

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of August 26, 2014

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 Dan Wolk.

Roll Call: Councilmembers Present: Robb Davis, Lucas Frerichs, Brett Lee, Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

Other Officers Present: Interim City Manager Gene Rogers, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of  
Agenda

G. Rogers: Last regular calendar discussion item—Police Department Acquisition of a Surplus Military Armored Vehicle has been moved to first on regular agenda. Consent calendar item—Revised Job Specifications: Title of Water System Maintenance Worker has been amended to Water Distribution System Operator.

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

1. 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)
2. Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (1 case)
3. Public Employment: City Manager

City Council returned to open session at 6:52 p.m. with no reportable action related to anticipated litigation or public employment.

Regarding existing litigation-Yolo Ratepayers v. City of Davis, City Attorney Harriet Steiner reported as follows: The City reached settlement with YRAPUS and Mr. John Munn related to the water rates case. General terms include: Plaintiff will dismiss entire case against city and will not file another case related to water or sewer rates, Measure I, or proceed with any other public process; and City will pay water and sewer charges at standard rates retroactively back to August 2013 (for properties that have utilities paid out of general fund, City started making payments approximately a year ago). City will continue to provide water conservation programs, and \$5,000 for water assistance programs. City will pay \$195,000 to plaintiffs for cost incurred in litigation. Council voted unanimously to approve the settlement agreement.

Ceremonial Presentation: Proclamations in Appreciation of Davis Live Music Collective and 2407 Graphics, Dos Coyotes and the Marketplace, The New Home Company, and Whole Foods for Their Contributions to the City of Davis 4<sup>th</sup> of July Community Celebration were presented by Mayor Wolk.

City Manager Brief Announcements/Communications

G. Rogers:

- Currently recruiting for commission vacancies.
- City has received a \$560,000 grant from state for Safe Routes to Schools Program.
- Modification to art staffing—moving from Community Development & Sustainability Department to City Manager’s Office.

Assistant City Engineer Brian Mickelson: Anticipated completion of 5<sup>th</sup> Street corridor project within next few weeks; have started work on raised medians, will include flashing beacons for pedestrian safety. Anticipate analysis of project six months after completion.

Public Comments

- Alan Miller: Oppose transportation of crude oil by rail. Oppose bright blue street lights.
- David Pro: Effort to raise awareness regarding compassion; thank city for acceptance of compassion corner earthbench. All must be treated with love and compassion; leaders should take appropriate action based on understanding.
- Alan Pryor: Suggest Council re-consider monthly pickup of green waste with claw; oppose additional annual cost to operate. Claw will only be used by a minority of residents; unfair subsidy to large lot homeowners. Will add to increased greenwaste in bike lanes.
- Dorte Jensen: Working with Davis Police Department and Yolo County Sheriff to solve homeless issues.
- Robert: Shouldn’t make accusations of drug and alcohol abuse towards the homeless.

Consent Calendar

Contracts with California Department of Education and Yolo County for Continued Funding of Child Development Services in Fiscal Year 2014-2015

1. Approved Resolution No. 14-113 – Authorizing the City Manager to Enter into Contract with the California Department of Education Related to the Administration of Child Development Services, in the amount of \$2,774,014
2. Approved Resolution No. 14-114 – Authorizing the City Manager to Enter Contract with Yolo County Related to the Administration of Child Care Coordination Services, in the amount of \$2,100,000

Amendment to Comprehensive Water Rate Study Agreement  
Approved Resolution No. 14-115 – Authorizing the City Manager to Execute Amendment No. 3 to Consultant Agreement with Bartle Wells Associates, for an additional not-to-exceed amount of \$37,529, bringing the total to \$288,329

Acceptance of Drainage Easement at 2800 Cowell Boulevard  
Approved Resolution No. 14-116 – Authorizing the City Manager to Accept the Easement Grant Deed from Davis DISC, LP

Amendment to Subdivision Agreement for Zelkova Courts  
Approved Resolution No. 14-117 – Approving and Authorizing the City Manager to Sign Fifth Amendment to the Subdivision Agreement for Zelkova Court Subdivision No. 4569

Yolo-Solano Air Quality Management District Grant for Street Smarts Program  
1. Approved Resolution No. 14-118 – Authorizing the City Manager or His Designee to Execute Grant Agreement No. 14-15 for Use of Clean Air Funds  
2. Approved Budget Adjustment #13 (\$6,989) – appropriating grant revenue

Hazardous Tree Removal  
Approved Budget Adjustment #14 (\$30,000) – allocating Tree Preservation Funds

Strategic Growth Council Urban Greening Project Prop 84 Funding for Downtown Urban Greening Project  
1. Approved Budget Adjustment #18 (\$891,304) – appropriating grant funds and allocating park impact fees  
2. Approved Resolution No. 14-119 – Awarding Contract to Empire Landscaping Inc. for Construction of Prop 84 Urban Greening Improvements at Putah Creek, Program No. 8242

Emergency Generators (Re-Bid), CIP No. 8244  
1. Approved Resolution No. 14-120 – Awarding Contract of \$559,960 (Base Bid Plus Add Alternate Bid) to Fort Bragg Electric, and approving a construction contingency of \$100,000  
2. Approved Budget Adjustment #19 (\$365,900) – appropriating grant funds and allocating facility impact, facility replacement and construction tax funds

Twin Pines Affordable Housing Limited Partnership Replacement  
Approved request to replace existing limited partner for Twin Pines (Northstar) with Sky Parkway Mutual Housing Corporation, a subsidiary of Mutual Housing California, as part of the exit period of the existing limited partner

Treasurer's Report for the Quarter Ended June 30, 2014  
Accepted the report

Fiscal Year 2013/14 Fourth Quarter Administratively Approved Budget Adjustments  
Informational

Commission Minutes:

1. Historical Resources Commission Meeting of May 19, 2014
2. Human Relations Commission Meetings of May 22 and June 26, 2014
3. Social Services Commission Meetings of May 19 and June 9, 2014

Informational

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

Removed from  
Consent Calendar

Item removed by R. Davis.

City Attorney Harriet Steiner: In years past, Council specifically directed staff to provide job specifications.

Revised Job  
Specifications

Interim City Manager Gene Rogers: Not typical of most jurisdiction to provide details of job specifications to Council.

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

1. Approve revised job specifications: Water Distribution Program Supervisor, Water Production Systems Supervisor, Water Distribution Crew Supervisor, Water System Maintenance Worker, Water Production System Operator, Water Distribution Operator I/II, and Principal Planner
2. Direct staff return to Council with an action to officially remove requirement for job specifications to be approved by Council

Motion passed unanimously.

East Eighth  
Street Improve-  
ments, CIP No.  
8250

Item removed by R. Davis.

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

1. Approve Resolution No. 14-121 – Awarding Contract to McGuire and Hester Contractors, in the amount of \$558,470, and approving a construction contingency of \$80,000
2. Approve Budget Adjustment #17 (\$262,320) – Allocating grant and transportation infrastructure rehabilitation funds

Motion passed unanimously.

Police Department Acquisition of a Surplus Military Armored Vehicle Via the 1033 Program of the Defense Logistics Agency, Law Enforcement Support Office (DLA/LESO)

Police Chief Landy Black: Genuine and job specific need for certain types of equipment.

Public Comments:

Bruce Hanson, Mason, Alyssa Johns, Naomi Williams, Ron Rivallas, Kathy Fergus, Steve Freesa, Katie Dinercity, Scott Ragsdale, Alan Miller, Russell Naches, Kay Watt, Jaclyn Clemens, Robert Reed, Courtney O’Franky, Roberta Millstein, David Abramson, Risa Biesley, Ben Camassi, Bernie Myler, Juan Mirran, Karen Newton, Emily Anderson, Brian Schaffer, Dan Berman, Michael Corbett, Tom Hagler, Robert Canning, John Troidl, Colleen Standrough, Rodney Robinson, Sean, Patricia Burkhardt, Ben Camassi, and Rodney Robinson

Administered by the Office of Emergency Services (OES)

spoke in opposition to the acquisition of a surplus military armored vehicle. Comments included: Vehicle heightens tension/raises fear; question necessity; acquisition process did not include community or City Council; request vehicle be returned; City should put greater emphasis on mental health issues and gun control. Submitted online petition signed by more than 250.

Alicia Mattson, Michelle Millet, Michael Corbett, Jim Hetchl, and Carlos Manos spoke in support of the acquisition. Comments included: Acquisition cost effective; vehicle can be restyled so it does not have a fearful appearance; vehicle is a tool to keep officers safe, designed to protect.

Tia Will and Tom Hagler: Decision should have been made in collaboration with city leaders.

Brian Schaffer, ASUCD: Students have hesitations and in some cases are very opposed to acquisition; will not issue formal statement until after school begins.

City Council recessed at 8:49 p.m. and reconvened at 8:59 p.m.

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

1. Direct staff to return to City Council with options for disposing of the MRAP in the most expeditious and low cost manner within 60 days.
2. Review donated or surplus material acquisition noticing guidelines to assure that major donated (to be defined by staff) or surplus equipment by any department are reviewed by the City Manager and City Council.
3. Proceed with a public update of public safety issues related to active shooter situations and warrants, and consider alternatives that do not represent the repurposing of a military vehicle to face them. Consider enhanced personnel protection. Hold public participatory forums to exchange ideas on the options. Utilize information to make a decision about moving forward.

B. Lee moved substitute motion, seconded by R. Swanson, that the MRAP shall not be considered part of the usable inventory by the City of Davis unless Council specifically authorizes. The decision on acquisition will return to Council within 4 weeks. In the interim, staff to provide information to Council related to the need of armored protection.

Substitute motion withdrawn.

B. Lee proposed a friendly amendment that over the next 60 days, Council will meet with the Police Department to better understand the perceived need for an armored vehicle of some type. Accepted by mover and second.

Motion passed by the following vote:

AYES: Davis, Frerichs, Wolk  
NOES: Lee  
ABSTAIN: Swanson

City Council recessed at 10:28 p.m. and reconvened at 10:34 p.m.

Public Hearing:  
Del Rio Live-  
Work Project /  
2751 Del Rio  
Place

Planner Cathy Camacho: Summarized project proposal.

Mayor Wolk opened the public hearing.

Bob Donnelly: Project architect. Affordable high density project, energy efficient, integrated with neighborhood, and close to public transit.

Alan Miller: Support project.

Mayor Wolk closed the public hearing.

L. Frerichs: Suggest including in conditions of approval requirement to wire for electric vehicles. Accepted by project applicant.

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

1. Determine that Mitigated Negative Declaration #1-14 prepared for this project adequately addresses the environmental impacts associated with the proposed project and adopt the Mitigated Negative Declaration
2. Approve Resolution No. 14-122 – of Intent to Amend the City of Davis General Plan Land Use Map to Redesignate 2751 Del Rio Place (APN #071-404-001) Located at the Southwest Corner of Pena Drive and Fifth Street and North of Del Rio Place from Business Park to Neighborhood Mixed Use
3. Introduce Ordinance Amending Section 40.01.090 of Chapter 40 of the City of Davis Municipal Code Rezoning 2751 Del Rio Place, Consisting of 1.02 + Acres, from Planned Development (PD) #4-88, Light Industrial/Business Park Subarea to Planned Development (PD) #1-14
4. Approve the following entitlement applications, based on the findings and subject to the conditions of approval, as amended:
  - a. Final Planned Development to establish development standards for the 16 lots, including building setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space
  - b. Design Review of the site plan and architecture
  - c. Tentative Subdivision Map to subdivide the single parcel into 16 individual lots

Motion passed unanimously.

Proposed X  
Permit Area  
Parking Modifi-  
cation – Include  
Both Levels of  
the Regal Cine-  
ma Parking  
Structure, 8 a.m.

Mayor Wolk opened the public hearing.

Alan Miller: Modification to x permit area should not adversely impact Amtrak parking

Mayor Wolk closed the public hearing.

R. Davis moved, R. Swanson seconded, to approve Resolution No. 14-123\_-

to 6 p.m., Monday through Friday

Amending Resolution No. 03-220, Series 2003 Modifying the Core Area Preferential Parking Area (X Permit Area) and Dissolving the D Permit Preferential Parking Area. Motion passed unanimously.

Proposed Renewable Energy Ordinance to Require and Establish Standards for the Installation of Solar Photovoltaic Systems on All New Single-Family Dwellings and Duplexes

Assistant Planner Eric Lee: Summarized proposed ordinance

Public Comments:

- Alan Pryor: Support ordinance. Consistent with Climate Action and Adaptation Plan. Supported by Sierra Club Yolano.
- Chris Granger, Cool Davis: Support ordinance. Need more standards regarding electric vehicle access, transportation and mitigation.
- Alan Miller: Should be incentivizing, not requiring.

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

1. Determine that the proposed Renewable Energy Ordinance is exempt from environmental review under CEQA and direct staff to file a Notice of Exemption
2. Introduce Ordinance Amending Chapter 8 of the Davis Municipal Code to Add Article 8.20 Establishing a Renewable Energy Ordinance, as amended to modify the minimum solar photovoltaic requirement per dwelling unit to include an addition category for home 1,000 sq. ft. and below:

Minimum Solar Photovoltaic Requirement per Dwelling Unit:

Single-Family or Duplex	Minimum System Size
1,000 sq. ft. or less	1.6 kW
1,001 to 1,500 sq. ft.	2.0 kW
1,501 sq. ft. to 2,000 sq. ft.	2.3 kW
2,001 sq. ft. to 2,500 sq. ft.	2.5 kW
2,501 sq. ft. to 3,000 sq. ft.	3.0 kW
More than 3,000 sq. ft.	3.5 kW

Motion passed unanimously.

Options for Promoting and Facilitating Accessory Dwelling Units

Item deferred.

Brief Communications

None

Long Range            G. Rogers: September 2—YRAPUS Settlement. October 21—MRAP follow-up discussion.

                          B. Lee: Request agenda formation of Council Subcommittee related to Arts Alliance.

                          R. Swanson: Follow up on Willow Creek proposal  
Deputy City Manager Kelly Stachowicz: Affordable Housing/RFP agenda September 23. Intent is to follow up from community workshops.

                          L. Frerichs: Update on implementation of city’s website

Adjournment        Meeting was adjourned at 11:54 in memory of former Human Relations Commissioner Gay Powers.

Zoe S. Mirabile, CMC  
City Clerk