

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of February 26, 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. The meeting was called to order by Mayor Joe 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 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; 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:

1. Davis Depot At Grade Crossing Application Proceeding; CPUC Case No. A.11-08-14
2. Administrative Proceeding Before the Central Valley Regional Water Quality Control Board for Renewal of City's Waste Discharge Requirements for the Wastewater Treatment Plant, Yolo County, Order R5-2013-XXXX, NPDES NO. CA00779049

City Council returned to open session at 6:55 p.m. with no reportable action.

Ceremonial Presentations

- A. Recognition of Myoung-hee Kim, Sangju Sister City. Mayor Krovoza presented Honorary Citizenship.
- B. 2012 Business and Economic Development Awards – Recognizing Outstanding Local Business, Organizations or Individuals Making Extraordinary Contributions to Their Industry and Community, Strengthening the City's Business and Economic Development Climate. D. Wolk presented to Mori Seiki. R. Swanson presented to John Natsoulas.

City Council recessed at 7:08 p.m. for a reception and reconvened at 7:26 p.m.

Public Com-
ments

- Sue Greenwald: Regular Calendar item Amended and Restated Woodland Davis Clean Water Agency Joint Powers Agreement—request Council defer discussion; need staff report that fully explains alternatives to proposed changes.
- Steve Tracy, Old North Davis Neighborhood Association: Consent Calendar item Establishing Safety Enhancement Zone for Picnic Day 2013—approve covering north Davis; appreciate service last year.
- Michael Conner: Regular Calendar item Public Hearing STEAC Modular Building—Project Manager for STEAC building; intended for use as food and clothing closet; will be good tenant and improve neighborhood.
- Robb Davis, Davis Community Meals: Transitional housing on H Street, work with clients that benefit from STEAC services; assurance that services will continue to be offered downtown.

City Manager
Brief Communi-
cations

S. Pinkerton: Proceeding with new video streaming program Granicus; agenda management system will begin shortly.

Darren Pytel, Assistant Police Chief: Increase in burglaries occurring between 2:00-5:00 a.m. Commonality is unlocked sliders and windows, open garages. Citizens need to lock doors and windows. Redeploying resources, moving staff from day to night hours.

S. Pinkerton: Well 30 on Lake Blvd., south of Covell Blvd (deep well, producing 2,300 gallons/minute on peak basis): Tests have come in with above acceptable contaminant level of manganese; have to shut down well.

Utilities, Development & Operations General Manager Herb Niederberger: Long term solution will include looking at grouping all wells that have increased manganese and piping to one area for treatment. Meeting with California Dept. of Public Health to discuss options.

Consent Calen-
dar

Settlement Agreement for the Davis Area Cooperative Housing Association (DACHA) Lawsuits and Corresponding Loan Agreement between the City and Successor Agency

Approved Resolution No. 13-013 (City Council) and Resolution No. 13-014 (Successor Agency Board) - Resolution Approving the Court-Approved Settlement Agreement Between the City, Successor Agency, Neighborhood Partners and Twin Pines Cooperative Foundation Concluding the Davis Area Cooperative Housing Association (Dacha) Lawsuits and Approving the Corresponding Loan Agreement From the City to the Successor Agency

Settlement Agreement re: NewPath v. City of Davis (U.S. Dist., E.D. Cal., Case No. 2:10-cv-00236-GEB-CKD); City of Davis v. NewPath (CPUC C.10-03-011)

Approved Resolution No. 13-015 - Authorizing the City Manager to Enter into a Settlement Agreement Between the City of Davis and NewPath Networks, LLC.

Fiscal Year 2012-13 Animal Services Contract with Yolo County Sheriff's Department.

Approved Resolution No. 13-016 - Authorizing the City Manager to Execute Agreement between County of Yolo and City of Davis for Animal Control Services

Recognized Obligation Payment Schedule July-December 2013

Approved Resolution No. 13-017 - Approving Recognized Obligation Payment Schedule for the Period Ending December 31, 2013

Establishing a Safety Enhancement Zone for Picnic Day 2013

Approved Resolution No. 13-018 - Designating a Safety Enhancement Zone For Picnic Day 2013 and Designating the Time during Which Certain Municipal Code Violations Committed Within the Designated Safety Enhancement Zone Will Result in Increased Fines.

Authorization to Sign Right of Way Certifications

Approved Resolution No. 13-019 - Authorizing Public Works Director, City Engineer or Designee to Sign Right of Way Certifications for Transportation Project Grant Funds

Easement Acquisition for Third Street Neighborhood Underground Utility District No. 9 and Authorizing City Manager to Accept Easements

1. Approved Budget Adjustment #114 (\$86,300) – allocating franchise fees to acquire utility easements
2. Approved Resolution No. 13-020 - Authorizing the City Manager to Accept Easements Necessary to Implements the Establishment of Underground Utility District No. 9

Yolo County Habitat Conservation Plan JPA

1. Received status update on the Yolo County Habitat Conservation Plan Joint Powers Agency (JPA)
2. Approved Budget Adjustment #124 (\$150,000) – allocating contingency funds in the General Fund to the Yolo County Habitat Conservation Plan JPA to continue JPA activities through completion of the HCP/NCCP Administrative Draft Plan (June 30, 2013)
3. Directed staff to ensure appropriate nexus to recover the value of the city's contribution through allowable fees from future development activities

Appointment of Inter-Commission Liaison from the Open Space & Habitat Commission to the Finance & Budget Commission

Ratify appointment of Helena Chung as Inter-Commission Liaison

City Council Minutes from the Meeting of February 12, 2013

Approved

Fiscal Year 2012-13 Second Quarter Administratively Approved Budget Ad-

justments
Informational

City-UCD Student Liaison Commission Minutes from the Meeting of January 9, 2013
Informational

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

Removed from
Consent Calendar:

Item removed by B. Lee

Update on Closure of Wash Mill at Davis Manor Shopping Center

Economic Development Coordinator Sarah Worley: Staff contacted property owner to determine status of Wash Mill closure and potential options to allow more time for business to relocate. Wash Mill not interested in pursuing relocation at this time.

B. Lee moved, seconded by R. Swanson, to accept update as informational. Motion passed unanimously.

Wastewater Treatment Plant Improvement Project (CIP No. 8219) – Independent Panel for Recommendations about Wastewater Regionalization

Item removed by L. Frerichs.

Michael Lindquist: Summarized proposed scope of work; looking for experts in treatment processes and regionalization. Staff recommendation is to:

1. Convene an independent advisory panel to review available information about regionalization of wastewater services
2. Request the panel to provide a recommendation of either:
 - a. Choose the Local Alternative as the preferred project, or
 - b. Conduct further investigation of the Regional Alternative and provide a recommended scope of work for the investigation
3. Return to City Council by April 9 with the panel's recommendation

Public comment:

- Sue Greenwald: Oppose regionalization with Woodland.

L. Frerichs moved, seconded by R. Swanson, to eliminate the option of regionalization of wastewater altogether.

B. Lee moved substitute motion, seconded by D. Wolk, to not approve staff recommendation to convene an independent advisory panel to review regionalization. Motion passed by the following vote:

AYES: Lee, Swanson, Wolk

NOES: Frerichs, Krovoza

Next Economy Capital Region Prosperity Plan

Meg Arnold, Sacramento Regional Technology Alliance: Non-profit, private sector driven, regional approach to development in Sacramento region; identifying comprehensive set of actions to achieve results. Next steps: Actions to im-

plement will be broad based; agreements will formalize relationships; establish oversight committee.

Public comments:

- Kemble Pope, Chamber of Commerce: Support plan; all parties need to work together to prosper.
- Dobby Fleeman: Chamber Economic Development Committee; Prosperity Plan should be endorsed; need economic model for community; plan is best bet.

D. Wolk moved, seconded by R. Swanson to approve Resolution No. 13-021 - Endorsing the Next Economy Regional Prosperity Plan and Authorizing the City Manager to Align the City Economic Development Efforts in Support of Its Implementation. Motion passed unanimously.

Public Hearing:
STEAC / 504
and 512 Fifth
Street – Appeal
of Planning Ap-
plication #12-47,
Administrative
Design Review
#13-14 for New
Modular Build-
ing

Community Development and Sustainability Director, Ken Hiatt: Summary of project and exploration of alternate site locations.

Mayor Krovoza opened the public hearing.

- Michael Bisch: Should seek solutions to aesthetic and architectural issues.
- Cass Silvia, STEAC Board: Provide social service to community; alternative sites proposed by city not acceptable, one is possible.
- Mike Carl: Existing building in very poor condition; new modular building great improvement; STEAC investing \$200,000.
- Bill Hobbin: Needs should come first; losing STEAC would be tremendous loss to downtown.

Mayor Krovoza continued the public hearing to March 26, 2013.

City Council recessed at 9:25 p.m. and reconvened at 9:37 p.m.

Lake Boulevard
Bicycle Path,
Program No.
7252

Principal Civil Engineer, Michael Mitchell: Options considered by staff to address the issue of trees impacting the bike path and infrastructure include:

1. Concrete bike path (original design for 2010 Contract)
2. Rubber Mats
3. Landscaping
4. Maintenance
5. Full Solution

Public comments:

- Barbara Lindhome: Support preserving path, either option 4 or 5.
- Dorte Jensen: 2 trees have fallen over 2 winters; concern over safety. Removal of any unsafe trees is needed.
- Glen Wilson, Susan Torgesson, Jan Bower, Eric Nelson and Susan Steinbach: Support option 4; trees are 50 years old and healthy; Sunset Villas

Homeowners Association Landscape Committee is addressing overwatering issues.

- Charlie Hess: Support option 2, replace asphalt surface with rubber mats; prioritize safety and accessibility.
- Pete Stuart: City needs to ensure safety of sidewalks and bike paths; support option 5.
- Raymond Kech: Urban forest is invaluable to Davis; safety is primary concern for all citizens. Council needs to undertake long term planning, careful tree replacements.
- Laura Westrup, Tree Commission: Potential future liability issues; commission was split on recommendation. Issue is tree roots cause serious damage on Lake Blvd., expensive long term problem.

R. Swanson: Suggest: Option 4, follow up with study regarding Lake Boulevard; look at moving parking, make only bike lane/path on street.

J. Krovoza moved, seconded by D. Wolk, to approve Option 5 “Full Solution” as this will address the long-term problem of trees impacting the Lake Boulevard bike path and surrounding infrastructure. This solution will require the removal of some trees, and the remediation of the path and street, curb and gutter.

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

1. Approve Option 4 “Maintenance.” This option will maintain the portion of bicycle path along the west side of Lake Boulevard by cutting tree roots that are distorting the asphalt and patching the rough spots, thereby minimizing the damage to the existing stone pine trees’ root structure. This option is least harmful to the trees but will entail frequent maintenance and not address the long term problem of the roots.
2. Direct staff to report back to Council within two years with an update on maintenance if watering is reduced, star jasmine removed, root pruning as appropriate, etc. Assessment on whether maintenance should continue or consider different future direction.

B. Lee proposed a friendly amendment to include ADA compliant access to pathway. Staff to provide options for Council consideration including cost estimates, minimizing removal of healthy trees.

City Attorney Harriet Steiner: Staff will determine type of ramp necessary to meet current ADA standards and impacts on trees.

Motion passed unanimously.

City Council recessed at 11:14 p.m. and reconvened at 11:24 p.m.

Amended and Restated Woodland-Davis Clean Utilities, Development & Operations General Manager Herb Niederberger: Amended agreement reflects change in circumstances to date; cities of Woodland and Davis have discussed and agreed upon an equitable distribution of pro-

Water Agency
Joint Powers
Agreement

ject costs. Summarized proposed amendment to agreement 7.6—reduction in availability of project water (reduction in water from supplemental water purchase shall be reduced based on cost allocation shares); amendment already approved by City of Woodland.

D. Wolk moved, seconded by J. Krovoza, to approve Resolution No. 13-022 - Authorizing the Mayor to Execute the Amended and Restated Woodland-Davis Clean Water Agency Joint Powers Agreement. The amendments reflect changes to the structure, cost-sharing and partner agency obligations, and clarify the status of non-participating agencies, reflective of changed circumstances and direction from the original JPA adopted in 2009; amendments include proposed 7.6 related to water reduction based on cost allocation shares). Motion passed unanimously.

City Council
Brief Communi-
cations

D. Wolk: AB1234 reporting—Attended SACOG meeting, received stipend.

J. Krovoza: Congrats to city staff and COOL Davis—California Energy Commission awarded grant of \$300,000 to help implement the Climate Action Plan. Attended hearing on cap and trade revenues on February 25; spoke in favor of sending to local revenues; can put funds to great use.

Long Range
Calendar

S. Pinkerton: March 5—Fire roundtable discussion; Cottage Food Ordinance will be postponed. March 14—joint meeting with School District. March 19—Prop 218 hearing, Arts Forum follow-up, utility lifeline, Mace 390. March 26—workshop on financing for water treatment facility, communication strategy; affordable housing follow-up. April—mid-year budget update.

B. Lee: Request wastewater discussion by Council; no outside consultants or staff proposals. Request discussion of Caltrans signage and Renters Ordinance proposal by Oeste neighborhood.

R. Swanson: Caltrans signage is a policy level discussion.

J. Krovoza: Suggest 2x2 members work directly with staff to frame discussion.

J. Krovoza: Suggest adding wastewater to March 19. Get pro/con arguments presented to Council, then Council discussion.

B. Lee: Discuss options. Should determine if there is enough interest by Council to explore regional option. Staff available to answer questions, do not need staff report.

R. Swanson: Request information on topics related to governance.

J. Krovoza: Concerned about emergency response communications in city; campus has good system, DJUSD has system of robo calls. How do we make communicate to community in times of emergency? Would like to agendize within next 2 months.

Recessed to closed session 12:07 a.m. to discuss the following: Public Employ-

ee Performance Evaluation: City Manager. Council returned to open session with no reportable action.

Adjournment Meeting was adjourned at 12:14 a.m.

Zoe S. Mirabile, CMC
City Clerk