

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 23, 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 S. Pinkerton: Presentation: Proposed Yolo County Regional Renewable Bio-Green Digester Project has been postponed.

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. 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 Real Property Negotiators:

Property: Yolo County Assessor's Parcel Number 33-290-88
Agency Negotiators: Property Management Coordinator Anne Brunette; City Attorney Harriet Steiner
Under Negotiation: Price and terms of payment

C. Conference with Legal Counsel: Anticipated Litigation

1. Initiation of litigation pursuant to Government Code Section 54956.9(c): 2 cases.
2. Significant exposure to litigation pursuant to Government Code Section 54956.9(b): 1 case.

City Council returned to open session at 6:39 p.m. with no reportable action.

Ceremonial Presentation Proclamations Presenting the Year 2013 City of Davis Environmental Recognition Awards:

- Individual Category—Cayce Wallace. Proclamation and plaque presented by R. Swanson.
- Business Category—Da Vinci High Charter Academy. Proclamation and plaque presented by J. Krovoza.
- Non-Profit Category—Community Alliance with Family Farmers (CAFF). Proclamation and plaque presented by L. Frerichs.

City Council recessed at 6:51 p.m. and reconvened at 7:08 p.m.

City Manager
Brief Communi-
cations

City Manager Steve Pinkerton: California Annual Ceramics Conference to be held April 26-28. Music on the Green, April 28. City loan assistance program available for retrofits/accessible home improvement for persons with disabilities. Flashing light beacons installed at Pole Line and Moore Blvd.

Police Chief Landy Black: Update on Picnic Day 2013 activities; 10 agency partners assisted Police with responses; 80-90 citations and approximately 40 arrests, primarily alcohol related.

Deputy City Manager Kelly Stachowicz: Approximately 60 different license holders signed Alcohol Covenant.

Public Com-
ments

- John Troidl: Street lights burned out in City Hall parking lot.
- Jose A. and Antonio Delavera, Davis High School Seniors: Support adding fluoride to water.
- Norbie Kumagai: May 4, 2013 is the 30th anniversary of murder of Thong Hyunh at Davis High School. Community remembers tragedy and pledges to combat bullying.
- Dorte Jensen: Lake Blvd bikepath—3 proposals under consideration. Support full solution, prioritize pedestrian safety over trees.
- Edson Perez, Ellison, Dan Ezaveda, Ernesto Avallo, Chris Assan, Donna, and Sara, all from CalPIRG; Myles Thomas, ASUCD Senator; and Alan Pryor: Support plastic bag ban.
- Matt Williams: Natural Resources Commission meets 3rd Monday of each month, would like students input on issues. Water Advisory Committee will discuss water fluoridation at their meeting on April 25.

Consent
Calendar

Clayton Ranch Agricultural Lease
Approved Resolution No. 13-040 – Authorizing the City Manager to Execute Amendment No. 3 to the Agricultural Lease with Gregory Schmidt for Use of the Clayton Ranch

Dettling Farms Agricultural Leases
Approved Resolution No. 13-041 – Authorizing the City Manager to Execute the Master Agricultural Lease with Dettling Farms for Various City Properties

Utility Site Lease Appraisals

1. Approved Resolution No. 13-042 – Authorizing the City Manager to Hire Bender Rosenthal to Conduct Appraisal Services for Utility Sites
2. Approved Budget Adjustment #141 (\$58,200) – appropriating Water and Sewer operating funds

Opposition to Assembly Bill 162- Wireless Telecommunication Facilities
Approved Resolution No. 13-043 – Opposing AB 162 Wireless Telecommunication Facilities, and letter opposing AB 162

Second Reading: Ordinance Amending Section 22.08.280 and Adding Section 22.08.315 of the Davis Municipal Code Relating to Timed Parking Zones, which modifies 2-hour parking to 3-hour parking on A Street and Seventh Street
Adopted Ordinance No. 2409 (Introduced 04/09/2013)

City Council Appointment to the Yolo County Waste Advisory Committee
Appointed Jacques Franco as the City's representative

City Council Minutes from the Meeting of January 15, 2013
Approved

Playfields Park Maintenance – Concrete Walking Surfaces
Informational

Report of Historical Resources and Management Commission Recommendation to Designate 445 Russell Boulevard as a Landmark in the Davis Register of Historic Resources
Informational

Commission Minutes:

1. City/UCD Student Liaison Commission Meeting of February 13, 2013
2. Finance and Budget Commission Meetings of January 14 and March 11, 2013
3. Historical Resources Management Commission Meeting of March 18, 2013

Informational

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

Removed from
Consent Calendar:

Item removed by J. Krovoza.

New Job Specifications—Water
Division Manager

General Manager Utilities, Development & Operations Herb Neiderberger:
New job specifications resulting from audit performed last year.

J. Krovoza moved, seconded by R. Swanson to approve new job specifications for Water Division Manager and Environmental Programs Specialist. Motion

er and Environmental Programs Specialist

passed unanimously.

Public Hearing: 2013-14 Community Development Block Grant (CDBG) and Housing Investment Partnerships Program (HOME) Funding Recommendations

Administrative Analyst, Mike Goodison: Overview of funding recommendations.

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

D. Wolk moved, seconded by R. Swanson to approve Resolution No. 13-044 - Awarding 2013-2014 Allocation and Available Prior Year Community Development Block Grant (CDBG) Funds in the Amount of \$660,487 and Awarding 2013-2014 Allocation of Home Investment Partnerships Program (HOME) Funds in the Amount of \$310,661, that:

1. Approves funding recommendations for use of the 2013-2014 funds;
2. Authorizes staff's submittal of the required One-Year Action Plan to the federal Department of Housing and Urban Development (HUD), based on the approved funding awards contained in the Resolution; and
3. Provides supplemental allocation directions based on potential increases or decreases to the city's final 2013-2014 CDBG and HOME allocation amounts.

Motion passed unanimously.

Continued Public Hearing: Short Term Emergency Aid Committee (STEAC) at 504 - 512 Fifth Street - Appeal of Planning Application #12-47, Administrative Design Review #13-14 for New Modular Building

Community Development and Sustainability Director Ken Hiatt: Summarized proposed project. STEAC currently operates out of small modular building and garage on city property. Original proposed structure was 100 ft. and included improvements to parking lot and landscape. Intent to approve letter included condition to limit size of structure to 60 ft. Appeals received from STEAC and Old North Davis Neighborhood Association (ONDNA). Staff recommends denying both appeals.

Mayor Krovoza opened the public hearing:

Marshall Miller, Susan Carl, Bob Mackle, Cass Silvia, and Mike Carl, all from STEAC. Comments included: Clients familiar with site, 28 years in same location. 80 foot building would accommodate both food and clothing in one structure. Design will be in compliance with building next door. Intent is to provide tenant improvements with hope of expanding services. Palm trees on site not well maintained, safety hazard. Committed to making every effort possible to move trees elsewhere on lot. Understand fire station may be relocated and city intends to use entire block as infill project; Board will meet to discuss mitigating circumstances and whether to invest at 5th & D versus relocating versus alternative site(s).

Pamela Bag: STEAC provides comprehensive services to those in need; value of services should outweigh other considerations.

Donna Lemoncello: Support STEAC remaining at current location. Suggest two smaller buildings in order to preserve trees.

Nina Marshall: STEAC volunteer. Currently, two volunteers are scheduled to work together in building based on Police Department recommendations. If two buildings, will need four volunteers.

Paul Deering: Volunteer landscape architect for project. Historical Resources Management Commission found no impact to surrounding buildings, recommended 80 ft. building; no opposition expressed at public hearing. Staff requested contribution to landscaping site; STEAC offered funds to pave parking lot. Request delay of contribution until project actually underway.

Steve Tracy, ONDNA: Support STEAC and its mission, retaining its location. Applicant failed to meet design guidelines, which encompass 4 districts. Request Council should deny project and direct staff to work with STEAC.

Mayor Krovoza closed the public hearing.

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

1. Uphold Appeal Application #03-13 submitted by Short Term Emergency Aid Committee (STEAC) appealing approval of Planning Application #12-47, Administrative Design Review #13-14, Condition of Approval #2 limiting the maximum length of a new modular structure located at 504 Fifth Street and 512 Fifth Street to 60 feet
2. Deny Appeal Application #02-13 submitted by Old North Davis Neighborhood Association (ONDNA) appealing approval of PA #12-47, Administrative Design Review #13-14 for a new modular structure located at 504 Fifth Street and 512 Fifth Street
3. Approve Resolution No. 13-045 - Authorizing the City Manager to Execute the License Agreement for a Portion of the City Property at 504-512 Fifth Street with Short Term Emergency Aid Committee for Its Use of the Property as an Emergency Food and Clothing Closet

B. Lee proposed a friendly amendment to remove requirement for \$10,000 paving contribution. Accepted by mover and second.

K. Hiatt clarification: Project will trigger accessibility requirements; paving costs will be associated with improvements. Council's discretion whether paid by STEAC or city.

B. Lee proposed a friendly amendment to not require STEAC to contribute toward paving cost, instead STEAC to be responsible to provide additional paving as triggered by ADA requirements.

City Attorney Harriet Steiner clarification: To the extent that paving is required,

STEAC will pay for costs.

K. Hiatt: Staff can come back to Council with modification to agreement if needed to allocate funding for paving requirements.

Friendly amendments withdrawn.

K. Hiatt: Recommend revised language for biological mitigation for barn owl protection related to the relocation or disturbance of palm trees; replace language proposed in staff report with that in the condition of approval design review letter.

J. Krovoza proposed a friendly amendment to waive the ONDNA appeal fee and substitute biological mitigation for barn owl protection language. Accepted by mover and second.

L. Frerichs proposed a friendly amendment to direct staff to continue to work with STEAC and other agencies such as UCD Arboretum and Unitrans on potential additional enhancements to site related to landscaping and bus shelter. Accepted by mover and second.

B. Lee proposed a friendly amendment to direct staff to continue to work with STEAC on alternative suitable locations for services. Not accepted.

Motion passed unanimously.

City Council recessed at 9:44 p.m. and reconvened at 9:55 p.m.

Wastewater
Treatment Plant
Improvement
Project Update
(CIP No. 8219)

Senior Engineer Michael Lindquist: Rehabilitation and Replacement phase of the project is being re-bid. Summarized next steps of Secondary and Tertiary Improvements phase.

Public comments:

- Matt Williams: Project within 100-year flood plain as reclassified by FEMA; mitigating risks could possibly cost millions. Staff should address full fiscal costs and public health outcomes if flood inundation occurs at plant. Distributed PERC Water references to Council.

General Manager Utilities, Development & Operations Herb Neiderberger: Received unsolicited PERC Water proposal this afternoon forwarded by Matt Williams; staff has not had a chance to review yet.

Council comments included:

- J. Krovoza: Request RFQ scope return for Council consideration. Need to decide within weeks whether to allow PERC to bid. Preferred design is Charrette process. Suggest staff modify RFQ requirements to encourage

proposals that follow Charrette plan, but allow others with alternative projects to be included in evaluation.

- L. Frerichs: Charrette process is important to community. Not interested in entertaining bids outside of process.
- B. Lee: Need flexibility to get most cost effective solution. RFQ should determine if they are able to produce WWTP on time in cost effective manner. Don't want to proscribe exact technology. Evaluate track record, cost.

Water Resources
Assoc. of Yolo
County Regional
Water Update

Utilities Manager Jacques DeBra: Summarized key issues for 2013 regional water matters.

City Council
Brief Communi-
cations

J. Krovoza: West Village ground breaking today; new construction will be net zero carbon use for all household and transportation use.

AB1234 Reporting: J. Krovoza, R. Swanson and L. Frerichs attended Cap to Cap Conference in Washington D.C. partially funded by City of Davis.

R. Swanson: Debrief on Cap to Cap will be held April 26 to identify top priorities. Request agenda discussion by Council of various assignments to participating agencies.

B. Lee: Request information on representatives as well as staff.

Long Range
Calendar

S. Pinkerton:

Planning Commission joint discussions postponed.

April 30—Cap to Cap Update, Fire Department Staffing.

May 7—no meeting scheduled.

May 14—items rescheduled to May 21.

May 21—Infrastructure financing, greenhouse gas emissions, North Davis channel.

June 11—B Street, Budget, Planning Commission appeal.

June 25—Budget, Central Park Restroom Project.

July 9—The Cannery project

Adjournment

Meeting was adjourned at 10:57 p.m. in memory of Chip Northrup, Claudia Maupin, Jay Gerber, and Terry Turner.

Zoe S. Mirabile, CMC
City Clerk