

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 12, 2013

The City Council of the City of Davis met in regular session beginning at 6:00 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 (arrived 7:10 pm), 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 D. Wolk, to approve the agenda. Motion passed by the following vote:
AYES: Frerichs, Lee, Wolk, Krovoza
NOES: None
ABSENT: Swanson

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:
A. Conference with Legal Counsel. Existing Litigation: Yolo Ratepayers for Affordable Public Utility Services, et al. vs. City of Davis, Case No. CV-13-0000187 (formerly Case PT-13-187)
B. 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

City Council returned to open session at 6:42 p.m. with no reportable action.

City Manager Brief Communications S. Pinkerton:

- City Hall closed during Thanksgiving week. Child care services and Recreation offices will be open November 25 and 26. Public safety to continue uninterrupted.
- Regal Theatres Parking Garage is closed temporarily for sign installation and painting; will reopen November 16.
- City host program initiated downtown; volunteers help visitors, answer questions, provide tours, etc.
- City Hall will be hosted at the Farmer's Market on November 16.
- Bike Hall of Fame induction dinner on November 16 at Freeborn Hall

- America Recycles Day on November 15

Public Comments

Nathan Weaver, Environment California: Consent calendar item—Ordinance Reducing Distribution of Carry-out Bags. Thank Council for support of plastic bag ban. Davis will be 80th City to adopt ban.

Consent Calendar

California Office of Traffic Safety “AVOID the 8” Grant
Approved Resolution No. 13-148 – Accepting California Office of Traffic Safety “AVOID the 8” DUI Enforcement Grant for the Period October 1, 2013 through September 30, 2014

Final Map and Subdivision Agreement for Verona at Parkside, Subdivision No. 4988

1. Approved Resolution No. 13-149 – Approving Final Map for Verona at Parkside and Authorizing the City Manager to Execute the Subdivision Agreement (Verona – Davis, LLC, a Delaware Limited Liability Company)
2. Approved the specific provisions of the Subdivision Agreement related to the timing of payment of Parkland In-Lieu of Dedication fees, and recognize those provisions as an “operating memorandum” pertaining to the development agreement (DA) for this subdivision

L. Frerichs recused himself from the following item due to a real property interest within 500 feet of the following:

Plans, Specifications and Contract Award for B Street Road Rehabilitation, Program No. 7252

1. Approved plans and specifications
2. Approved Resolution No. 13-150 – Awarding Contract to Western Engineering Contractors, in the amount of \$394,739 with a construction contingency of \$60,000. The notice to proceed will be issued in 2014.
3. Approved Budget Adjustment #49 (\$313,000) – allocating SACOG grant funds

Ordinance Amending Lifeline Water Utility Rate Assistance Program to Expand the Program to Qualifying Households in Owner Occupied Units in Master Meter Multifamily Developments

Introduced Ordinance

Second Reading: Ordinance Adding Article 32.05 to the Davis Municipal Code to Reduce the Distribution of Carryout Bags and Promote the Use of Reusable Bags

Adopted Ordinance No. 2422 (Introduced 10/08/2013)

City Council Minutes from the Meetings of February 5, March 5 and April 9, 2013

Approved

Commission Minutes (informational only):

1. Finance and Budget Commission Meetings of July 29 and September 23, 2013
2. Social Services Commission Meetings of April 15, July 15 and August 7, 2013

Informational

D. Wolk moved, seconded by B. Lee, to approve the consent calendar as listed above. Motion passed by the following vote:

AYES: Frerichs, Lee, Wolk, Krovoza

NOES: None

ABSENT: Swanson

R. Swanson arrived at the meeting.

Removed from
Consent Calendar:

Item removed by J. Krovoza.

Ordinance Addressing Wood Burning Impacts

Community Development & Sustainability Director Mike Webb: Council previously discussed options; general consensus that pre-existing program was not serving as best tool to implement objectives regarding wood smoke, especially nuisance aspects. Premise is based on nuisance violations; tied to visible wood smoke.

Public Comment:

Alan Pryor: Ordinance designed for people who burn day in and day out. Addresses health concerns of nearest neighbors, complaint-based program.

J. Krovoza moved, seconded by B. Lee, to introduce Ordinance Amending Section 23.01.030 of the Davis Municipal Code Regarding the Definition of Public Nuisances as amended: "member of the public" replaced by "reasonable person." Motion passed unanimously.

Commission Minutes (action item): Historical Resources Commission Meeting of August 19, 2013; Historic Naming of Bike Paths and Streets

Item removed by D. Wolk.

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

1. Accept the Historical Resources Management Commission August 19, 2013 Minutes as informational
2. Direct staff to pursue naming of bike paths and return to Council at a later date for consideration of naming three bike paths segments after Frank and Eve Child, Dale and Donna Lott, and Maynard Skinner respectively. The associated staff report will identify funding sources for the signs. Staff will also consult the Bicycle Advisory Commission on this effort prior to returning to Council.
3. Direct staff to return to Council for further discussion regarding utilization of the proposed list of historic Davis names to be used for naming streets in new subdivisions.

Motion passed unanimously.

Public Hearing:
Davis Business
Improvement
District (DBID)
Annual Assess-
ment Process:
Proposed DBID
Fiscal Year
2014-2015 Plan
by Davis Down-
town; Intention
to Levy the BID
Assessment for
2014; 2013 BID
Core Area Plan;
Amendment to
Administering
Agency Agree-
ment

R. Swanson recused herself due to leasehold interest on Second Street and left the room.

Economic Development Coordinator Sarah Worley: Summarized process.

Stuart Savage, Davis Downtown: Downtown is alive with energy and excitement 7 days a week; highlight 2 key activities last year—davisdowntown.com website and Davis Downtown mobile app; real time access to information. Thanked Council for support of organization.

Mayor Krovoza opened the public hearing.

Rhonda Gruska, Salad Seasonal Cuisine: Restaurant is at edge of district and feels like focus doesn't extend past 5th Street. Would like Davis Downtown to take a look at encouraging walking a few blocks to outer businesses; parking ongoing discussion, would like to see type of food expanded from California light cuisine, doesn't address farm to table menu items.

Mayor Krovoza closed the public hearing.

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

1. Accept the 2013 Core Area BID Report and Davis Downtown FY 2014-2015 Summary Budget as amended by incorporation, at the conclusion of the public hearing.
2. Approve Confirming Resolution No. 13-151 Approving the 2013 Core Area BID Report as Amended and Levying an Annual Assessment Known as the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the DBID for Fiscal Year 2014-2015.
3. Approve Resolution No, 13-152 Authorizing the City Manager to Execute an Amendment to the DBID Administration Core Area and Periphery Benefit Zones.

L. Frerichs: Request breakdown of rates by business category, actual annual fees in each category.

Motion passed by the following vote:

AYES: Frerichs, Lee, Wolk, Krovoza

NOES: None

ABSENT: Swanson

City Council recessed at 7:31 p.m. and reconvened at 7:38 p.m.

The Cannery /
1111 Covell
Boulevard, at J
Street (former
location of the
Hunt-Wesson
tomato cannery)

Community Development & Sustainability Director Mike Webb: Proposed Development Agreement grants vested right to build project; approves funding allocations and timing of build out of units; establishes caps on water and wastewater connections fees for 5 years; and confirms previous commitments from applicants such as park improvements and amenities, infrastructure for urban farm, J and L St intersections improvements, and sustainability features.

Ashley Feeney, New Home Company, project applicant: Have reached agreement with Choices for Healthy Aging.

Mary Jo Bryan, Choices for Healthy Aging: Agreement implements design for single story homes within current plan; 3 different neighborhoods will have single story plan design.

Mayor Krovoza opened the public hearing.

- Alan Hirsch: Should be asking for more funding for schools.
- Mark Burman, Davis Energy Group; Greg Harrington and Kemble Pope, Chamber of Commerce; Katherine Baggerly; Aaron Nitskin; George Hague; Robert Bailey; Gary Albertson; Ed Herberger; Davis Jaffey; Beth Foraker; Kevin Smith; David Glockman; Doug Hitchcock; Judy Feldman; Alex Hess; Pam Puccelli; Mike Hardy; Mike Bartolic; John Perry; Barry Munowich; Elaine Roberts-Musser; Jim Baggerly; Craig Harris; and Eileen Samitz spoke in support of the project. Comments included: Comprehensive community engagement; commercial development will provide more jobs to community; farm will provide learning opportunities for students; innovative building designs; preserves character and culture of Davis; options for young family housing; site no longer viable for large tech park; surrounding neighborhoods in support of mixed use.
- Greg McPherson, Nancy Price, Gail Ruben, BJ Klossterman, and Glenn Hilstein spoke regarding potential impacts to trees. Comments included: Shouldn't remove so many trees on site; proposals to retain trees—adjust water line easement, adjust bike pedestrian path to swerve around, prune for structural defects and safety risks; regarding trees planted for mitigation—should plant in engineered soil, build retaining walls around trees.
- Mike Gynn, Ken Wharput and Steve Pro, Morning Star Builders: Thank New Home Company for including 30 lots for small builders and individuals; 25 builders in group. Custom designed and built projects will enhance diversity of project.
- Sue Greenwald: Oppose rezoning high tech business zone to residential.
- Steve Lasko: Graduate of California Farm Academy; hope to find incubator plot such as at urban farm location.
- Jason Roar; Tia Will; Alan Miller; George Huback; Armando Villaroma; Jean Wilson; Lisette Walker; Steve Tracy, Davis Bicycles!; Crystal Waters, Bike to Schools Committee, and Lydia Della-Schlosser spoke regarding potential traffic impacts. Comments included: Missing multi-use path on

north side; in emergency situation, project will funnel residents into small evacuation route; should have mitigation plan to address need; Railroad should be approached about easement; developer needs to pay for all mitigation; need safe bicycle connections; thank developer for committing to providing a second crossing on south east and further improvements to west side tunnel. Submitted petition supporting.

- Eric Coble: Need smaller homes that are entry level. Only 12-15% of units in small category. Missing opportunity to implement more relevant sustainability features.
- Marilee Hanson: Price range estimates seem unrealistic; request numbers be revisited before Development Agreement finalized.

Mayor Krovoza closed the public hearing.

City Council recessed at 10:20 p.m. and reconvened at 10:34 p.m.

M. Webb: Summarized staff initial proposal for how development funds could be allocated to Covell Corridor Plan; Development Agreement as structured commits applicant to providing funds, but does not commit city in exactly how funds will be allocated.

City Attorney Harriet Steiner: Council has not yet approved the Covell Corridor Plan; must still proceed with an Environmental Impact Report.

Ben Richie, DeNovo, EIR consultant: Analysis in EIR acknowledges that additional trees would need to be removed, but did not have grading plan. Mitigation Plan will be based on upgraded grading, include tree preservation plan. Revised total daily vehicle trips is 8,000.

J. Krovoza: Request staff look into who is responsible to pay for moving PG&E gas lines in public utility easement.

M. Webb: Staff will return with specific condition language to retain as many trees that are in fair or better condition on the site to the extent feasible.

Mayor Krovoza continued the item to November 19, 2013.

City Council
Brief Communi-
cations

J. Krovoza: SACOG transportation committee has recommended over \$5 million for 4 grants for city project, still needs to go to SACOG Board for final decision.

Long Range
Calendar

S. Pinkerton: November 19—request further direction on Mace 391; suggest closed session post meeting.

H. Steiner: Better to have public dialogue before closed session; closed session will focus on terms and conditions of easement. Council will conduct public dialogue on policy.

R. Swanson: Should look at bids coming in prior to policy discussion, then schedule joint meeting with Open Space & Habitat Commission December 10

H. Steiner: Will send information to Council after receive bids; public session on property should occur before discussion on easements.

J. Krovoza: Should keep discussion as scheduled, if need to include OSHC, then can postpone as needed

B. Lee: Request representative from Land Trust and OSHC as available to be included in Mace 391 discussion

H. Steiner: Code enforcement matter has been resolved, removed from November 19 agenda. Will be scheduling City Manager evaluation on November 19.

December 10—Energy Study & Central Park Restroom

December 17—budget projections

B. Lee: Financial difficulties of Explorit Science Center; request agendaize discussion current situation and possible ideas to help survive as entity

S. Pinkerton: December 3—provide informational update

D. Wolk: Request option for Council to act

December 10—B. Lee will be absent

Adjournment

Meeting was adjourned at 12:23 a.m. in memory of Andrea Mrotz.

Zoe S. Mirabile, CMC
City Clerk