

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 27, 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 B. Lee: Request item regarding Establishment of Lifeline Water Utility Rate Assistance Program be postponed; premature to develop program before final rate decided. By consensus, leave item on agenda to receive staff report. May be postponed to later decision.

R. Swanson moved, seconded by L. Frerichs, 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; 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.

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

City Council returned to open session at 7:08 p.m. with no reportable action.

City Manager Brief Communications

City Manager Steve Pinkerton:

- Annual children's parade and Holiday Tree Lighting on November 29 at the Davis Food Coop.
- December 21 is the deadline for Golden Heart Award nominations.

- Davis High Technology Club will meet November 29 at the Senior Center.
- Human Relations Commission sponsoring event “Breaking the Silence of Racism,” December 1 in the Community Chambers.
- Council closed session on November 29.

Public Com-
ments

None

Consent Calen-
dar

Amendment to Contract for the Design of the Fifth Street Corridor Improvement Project, CIP No. 8138

1. Approved Resolution No. 12-175 - Authorizing the City Manager to Execute Amendment No. 2 to Consultant Agreement with KD Anderson & Associates, Inc. for Design of the Fifth Street Corridor Improvements
2. Approved Budget Adjustment #84 - appropriating grant fund revenue

Agreement with Co-sponsored Field User Group – Davis Rugby Football Club

1. Approved Resolution No. 12-176 - Authorizing the City Manager or His Designee to Enter into Field Use Agreement Between the City of Davis and the Davis Rugby Football Club Regarding the Use of City Fields
2. Approved Davis Rugby Football Club Co-Sponsored Field Use Agreement with an effective expiration date of November 27, 2013 (1 year term)

Davis Roots Lease of Hunt Boyer Mansion

Approved Resolution No. 12-177 - Authorizing the City Manager to Enter into a Lease of Portions of the Hunt-Boyer Mansion and Associated Agreements with Davis Roots

City Council Minutes from the Meetings of April 3 and 10, 2012

Approved

Commission Minutes:

1. City/UCD Student Liaison Commission Meeting of October 10, 2012
2. Natural Resources Commission Meetings of May 21, June 25 and July 23, 2012
3. Safety and Parking Advisory Commission Meeting of September 6, 2012

Informational

Fiscal Year 2012/13 First Quarter Budget Update

Informational

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

Removed from
Consent Calen-
dar:

Item removed by R. Swanson.

City Manager Steve Pinkerton: Will be paid out of redevelopment funding, not general funds. Amount approved in this year’s budget for legal fees related to

Allocating Future RPTTF Revenue for Ongoing Housing Legal Expenses that Exist as an Ongoing Enforceable Obligation

DACHA litigation. Originally not sure if able to access redevelopment funding; now able to list on recognized obligation form.

R. Swanson moved, seconded by L. Frerichs, to approve Budget Adjustment #83 (\$275,000) – allocating future Redevelopment Property Tax Trust Fund (RPTTF) Revenue for ongoing housing legal expenses. Item acted on by the City Acting as the Successor Agency pursuant to Chapter 3 of Part 1.85 of Community Redevelopment Law. Motion passed unanimously.

Mace Ranch Park Passive Recreation Area Construction Funding

Item removed by D. Wolk.

Urban Forest Manager Rob Cain: Remaining part of Mace Ranch Community Park, ready to be finalized; approved by Council in June.

D. Wolk moved, seconded by R. Swanson, to approve Budget Adjustment #82 (\$132,400) – allocating Parkland Development and Development Impact fees for Mace Ranch Park passive recreation area construction. Motion passed unanimously.

Surface Water Update - Cost Sharing Negotiations with Woodland & Discussion of Options Related to the March 5, 2013 Ballot Measure Election Regarding Permission to Proceed with the DWWSP, to Include Potential Reconsideration of Calling Election

D. Wolk: Wolk and Swanson negotiating team with Woodland; able to reach fair and equitable agreement. Agencies will share all non-consumption based costs; all consumption based costs will be split approximately 60% Woodland/40% Davis. Pipelines will be paid separately with the exception that Woodland has agreed to pay 50% of Davis/Woodland treated water pipeline to the urban limit line of Woodland.

City Manager Steve Pinkerton: Amendments to the Joint Powers Agreement will be agendized for Council approval before proceeding to the Woodland Davis Clean Water Agency. Staff will return with documents in January 2013.

Public comments:

- Matt Williams: Concerned that the most recent numbers provided to Water Advisory Committee split were significantly lower than before. Information should be transparent so all know the details.
- Elaine Roberts-Musser, Water Advisory Committee: Thanked Council, staff and City of Woodland for hard work in achieving a fair and equitable agreement.
- Alan Miller: 55% renter population in Davis; property owners pass bills directly onto tenants. Majority not represented in Prop 218 process.

S. Pinkerton: Will post details of agreement to website and distribute to Water Advisory Committee.

D. Wolk: Request to agendize discussion of water rates on December 11; give final direction to Water Advisory Committee for their discussion of final recommendation of 5-year water rates on December 13, 2012. Council consensus.

City Attorney Harriet Steiner: Prop 218 adopted by voters of California; State Constitution process for adoption of water, sewer and solid waste rates because they are deemed to be property related. People who participate are those who are legally responsible for paying rates. No provision in Prop 218 to allow direct vote by voters on rates for sewer, water and solid waste. Council intent is to have voters weigh in on whether City should move forward on surface water project in light of proposed rates. Prop 218 process will proceed concurrently. Public hearing on rates will occur after the election.

Public Hearing:
Second Street
Crossing, 4601-
4651 Second
Street – Target
Pad Sites; Plan-
ning Application
#12-24; Rezone
#01-12, Devel-
opment Agree-
ment #04-12,
Design Review
#09-19

Community Development Administrator Katherine Hess: Second Street project approved in 2006; Target store opened 2010. Total center size is 19 acres. Environmental Impact Report analyzed Target store and 46,000 sq. ft. additional retail. Planning Commission held two public hearings; concluded that the original CEQA determination was adequate, forwarded project to Council without recommendation.

Amended conditions of approval include: Covered bicycle parking installed near west-end of building A and in the parking lot between B & C. Bicycle repair station installed in the vicinity of the multi-use path. Owner maintains the bus shelter.

Mayor Krovoza opened the public hearing.

Troy Estacio, applicant: Would prefer to remove mandate for coffee shop, lowers negotiating power with potential tenants. Covered bike parking—preference to take advantage of existing improvements, make some modifications to weather proofing, possibly incorporate into building structure. Propose flexibility in order to attract tenant mix for successful center.

Mayor Krovoza closed the public hearing.

K. Hess: Adequate flexibility in conditions of approval to buildings E and F to provide amenities for neighborhood gathering place. Will refine elements with applicant during building permit process.

R. Swanson moved, seconded by L. Frerichs, as follows:

1. Determine that the EIR for the Second Street Crossing project adequately addressed the environmental issues associated with the project and no additional CEQA evaluation is required.
2. Take the following actions to approve revisions to the Development Agreement, Preliminary Planned Development, and Design Review approval for the four pad buildings at the Second Street Crossing (Target) development, to reduce the minimum sizes of some retail uses and make minor adjustments to the site plan and elevation, based on the findings and subject to the Conditions of Approval contained in the staff report:
 - A. Introduce Ordinance Approving the First Amendment to the Develop-

- ment Agreement By and Between the City of Davis and Target Corporation (#04-12).
- B. Introduce Rezone/Preliminary Planned Development Ordinance Amending Chapter 40, Section 40.01.090 of the Davis Municipal Code, Amending Planned Development #10-04 to Revise the List of Approved Uses for the Second Street Crossing Project (#01-12).
 - C. Approve the entitlement application Design Review #09-19.
3. Ordinances, Agreements and entitlement applications to include staff proposed amendments. Further amended to remove the language requiring minimum 2,500 sq. ft. coffee shop, instead applicant encouraged to provide amenity.

Michael Bisch: Davis Downtown does not support motion to approve project. Need improvements to downtown gateway, outlines for project already in place. Agree to provide project manager for project, \$20,000 in financing. Davis Downtown would like to see City Council earmark Target construction tax funds towards the building of the downtown gateway improvement project. Would like commitment beyond parking task force to improve parking and circulation downtown.

R. Swanson amended motion the motion as follows: Direct applicant to work with Downtown Davis to reach an agreement related to \$20,000 to be contributed from applicant and 150 project management hours toward downtown gateway improvement project, and provide evidence of said agreement to staff. Staff will return to Council with options related to Target construction tax funding of \$142,600.

H. Steiner: Parties can provide suggestions. Still City project, under no obligation to proceed with project as designed by outside parties.

L. Frerichs moved substitute motion, seconded by B. Lee, to continue item to December 11, 2012. Parties directed to meet and work out agreement. Motion passed unanimously.

City Council recessed at 9:17 p.m. and reconvened at 9:30 p.m.

Public Hearing:
Establishment of
a Lifeline Water
Utility Rate As-
sistance Program

General Manager Utilities, Development & Operations Herb Niederberger: Recommend utility late fees as funding source for program. Use income criteria established for park maintenance tax and open space protection tax for low income refund program.

Mayor Krovoza opened the public hearing.

Elaine Roberts-Musser: Proposed subsidy is too low; not convinced that program is even worth proceeding with if only provide a \$5.00 discount.

Council comments included:

- B. Lee: Postpone until after rate discussion. Increase amount to \$10 or

more.

- R. Swanson: Suggest using P.G. & E. Care Program as qualification.
- J. Krovoza: Support P.G. & E. Care Program; \$10 per month.
- L. Frerich: Request data on how many households utilize program.

D. Wolk moved, seconded by R. Swanson, to direct staff to refine the proposal, incorporating suggestions made by Council. Return to Council with options. Motion passed unanimously.

Nishi Pre-Development Cost Funding and Negotiation Agreement

Community Development Administrator Katherine Hess: Since 2010, staff and UCD have been meeting with property owners to plan for future growth; strong mutual interest to jointly plan; share pre-development costs to get to Measure R vote; target date for final EIR on land use applications and development agreement in June 2014 with Measure R ballot in November 2014.

J. Krovoza moved, seconded by D. Wolk, as follows:

1. Approve Resolution No. 12-178 - Approving Pre-Development Cost Funding and Negotiation Agreement for the Nishi Property, establishing parameters for predevelopment review of a mixed of university-related research park development complemented by high density urban housing.
2. Continue to coordinate with the university on infrastructure and circulation alternatives for the property.
3. Continue to pursue grant financing for predevelopment and/or infrastructure costs.
4. Approve Budget Adjustment #85 (\$700,000) – appropriating developer funds and allocating Downtown Area Revitalization funds to the effort, with costs to be split equally between the City and the property owner.
5. Direct staff to check in with City Council at either the \$100,000 expenditure threshold or 6 months prior to proceeding with the Environmental Impact Report (EIR), whichever occurs first.

Motion passed by the following vote:

AYES: Frerichs, Swanson, Wolk, Krovoza
NOES: Lee

Natural Resource Commission (NRC) 20% Water Demand Reduction Plan

General Manager Utilities, Development & Operations Herb Niederberger: Plan focuses on three primary areas: fixture conversion—retrofit pre-1993 properties by 2020; leak reduction—implement advanced metering project by 2015; irrigation management—conservation oriented rate structure. Targeted outreach to high water users. Staff will return to Council on December 11 with Water Smart contract and in January 2013 with the Integrated Water Resource Study.

Public comments:

- Matt Williams: Irrigation water will be significantly more expensive; should include water reuse technology; opportunities to use Wildhorse Mitigation Funds in ways that are more creative than just toilet retrofits; educate community about water use.
- Alan Pryor: Staff has failed to quantify cost effectiveness of water conserva-

tion programs in providing sufficient information to the Natural Resource Commission. Rebates may not be cost effective; should consider greater outreach program; concerns about adequacy of study that staff is basing leak reduction conclusions on. Oppose recommendation to undertake water conservation program in current form.

- Elaine Roberts-Musser, Water Advisory Committee: WAC supports aggressive water conservation. As private citizen, concern that cost savings achieved in water project will be ameliorated by conservation efforts; needs to be cost effective.

H. Niederberger: Request direction from Council on plan to develop for implementation.

R. Swanson: Requesting issues raised from public comments be included when item returns to Council.

J. Krovoza: Support Natural Resources Commission vetting Integrated Water Management report before returning to Council.

B. Lee moved, seconded by J. Krovoza, to support working toward 20% per capita water demand reduction goal by 2020 and direct staff to return to Council with specific recommendations based on the integrated Water Resources Study. Motion passed unanimously.

City Council
Brief Communi-
cations

J. Krovoza: SACOG Board retreat on December 6; Davis resident Maria Tebutt will be recognized as citizen of the year for bike advocacy in Woodland. SACOG has been reviewing shared services throughout region; support efforts. J. Krovoza and D. Wolk (alt) not able to attend. Offer spot to other councilmembers.

L. Frerichs: Yolo County Transportation District will be receiving award from SACOG on December 6 for project of the year, shared services project for bus route up to Capay Valley.

Long Range
Calendar

S. Pinkerton: November 29—closed session discussion on labor. December 11—closed session labor & real property, regular items to include energy grant, water rate review and Water Smart contract. December 18—Coyote Management Plan, affordable housing policies, update on Redevelopment Agency and commission; fire audit update. Variable sanitation rates will be moved to later in order to consolidate with all other solid waste items.

J. Krovoza: If needed, move Coyote Management Plan to January; prioritize big issues.

D. Wolk: Should only have two or three prioritized agenda items.

B. Lee: December 11, request report on water rate structure proposals, description of Water Advisory Committee recommended structure and competing struc-

tures.

H. Niederberger: Will be able to prepare Powerpoint presentation, may not be able to provide staff report.

J. Krovoza: Would like to proceed with public comment speaker cards.

R. Swanson: Appointed to Environmental Policy Committee for League of California Cities for another year.

Adjournment Meeting was adjourned at 11:19 p.m.

Zoe S. Mirabile, CMC
City Clerk