$40,000) - allocating rental revenues for exterior painting of units
2. Approved Resolution No. 12-168 - Outlining Certification Process for GAMAT Homes for 2013-2014

Low and Moderate Income Housing Asset Due Diligence Independent Accountant’s Report

Received and accepted the Low and Moderate Income Housing Asset Due Diligence Independent Accountant’s Report. This item acted on by the City Acting as the Successor Agency pursuant to Chapter 3 of Part 1.85 of Community Redevelopment Law.

Second Reading: Ordinance No. 2398 - of the City of Davis Adding Chapter 39A to the Davis Municipal Code to Regulate Wood Burning

Adopted Ordinance No. 2398 - Adding Chapter 39A to the Davis Municipal Code to Regulate Wood Burning

Commission/Committee/Board Minutes (informational only):

1. Human Relations Commission Meeting of September 27, 2012
2. Innovation Park Task Force Meeting of May 17, 2012

3. Woodland Davis Clean Water Association Joint Powers Authority Meeting  
of August 23, 2012  
Informational

2012-13 First Quarter Administratively Approved Budget Adjustments  
Informational

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

Removed from  
Consent Calendar:

Item removed by B. Lee.

Accessibility  
Requirements for  
Single-Family  
Homes - Universal  
Access

B. Lee: Ordinance is not quite clear that half bath will suffice as acceptable.  
Housing and Human Services Superintendent Danielle Foster: Will make certain that it is clear when moving forward through the process.

B. Lee moved, seconded by R. Swanson, to approve Resolution No. 12-169 - Directing Completion of a Universal Access Housing Ordinance and Corresponding General Plan Amendments to Replace the Existing Accessible Housing Policy for Single-Family Housing Units. Motion passed unanimously.

Downtown Way-  
finding Program

Item removed by L. Frerichs.

L. Frerichs: Question name designations for parking lots.  
R. Swanson: Would like names to return to Council before sign fabrication.  
J. Krovoza: Would like to include in bid package that additional funds would be set aside for a few signs that may be added at a later date.  
Council consensus.

L. Frerichs moved, seconded by D. Wolk, to approve the Design Development Package for the Downtown Wayfinding effort and direct staff and the consultant to prepare bid documents with the goal of installation in Spring 2013. Motion passed unanimously.

Council Goals  
2012-2014

Item removed by B. Lee.

B. Lee: Would like to compare goals to each other. Some actions could be accomplished by staff in short time; remaining should be prioritized across all categories. Would like to hear from staff what they consider priorities.

J. Krovoza moved, seconded by R. Swanson, to approve the Council Goals 2012-2014 document as codification of retreat actions and appoint a Council Subcommittee of L. Frerichs and B. Lee to work with staff to make further refinements to goals. Motion passed unanimously.

Memorandum of Understanding for the Individual Police Management Employees Item removed by J. Krovoza.  
S. Pinkerton: Overview of MOU terms  
J. Krovoza: Request staff prepare a fact sheet, explain how this MOU relates to the city's fiscal process.

R. Swanson moved, seconded by J. Krovoza, to approve Resolution No. 12-170 - Adopting a Memorandum of Understanding with Individual Police Management Employees. Motion passed unanimously.

Downtown Parking Task Force D. Wolk moved, seconded by B. Lee, to approve Resolution No. 12-171 - Amending Resolution 12-161, to Modify Membership Requirements for a Downtown Parking Task Force, to expand to 11 members and appoint Alzada Knickerbocker as a regular member.

J. Krovoza moved substitute motion, seconded by R. Swanson, to expand the Task Force membership to 12 by adding two alternates, one from the Downtown Core and one from the periphery. Appointments shall be Alzada Knickerbocker and Alan Fernandes. Motion withdrawn.

Following discussion, main motion amended as follows: approve Resolution No. 12-171-Amending Resolution 12-161, to Modify Membership Requirements for a Downtown Parking Task Force, to expand to regular 12 members. Appointments shall be Alzada Knickerbocker and Alan Fernandes. Motion passed unanimously.

Surface Water Project Ballot Measure General Manager Utilities, Development & Operations Herb Niederberger: Options are being discussed that would alter how project costs are allocated between Woodland and Davis while maintaining fairness and equity. Staff will continue to work with Woodland Davis Clean Water Agency JPA staff and specific modifications will be brought to the individual City Councils and WDCWA Board for amendments to the JPA agreement.

Public comments:

- Elaine Roberts-Musser, Water Advisory Committee Chair: WAC motions recommended a preferred project with criteria that both cities share in the cost of the pipelines and that the cost share percentages reflect the current anticipated reliance on the facility. Read letter from Frank Loge as an individual--Do not believe ballot language reflects motion by WAC. Davis's portion of project is based on cost sharing that some members of WAC feel are not fair and equitable. Recommend ballot language reflect equal share of pipelines & 50/40 split of all other costs.

City Attorney Harriet Steiner: Basic policy issue for voters is whether the City should proceed with the project; basic implementation issue for rate payers is rates to pay for the project.

Dennis Diemer, WDCWA General Manager: Need to begin construction by Spring/Summer next year in order to take advantage of Federal and State grant funds and State revolving loan funds and to meet regulatory deadlines.

City Council recessed at 8:28 p.m. and reconvened at 8:46 p.m.

L. Frerichs moved, seconded by D. Wolk, to adopt the following language for the March 5, 2013 ballot measure: “Shall Ordinance No. 2399 be adopted, which grants permission to the City of Davis to proceed with the Davis Woodland Water Supply Project, to provide surface water as an additional supply of water, subject to the adoption of water rates in accordance with the California Constitution (Proposition 218)?”

B. Lee proposed a friendly amendment to be subject to an acceptable cost sharing agreement agreed to through the Woodland-Davis Clean Water Association Joint Powers Authority process. Amendment withdrawn.

Motion passed unanimously.

D. Wolk moved, seconded by L. Frerichs, to adopt Ordinance No. 2399 - Adding Article 39.10 to Chapter 39 of the Davis Municipal Code to Grant Permission to the City to Participate in the Davis Woodland Water Supply Project; This Ordinance is to be Adopted by the Voters of the City and to be Effective Upon Approval by a Majority Vote of the Voters of the City, as amended. Motion passed unanimously.

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 12-172 – Calling for the Holding of an All Mail Ballot Special Municipal Election to be Held on Tuesday, March 5, 2013, for Submission to the Voters a Proposed Measure; Specifying the Deadline for Submission of Arguments For and Against the Measure; and Directing the City Attorney to Prepare an Impartial Analysis, as amended. Motion passed unanimously.

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 12-173 - Requesting the Board of Supervisors of the County of Yolo to Render Specified Services to the City Relating to the Conduct of All Mail Ballot Special Municipal Election to be Held on Tuesday, March 5, 2013, and Requesting Said Election be Consolidated with Any Special Elections Held on that Date. Motion passed unanimously.

R. Swanson moved, seconded by D. Wolk, to appoint a Council Subcommittee of L. Frerichs and J. Krovoza to draft an Argument in Support of the ballot measure, and if an Argument Against the measure is filed, a Rebuttal to the Argument Against, the proposed measure on behalf of the City Council. Motion passed unanimously.

B. Lee: Request Council agenda discussion of potentially reconsidering call-

ing the election if Davis is not able to reach an agreeable cost sharing arrangement with Woodland. Council consensus.

S. Pinkerton: Staff will provide a status report of discussions with Woodland.

H. Steiner: Item will be agendized on November 27 for Council to determine if there is an appropriate agreement and to potentially reconsider the call of the election. Agenda title will provide for Council to discuss options and take actions as necessary related to the election.

Innovation Park  
Task Force Rec-  
ommendations

Jeff Loux, UC Davis Extension's Land Use and Natural Resources Division: Studio 30 Professional Skills course addressed technical issues of pursuing an Innovation Center.

Economic Development Coordinator Sarah Worley: Summarized recommendation of Innovation Park Task Force, strategy to move forward.

Public comments:

- Dobby Fleeman: Support recommendations of Task Force and staff. Encourage Council to request measureable benchmarks, timetables and priorities.
- Dan Ramos, Mace Ranch Partners: Potential is real; would like to participate at the right time.
- Jim Grey, Cassidy Turley Commercial Real Estate: Council needs to obtain regional and business participants to recognize that Davis has great opportunities; need to invest in infrastructure and business planning.

R. Swanson moved, seconded by D. Wolk, to accept the Studio 30 Davis Innovation Center Final Report and approve Resolution No. 12-174 - Confirming Conclusions of Innovation Park Task Force and "Davis Innovation Center Study" Report Supporting a Dispersed Innovation Center Strategy, to:

1. Adopt a new fiscal model that accurately evaluates both the fiscal impacts and economic benefits of new innovation/research development for the community.
2. Pursue a "Dispersed Innovation Strategy" offering flexible space (scalability) supporting needs of growing and new businesses. A combined approach of near term close-in hub with mid-term, larger less constrained edge sites offer the best mix of University proximity and expansion capability for the City:
  - A. Maximize Existing Inventory to increase development certainty, and flexibility.
  - B. Review existing land use, zoning and tax structure with objectives of supporting retention and growth of innovation businesses and maximizing revenue opportunities.
  - C. Near Term - The Gateway (Downtown Research & University Innovation District) option offers the best close/in location due to the proximity

to University and property owner and University interest, and should be pursued as the City's top innovation center priority.

- D. Mid-Term - The East and West "edge" sites offer viable options for location and size of larger innovation centers meeting needs of growing mid-sized companies, and should be continued to be explored, along with other potential viable sites, as part of a mid-term Dispersed Innovation Strategy.
3. Initiate a community engagement process that incorporates the findings and recommendations of the Innovation Park Task Force and "City of Davis Innovation Center Study" and is aligned with other economic development public outreach efforts, to inform the community and solicit input on:
    - Existing economic development efforts underway
    - Community benefits of local growth of knowledge based jobs
    - Innovation center options/components
    - Proposed creation of new close/in and edge innovation centers as part of disbursed innovation center strategy
    - Prioritizing implementation actions
    - Branding and Marketing
  4. Proactively partner with UC Davis, property owners, Yolo County, community business leaders and other regional partners to define opportunities and remove constraints to future innovation business growth, including:
    - Infrastructure needs
    - Financing
    - Investment interest
    - Increasing certainty in entitlement process
    - Maximizing net community benefits
    - Yolo County tax sharing agreements
    - Measure R process for agricultural land annexation
    - Opportunity costs of insufficient space

Motion passed unanimously.

City Council recessed at 10:22 p.m. and reconvened at 10:29 p.m.

Fire Department  
Audit

Interim Fire Chief Scott Kenley: Overall objective was to develop highest level of services, consider safety of citizens and employees, look at ways to restructure to maximize efficiencies.

Public comments:

- Bobby Weist, Davis Firefighters Local 3494: If fewer firefighters on shift, staff will be working overtime daily large number of simultaneous calls. Report appears to be monetarily driven and not service oriented.
- Matt Williams: Report was thorough; assumptions based on average number of single family dwelling fire calls. Need to address how City is dealing with medical situations.
- Bill Weisgerber: When considering staffing levels, need to remember that



you cannot send an ambulance to a fire.

J. Krovoza moved, seconded by R. Swanson, that the meeting will conclude no later than 12:00 a.m. Motion passed by the following vote:

AYES: Frerichs, Lee, Swanson, Krovoza

NOES: Wolk

Council comments included:

- L. Frerichs: JPA's are not always efficient. Hard to provide excellent service if emphasis is on downsizing.
- R. Swanson: Request information on potential reimbursement of services, if majority of response calls are medical. Need to have discussion on service delivery and receive input from community.
- B. Lee: Request more in depth information on types of response, locations and times. Also request response from existing employees.
- D. Wolk: Request input on historical perspective from current employees.
- J. Krovoza: Need to be as efficient as possible with limited resources.

Long Range  
Calendar

L. Frerichs: Should agendaize City Attorney and City Manager evaluation.

J. Krovoza: Council Subcommittee has not had a time to meet.

R. Swanson: Schedule closed session after Subcommittee meets.

H. Steiner: Will add to December 11 agenda.

City Council  
Brief Communi-  
cations

J. Krovoza: Visit to Sister City Wuxi, China. Also, invited by Chancellor Katehi to sit on commission to look at campus police practices. Will look to get input from Council.

Adjournment

Meeting was adjourned at 11:48 p.m.

Zoe S. Mirabile, CMC  
City Clerk