

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 2, 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 L. Frerichs moved, seconded by R. Swanson, 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 Legal Counsel:

1. Existing Litigation:

a. Yolo Ratepayers for Affordable Public Utility Services, et al. vs. City of Davis, Case No. CV-13-0000187 (formerly Case PT-13-187)

b. Halema Buzayan v. City of Davis Police Department, et al; Eastern District 2:06 CV-01576 MCE-DAD

2. Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b): 1 case.

B. Public Employee Performance Evaluation: City Manager

City Council returned to open session at 6:36 p.m. with no reportable action.

City Manager Brief Communications S. Pinkerton: Cooling facilities available if needed: Library open till 9pm weekdays, Senior Center until 6pm, Veterans Memorial Center all day July 4. 4th of July celebration will be held in Community Park. City Hall closed July 5.

City website updated with summer road construction information at www.trafficinfo.org. Yolo-Solano Mosquito & Vector Control District expressed concern regarding standing water following rains, breeding ground for mosquitos.

Public Comments

- Alan Pryor: City staff requesting volunteers to help at July 4th event for waste disposal centers, separate trash for zero waste.
- Greg Harrington: Glacier Place resident; unable to attend June 11 meeting wherein Council discussed potential land swap for business park. Benefits outweigh negatives, overwhelming support from business community; oppor-

- tunity for higher paying jobs.
- Ellison, Damian Ruzzo, and CJ Wilson, all from CalPIRG: Support plastic bag ban.

Consent Calendar

PG&E Gas Line Easements Near West Olive Drive – West Olive Drive, Putah Creek Bike Path, and Covell Boulevard and L Street Intersection
Approved Resolution No. 13-099 – Authorizing the City Manager to Enter into the Agreements, Licenses and Deeds Necessary for PG&E to Replace Gas Lines in Davis

Amendment to Tenant Qualification Requirements for the City-owned Affordable GAMAT Units
Approved Resolution Amending the Tenant Qualification Requirements on the GAMAT Affordable Housing Units for the 2013-2014 Lease Year, to allow former members of the Davis Area Cooperative Housing Association (DACHA) to renew his/her/their lease on a GAMAT home if they meet the following provisions: continue to qualify as moderate income households (up to 120% of Area Median Income), agree to pay moderate income rents, and meet all other background and lease requirements
 (Council reconsidered this item later in the meeting.)

Second Reading of Ordinances Relating to Verona at Parkside “Lot O” – 10-Unit Single-Family Residential Subdivision Located at Fifth Street and Alhambra Drive

1. Ordinance No. 2414 Amending Ordinance 2324, to Amend Preliminary Planned Development #2-07 from Planned Development #2-07 to Planned Development #2-07B, removing the requirement for the developer to provide parkland on the subject parcel
2. Ordinance No. 2415 Approving a Development Agreement Regarding the Verona at Parkside Subdivision Project

Adopted (Introduced 06/25/13)

Self-Insurance Fund Budget Adjustment

Approved Budget Adjustment #180 (\$15,049.85) – transferring funds from Self Insurance Revenue to Self-Insurance Claims Paid

Commission/Committee Minutes:

1. Finance and Budget Commission Meetings of January 14, March 11 and April 8, 2013
 2. Historical Resources Management Commission Meeting of May 20, 2013
- Informational

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

Removed from

Item removed by L. Frerichs, R. Swanson, and D. Wolk.

Consent Calendar:

Chief Innovation Officer Rob White: Effort to coordinate among those impacted in Yolo County.

Support Study of Yolo Freight Rail Realignment

Public comment:

- Gene Wilson: Should be open to all opportunities. Rail would be asset to community. Support light rail, premier environmental solution.
- Matt Williams: Suggest clarifying that there is no intent to exclude transportation as possibility.
- Kemble Pope, Chamber of Commerce: Chamber has not taken a formal position on project. Potential benefits of project are astounding; especially for downtown. Also benefits region at large—connect economic development efforts to bring agricultural products to market; flood control. Enhance ability to work as beneficial partners in regional efforts.

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

1. Approve Resolution No. 13-100 – in Support of the Creation of a Working Group to Study and Advance the Freight Rail Realignment in Central and Eastern Yolo County
2. Authorize the City Manager to commit staff resources to the Yolo Freight Rail Realignment working group and direct staff to apply for planning grant funding to evaluate the economic benefits and feasibility of such rail relocation.

J. Krovoza proposes friendly amendment to add “support new transportation options” to the fifth whereas clause of the resolution. Accepted by the mover and second.

Motion passed unanimously.

Amendment to techDAVIS Agreement

Item removed by R. Swanson.

City Manager Steve Pinkerton: Restructuring financial arrangement with techDAVIS.

Public comments:

- Jena Louhawn, Hacker Lab: Sacramento businesses support techDAVIS. Davis lacks collaborative community space. Need support from City as well as community groups.
- Greg Harrington: Support clarifying that Chief Innovation Officer staff position is separate from tecDAVIS funding.
- Doby Fleeman: Goal should be to equip Davis to serve as host community of world leading university; attract technology based employers. Support revised funding arrangement.
- Kemble Pope, Chamber of Commerce: Mission of Chamber is to promote economic vitality of business community as well as community at large.

City has jobs-housing imbalance, not good for city coffers. Business community needs to convey to Council that pace of decisions is different in business community than at municipal level.

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

1. Approve Resolution No. 13-101 - Authorizing the City Manager to Dissolve the Three Year Contract with techDAVIS to Fund Fifty Percent of a Chief Innovation Officer, and authorizing the City Manager to enter into a Cooperative Agreement with techDAVIS for the purposes of developing a broader public/private partnership.
2. Authorize the City Manager to return \$60,000 collected thus far from techDAVIS for Fiscal Years 2012/2013 and 2013/2014 for the funding of the City's Chief Innovation Officer position.
3. Approve Budget Adjustment #181 (\$40,000) – appropriating General Funds to fund the balance of the Chief Innovation Officer position for fiscal year 2012/13.

Motion passed unanimously.

Woodland Davis
Clean Water
Agency Presenta-
tion: Update
on Design-Build-
Operate
WDCWA Sur-
face Water Pro-
ject

General Manager Dennis Diemer, Woodland Davis Clean Water Agency (WDCWA): Overview of changes to procurement schedule, primary reason for delay was to accommodate additional discussion/deliberation by City of Davis.

Public comments:

- Matt Williams: Citizens need to understand process, reasons for withdrawal of bidders. If WDCWA doesn't receive bids that meets cost requirements, should suspend process immediately.
- Elaine Roberts-Musser: With only one bidder, what is the guarantee that price will be competitive? What happens if they can't meet requirements?

D. Deimer: State of the art technology and plant performance requirements. Setting price 20% below engineers estimate is significant price reduction. Built competition into multi-year bidding process.

City Manager Steve Pinkerton: Not unusual for jurisdictions with similar projects to decide on the most qualified firm up front, then work through negotiation. Highly competitive process, more than typical for professional services contract.

L. Frerichs: Request regular updates from WDCWA.

City Council recessed at 8:11 p.m. and reconvened at 8:18 p.m.

Public Com-
ments

Jose Bandematti: GAMAT property resident. Initially provided \$20,000 to up-front to share residence, supposed to be for lifetime, but rules and regulations have since changed. Request help from Council.

Reconsideration of Consent Calendar Item -- Amendment to Tenant Qualification Requirements for the City-owned Affordable GAMAT Units

B. Lee moved, seconded by L. Frerichs, to reconsider consent calendar item— Amendment to Tenant Qualification Requirements for the City-owned Affordable GAMAT Units. Motion passed by the following vote:

AYES: Frerichs, Lee, Swanson, Wolk
NOES: Krovoza

B. Lee: Would like allow original DACHA shareholders to remain as affordable tenants.

City Attorney Harriet Steiner: Units were purchased with Redevelopment funds and foreclosed upon by Redevelopment Agency. Obligation to comply with affordability requirements; for rental units, tenants must continuously comply with income level requirements and affordable pricing across city. Council will be considering the long-term status of the GAMAT units in the fall.

D. Wolk moved, seconded by B. Lee, to approve Resolution No. 13-102 – Amending the Tenant Qualification Requirements on the GAMAT Affordable Housing Units for the 2013-2014 Lease Year, to allow former members of the Davis Area Cooperative Housing Association (DACHA) to renew his/her/their lease on a GAMAT home if they meet the following provisions: continue to qualify as moderate income households (up to 120% of Area Median Income), agree to pay moderate income rents, and meet all other background and lease requirements. Phasing-in of the new rents shall be extended from 4 to 6 months. Motion passed unanimously.

Overview of Public Works Department Budget

Operations, Utilities & Development General Manager Herb Niederberger: Presented budget highlights.

Council comments included:

B. Lee: Beyond Platinum Action Plan implementation and potential rail relocation funding should be allocated in the budget.

J. Krovoza: Support funding rail relocation planning activities.

L. Frerichs: Cowell-Chiles intersection, roundabout near New Harmony has configuration issues.

S. Pinkerton: Will include in CIP list, designed already, need grant opportunity.

L. Frerichs: Wayfinding signage downtown should be fully funded.

H. Neiderberger: Included as part of SACOG grant application going to Council on next agenda.

D. Wolk: Crosswalk on Anderson to Cesar Chavez School, would like to install flashing lights; should be included in Safe Routes to School program or CIP.

S. Pinkerton: Staff intent is to keep somewhat generic in order to pursue grant opportunities.

B. Lee: Support crosswalk to Cesar Chavez.

D. Wolk: Need restroom facility at Sycamore Park.

H. Niederberger: Enclosure would cost approx. \$20,000; project of that size does not need to be included in CIP list. Will consider utilizing park impact and quimby fees, should go to Recreation and Park Commission for review/recommendation.

By consensus, Council directed staff to agendize possible restroom facility at Sycamore Park for Recreation and Park Commission review/recommendation, in context of consideration of park restroom priorities throughout city.

Public comment:

Matt Williams: Need to look at expenses with inclusion of debt service; much of costs are fixed due to debt service.

2013 Integrated
Waste Manage-
ment Plan

Utilities Manager Jacques DeBra: State has increased diversion targets for communities throughout California. Multi-year process, increased diversion rates over time.

Eugene Wilson, Natural Resource Commission: Priority is containerization of green waste, which contaminates the waste stream. Public outreach needed.

Alan Pryor, NRC Zero Waste Subcommittee: Would like to accelerate implementation of Integrated Waste Management Plan, particularly green waste containerization. Changes to street sweeping and organics collection should be made concurrently with green waste containerization. Propose potential \$500,000 Davis Waste Removal franchise fee be used solely for valid solid waste expenditures.

Public comment:

- Matt Williams: Yard waste piles have been acknowledged as significant safety concern by the Bicycle Advisory Commission. Supports citywide containerization to be implemented within 14 months.
- Elaine Roberts-Musser: Oppose green waste containerization; already have 2 large containers to contend with.

City Attorney Harriet Steiner: Franchise fee is payment for use of city's right of way and the exclusivity of contract. Council's discretion to allocate funding as they see fit.

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

1. Approve Resolution No. 13-103 – Adopting the 2013 Integrated Waste Management Plan
2. Approve Fiscal Year 2013-14 Plan implementation priorities
3. Direct staff to provide quarterly status updates to Natural Resources

Commission and semi-annual updates to Council.

4. Direct staff to return with a proposal for Council consideration to use Davis Waste Removal franchise fee to implement integrated waste management plan this year and potentially future years.

Motion passed unanimously.

2013 Residential Sanitation Rates – Proposition 218 Notice

William Schoen, Waste Consultant: Proposed rate structure provides meaningful financial incentives. Suggest city implement variable container rates at same time as other programs such as green waste and organics. From operational standpoint, making changes concurrently is sensible.

Public comments:

- Matt Williams: Variable rate structure may be of concern to some residents, incremental cost.
- Alan Pryor: City programs \$905,000; no specifics provided when reviewed by Natural Resources Commission. Support variable rates.
- Ben Bourne: Recommend city implement variable rates as part of residential organics diversion program.

L. Frerichs moved, seconded by D. Wolk, to approve a one-year increase in residential variable and commercial solid waste rates to be included in the 2013 Solid Waste Rate Proposition 218 Notice. Motion passed unanimously.

City Council recessed at 10:58 p.m. and reconvened at 11:02 p.m.

Council Direction Regarding Single Use Carry-out Bag Ordinance Policy Direction

Operations, Utilities & Development General Manager Herb Neiderberger: Ordinance drafted by Natural Resources Commission; staff performed environmental review.

Public comments:

- Austin Mattric and Donna Hartwright, CalPIRG: Support ban.
- Alan Pryor: Proposed Ordinance vetted by City Attorney. No objections from retailers were received during the review period. Broad business support.

Council comments included:

B. Lee: Would like charge to apply to single use plastic or paper, regardless of business. Suggest eliminating regulation for business reporting.

J. Krovoza: Support ban for all retail businesses.

R. Swanson: Consider exemptions for food safety, etc.

By consensus, City Council directed staff to return with options for a more comprehensive Ordinance and associated timeline, to include a list of possible exemptions and examples from other jurisdictions.

City Council
Brief Communi-
cations

B. Lee: Thank Jacques DeBra for serving on Water Resources Association in place of Brett Lee.

J. Krovoza: Received Coolest California City Award from California Resources Board; will recognize Cool Davis next week.

Long Range
Calendar

S. Pinkerton: Labor update will be included on next agenda, also North Davis Meadows Water Services. Mission Residences discussion will move to after summer recess.

L. Frerichs: Request agendize discussion of affordable housing program and GAMAT units

Adjournment

Meeting was adjourned at 11:43 p.m. in memory of Arizona firefighters who lost their lives **this week in tragedy.**

Zoe S. Mirabile, CMC
City Clerk