

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 19, 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:

1. 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.

2. Conference with Real Property Negotiators:

Properties: Yolo County Assessor's Parcel Numbers 70-560-01, 70-211-06, and 70-211-07

Property: Yolo County Assessor's Parcel Number 33-290-88

Agency Negotiators: Community Development & Sustainability Director Ken Hiatt, Property Management Coordinator Anne Brunette and City Attorney Harriet Steiner

Under Negotiation: Price and terms of payment

3. 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 7:00 p.m. with no reportable action.

Youth in Government J. Krovoza: Introduced Youth in Government program participants attending the meeting shadowing Councilmembers and staff: Adam King, Sarah Strutzel, Madi Yule, Rami Rashmawi, Sarra Falakfarsa, Rachael Neustadt, Sabrina Williams and Emily Baker.

City Manager
Brief Communi-
cations

S. Pinkerton: Farmers Market Picnic in the Park starts March 20. Youth in Government mock Council meeting will be held March 21. Registration now open for summer camps and recreation classes. Cesar Chavez celebration will be held March 30 in Central Park.

Public Com-
ments

- Kemble Pope, Chamber of Commerce: Support water rates, structure is fair and more equitable than in the past. On April 2, Chamber luncheon will host Metro Chamber of Commerce representative, discussing Next Economy.
- Richard McCaan: UCD competition, 1st regional robotics championship; 15 teams participating in Sacramento region; Davis High & Da Vinci High favored to win regional championship, March 22 and 23.
- Murray Morgan: Consent Calendar item Annual Lifeline Water Utility Rate Assistance Program—proposal is to provide \$10 lifeline assistance to 250 residents; should collect bills according to income, increase lifeline assistance to \$40.
- Marylee Thompson, Hattie Weber Museum: Status of Central Park restroom, WPA building; Council directed staff proceed with retention of building in Central Park improvement plans and return with details of cost, revised design of park and full analysis; request Council agenda for discussion.
- Alan Pryor, Yolo Clean Air: Residents are burning in fireplaces even when warm outside; not enough no burn days designated last year. Suggest outreach program to curtail wood burning.
- Ananya Choudhuri: Planning Commissioner; request joint meeting between Council and Commission.

Consent Calen-
dar

Resolution Declaring the Results of the All Mail Ballot Special Municipal Election Held on March 5, 2013

Approved Resolution No. 13-025

Federal Transit Administration (FTA) Grant Application (CA-04-0271)

Approved Resolution No. 13-026 – Authorizing the City Manager to Execute FTA Grant Application for the University of California-Davis, for Operations and Capital Assistance of Unitrans (CA-04-0271)

Transportation Development Act Claims for Fiscal Year 2012-13

1. Approved Resolution No. 13-027 – Approving the City Of Davis’ Claim for Transportation Development Act –Local Transportation Funds for Fiscal Year 2012-13; and
Approved Resolution No. 13-028 – Approving the City Of Davis’ Claim for Transportation Development Act – State Transit Assistance Funds for Fiscal Year 2012-13
2. Approved Budget Adjustment #131 (\$520,792) recognizing revenue and (\$44,006) appropriating additional expenditures in accordance with the Claim

2012 Residential Development Status Report and Annual General Plan Housing Element Progress Report

Received the report pursuant to Resolution No. 08-158 of 2008, which calls for a Residential Development Annual Status Report, and Section 65400(a)(2) of the State of California Government Code, which requires an Annual General Plan Housing Element Report to be forwarded to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

Treasurer's Report for the Quarter Ended December 31, 2012

Accepted the Treasurer's Report.

Commission Minutes:

1. Natural Resources Commission Meeting of December 17, 2012
2. Planning Commission Meeting of November 14, 2012
3. Social Services Commission Meeting of November 5, 2012

Informational

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

Removed from
Consent Calendar:

Item removed by R. Swanson.

R. Swanson: Solution that all parties are happy with.

Public Art Solar
Filling Station
Location

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

1. Approve newly defined location for placement of the Solar Filling Station public art piece - patio area located between CVS and Nugget Market on East Covell
2. Approve Resolution No. 13-029 – Approving Location of Public Art Piece, Titled Solar Filling Station, and Authorizing the City Manager to Enter into Agreement with Sycamore Davis Properties for Placing Art on Their Property

Motion passed unanimously.

Item removed by D. Wolk.

City Arts
GATEway Public
Art Project

D. Wolk: Wonderful design and process.

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

1. Receive the Civic Arts Commission Minutes from February 11, 2013 as informational (additional action items will be brought back to Council at a subsequent date)
2. Approve final design for City Arts GATEway project
3. Approve Resolution No. 13-030 – Authorizing the City Manager to Enter into Agreement for Placement of the City Arts Gateway Public Art Piece on

University Property
Motion passed unanimously.

Yolo County
Homeless Coordination Contract

Item removed by D. Wolk.

Housing and Human Services Superintendent Danielle Foster: Program previously funded with CDBG funds, now through general fund. Also, City has more cold weather shelters than other jurisdictions, puts more funding into local shelters than county shelter.

D. Wolk moved, seconded by L. Frerichs to approve Resolution No. 13-031 – Approving the Yolo County Homeless Coordination Contract for Fiscal Years 2012-13, 2013-14, and 2014-15. Motion passed unanimously.

Public Hearing:
Update to Home Occupations Ordinance to Allow Cottage Food Operations – Planning Application #12-75, Zoning Ordinance Amendment #2-12

Planning Technician Tom Callinan: New state legislation requires cities to allow cottage food operations effective January 2013; proposed amendments to home occupations ordinance comply with state law. Yolo County Environmental Health Dept. plays lead role in administering. Amended ordinance provided to Council.

Mayor Krovoza opened the public hearing, and after no comments, closed the public hearing.

D. Wolk moved, seconded by L. Frerichs, as follows:

1. Determine that the proposed Zoning Ordinance Amendment is statutorily exempt from CEQA per section 15061(b)(3) as adoption of the ordinance will not have a significant effect on the environment
 2. Introduce Ordinance Amending Section 40.26.150 and Section 40.10.010 of the Davis Municipal Code Regarding Home Occupation Uses, as amended
- Motion passed unanimously.

Public Hearing:
Proposed Water Rates to be Effective May 1, 2013 – if No Majority Protest is Received, Consider Ordinance Amending Chapter 39 of the Municipal Code Related to Water Rates

Utilities, Development & Operations General Manager Herb Niederberger: Water service fees subject to Prop 218, requires fees be proportionate to the cost of providing services.

Principal Civil Engineer Dianna Jensen: Summarized proposed rates.

- May 1, 2013 through December 31, 2014: Bartle Wells inclining block rate, tier 1 set at 0-18 CCF, 40% revenue generated from fixed charges, 60% revenue generated from variable charges.
- From January 1, 2015 forward: Consumption Based Fixed Rate (CBFR) with uniform block rate, 13% revenue generated from fixed charges, 20% revenue generated from variable charges, 67% revenue generated from supply fee.

Two rate structures allow for transition period. Staff will return with a waiver application for new users if prior owner consumption was extremely high.

J. Krovoza opened the public hearing.

Public comments:

- Rick Bottoms: New homeowner, no consumption records; should impose on new homeowners consistent with other green LEED certified homes.
- Robert Smith: Stonegate resident; will have to review last water bills, already shut off lawn sprinklers.
- Richard McCaan: CBFR rate structure innovative; addresses sharing fixed costs, reflects seasonal fluctuations; amount charged is not fixed, can change through conservation efforts; support new structure.
- John Munn: Request Council reconsider the proposed water project and water rates; questionable whether City would need project if receive conservation efforts on volumetric basis.
- Nancy Price: Issue is not just rates, but protest process; during 2011 218 process, city provided convenient way for homeowners to protest; confusion among citizens with surface water ballot election timing; many did not know how to protest or what to do.
- Alan Pryor: City postcard with 218 notices would have been useful; rate structure is used by electric and irrigation districts throughout California; fair and equitable rate.
- Don Price: Oppose surface water project, protest water rates.
- Marsha Crete: Inaccuracies in statement describing rates and opportunity to protest; different categories of rates, notice listed that rates would be through December 2015, not 2014.
- Randy Dodd: Rates seem complicated; easier if simple variable non-tiered rate; 2-phased approach adds complexity into calculations and for staff having to run system; suggest simpler approach of seasonal rate.
- Elaine Roberts-Musser: Water Advisory Committee spent a year looking at issues; WAC approved conjunctive use project, Woodland project was preferred choice; Measure I was approved by voters; 18 month test period to work any kinks in system before CBFR rates go into effect; urge Council to adopt rates to help pay for water project.
- Alan Miller: Not able to protest because not a property owner; renters are unrepresented.
- Liesle Weinhardt: Object to process; required several readings to fully understand protest process; no monetary incentive to conserve water.
- John Troidle: Support high quality water at low prices.
- Matt Williams: Rate structure anticipates substantial conservation efforts; brings savings in terms of additional infrastructure that we have to build.
- Jim Weinhardt: Surface water project not necessary, aquifer not dropping, other source of water not being utilized; suggest use of deep well aquifers along with water conservation.
- Curt Schwallenberger: Would like to know projected future water costs.
- Les Pertello: Oppose current rate; new monthly billing will increase administrative costs, should stick with 2 month billing cycle. Council needs to

examine need for assistance to low income seniors; rainwater capture; retrofitting use of gray water from washing machines or other appliances.

12 written protests were submitted during public comment.

Mayor Krovoza closed the public hearing.

Youth in Government Shadows left the dais.

Council recessed at 8:27 p.m. and reconvened at 8:45p.m.

City Clerk Zoe Mirabile: Approximately 1,810 unvalidated protests were received prior to the Council meeting with an additional 12 received by the close of the public hearing.

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

1. Find that the Cursory Review, in accordance with Resolution No. 13-009, indicates that there is not a majority protest for the proposed water rate increases.
2. Accept the Water Rate Cost of Service Study prepared by Bartle Wells Associates. (BWA).
3. Introduce Ordinance Amending Chapter 39 of the Davis Municipal Code Related to Water Rates.

Motion passed unanimously.

Removed from
Consent Calendar:

Item removed by D. Wolk and J. Krovoza.

Annual Lifeline
Water Utility
Rate Assistance
Program

Utilities, Development & Operations General Manager Herb Niederberger: Funding source is delinquency fees, program provides \$10/month benefit for up to 250 customers; intended to be one year pilot program.

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

1. Introduce Ordinance Adding Section 39.03.055 to Chapter 39 of the Davis Municipal Code to Establish a Lifeline Water Utility Rate Program for Qualifying Households, to begin with the first utility bill reflecting approved 2013 water rates
2. Ordinance to be amended as follows: 39.03.55 A1: Remove requirement for random lottery if more than 250 household apply and qualify; Add "Staff shall establish a process to accept and select qualifying households and will return to Council and report the progress of enrollment if and when the program is 75% subscribed."

Motion passed unanimously.

L. Frerichs moved, seconded by R. Swanson to direct staff to return to Council with various possibilities of increased assistance programs including a check off system for voluntary contributions to utility bills.

B. Lee proposed a friendly amendment: Direct staff to look at a more medium-term program with meaningful revenues such that subsidies will make a difference to lower incomes, which may or may not include utilizing the Finance and Budget Commission. Accepted by mover and second.

Motion passed unanimously.

D. Wolk moved, seconded by L. Frerichs, to direct staff to study and return to Council with a subsidy program for renters or multi-family, non-homeowners. Motion passed unanimously.

Consider Water Advisory Committee Status and Potential Formation of a Utility Rate Advisory Committee

Utilities, Development & Operations General Manager Herb Niederberger: Possibility of expanding the Water Advisory Committee role to a Utility Rate Advisory Committee.

Public comments:

- Matt Williams: Continuity of membership on WAC is important, considerable amount of institutional memory will be useful for discussions of Design-Build-Operate bids and bond interest rates.
- Alan Pryor: Currently considering large modifications to the waste hauling system, same issues of fairness apply; need to examine fair and equitable price for different levels of service.
- Echo Wye: Unresolved issue of supply side of Consumption Based Fixed Rates.
- Elaine Roberts-Musser, WAC: Some members wanted to disband, were exhausted; would hope the same people would continue so institutional knowledge is retained, still need to look at fluoridation, status of CBFR and DBO. At some point, would be helpful to reduce size of committee, 15 is too many. Suggest 5 with a couple alternates.

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

1. Direct staff to return to the City Council with a proposal to form a Utility Rate Advisory Committee. Terms to begin in January 2014; current WAC members eligible to serve.
2. Water Advisory Committee to remain as originally appointed through the end of calendar year 2013.
3. Direct staff to place on a forthcoming City Council Agenda a ceremonial presentation of proclamation thanking the WAC members for their service.

H. Niederberger: Request direction on size of Committee membership and potential authorization to conduct Prop 218 hearings.

L. Frerichs: Suggest members be rate payers or residents, geographic connection to city. Consider categories used by other cities: single family, multi family, commercial, industrial and institutional.

J. Krovoza: Suggest 7 or 9 members; affected by Davis rate structure, possibly 70% from geographic boundary. Oppose URAC conducting Prop 218 hearings.

D. Wolk: Agree with 7 committee members. No, to Prop 218 hearings.

Motion passed unanimously.

City Council
Brief Communi-
cations
Long Range
Calendar

J. Krovoza: March 23 at 8:30 p.m. is Earth Hour; asking everyone to turn off lights for 1 hour in solidarity with carbon reduction.

S. Pinkerton: Mace 390 discussion postponed to late April. March 26—commission update, communication strategy, affordable housing, wastewater. April 9—mid-year budget, introduce 2013/14 budget, follow up on infrastructure. Continue STEAC appeal to April 23.

L. Frerichs: Request street light maintenance on April 9, 2013. Council concurred.

R. Swanson: Calendar joint meeting with Planning Commission. Tentative April 30; alternate date May 7.

J. Krovoza: Request council consider work load and commission liaison assignments. Discuss during commission update. Any meetings that are problematic for schedule? Consider possibly appointing a senior member from commissions to serve if there is a schedule conflict.

B. Lee: April 30—Fire Department staffing should be considered during budget. Council concurred.

L. Frerichs: Request to agendaize Hattie Weber Museum request regarding the Central Park restroom WPA building.

S. Pinkerton: Based on construction, would be timely to return to Council in June.

L. Frerichs: Request update on GAMAT houses; vacancy rates, status.

Adjournment Meeting was adjourned at 11:00 p.m.

Zoe S. Mirabile, CMC
City Clerk