

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 2, 2015

The City Council of the City of Davis met in regular session beginning at 5:40 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 (arrived 5:50), Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

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

Approval of Agenda R. Swanson moved, seconded by L. Frerichs, to approve the agenda. Motion passed by the following vote:
AYES: Davis, Frerichs, Swanson, Wolk
NOES: None
ABSENT Lee

City Council/ Planning Commission Joint Discussion Commissioners Present: Herman Boschken, Cheryl Essex, George Hague, Rob Hofmann, Cristina Ramirez, Stephen Streeter

Principal Planner Bob Wolcott: Projects from last year: Del Rio Live/Work Project, Grande School Site Subdivision, Hotel Conference Center, Photovoltaic Ordinance, Housing Element, Secondary Dwelling Unit Standards/Processing Amendments. Upcoming projects include: Richards Boulevard Hotel Conference Center, Willowcreek, Trokanski Dance Studio Expansion, Trackside mixed use, Woodbridge Berrybridge Affordable Housing. Next year: Nishi & Mace Ranch Innovation Center, Cannery mixed use, Panattoni Development on Chiles Road.

Chair Hofmann: Subcommittee of Planning Commission & City Council has been formed to develop and recommend revisions to the Core Area Specific Plan. Scheduled to go to Council within 1 year.

B. Lee: Council may want to consider raising on priority list and allocating needed staff resources if interested in expediting process.

R. Davis: Meets Council goals. Projects in pipeline could benefit from now.

L. Frerichs: CASP living document, almost 20 years old. Support prioritizing.

Assistant City Manager Mike Webb: Regarding CASP efforts—primary role for staff is to be a sounding board, consultation or data resources. Have in proposed budget some funding in anticipation of efforts moving forward, as well as a Principal Planner position.

R. Hofmann: Planning Commission has charge to use current policy documents
D. Wolk: Would be helpful to have Planning Commission recommendations on policy issues

City Council recessed at 6:23 p.m. and reconvened at 6:32 p.m.

City Manager
Announcements

D. Brazil: Request Council provide any budget questions to staff ASAP; meeting with Finance Budget Commission on June 8, return to Council on June 16. June 5—Public art event pianos and utility boxes at Hunt Boyer Plaza. June 3—Water workshop on irrigation systems at Veterans Memorial Center and Farmers Market discussion on Central Park Oak Tree Deck, to return to Council June 16.

Public Com-
ments

- Hayley Benham-Archdeacon, Sean Raycraft, and Tammy Drammer, Sacramento Labor Council: Request Council increase minimum wage to \$15 per hour. Address issue of income inequality.
- Dave Taormino: consent calendar item—landmark tree designation. Property owners did not receive notice of item. Request Council continue item to June 16 to hear concurrent with entire Paso Fino project. Will know then which trees are to be landmarked, city, private or combination.
- James Kriedler: Regular calendar item—Police Protected Vehicle. Oppose armored vehicles. Largely used to coerce or intimidate non-violent protesters. Misuse of public funds. Will have very little use in Davis.
- Alan Miller: Request Council withdraw from Yolo County Rail Relocation project. Fraudulent use of flood control funds for transportation study. Don't have to build anything in West Sacramento, Davis in order to provide flood control. Sierra Northern doesn't need a huge infrastructure through Conaway Ranch to accommodate.
- Chris Coil: Request Council leave landmark tree designation on consent calendar – Ordinance allows citizens to ask for landmark designation on private property. Over 1,000 petition signers, designation adds extra layer of protection for grove of trees. Swainsons hawks are now breeding. Size, maturity, health and visual interest for surrounding neighborhood. Tree Commission recommends designation.

Consent Calen-
dar

Water Quality Improvement Pipeline Project (CIP No. 8224) and University California Davis Pipeline

Approved Resolution No. 15-071 - Awarding Contract to Ghilotti Construction Company for Construction of the Water Quality Improvement Pipeline Project, in the amount of \$17,971,660 and approving a construction contingency of \$2,000,000; and rejecting the bid protest submitted by Ghilotti as moot and rejecting the bids submitted by K.J. Woods Construction, Inc. and Garney Pacific, Inc. as non-responsive for failure to meet federal Disadvantaged Business Enterprise (DBE) requirements

Amendments to Subdivision Agreements, Extension of Time to Record Final Maps, and Street Name Changes for The Cannery – Subdivision Nos. 5052,

5053, 5055, and 5057

1. Approved Resolution No. 15-072 - Approving Amendments to Phase 1 Small Lot Subdivision Agreements for The Cannery, Subdivision Nos. 5052, 5053 and 5055 and Authorizing the City Manager to Execute the Subdivision Agreements and Assignment and Assumption Forms with TNHC-HW Cannery LLC, a Delaware Limited Liability Company
2. Approved Resolution No. 15-073 - Approving Second Extension of Time for Performance of Certain Acts Required by Resolution No. 14-162, Series 2014, which Approved the Small Lot Final Maps for The Cannery, Subdivision Map Nos. 5052, 5053, 5055 and 5057
3. Approved Resolution No. 15-074 - Approving Street Name Changes in The Cannery Subdivision

Second Reading: Ordinance No. 2451 – Adding Article 17.02 to Chapter 17 of the Davis Municipal Code Establishing Default Beverages Offered with Children’s Meals

Adopted (Introduced 05/26/2015)

City Council Minutes from the Meeting of October 7, 2014

Approved

State Revolving Fund Loan for Financing the Water Quality Improvement Pipelines (CIP No. 8224) and Associated Projects

Informational

Planning Commission Minutes from the Meetings of October 8 and 22, 2014; November 12, 2014; and January 28, 2015

Informational

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

Removed from Consent Calendar:

Item removed by R. Swanson and B. Lee.

Landmark Tree Designation for Canary Island Pine Trees Located at 2627 E. Covell Boulevard

Urban Forest Manager/Arborist Robert Cain: Property owners were notified via email.

H. Steiner: Landmark tree ordinance does not specify length of time or type of notice.

B. Lee: From procedural standpoint, odd to designate trees prior to discussion of project. Prefer to grant protection to trees as if landmark trees in the interim until Council decides on project. Should look at parcel and decide on best use of parcel for community.

H. Steiner: Landmark and significant tree ordinance protects trees of certain sizes during applications. Would be violation of ordinance to cut down any trees at

this time. Protects just prior to or during land use applications.

R. Swanson moved, seconded by R. Davis, to postpone landmark tree designation item, to be agendized in tandem with Council decision on proposed Paso Fino development project on June 16. Add item to discuss noticing requirement.

R. Cain: Tree Commission will be reviewing draft ordinance this month, can add discussion of noticing. Will return to Council in September.

B. Lee proposed friendly amendment: Grant trees contingent protection as if landmark status until discussion of Paso Fino project. Accepted by mover and second.

L. Frerichs clarification: Bring as 2 separate items on Council Agenda. Consensus.

Motion passed by the following vote:

AYES: Davis, Frerichs, Lee, Swanson, Wolk

NOES: None

Appointment to Historical Resources Management Commission

Public comment:

- Anya McCann: Applicant

City Council voted through use of a grid system:

| Natural Resources Commission (1 Alternate) | | | | | | | | |
|--|----------|----|----|----|----|----|-------|---------|
| Applicants | | RD | LF | BL | RS | DW | TOTAL | APPOINT |
| Anselmo | Susan | | | | | | 0 | |
| Arora | Sushil | | | | | | 0 | |
| Gale | Deborah | | | | | | 0 | |
| McCann | Anya | X | X | X | X | X | 5 | Regular |
| Payne | Leonidas | | | | | | 0 | |
| Samson | Anthony | | | | | | 0 | |
| Stoner | Gregory | | | | | | 0 | |

Sacramento-Yolo Mosquito and Vector Control District Presentation:

Mosquito and West Nile Virus Update

Sacramento-Yolo Mosquito and Vector Control District Manager Gary Goodman: Integrated mosquito management measures: public information, surveillance, biological & physical control, larvicide, adulticide. West Nile virus transmission cycle overview. Less water tends to intensify virus.

B. Lee: More robust prevention program will lessen need for aerial spraying. Attempt to get community volunteer program; opportunities include public booths, handing out brochures, helping neighbors drain water sources.

R. Davis: If diseases get established then there will be a lot of chronic illnesses. Need to be vigilant. May need to begin to plan community-based approach.

Public Hearing: Accounting & Fiscal Analyst Bob Blythe: City currently in process of comprehensive review of user fees; scheduled to be completed this fall. Summarized revenues from departments and proposed changes.
FY 2015-16
Proposed
Changes to Fees
and Charges

Mayor Wolk opened the public hearing.

Matt Williams: Finance Budget Commission has received presentations, vetted well. Recommend adoption. In best interest of city.

Mayor Wolk closed the public hearing.

B. Lee: Request update on policy related to response to alarms. After review of policy, may need to discuss how to charge response to false alarms.

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

1. Approve Resolution No. 15-076 - Approving Changes to Certain Fees and Charges for Provision of Services by City Departments; and
2. Approve Resolution No. 15-077 – Approving Changes to Certain Fees and Charges for the Provision of Services by the Department of Community Development & Sustainability Planning Division and Public Works Developer Fees.

Motion passed unanimously.

Public Hearing: L. Frerichs recused himself due to a conflict of interest from a real property interest within 500 feet and left the room.
Modification of
the S and U
Permit Parking
Districts to Allow
for B Street
Residents Parking

Transportation Manager Brian Mickelson: Staff surveyed residents soliciting input on inclusion within a Permit Parking District; overwhelming support

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

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

1. Approve Resolution No. 15-078 - Amending Resolution No. 00-89 Modifying the North Campus Preferential Parking Area (U Permit Area), to allow B Street residents between Seventh and E. Eighth Streets to purchase permits and park within the District
2. Approve Resolution No. 15-079 - Amending Resolution No. 03-123 Modifying the Davis Senior High School Preferential Parking Area (S Permit Area), to allow B Street residents between E. Eighth and Fourteenth Streets to purchase permits and park within the District, as amended:
 - a. Permits available to residents on West side of B Street

- b. Residents on the East side may park in existing neighborhood with no parking restrictions
- c. Staff to evaluate occupancy levels to east of B Street to determine if residents are able to find enough parking. If needed, staff will return to Council for consideration of whether parking permit district makes sense.

Motion passed by the following vote:

AYES: Davis, Lee, Swanson, Wolk

NOES: None

ABSENT: L. Frerichs (recuse)

Public Hearing: Assistant Public Works Director Stan Gryczko: Ordinance will provide consistency with State drought regulations.
Water Use Restrictions

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

R. Swanson moved, seconded by L. Frerichs, to adopt Urgency Ordinance No. 2452 - Adding Section 39.02.045 to Chapter 39 of the City of Davis Municipal Code to Adopt Certain Water Conservation Measures, Prohibit Certain Water Wasting Activities, Establish Penalties for Violations and Declaring the Ordinance to Be an Urgency Ordinance Necessary for the Immediate Preservation of the Public Health, Safety and Welfare to Take Effect Immediately. Motion passed unanimously.

City Council recessed at 7:53 p.m. and reconvened at 8:00 p.m.

Consideration of the Potential Acquisition of a Police Protective Vehicle (PPV) Police Chief Landy Black: Engaged in public outreach forums. Request Council provide direction regarding whether staff should pursue the potential acquisition.

Public comment:

- Matt Williams: In 2009, PD recommended that existing vehicle supporting joint Davis-West Sacramento SWAT team be replaced. Replacement vehicle already owned by West Sacramento was received via military program; available for Davis use.

R. Swanson moved, B. Lee seconded, to direct staff to return to Council with a report providing options for consideration of vehicles within the category of protection vehicles, to include pictures, pricing, deployment capabilities, and training requirements in order to make a full assessment of cost of a potential acquisition.

R. Davis proposed friendly amendment: Formally approach UC Davis to ascertain interest and willingness in jointly acquiring and managing. Accepted by mover and second.

L. Frerichs: Request information on annual maintenance and upkeep costs.

Motion passed unanimously.

Community
Choice Energy
Advisory
Committee Pro-
gress Report

Sustainability Program Manager Mitch Sears: Overview of Community Choice Energy Advisory Committee (CCEAC) recommendations and key milestones.

Alan Pryor, CCEAC member: Potentially good fit for Davis, benefits outweigh risks; lack information on potential cost risks and the community, specifically businesses, have not been sufficiently engaged.

Public Comments:

- Elaine Roberts-Musser: Average consumer is more concerned with cost of utility bill than where it comes from. If city can't guarantee cheaper rates, more customers will opt out and make Davis less viable.
- Alan Miller: Generally support concept. Many things considered or named green or renewable are not. If move forward, what is the array of projects? Truly good for environment?

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

1. Direct the Community Choice Energy Advisory Committee (CCEAC) to assist staff in the development of a Request for Proposals (RFP) to analyze the potential for a Davis-only/Davis+ local jurisdiction Community Choice Energy program (CCE). The RFP should provide estimated start-up costs and the recovery period for these costs, the reserve trajectory, as well as recommendations about how to limit the growth in non-energy-generation costs, and be actual products that are able to be purchased in the market.
2. Direct the CCEAC to assist staff with engaging Marin Clean Energy (MCE) in conversations to ascertain, at a minimum, more clearly the level of control Davis will be giving up by joining MCE regarding:
 - a. Options for local energy resource creation, specifically related to PVUSA
 - b. Options for locally tailored energy conservation programs, including Public Purpose Funds
 - c. Their current plans concerning rate setting (i.e. keeping prices low/remaining competitive or achieving other ends)
 - d. Planned trajectory of their governance structure
3. Direct the CCEAC to conduct robust outreach to the business community in Davis

L. Frerichs proposed friendly amendment: Direct staff to engage in conversations with Yolo County now, and to engage in outreach to community-at-large, not just businesses. Accepted by mover.

B. Lee moved substitute motion, seconded by R. Swanson, to strongly support Davis joining a CCE; the primary focus at this point, given the information we have, is to join the MCE.

R. Swanson proposed friendly amendment to the main motion: Direct staff to develop an equally weighted RFP for analysis of Davis-only or Davis+ other entities within the region. Further, direct staff to request actual costs be provided in responses to the RFP, including costs for outsourcing. Accepted by mover and second.

Substitute motion withdrawn.

Main motion passed unanimously.

City Council recessed at 9:55 p.m. and reconvened at 10:03 p.m.

Innovation Center and Nishi Gateway Status Report

Assistant City Manager Mike Webb: Overview of project to date, next steps

City Council Subcommittee (Davis/Swanson) public outreach and listening tour; interface with Yolo County, Development Agreement Protocols. Purpose of listening tour was to allow people to raise questions and share concerns, impacts such as vehicles, heights of buildings, use of land, etc.

Dan Ramos, Mace Ranch Innovation Center applicant: Fully committed to moving forward with project.

Public comments:

- Elaine Roberts-Musser: Mace Ranch forum devolved into mean spirited debate. Citizens should be allowed to speak without being ostracized or interrupted. Well planned innovation park campaign can be won with determination and strong leadership. Certain individuals want to de-emphasize city budget woes, can't allow disingenuous opponents to control message.
- Alan Miller: Need to have open forums. Meetings should be where people can voice their concerns without worrying about parliamentary tactics.
- Matt Williams: Should defer to proponent whether able to constructively handle objections he receives from private citizens. Having citizens feel like they have been heard would probably reduce opposition. Disagree with idea that we need to channel dialogue in community.
- Thomas Slaybaugh: Support Nishi project, opportunities for small business owners and students. Need lasting legacy of positive growth.
- Chris Granger, Cool Davis: Cool Davis has been encouraging long lasting sustainability. Discussions have included neighborhood electric vehicles, innovative buildings and systems. Challenge project to be held to high standards.

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

1. Approve Resolution No. 15-080 - Adopting Negotiation Protocol for Development Agreements for Innovation Centers and Nishi Gateway
2. Approve Budget Adjustment #128 (\$311,681) – allocating private planning application fees of \$195,773 (for Mace Ranch Innovation Center), \$23,143

(for Davis Innovation Center), and \$92,765 (for Nishi Gateway) to cover 100% of contract amounts

3. Approve Resolution No. 15-081 - Authorizing the City Manager to Execute Contract Amendments with Ascent Environmental, Raney Planning and Management, and Ponticello Enterprises Consulting Engineers for Nishi Gateway and Innovation Center Application Processing

Motion passed unanimously.

City Council
Communications

R. Swanson: Attended meeting for Davis Angels & Life Science Angels. Reception held at Russell Ranch. People from all over the United States have expressed interest in this region and how they can be a part of it.

R. Davis: LAFCO examining creation of super JPAs, trying to get a handle on management and understanding of JPAs in County. Delegation traveling to Orange County to look at their model. Yolo Leaders will be focusing on JPA creation in September. LAFCO taking lead in facilitating conversation.

City Council
Long Range
Calendar

D. Brazil: June 6-Landmark tree. July 7-Renters Resources & Mini Dorm Ordinance.

R. Davis: Interested in discussion of fund balances on June 16

R. Swanson: Consider possible mechanism to inform community about Planning Commission/City Council Subcommittee efforts to streamline the Core Area Specific Plan and related policies. Prioritize efforts if possible.

L. Frerichs: Habitat Conservation Plan JPA Funding—request agenda item as regular item, not consent.

L. Frerichs: Request recognition of Citrus Circuits Robotics Team winning national competition.

B. Lee: Police Department protocol for responding to alarms. Will talk to City Manager about concerns, staff may be able to draft something as consent item.

City Council
Goals

R. Davis: CASP activities—Revise actions in goals?

M. Webb: Have some suggestions in terms of restructuring goals, objective 3 under downtown Davis to provide consistency with Planning Commission work plan. Staff will bring back suggested revision, wording and structure.

Adjournment

Meeting was adjourned at 10:55 p.m. in memory of Doug Arnold.

Zoe S. Mirabile
City Clerk