

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 17, 2015

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: City Manager Dirk Brazil, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

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: In the Matter of the Application of Pacific Gas and Electric Company (U-39-E) to Establish a Green Option Tariff and Related Matters, California Public Utilities Commission (Applications 12-04-020; 12-01-008; 14-01-007)

B. Conference with Labor Negotiators.

Agency Designated Representatives: City Manager Dirk Brazil; Assistant City Manager/Administrative Services Director Yvonne Quiring; City Attorney Harriet Steiner; City Attorney Stacey Sheston; Human Resources Administrator Melissa Chaney; Patrick Clark, Patrick Clark Consulting

Employee Groups/Organizations (under discussion): Davis City Employees Association; Davis Police Officers Association; Department Heads; Executive and General Management; Firefighters Local 3494; Fire Management; Police Management; Program, Administrative and Support Employees Association

City Council returned to open session at 6:38 p.m. with no reportable action.

Ceremonial | Presentation Introduction of Youth in Government Participants shadowing City Councilmembers, City Manager and City Attorney: Sam Goidell, Charlie Harris, Teddy Knox, Gabe Leal, Dylan Lee, Grace Richey, and Winston Tran.

Approval of Agenda B. Lee moved to agendaize calendar. B Street Corridor Striping Plan as a consent calendar item instead of a regular calendar discussion item.

L. Frerichs announced he had a conflict of interest as he resides along B Street and left the room.

B. Lee withdrew the motion. L. Frerichs returned to the dais.

R. Davis moved, seconded by R. Swanson, to approve the agenda as submitted. Motion passed unanimously.

City Manager
Announcements

None

Public Com-
ments

- Elise Swang: Davis High School Robotics Team Citrus Circuits will be designing/building a robot for a competition to be held in three weeks; working with community to raise funding. West Sacramento Regional Competition to be held March 20-21 at UCD Arc Pavilion; 55 teams compete to qualify for championships. See Citruscircuits.org.
- Alan Miller: Oppose graffiti on Union Pacific fences. UP policy is to focus on safety, in order to remove graffiti, crews would be taken off primary mission of keeping tracks safe. Goal is to find a way to get graffiti removed. Half mile of fence is a canvass for graffiti artists; currently 22 images.
- Dorte Jensen: Regular calendar item Cannery Request for CFD—Thank Council minority for explaining their votes publicly in the press. Should consider being clear in future development agreements, specific to establishing potential CFDs.
- Michael Harrington: Regular calendar item B Street Striping—Should provide street parking for guests. Regular item Cannery CFD—If approve CFD, much higher tax rate will cause adverse effects.

Consent Calen-
dar

Reclamation District (RD) 2035 Easement Quitclaim – Portion of Easement Over Davis Wastewater Treatment Plant Property to Facilitate Design and Construction of the New Wastewater Treatment Plant

Approved Resolution No. 15-026 - Approving an Agreement with Reclamation 2035 to Relinquish an Easement Located on the City Owned Wastewater Treatment Plant Parcel and Authorizing the City Manager to Execute the Agreement

Fiscal and Economic Analysis for Innovation Center Applications

Approved Budget Adjustment #95 (\$160,000) – Appropriating planning application revenues

Approved Resolution No. 15-037 (number assigned out of consecutive order) - Approving Contract with Economic & Planning Systems

Modifications to Wetlands Purchase Agreement

Approved Resolution No. 15-027 - Approving an Agreement with Conaway Preservation Group for Modifications to the 1996 Wetlands Purchase Agreement and Authorizing the City Manager to Execute the Agreement on Behalf of the City

Approved Budget Adjustment #96 (\$70,000) – Appropriating unallocated wastewater reserve funds

Amendment No. 2 to Consultant Agreement for Groundwater Water Quality and Analysis

Approved Resolution No. 15-028 - Approving and Authorizing the City Manager to Execute Amendment No. 2 to Consultant Agreement with West Yost Associates for Groundwater Water Quality and Analysis

WaterSmart Software Solutions Agreement Amendment

Approved Resolution No. 15-029 - Authorizing City Manager to Execute the 2015 Agreement Amendment Between City of Davis and WaterSmart Software Solutions to Extend the Term of the Agreement, from March 2015 to March 2016 with the ability to approve a one year extension through March 2017

Application for Sustainable Agricultural Lands Conservation (SALC) Program Grant Funds to Update the City's Agricultural Land and Open Space Strategy Plan

Approved Resolution No. 15-030 - Approving the application for Grant Funds Under the State of California's SALC Program, and authorizing the expenditure of an amount not to exceed \$3,000 in matching funds and staff time should the City receive the SALC Program grant funds

Four Paulownia Trees Located at the Amtrak Depot, 840 Second Street

Approved Resolution No. 15-031 - Designating Four Paulownia Trees Located at the Amtrak Depot as Landmark Trees

Two Valley Oak Trees Located at 5022 El Cemente Avenue

Approved Resolution No. 15-032 - Designating Two Quercus Lobata Trees Located at 5022 El Cemente Avenue as Landmark Trees

Co-Sponsored Theatre Use Agreement

Approved Resolution No. 15-033 - Authorizing the City Manager to Enter Into a Co-Sponsored Theatre Use Agreement Between the City of Davis and Davis Shakespeare Ensemble

Building Inspection Staffing – Reclassify Building Division Personnel and Add a Temporary Part Time Building Inspector Position for the Remainder of Fiscal Year 2014/15

Approve Budget Adjustment #94 (\$48,614) – Appropriating building permit revenue

Revised Job Specifications

1. Approved the following revised job specifications: Building Inspector I/II and Wastewater Superintendent to Wastewater Division Manager (title change and updated job specification)
2. Directed staff to no longer bring job specifications to the City Council for approval

GAMAT Homes Update – 20 City-Owned Affordable Single Family Rental Units

Directed staff to return to City Council in June with an update on the homes and corresponding property management contract that currently expires this August

Community Choice Energy Advisory Committee – Additional Membership
Appointed Yvonne Hunter to the Community Choice Energy Advisory Committee

R. Swanson moved, seconded by R. Davis to approve the consent calendar as listed above. Motion passes unanimously.

Appeal of September 18, 2014 Tree Commission Decision to Retain the Chinese Tallow Tree at 2408 Elendil Avenue

Urban Forest Manager Rob Cain: Tree Commission did not approve removal. Staff recommends Council uphold appeal and approve removal.

Michael Nolan, attorney representing appellant: Support staff recommendation.

R. Swanson: Would like to establish protocol to allow for authority to remove trees due to certain health situations.

H. Steiner: Staff will take a look and return to Council

R. Swanson moved, seconded L. Frerichs, to approve removal of three Chinese Tallow trees. Motion passed unanimously.

B Street Corridor Striping Plan

L. Frerichs recused himself due to a conflict of interest as he owns property on B Street and left the room.

Transportation Manager Brian Mickelson: Per Council direction, staff held a facilitated discussion on January 27 for residents and bicycle advocates.

Public comments:

- Steve Tracy: Representing Davis Bicycles!—Support staff recommendation to restriping B Street from 7th to 8th Streets and prohibiting parking from 7th to 14th Streets. Consistent with Council goals and General Plan. Representing Old North Davis Neighborhood Association—Current parking district provides one space for street parking and saves remaining for residences; willing to include B Street in N Parking District.
- Alan Miller, Darryl Dickey, Sentta Fentinger, Tim Starbeck, Lisa Smith and Wendell Range spoke in support of staff recommendation. Comments included: Thank staff for addressing Council goals for project. Cycling corridor to many schools and community facilities; if comfortable places to ride, many will choose not to drive. Will improve conditions for pedestrians, easier to cross street.
- Trent Meyer: Poor planning decisions have negatively impacted residents. Many sidewalks are unsafe. Bicycles have become priority. Resident concerns have not been addressed; process has been unfriendly to residents of B Street.
- Mike Geary and Rachel Livingston: Should consider responsibility of bicyclists related to safety concerns. Lack of visibility from bicycling at night without lights and in dark clothes. Need additional enforcement, consider more tickets and more bicycle police.

- Ron Glick: Removing parking will cause congestion. Should consider installing narrow road sign/caution for bicyclists. Some type of intermediary steps. Need better enforcement for use of night lights.

R. Davis: Request staff come back with update on green waste pilot project on portion of B Street; consider extending pilot along entire B Street Corridor.

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

1. Implement Option 1 which includes restriping B Street from 7th to 8th Streets and prohibiting parking from 7th to 14th Streets
2. Direct staff to return with an Ordinance that removes parking on B Street between 7th and 14th Streets

Motion passed by the following vote:

AYES: Davis, Lee, Swanson, Wolk

NOES: None

ABSENT: Frerichs

R. Swanson: Status of enforcement efforts?

D.Brazil: Will revisit discussion of night enforcement.

B.Lee: Would like plan to address need for additional bicycle and vehicle traffic enforcement.

R. Davis: Support additional enforcement. Many other cities have integrated city and school district bike education. Currently, no formal education to teach safe cycling to students.

City Council recessed at 7:46 p.m. and reconvened at 8:05 p.m.

Cannery Request for Community Facilities District Formation

Community Development & Sustainability Director Mike Webb: Term of proposed CFD is 30 years (previously 40 years). Eligible facilities no longer includes the community farm. Community benefit fund—original proposal was for city to receive \$750,000; now if bond proceeds come in excess of \$11.8, proceeds will be split 50-50 between city and New Home. Resolution of Intent is first of two formal steps. Public hearing will be held May 5.

Public comments:

- Jim Kidd: Support development, but not creating CFD bond on project.
- Donna Lemongello: With a CFD at the Cannery project, the City will lose millions in property tax revenues. If developer needs CFD to speed up development of amenities, could instead have short term loan from city.
- Michelle Millet: Council should consider potential negative impacts CFD may have on community.
- Matt Yancy, Chamber of Commerce: Support staff recommendation. Development agreement outlined what would be built and that CFD could be considered. In approaching city regarding CFD, New Home offered additional \$750,000 and has again offered to share 50-50 with city any net proceeds in excess of \$11.8 million. Shows dedication to bettering community and negotiating in good faith.

- Mike Geary: Community benefit fund of \$750,000 available for use anywhere in community; future buyers would be paying for something that general population should be.
- Elaine Roberts-Musser: CFDs common method for financing infrastructure. Assist city, developer and home buyers. If city refuses to form, developer can increase cost of homes and amenities and programs not included in Development Agreement can be eliminated or phased in over time.
- Matt Williams: Staff report is missing fiscal analysis of impact of CFD. Performed analysis; community may lose up to \$12 million. 2 ways to solve—make terms of CFD revenue neutral. Other alternative is to instead lend Cannery \$12 million to pay back after sale of homes.
- Jack Chapman: CFD provides no benefit to the city. Many won't understand the economics. If approve CFD, should have in agreement that builder is only allowed certain building permits based on amenities completed.
- Ron Glick: People will have to pay more in interest with bond instead of including cost in mortgage loan at mortgage rates. New homeowners will not vote for more parcel taxes city may propose in the future if paying so much in Mello Roos.
- Ken Wagstaff: Oppose CFD. New Home should be expected to build general infrastructure and pay with revenue from houses.

Susan Newman, consultant: Public infrastructure costs total over \$20 million. Estimated bond proceeds are estimated to be \$11.8 million. Public improvements proposed to be funded include bike trails, traffic signals, detention basin, and parks.

Mark Northcross: Acquisition Agreement to come to Council on May 5 will be specific as to amenities, timelines, and prioritization of projects.

City Council recessed at 9:24 and reconvened at 9:35 p.m.

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

1. Approve Resolution No. 15-034 – Declaring Intention to Establish Proposed CFD No. 2015-1 (Cannery) of the City of Davis
2. Approve Resolution No. 15-035 – Declaring Necessity for Proposed CFD No. 2015-1 (Cannery) of the City of Davis to Incur Bonded Indebtedness
3. Approve Resolution No. 15-036 – Declaring Intent to Issue Tax-Exempt Bonds to Be Used to Reimburse the City for Expenditures Prior to the Issuance of Tax-Exempt Bonds
4. Direct staff to work with New Home to look at options to reduce costs, potential to reduce maximum tax rate while meeting expectations of project and community.

Motion passed by the following vote:

AYES: Frerichs, Swanson, Wolk

NOES: Davis, Lee

City Council
Brief Communi-
cations

R. Davis: Attended National Bike Summit, Mayor's Challenge for Safer People, Safer Streets

R. Swanson: Attended Japanese Peace Treaty Conference in San Francisco. Will be attending Economic Development Regional Kick-off of greater Sacramento on March 18.

Long Range
Calendar

D. Brazil-April 7—Emergency Response Fees will be addressed in Fire Station Options. Mini Dorm Ordinance moved to later date. Nishi Status update moved to May 5. Renter resources meeting scheduled April 9; tentative to Council June 9. April 21 – Bicycling, Transportation and Street Safety Commission joint meeting is confirmed.

B. Lee: Approximately two years ago, idea of art at Olive Drive entryway to city was proposed. Request agendize any options considered and possibility of moving forward. Consent item ok.

R. Davis: State Water Board enacted tougher restrictions on water irrigation. Necessary to agendize city response?

H. Steiner: New extended regulations. Item will be brought back to Council to conform with state law.

Adjournment

Meeting was adjourned at 11:07 p.m.

Zoe S. Mirabile
City Clerk