

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of December 18, 2012

The City Council of the City of Davis met in regular session beginning at 5:00 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: Defer City Council Appointment to Advisory Commissions to next meeting; will take applicant introductions during general public comments.

S. Pinkerton: Consent Calendar item Sole Source Work to ControlPoint Engineering, Inc. to Install New Supervisory Control and Data Acquisition (SCADA) Remote Terminal Unit (RTU) and Program Controller was removed from agenda by staff for further analysis.

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

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

A. Public Employee Performance Evaluation: City Manager

B. Conference with Labor Negotiators.

Agency Designated Representatives: City Manager Steve Pinkerton; Assistant City Manager/Administrative Services Director Yvonne Quiring; 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.

C. 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.

D. Conference with Legal Counsel –Anticipated Litigation: Initiation of

litigation pursuant to Government Code Section 54956.9(c): 1 case.

City Council returned to open session at 7:02 p.m. with no reportable action.

City Manager  
Brief Communi-  
cations

S. Pinkerton: City offices will be closed week from Christmas Eve through New Year's Day. Skeletal crew on staff for city operations; Police and Fire Departments on normal schedule.

Public Com-  
ments

- Bill Kopper and Sue Greenwald: Regular calendar item—Wastewater Improvement Project, Further Investigation of Regionalization of Services with Woodland. Oppose consideration of regionalization; City should proceed with current treatment plant proposal.
- Alan Pryor: Integrated Waste Management Plan will soon be agendized for discussion by Natural Resources Commission; should include cost and benefits for combining green and kitchen waste containerization programs.
- Gaye Powers: Wash Mill Laundromat in Davis Manor Shopping Center has been given a 30 day notice to vacate; owner of business has supported community, nice place to meet for community members, diverse clientele. Request staff reach out to property owners.
- Tom Cross, Davis Chamber of Commerce Political Action Committee: Committee is committed to supporting economic development for the community; suggest streamlining city processes to increase efficiency, focus Commission efforts on Council priorities.

A minute of silence was observed for the elementary school shooting in Connecticut.

Consent Calendar

Proposed Sponsorship and Support of SB 43  
Approved Resolution No. 12-187 - Sponsoring SB 43, the Offsite Renewable Energy Self-Generation Act, a Bill Related to Local Renewable Energy Production.

Professional Services Agreement for Consulting Services for Walk/Bike Audits at 11 K-8 Public Schools  
Approved Resolution No. 12-188 - Authorizing the City Manager to Execute Professional Services Agreement with Alta Planning + Design for Walk/Bike Audits K-8 Public Schools and to Approve a Related Budget Adjustment, in the amount of \$96,000.

Covell Boulevard from F Street to Birch Lane - Complete Streets Plan  
Approved Resolution No. 12-189 - Approving Contract with Mark Thomas and Company for Covell Corridor Complete Street Plan, in the amount of \$150,000.  
1. Authorizing the City Manager to approve the necessary Budget Adjustment for the consultant agreement, reflecting the conclusion of cost-sharing discussions with ConAgra.

Yolo Solano Air Quality Management District (YSAQMD) Grant for Fiscal Year 2012-13 / California Air Resources Board (CARB) Off-Road Diesel Vehicle Regulation

1. Approved Resolution No. 12-190 - Approving Acceptance of the YSAQMD Clean Air Funds Grant, to assist in the purchase of a new tractor for the Wastewater Treatment Plant to reduce diesel exhaust emissions.
2. Approved Budget Adjustment #98 (\$21,063) – appropriating grant funds.

Second Reading: Ordinance Amending Section 22.07-030 of the Davis Municipal Code Relating to Stop Intersection Designation, New All-Way Stop Control at Pole Line Road and Moore Boulevard  
Adopted Ordinance No. 2400.

Second Reading of Ordinances – Second Street Crossing, 4601-4651 Second Street – Target Pad Sites:

1. Adopted Ordinance No. 2401 - Approving the First Amendment to the Development Agreement by and Between the City of Davis and Target Corporation (#04-12)
2. Adopted Ordinance No. 2402 - 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)

Commission Minutes: Finance and Budget Commission Meeting of October 8, 2012

Informational

Memorandums of Understanding – Davis Police Officers’ Association (DPOA), Program Administrative and Support Employees Association (PASEA), and Individual Management Employees

Approved Resolutions Adopting MOUs: Nos. 12-191—Davis Police Officers Association, 12-192—Program Administrative and Support Employees Association, and 12-193—Individual Management Employees

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

Removed from  
Consent Calendar:

Item removed by B. Lee.

Water Conservation  
Program  
Funding

B. Lee: Should move toward model where City provides educational resources as opposed to piecemeal approach with rebates; many may be interested in conservation efforts and need help in developing comprehensive plans.

Interim Public Works Director Robert Clarke: Natural Resources Commission will soon be discussing the program. Staff will return to Council with further

efforts and recommendation.

Cultural Arts and  
Entertainment  
Forum

Item removed by D. Wolk.

Community Development and Sustainability Director Ken Hiatt: Staff recommendation to convene interested groups with specific objective to share ideas and opportunities in community; formalize unified organization, plan and financing strategy.

Public comment:

- Andy Jones, Cultural Action Committee: Support independent group working to focus arts downtown; response from individual businesses has been very positive to increased arts downtown via murals and sculpture; idea is to make Davis a place where arts are celebrated.

D. Wolk moved, seconded by R. Swanson, to direct staff to work with representatives of the local arts community to convene a one-day forum in late January/early February 2013, with the purpose of developing a joint action plan for advancing the Arts and Entertainment District. Motion passed unanimously.

2012-2014  
Council Goals

Item removed by L. Frerichs.

L. Frerichs: Summarized work of Subcommittee.

L. Frerichs moved, seconded by R. Swanson, to approve the supplemental document to 2012-2014 Council Goals, as proposed by the Subcommittee. Motion passed unanimously.

Water Advisory  
Committee Water  
Rate Recommendation

Principal Civil Engineer Dianna Jensen: Summarized possible rate structures.

Public comments:

- Walt Bunter: Should adopt water rate that is fair and easy to understand, use current rate schedule and add surcharge to generate enough funds each year to fund debt service plan.
- Andrew Folks: Support incentivizing conservation efforts.
- Emily Griswold: UCD Arboretum mission to provide education and demonstration of water efficient landscaping; trying to make information more accessible, demonstration gardens.
- Dan Jones: Consumption Base Fixed Rate (CBFR) rate proposal is confusing; rate should be based on usage, keep simple and fair.
- Dave Hart: CBFR helps residents set goals for conservation.
- Alan Pryor: CBFR is unique in water industry, but not in broader utilities; method is used by commercial accounts across the nation; first time to be used in water system to encourage conservation; recommend Council adopt a modified Bartle Wells method, then migrate to CBFR.

- Frank Loge: CBFR is a simple calculation for water rate payers.
- Dobby Fleeman: Chamber Government Relations Committee supportive of CBFR model; transparent and equitable.
- Bill Streng: CBFR is good in theory, but have concerns; needs to be an appeal method; hope inequities can be addressed before final rates are adopted.
- Kemble Pope, Davis Chamber of Commerce: Need to equalize inequities; support CBFR, especially if there is a way to transition into such a model.
- Greg Harrington, Yackzan Group: Support CBFR model, needs to be presented so that residents are able to fully understand impacts.
- David Musser: Should test the model against current model, to implement untested model will be a problem.

B. Lee moved to adopt a five-year water rate structure as follows: Bartle Wells Fixed Rate with Uniform Block Rate for the first year, with the remaining four years as Consumption Based Fixed Rate (CBFR) with Uniform Block Rate. No second.

R. Swanson moved, seconded by D. Wolk, to adopt the following water rate structure for a five-year time frame that can be included in a Proposition 218 notice for implementing new water rates:

- May 1, 2013 through December 31, 2014: Bartle Wells inclining block rate, tier 1 set at 0-18 CCF, 40% fixed.
- From January 1, 2015 forward: Consumption Based Fixed Rate (CBFR) with inclining block rate.

J. Krovoza proposed a friendly amendment for the May 1, 2013 through December 31, 2014 rate to be Bartle Wells inclining block rate, 50% fixed. Withdrawn.

B. Lee proposed a friendly amendment to modify the rate for January 1, 2015 forward to be CBFR with uniform block rate. Accepted by mover and second.

Motion passed unanimously.

City Council recessed at 9:18 p.m. and reconvened at 9:26 p.m.

Redevelopment Update and Due Diligence Review

Special Counsel Brent Hawkins: Successor Agency has been submitting semi-annual Recognition Obligation of Payment Schedules (ROPS). The January-June 2013 ROPS was approved by the Oversight Board and submitted to Department of Finance; however, DOF has disallowed several items.

Community Development Administrator Katherine. Hess: DOF has disallowed expenditures for two capital projects for F Street and Third Street and any expenditure disbursement of bond proceeds.

B. Hawkins: AB 26 and 1484 are very ambiguous regarding bond proceeds in-

herited from the Redevelopment Agency; the result is that bond proceeds have been frozen; likely to be litigation on this issue.

J. Krovoza moved, seconded by R. Swanson, to receive and accept the Independent Accountants' Report on Applying Agreed-Upon Procedures pursuant to AB 1484 All Other Funds, (Due Diligence Review), and forward to the Davis Redevelopment Oversight Board for its review, public hearing and recommendation. Motion passed unanimously.

Implementation  
of Fire Audit  
Recommendations

Interim Fire Chief Scott Kenley: Summarized response time data, presented recommendations on response time goals, boundary drop with UC Davis Fire, staffing strategies and management oversight.

Public comments:

- Skyler Lacey: Firefighter for ten years; concerned over recommendations; a four person company is much better service than the proposed three person company.
- Joe Tinney: Firefighter; Fire Department provides excellent service to community, dedicated personnel despite fiscal challenges of last several years; city standards have always been higher than norm.
- Bobby Weist, Davis Firefighters Local 3494: Davis has high occurrence of simultaneous calls; reducing staffing will result in reduction in level of service.
- Bill Weisgerber: Support boundary drops, excellent use of available resources. Need to consider redistribution of stations to operate an efficient system; going to three people on engine drastically effects first minutes of fire. Council should define parameters of Fire Chief and consider a nationwide recruitment search.
- Emily Lo: Fire Captain; expectations established by previous administrations has resulted in excellent firefighters.

J. Krovoza moved, seconded by D. Wolk, to direct staff to initiate the process toward implementation of the following:

Boundary Drop Between Davis Fire and UC Davis Fire

1. Create a joint committee made up of decision makers from both the UC and City departments to develop Standard Operating Procedures maximizing the resources of both departments in the delivery of fire and life safety services to the combined jurisdictional boundaries of the City of Davis and UC Davis.
2. Create a joint committee made up of decision makers from both Departments to develop Standards of Cover document assuming the inclusion of the jurisdictional boundaries of the City of Davis and UC Davis.

Management Oversight

1. Defer filling the current Fire Chief vacancy in the City of Davis for six

months to allow the City of Davis and UC Davis to fully analyze the feasibility of a shared management oversight concept for management of the City of Davis and the UC Davis Fire Departments.

2. City staff is currently evaluating the appropriate management structure for the City of Davis Fire Department during the proposed six months analysis period. Staff will return to Council on January 15, 2013 with a recommendation on how to provide oversight during this time period.

Final approval of the boundary drop and management oversight will be considered by City Council based on initial implementation work at the next consideration of this item. Consideration of modifications to the City's adopted Response Time Goals and appropriate staffing levels in the Davis Fire Department will be deferred until Council's next consideration.

S. Pinkerton: Staff will work with all parties' schedules to agendize a roundtable discussion in January, to include UC Davis Fire Department, Davis Firefighters Local 3494, and other representatives as needed and available.

Motion passed by the following vote:

AYES: Lee, Swanson, Wolk, Krovoza

NOES: Frerichs

City Council recessed at 11:23 p.m. and reconvened at 11:30 p.m.

Wastewater Improvement Project– Rejection of All Rehabilitation and Replacement Bids Received and Further Investigation of Regionalization of Wastewater Services with Woodland

Interim Public Works Director Robert. Clarke: History of local alternative project over the last three years, known as the Charrette Plan. New proposal from Woodland for potential regionalization.

Public comments:

- Rob Aragon, PERC Water: Encourage Council to explore options presented by PERC.

B. Clarke: PERC Water has offered to provide a proposal that differs from current proposed project scope; if Council is interested in water reuse options, request direction to staff to include options within the scope for all parties to respond to.

J. Krovoza moved as follows:

1. Direct staff to prepare a formal feasibility study, economic analysis, preliminary environmental work, and general governance terms to a level that allows an accurate comparison of the Local and Regional alternatives.
2. Approve Resolution Authorizing the City Manager to Execute Consultant Contracts in a Not to Exceed Amount of \$500,000 to Facilitate Evaluation of Regionalization of Wastewater Services with Woodland.
3. Direct staff to return to Council within six months to present the findings and seek Council action on a preferred alternative.

4. Direct staff to continue on the current path of developing the project's design-build procurement documents for the Secondary and Tertiary Improvements – maintaining our pace to meet the 2017 deadline.
5. Approve Resolution to Reject All Bids for Wastewater Rehabilitation and Replacement Project, CIP No. 8219, Project No. 82001, and delay rehabilitation of the wastewater facility.

No second to the motion.

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

1. Direct staff to continue on the current path of developing the project's design-build procurement documents for the Secondary and Tertiary Improvements – maintaining our pace to meet the 2017 deadline.
2. Approve Resolution No. 12-194 – to Reject All Bids for the Wastewater Rehabilitation and Replacement Project, CIP No. 8219, Project No. 82001, and delay rehabilitation of the wastewater facility.
3. Direct staff to return to Council with a detailed scope of work on analysis of the proposed regional alternative.

R. Swanson: Request staff check in with Ed Schroeder and George Tchobanoglous, if possible.

Motion passed unanimously.

D. Wolk: Questioned whether Council should consider PERC Water proposal.

City Attorney Harriet Steiner: When staff returns to City Council with analysis of regional alternative, will include further discussion of modifying scope of local alternative to include water re-use component.

City Council  
Brief Communi-  
cations

R. Swanson: Received tour of RD2035 water intake facility.

J. Krovoza: Attended annual Committee of Yolo Mayors, appointed Rochelle Swanson to two more years on Yolo County Children's Alliance.

Long Range  
Calendar

S. Pinkerton: Affordable Housing Policies has been postponed to January 29. Veterans Memorial Center and Community Pool feasibility studies postponed to February 2013.

B. Lee: Suggest staff introduce items for Council consideration, then bring back in 2 weeks for deliberation and decision.

B. Lee: Request from Chamber to include commission agendas on consent calendar.

D. Wolk: Suggest including in commission update.

B. Lee: Commission update—request formation of Council Subcommittee to



craft questions specific to individual commissions and possibly conduct initial screening interviews with full Council making appointments.

H. Steiner: Will include appointment process in commission update.

L. Frerichs: Request to agendaize discussion of water reuse and PERC Water.

S. Pinkerton: Will agendaize January 15.

Adjournment Meeting was adjourned at 12:36 a.m.

Zoe S. Mirabile, CMC  
City Clerk