

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of September 24, 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 Stacey Sheston; 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:

Yolo County Assessor's Parcel Number 71-140-06, 71-262-23 and 70-270-12

Agency Negotiators: Property Management Coordinator Anne Brunette;  
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): 2 cases.

City Council returned to open session at 6:50 p.m. with the following reportable action:

City Council unanimously authorized the City Attorney to initiate litigation to abate ongoing code violations at 2435 Creek Hollow Lane.

Ceremonial Presentations Proclamations Honoring Recipients of the Constitution Day Essay Contest. Presented by R. Swanson.

Proclamation Inviting the Communities of Davis and UC Davis to Participate in the Cool Davis Festival 2013-Saturday, October 12, 2013. Presented by J.

Krovoza.

City Manager  
Brief Communi-  
cations

Assistant Police Chief Darren Pytel: Davis Community Court is up and running; over 50 cases have been referred, 35 cases adjudicated. Good feedback from those who have participated in process. Intend to expand program to all misdemeanors and city code violations.

S. Pinkerton: Employees of Fire Department brought up issues at last Council meeting. Council received detailed memo, summarized. Overtime will be reduced, hold on strike team participation. Received correspondence from Supervisor Jim Provenza expressing concern. City will still assist near neighbors in Yolo County. Have implemented full boundary drop as of September 9. Believe new staffing model and boundary drop provides better service to public. Will evaluate grants, low likelihood of success, not able to continue funding after grant runs out. Further information will be provided at October 15, 2013 meeting.

Public Com-  
ments

- Alan Miller: Rail relocation proposal is inaccurate; Fremont trundle to east of Woodland may someday need to be replaced. Moving railway is extremely expensive, \$50+ million to reroute.
- Rick Gonzales, Mexican American Concillio of Yolo County: 29th Annual Concillio dance and fundraiser, October 19 at Yolo County Fairgrounds. Proceeds go to scholarship program, started in 1998, have given out 630 scholarships, will honor 2 students from each high school in Yolo County and provide 5 scholarships to each high school.
- Dennis Dingemans, Hattie Weber Museum: Consent calendar, Museum Annual Report. Average 5 visitors per hour when open, estimated 1,700 volunteer hours, 12 events. Slow progress on WPA building in Central Park, proposal to use as Museum annex for storage.
- Kemble Pope, Chamber of Commerce: Regular item, Cultural Arts and Entertainment/Arts Alliance—community groups and artists have put a lot of time and energy into proposal, support staff recommendation. Regular item, Natsolous proposal related to art opportunities at First and F—uncertain of details, but Natsolous has provided much to arts downtown. Consent calendar item Council salary—support.
- Dennis Lindsay: Would like to see city move forward with innovation hub at Nishi and look into potential land swap for Mace & I-80. Current intent to put land solely into agricultural use is premature. Ask Council to reconsider and allow Innovation Park Task Force and community to provide input.
- Nina Gatewood, Davis Downtown: John Natsolous proposal—support. Request Council approve recommendation to move forward with Arts Alliance.
- Andy Jones: Support regular items—Cultural Arts & Natsolous proposal related to art. Recognize artists in attendance Evan White and Corey Larue, members of Davis Shakespeare ensemble. Excited about activities downtown, making Davis arts destination, support idea to turn 1st & F St parking garage into art destination.

- Corey Larue: Support regular calendar items related to art. Parking garage plan will put art scene in Davis on the map. Up and coming artists care about city and city's image, influence city culture. Would love opportunity to contribute to arts while live in city.
- Joe Tenney, Davis Professional Firefighters Local 3494: On August 27, request from State OES system, to help fight fire in Stanislaus National Forest, took city rig and 3 other personnel. City of Fairfield requested response via State mutual aid immediately after Stanislaus response. Davis may need mutual aid response of other counties in the future.
- Bobby Weist, Davis Professional Firefighters, Local 3494: City Manager indicated he did not think a grant would be received. Could have enlisted help to review grant before submitted. In August, came to Council and raised concerns during public comment. E-mail, dated September 11, 2013, stated Davis would no longer participate in strike teams for state, only county response. Want to care for residents of Davis community and State of California.
- Victor Gonzalez, Davis Firefighter: Want to clarify grant opportunity, no match is required. No monies expected during or after. No way of assessing possibility of success. Why wouldn't city attempt to pursue grant and increase staffing for at least 2 years?

Consent Calendar

Solar Panel Financing for Owendale Affordable Housing Project  
Approved Resolution No. 13-133 – Authorizing Up to \$115,000 of Affordable Housing Funds to be Provided as a Forgivable Loan to Mutual Housing California for Installation of Photovoltaic Panels at the Owendale Affordable Housing Project

Recognized Obligation Payment Schedule 13-14B January-June 2014  
Approved Resolution No. 13-134 – Approving Recognized Obligation Payment Schedule 13/14B for the Period Ending June 30, 2014 (to be enacted as the Successor Agency to the former Redevelopment Agency)

Plaque for Historic Terminal Hotel/Chen Building  
Approved Budget Adjustment #176-FY12/13 (\$1,500) – appropriating revenue and allocating it to Historic Management program

Reconciling Self-Insurance Fund  
Approve Budget Adjustment #194-FY12/13 (\$142,000) – appropriating FY 2012/13 insurance expenditures for retiree medical

Reconciling Funding for the First Street Project (CIP No. 8209)  
Approve Budget Adjustment #196-FY12/13 (\$63,225) – transferring Road Impact Fees and Community Development Block Grant Funds

Natural Resources Conservation Service Grant for the Eoff Property and Staib 72 Project

Approve Budget Adjustment #200-FY12/13 (\$1,179,135) – appropriating grant revenue and allocating funds for the acquisition of the Eoff easement and Staib project

Office of Emergency Services Reimbursement for “Panther” Fire Strike Team Services

Approve Budget Adjustment #201-FY12/13 (\$28,576.83) – appropriating OES funds

Second Reading: Ordinance Increasing City Councilmember Salaries Pursuant to Government Code Section 36516 to Take Effect Upon the Beginning Terms of Office of the Council Members Elected at the June 2014 Election

Adopted Ordinance No. 2420 (Introduced 09/11/2013) by the following vote:

AYES: Frerichs, Lee, Swanson, Krovoza

NOES: Wolk

Treasurer’s Report for the Quarter Ended June 30, 2013

Accepted the report

2012/13 Fourth Quarter Administratively Approved Budget Adjustments

Informational

Yolo County Historical Society Annual Report 2012-13 – Hattie Weber Museum of Davis

Informational

Commission/Board Minutes:

1. Human Relations Commission Meetings of May 23, June 27 and July 25, 2013
2. Woodland-Davis Clean Water Agency Board Meeting of July 15, 2013

Informational

Proclamation Recognizing and Thanking the Downtown Parking Task Force for Their Work

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 D. Wolk.

Housing Element  
2013–2021 Update  
and Status

Community Development & Sustainability Director Mike Webb: Staff is continuing to work on document, Still assessing whether or not Carleton Plaza currently under construction is able to count toward Regional Housing Needs Allocation. Project is over 30 units per acre, could be counted toward meeting requirements. Have already had substantive commission review.

J. Krovoza moved, seconded by R. Swanson, to receive information on the Housing Element update, and take no action at this time. Motion passed unanimously.

City Street, Park and Greenbelt Light Maintenance

Item removed by L. Frerichs

Public Works Director Robert Clarke: Approximately 260 lights not working, 140 of which are a City maintenance responsibility and the rest are PG&E's. Currently paying higher rate to PG&E for street light replacement. Working to address all lights currently city responsibility. Will be taking back maintenance of PG&E lights. Staff will return with discussion of fiscal impacts.

L. Frerichs: Public safety issue, lights need to priority in ESCO contract.

J. Krovoza: Interested in transitioning to LEDs. Explore with Siemens acceleration of replacing bulbs to address safety issues before other efficiency efforts. Request update by no later than October 8 regarding timing of replacements.

L. Frerichs moved, seconded by J. Krovoza, to continue with the current direction to repair non-functioning lights as part of the light conversion work to be performed by Siemens. Motion passed unanimously.

Continued Public Hearing: Bicycle Parking Requirements

Mayor Krovoza opened and continued the following public hearing to October 15, 2013: Consideration of Establishing Bicycle Parking Requirements: Planning Application #13-41, Zoning Ordinance Amendment #1-13.

Public Hearing: Sanitation Rates

Utilities Manager Jacques DeBra: Overview of fees and services provided. New variable fee for residential rate structure based on consultant analysis and Natural Resources Commission recommendation. Should assist City in meeting future waste diversion targets.

Mayor Krovoza opened the public hearing.

- Richard McCann: Request Council table variable part of rate structure until receive full benefit cost analysis. Cost could be \$500,000 for cart conversion. Weekly service not required if you get change in regulation from CalRecycle. Between 25-50% of residents skip weekly pickup. Consider best strategy to reduce greenhouse gas emissions, not just meet solid waste reduction. Consider bar code on carts to be read by trucks.
- Anya Klassen: Happy to pay increase in fees if going toward curbside compost pickup, but proposal doesn't do that. Upfront cost of close to \$500,000 to replace 5,000 containers. Should table proposal and instead provide recycling containers downtown and at restaurants.
- Alan Pryor: First step to meet integrated waste management goals. May use large carts later in food and compostable waste program. NRC 100% behind rate proposal.

- Dan Parfitt: Oppose variable rate structure. Have 95 gallon can and rarely use half. Smaller can will not make difference in how much waste produced. This only inconveniences residents and doesn't make any environmental impacts.
- Randy Dodd: Understand need to move to new system; but rates increased 21% to residents with 95 gallon can. Large families penalized; consider phasing increase.

Mayor Krovoza closed the public hearing.

Utilities Manager Jacques DeBra: In current contract with Davis Waste Removal, once per calendar year residents able to replace cart. Cart lifecycle is 7 years, inventory cost of smaller carts is reduced.

Paul Anderson, Davis Waste Removal: New technology includes bar codes and radio frequency tags. If want to go to every other week collection, will have to go to zones collection.

L. Frerichs moved, seconded by J. Krovoza, to approve Resolution No. 13-135 – Establishing Customer Rates for Solid Waste Service Fees Effective December 1, 2013. Motion passed by the following vote:

AYES: Frerichs, Swanson, Wolk, Krovoza

NOES: Lee

City Council recessed at 8:54 and reconvened at 9:02 p.m.

Public Hearing:  
CAPER for Program Year 2012  
CDBG and  
HOME Funds

Housing & Human Services Superintendent Danielle Foster: overview, reviewed by ADA community advisors and Social Services Commission, both support.

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

D. Wolk moved, seconded by R. Swanson, to approve Resolution No. 13-136 – Authorizing the City Manager to Submit Program Year 2012 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) to Fulfill Required Reporting on City Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Funds, with inclusion of comments received in writing and verbally during the review period for the report and the public hearings. Motion passed unanimously.

Proposal Relating to Art Opportunities at the First and F Parking Garage

R. Swanson recused herself and left the dais due to a conflict of interest from a leasehold within 500 feet.

Property Management Coordinator Anne Brunette: Land and parking structure belong to city; first floor owned by Regal Theaters. City received proposal from

John Natsolous. Staff recommendation is to proceed with cleanup and maintenance.

Bruce Playle and John Natsolous, Cultural Arts and Entertainment Committee: Presentation of art opportunities. .

Public comments:

- Stephen Souza: Davis Cultural Arts and Entertainment Committee and Davis Mural Team member. Parking garage is ripe for improvement. Time for community project. Address safety matters. Exciting opportunity with Community Built Association.
- Kary Fry: Great return on investment, project cost of \$50,000 for \$200,000 piece of public art. Significant opportunity to work with Regal Cinema foundation. Pursue grants.
- Rochelle Swanson: Downtown business owner. Support staff recommendation. Davis is becoming art community. Commend Natsolous efforts with murals downtown.
- Ron Glick: Parking garage is ugly. If able to make parking structure more hospitable, should do so.

A. Brunette: Need to research maintenance costs.

J. Natsolous: Murals typically need to be varnished every 10 years.

D. Wolk moved, seconded by L. Frerichs, to direct staff to explore further the options to implement concepts presented for incorporating art on the parking structure located at First and F Streets. If facility money is available, staff will proceed with minor clean up and painting primer work, up to \$5,000.

J. Krovoza: Would like to pursue further efforts on eastern and western façade. Build up public spaces.

L. Frerichs: Consider improvements to Varsity lot, remove chain link fence, widen pedestrian path

Motion passed by the following vote:

AYES: Frerichs, Lee, Wolk, Krovoza

NOES: None

ABSENT: Swanson

Councilmember Swanson returned to the dais.

Addressing  
Wood Burning  
Impacts via Nuisance  
Abatement  
Ordinance

Public Works Director Robert Clarke: November 1, 2012-February 28, 2013 is our winter season. Council adopted a pilot Wood Burning Ordinance. In July, Natural Resources Commission (NRC) made recommendation for a modified Ordinance. Staff recommendation is to include offensive smoke and odors in the Nuisance Ordinance

Alan Pryor, NRC: Log collected by 8 residents regarding wood smoke and severity, Findings presented to NRC in June. Pilot Wood Burning Ordinance did not address nearest neighbor impacts. NRC proposed modified Ordinance is easy to understand and objective, defines distance, science based and complaint driven. Specified exceptions. Easily enforced without police resources.

Public comments:

- Ron Glick: NRC Ordinance has potential to outlaw fireplaces throughout town. Live in older home and fireplace center of great room. Upgrades will cost thousands. Not much public outcry against wood smoke.
- Francis Resta: No medical studies to determine effects of wood burning smoke on health. Most inhaled toxic particulates from industrial and diesel. Wood smoke a nuisance, not health threat.
- Barbara King: Long effort to protect residents from wood smoke. Over years, identified location of frequent burners. Hesitant to approach home owners about use of fireplace; more vulnerable during burn season. Additional provisions for local effects would be welcome improvements.
- David Greenwald: Overall impact of wood smoke as part of particulate matter in air; may be many effects we don't know about because we can't study. Hope ordinance will reduce actual amount in air. Don't need to make enforcement problem. If look at data, only 15-20 times a year that police will have to respond.

B. Lee moved to introduce Ordinance Amending Section 23.01.030 of the Davis Municipal Code Regarding the Definition of Public Nuisances, with the following amendment: exemption for EPA compliant devices and criteria of visible smoke exceeding 15 minutes in a 4 hour period. No second.

J. Krovoza moved to direct staff to review the proposed Nuisance Ordinance with insertion of exemptions from last year's Wood Burning Ordinance related to EPA stoves and manufactured logs. Include visible smoke as criteria instead of reasonable person test. Encourage staff to work with Natural Resources Commission to find consensus. No second.

B. Lee moved, seconded by L. Frerichs, to introduce Ordinance Amending Section 23.01.030 of the Davis Municipal Code Regarding the Definition of Public Nuisances, with the following amendments: Exemption for EPA compliant devices. Threshold of reasonable person of normal sensitivity. Staff to return to Council within 6 months time with update and proposed modifications as needed.

J. Krovoza proposed friendly amendment: Request staff return with visible smoke threshold. Consider 5 month window for enforcement. Accepted by mover and second.

L. Frerichs proposed friendly amendment: Check in with Yolo-Solano Air



Quality Management District and Sacramento Metro Air District. Work with Natural Resources Commission.

Motion passed unanimously.

Wastewater  
Treatment Plant  
Improvement  
Project (CIP No.  
8219) – Design-  
Build Team  
Shortlist

Senior Engineer Michael Lindquist: Project Procurement Committee reviewed 10 responses to the Request for Proposals, narrowed down to top 3 submittals. Next step: Administrative Draft RFP to be issued on September 25 to the shortlisted design-build (DB) teams for a two week review period. The review period provides opportunities for teams to collaborate with City to improve the RFP. Based on feedback from teams, City will finalize RFP. Staff anticipates issuing the final RFP within 30 days of issuing Administrative Draft RFP.

D. Wolk moved, seconded by R. Swanson, to accept the Project Procurement Committee's recommended design-build team shortlist:

- AECOM & WML a Joint Venture
- HDR | Filanc Joint Venture
- McCarthy Building Companies, Inc.

Motion passed unanimously.

Integrated Water  
Resources Study

General Manager Utilities, Development & Operations Herb Niederberger: Overview of Integrated Water Resources Study

Paul Selsky, Brown and Caldwell, consultant: Water management options considered: recycled water, water conservation, well conversion/irrigation, rainwater catchment, water marketing, stormwater, greywater, aquifer storage/recovery, dual local delivery system, atmospheric harvesting. Staff recommends portfolio 5 = water conservation, well conversion/irrigation, aquifer storage/recovery (ASR), water marketing. Total cost to implement portfolio 5: \$139.6 million.

Public comment:

- Alan Pryor: Oppose idea that rebates are necessary for conversions of anything greater than 5 year period. Should not consider rebates for apartment owners, limit to 5 units per apartment. Extend to 10 year payback period. Should not authorize any rebates for landscape conversion; already happening, don't have to incentivize. Consider incentives only for low income residents, money should instead be spent on education and outreach.

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

1. Receive the Integrated Water Resources Study.
2. Accept the recommended water supply portfolio (well conversion and aquifer storage/recovery) as direction for planning and implementing water resource actions to support the City's water system infrastructure.

J. Krovoza proposed friendly amendment to accept water supply portfolio 4 (well conversion, aquifer storage/recovery, rainwater catchment, grey water and stormwater) and direct staff to return with staging and prioritization within portfolio 4. Accepted by mover and second.

Motion passed unanimously.

Cultural Arts and Entertainment Forum/Arts Alliance  
Community Services Supervisor Carrie Dyer: Overview of Cultural Arts and Entertainment Forum  
Community Development & Sustainability Director Mike Webb: Update on Arts Alliance concept

R. Swanson moved, seconded by D. Wolk, to direct staff to proceed to the next steps of formation of an Arts Alliance, which include the following:

- Exploring funding support options
- Determining an appropriate governance structure for the Arts Alliance
- Establishing funding needs and drafting funding plan
- Returning to Council for final approval, which would also include dissolving of the Civic Arts Commission with functions to be absorbed by the Arts Alliance

Motion passed unanimously.

City Council Brief Communications  
L. Frerichs: 1234 reporting—attended Capitol Corridor meeting on behalf of city and League of California Cities (LOCC) event  
B. Lee: Attended LOCC event  
R. Swanson: Attended Day in the Country event

Public comment: Matt Williams: Competing interests on Mace I-80 property. Request Council become part of public dialogue on economic development/innovation park. Request discussion item on future agenda.

Long Range Calendar  
S. Pinkerton: October 1—Fluoridation. October 8—Financing plan for water project & Davis Waste Removal agreement. October 15—Fire staffing & affordable housing. October 22—Cannery development & Parking Task Force recommendations. November 12 & 19—Cannery development. November 19—Housing Element adoption. December 3—Proposed joint discussion with Planning Commission & Central Park restroom. December 10—Joint discussion with Open Space & Habitat Commission, Budget update & Council Goals.

Adjournment Meeting was adjourned at 12:07 a.m.

Zoe S. Mirabile, CMC  
City Clerk