

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of January 15, 2013

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 and The Dupont Circle Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036. The meeting was called to order by Mayor Pro Tempore Dan Wolk.

Roll Call: Councilmembers Present: Lucas Frerichs, Joe Krovoza (via teleconference), 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 L. Frerichs, to approve the agenda. Motion passed by the following vote:  
AYES: Frerichs, Lee, Swanson, Wolk  
NOES: None  
ABSENT: Krovoza

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; 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 and Firefighters Local 3494.

B. 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 6:30 p.m. with no reportable action.

Ceremonial Presentation Proclamation in Recognition of Martin Luther King, Jr. Day – January 21, 2013 was presented by R. Swanson.

City Manager Brief Communications S. Pinkerton announced the Martin Luther King Jr. Celebration at the Varsity Theatre at 10:30am, Monday, January 21.

Public Comments

- Steve Hayes, Liz Chalfant, Gaye Powers, and David Greenwald spoke regarding the closure of the Wash Mill Laundromat on Eighth Street. Comments included: Essential services need to be provided where low income residents live; 40-year business owner only provided with a month's notice

to vacate, treated unfairly by landlord; city needs more than one laundry facility; suggest Council consider an ordinance regarding apartment and provision of laundry facilities, look for grants to retrofit older facilities.

- Alan Miller: Consent calendar item—All-Way Stop Control at Downtown Core Area Intersections: Old East Davis resident; signage not needed at new stop sign installations downtown; safety must be balanced with the need for flow; already have too many stop signs; Third Street is a natural bikeway; should make all stop signs a yield for bikes; outdated section of California vehicle code.
- Sharon Montue, Janet Krovoza, Cayce Wallace, Pamela Lamay, Laura Reyes, and Ben Nieberger: Support Coyote Coexistence Plan.
- Jim Leonard, Rural Wrap; and Sally Parker, Square Tomatoes Craft Fair: Informed that they are not eligible to be part of Davis Downtown Business Association because of lack of physical business location downtown; however, rent out Central Park for craft activities; would like to be included as part of DDBA and ArtAbout activities; craft fair is held same weekend as ArtAbout.
- John Berg, Bicycle Advisory Commission: Consent calendar item—Stop Control at Downtown Intersections: Many cyclists use Fourth Street as alternate to Third Street because of congestion; concerned about increased barriers to bicycles as mode of transportation; Commission voted unanimously to oppose the installation of stop signs, in favor of striping crosswalks at intersections; should re-examine bicycle flow and safety downtown after completion of the Fifth Street Improvement Project.
- Deanna and Maxwell Conner, The Laundry Lounge: Own Laundry Lounge for 5 years, located at Anderson and Covell; currently operating at 50% capacity; business is here to serve community, especially for those who have experienced significant hardship because of closure of Wash Mill.
- Randii MacNear, Davis Farmers Market: Provide goodies from Farmers Market vendors; 2012 was a wonderful year for market; appreciate Council and community support; launched cookbook, received awards, recognized by USA Today Travel and US World Reports Travel; new postcards available for purchase; 1.7 million hits on Farmers Market website.
- Elaine Roberts-Musser: Consent calendar item—Downtown stops: Support stop signs downtown for consistency and safety; natural tension between bicyclists, motorists and pedestrians.

City Manager  
Comments

S. Pinkerton: Staff has been in constant contact with the landlord regarding the closure of the Wash Mill, who is unwilling to relent; spent last 3 weeks attempting to have dialogue with Goodwill (new tenant) to no avail.

Ceremonial  
Presentation

Proclamation in Support of the 2013 Yolo County Volunteer Income Tax Assistance (VITA) Coalition's Earned Income Tax Credit (EITC) Awareness Campaign was presented by L. Frerichs.

Consent Calendar

Summary Vacation of 10-Foot Public Utility Easement (PUE) #2-12 for the Properties Located at 1440 and 1460 Wake Forest Drive – Planning Application #12-70

Approved Resolution No. 13-001 - Summarily Vacating the PUE that Straddles the Property Line of Lots 286 and 287 of University Farms Unit #7-A Commonly Known as 1440 and 1460 Wake Forest Drive

Sole Source Work to ControlPoint Engineering, Inc. to Install New Supervisory Control and Data Acquisition (SCADA) Remote Terminal Unit (RTU) and Program Controller, CIP No. 8183

Approved Resolution No. 13-002 Authorizing the City Manager or His Designee to Enter into Exclusive Negotiations with ControlPoint Engineering, Inc., in the amount of \$84,950

Dettling Farms Agricultural Leases, South of the South Fork of Putah Creek Along Mace Boulevard

Approved Resolution No. 13-003 - Authorizing the City Manager to Execute the Agricultural Lease with Dettling Farms for a Portion of Land South of the South Fork Preserve

Coyote Management and Coexistence Plan

Approved Resolution No. 13-004 - Adopting and Authorizing Implementation of the City of Davis Coyote Management and Coexistence Plan

2012-2013 Community Development Block Grant (CDBG) Program Funding for Public Service Agencies and non-CIP Public Facility Projects

Approved Budget Adjustment #105 - allocating the current year's CDBG Program funds to designated activities, as directed by the City Council with their funding decisions in April 2012, and as approved by the federal government

Owner-Occupied Accessible Housing Rehabilitation Program Guidelines

1. Approved Resolution No. 13-005 - Adopting the Owner-Occupied Accessible Housing Rehabilitation Program Guidelines and Authorizing Commencement of the Program
2. Approved Budget Adjustment #107 (333,959) - allocating Home Investment Partnerships Program (HOME) funds

Second Reading: Ordinance Amending Chapter 33 of the Davis Municipal Code Relating to Sewers and Sewage Disposal

Adopted Ordinance No. 2403 - (Introduced 10/23/2012)

Treasurer's Report for the Quarter Ended September 30, 2012

Accepted the report.

Commission Minutes: Telecommunications Commission Meeting of September 5, 2012

Informational

R. Swanson moved, seconded by L. Frerichs, to approve the consent calendar as listed. Motion passed by the following vote:

AYES: Frerichs, Lee, Swanson, Wolk

NOES: None

ABSENT: Krovoza

Removed from  
Consent Calendar

Item removed by B. Lee.

B. Lee: Support looking comprehensively at downtown traffic flow after completion of Fifth Street project.

All-Way Stop  
Control at  
Downtown Core  
Area Intersections – Second/C, Third/C, and Fourth/D Streets

J. Krovoza arrived at 7:23 (teleconference)

L. Frerichs moved, seconded by R. Swanson, to introduce Ordinance Amending Section 22.07-030 of the Davis Municipal Code Relating to Stop Intersection Designation. Motion passed by the following vote:

AYES: Frerichs, Lee, Swanson, Wolk

NOES: None

ABSTAIN: Krovoza

Sole-Source Purchase to Municipal Maintenance Equipment, Inc., for the Purchase of Three Police Parking Enforcement Vehicles

Item removed by D. Wolk.

Fleet Services Manager Dan Doolan: Technology not available for alternative vehicles to accommodate the demands of parking enforcement, in use minimum 5-6 hours/day.

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 13-006 - Awarding a Sole-Source Bid to Municipal Maintenance Equipment, in the amount of \$95,502.24. Motion passed unanimously.

By consensus, requested return to Council when alternative vehicle options become feasible.

Community Pool License to Davis Aquadarts and Civic Center Pool Engineering Study

Item removed by D. Wolk.

Assistant City Manager Yvonne Quiring: Budget adjustment has been amended to remove the heater component.

Billy Daughtry, Davis Aquadarts: Pool heater was not used very much last year, Aquadarts is willing to take the risk; suggest waiting one month to determine what is wrong with filters before replacing; should wait to make expenditures, don't spend funds until long term plan has been developed.

B. Lee moved, seconded by L. Frerichs, to direct staff to proceed with items that are definitely required based upon discussions to date; items pending further discussion will return to Council at next Council meeting.

Y. Quiring clarified: Staff will not proceed with heater and one filter.

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

1. Approve Resolution No. 13-007 - Authorizing the City Manager, or His Designee, to Enter into a Temporary License Agreement with Davis Aquadarts, Inc., to Use Community Pool for Summer 2013
2. Approve Budget Adjustment #108 (\$69,459) to:
  - a. Authorize funding from the Facility Replacement Fund for the replacement and installation of a chlorine generator, chemical controllers and pool lighting (estimated \$34,459) at Community Pool prior to the start of the 2013 License Agreement with Davis Aquadarts, Inc.
  - b. Allocate an additional \$35,000 and provide the City Manager with authority to use those funds for an engineering study on the Civic Pool. Any remaining funds, after the study is paid for, would be used to make repairs as necessary to keep the pools in session.
3. Approve Resolution No. 13-008 - Authorizing the City Manager or His Designee to Enter into an Architectural/Engineering Services Agreement to Prepare an Engineering Study for Civic Pool.

Motion passed unanimously.

Water Rate Recommendation and Proposition 218 Notice

General Manager of Utilities, Development and Operations Herb Niederberger: Presented proposed water rates. Bartle Wells calculations take into consideration both fixed and variable charges, while the Consumption Based Fixed Rate (CBFR) includes distribution, variable and fixed charges. Revenue generated will pay for operational expenses, local water projects and debt service to finance the surface water project.

Public comments:

- Greg McNees: Current process is much better than in the past; concerned that rates are so close to what was previously proposed; encourage Council to finance the pay as you go projects.
- Doby Fleeman: Chamber of Commerce is supportive of surface water project, however, there are concerns about the cost of the long term benefit; difficult understanding how project has decreased in scope, yet increased in cost; original model relied exclusively on financing; over next 7 years will be paying \$37 million, out of current rate increases rather than long term borrowing; do not believe analysis of financing options has been conducted by Water Advisory Committee, rates should be modified to reflect potential rate reductions available debt-based financing, local capital projects with existing water structure.
- Bill Streng: Support water project; should reduce rates as much as possible via financing all capital improvements and possibly delaying some improvements; need to make concession to show community that you are trying to be economical.

- Deanna Conner: 5 year plan too short; not long enough timeline to make changes such as retrofits, should consider stretching out increases to 7 or 10 years.
- Greg Herrington, Yackzan Group: Community seems to be on board with surface water project, but rates are a concern; responsible approach is to finance as much as possible any project that is currently identified as pay as you go.
- John Youmans: Should lower project cost through debt financing; find a way to lower rates.
- Kemble Pope, Chamber of Commerce: Need to ensure that we don't do anything to hinder the growth of our economy; should smooth out rate structure and timeline when rates are increased; use good bond ratings to allow residents and business owners to keep as much capital on hand as possible to invest in community.

City Attorney Harriet Steiner: City received a letter from the Yolo County Taxpayers Association which questioned the rate structure; asserted that both the Bartle Wells and the CBF rate structures meet legal standards.

Principal Civil Engineer Dianna Jensen: Presented proposed rates that would be necessary if the project was entirely debt financed.

City Attorney Steiner: Council will need to consider whether to adopt the rates at the end of the Proposition 218 hearing, provided there is no majority protest, with the maximum allowable rates that could be approved outlined in the 218 notice.

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

1. Approve Resolution No. 13-009 – Adopting Procedures for Providing Notice and Receiving and Tabulating Written Protests to Water, Sewer and Solid Waste Property-Related Fees and Charges.
2. Approve the water rates for a five year time frame, in accordance with the all-debt financing scenario, that can be included in a notice to customers for raising water rates in accordance with Proposition 218

Motion passed unanimously.

Council provided comments to the staff regarding information that should be included as part of the Proposition 218 notice and the format of the notice. Council suggested adding two more public outreach meetings for a total of five meetings.

City council recessed at 9:04 p.m. and reconvened at 9:13 p.m.

City Council  
Appointments

R. Swanson moved, seconded by B. Lee, as follows:

1. Appoint D Wolk and L Frerichs to a Council Subcommittee on Legislative Issues
2. Appoint D. Wolk as an Alternate to serve on the Woodland Davis Clean

Water Agency.  
Motion passed unanimously.

J. Krovoza left the meeting 9:17 p. m.

Public Hearing:  
Appeal of De-  
cember 19, 2012  
Planning Com-  
mission Denial  
of Verona Sub-  
division Project  
Revisions –  
Planning Appli-  
cation #12-82;  
Appeal #4-12  
Revised Afford-  
able Housing  
Plan #6-12, Re-  
vised Final  
Planned Devel-  
opment #13-04C

Planner Cathy Camacho: Applicants filed an appeal of the Planning Commission determination.

Bill Hartman, Regis Homes: Supports staff recommendations and proposed conditions of approval.

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

1. Determine that the project is categorically exempt from environmental review pursuant to CEQA Section 15303 as new construction or conversion of small structures
2. Modify the Affordable Housing Plan to allow the construction of two-story attached affordable units in place of single-story attached affordable units on three lots (lot 38, 49 and 73), and reduce the number of market rate units that would not be issued a certificate of occupancy until all affordable units are constructed from 15 to 8
3. Approve Revised Final Planned Development #13-04C to amend the development standards on lots 38, 49 and 73 in order to accommodate two-story units, based on the findings and subject to the conditions

Motion passed by the following vote:

AYES: Frerichs, Lee, Swanson, Wolk

NOES: None

ABSENT: Krovoza

By consensus, Council expressed interest in pursuing 4 single-story accessible units on Lot O.

City Council  
Brief Communi-  
cations

R Swanson: Will be attending an Environmental Legislative Policy meeting for the League of California Cities in Sacramento on January 18.

Long Range  
Calendar

S. Pinkerton: February 26—Communications strategy, cottage food ordinance and commission update. March 26—Solid waste items. February 12 will focus on the Golden Heart Awards, all other items will move to February 5 agenda. Single use bag policy discussion moved to April 26 and joint meeting with the School District moved to March 14.

R. Swanson: Memorial event will be held in early April honoring former Ambassador Christopher Stevens. Request proclamation. Council consensus.

L. Frerichs: Requested staff schedule any other ceremonial items on February 5.

B. Lee: Requested consent calendar item for January 29 to address John

Natsolous' request for lighting and flag placement downtown to correspond with art walk areas, and access to Olive Drive roundabout for placement of a sculpture. Council consensus.

L. Frerichs: Requested discussion of streetlights be agendized for a February meeting. Council consensus.

D. Wolk: Requested Council agendize joint discussion with the Open Space and Habitat Commission about management of city owned properties and Measure O funds. Council consensus.

D. Wolk: Memorial effort underway for Riggins/Gonsalves. Council will be working with staff. Council consensus.

Adjournment Meeting was adjourned at 9:57 p.m. in honor of former Councilmember Jerry Kaneko.

Zoe S. Mirabile, CMC  
City Clerk