

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of September 15, 2015

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 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

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: Conference with Real Property Negotiators:
1. Properties: 2675 Moore Boulevard (APN 071-262-023) and 2627 E. Covell Boulevard (APN 071-140-006)
Agency Negotiators: City Attorney Harriet Steiner, City Manager Dirk Brazil, Assistant City Manager Mike Webb, Community Development Administrator Katherine Hess, Property Management Coordinator Tracie Reynolds
Negotiating Parties: Taormino & Associates
Under Negotiation: Price and terms of payment
2. Property: 24662 County Road 102
Agency Negotiators: City Attorney Harriet Steiner, Property Management Coordinator Mitch Sears
Negotiating Parties: Clean Path Ventures, Clean Energy Assets
Under Negotiation: Price and terms of payment

City Council returned to open session at 6:33 p.m. with no reportable action.

City Manager Announcements D. Brazil: October 11—Davis Neighbors Night Out, already 100+ parties have been scheduled. October is Car Free Month, see city website at www.gettingarounddavis.org

Public Comments

- Rick Gonzales, Mexican-American Concillio of Yolo County: October 17 at Woodland Community Center—award ceremony and raffle providing 2 students from 7 high schools with scholarships.
- Dorte Jensen: Consent calendar item—oppose Ordinance regarding prohibition of smoking in public places. Should list where smoking is allowed in-

stead of listing places where smoking is prohibited.

- Alan Miller: Proposed rail relocation—cost is \$300 million, \$50 million will be spent on consultant; bigger than original estimate for entire track relocation.
- Rain Watson: Many trees are dying or losing limbs due to lack of water.
- Alan Hirsch: September 29-financial planning and land use speaker, Joseph Minicozzi. Choices to achieve sustainable future.

Consent Calendar

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

Community Choice Energy Program Vision Statement and Selection of The Energy Authority to Prepare a Technical Study of a Community Choice Energy Program

1. Approved Resolution No. 15-125 - Adopting the City of Davis Community Choice Energy Vision Statement
2. Approved Resolution No. 15-126 - Authorizing the City Manager or His Designee to Contract with The Energy Authority for the Purposes of Producing a Technical Load Analysis/Study and Comparison of Long-Term Community Choice Energy Management Options
3. Confirmed direction on the initial community education and outreach plans

Professional Services Agreement with for Development of SCADA Master Plan
Approved Resolution No. 15-127 - Authorizing the City Manager to Execute a Professional Services Agreement with ARCADIS U.S., Inc. for Development of a Supervisory Control and Data Acquisition (SCADA) Master Plan

Amended the On-Call Utilities Engineering Services Agreement to Extend the Expiration Date and Increase the Not-to-Exceed Cap
Approved Resolution No. 15-128 - Authorizing the City Manager to Execute an Amendment to a Consultant Agreement with Brown & Caldwell for On-Call Water Engineering Services, and to raise the City Manager's Task Order approval authority to \$100,000

1,000 Mentors Challenge

Approved Resolution No. 15-129 - Supporting the Creation of the 2016 Davis 1,000 Mentors for Youth Challenge

Second Reading: Ordinance Adding Article 8.21 to the Davis Municipal Code Relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Systems

Adopted Ordinance No. 2459 (Introduced 09/01/2015)

Second Reading: Ordinance Amending Section 34.02.010 of the Davis Municipal Code Regarding the Prohibition of Smoking in Public Places

Adopted Ordinance No. 2460 (Introduced 09/01/2015)

City/County 2x2 Appointment
Appointed Councilmember Frerichs to serve on the City/County 2x2 in lieu of Mayor Wolk

Water Conservation Update
Received update on water conservation efforts and water use reductions

Unitrans Advisory Committee Minutes from the Meeting of June 1, 2015
Informational

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

SACOG Presentation: Sacramento Regional Bike Share Program – Organizational Framework and Governance Memorandum of Understanding

L. Frerichs: Ongoing 2 year effort to form regional bike share system; upcoming milestones for formation.

Sam Sheldon, SACOG: Project Manager for Regional Bike Share Program. 3-phase study scheduled for completion by end of the year includes assessment, proposed organizational structure and succession plan.

Public Hearing: CAPER for Program Year 2014 Federal CDBG and HOME Program Funds

Housing & Human Services Superintendent Danielle Foster: Annual report of accomplishments and evaluation of the projects and programs.

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

L. Frerichs moved, seconded by R. Swanson, to approve Resolution No. 15-130 - Authorizing the City Manager to Submit Program Year 2014 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development (HUD) to Fulfill Required Reporting on City Community Development Block Grant and Home Investment Partnership Program Funds, with inclusion of comments received in writing and verbally during the review period for the report and the public hearings. Motion passed unanimously.

Public Hearing: Proposed Ordinance Amendment to Conform the City's Water Conservation and Drought Enforcement and

Assistant Public Works Director Stan Gryczko: City will continue to prioritize education and outreach. Penalties proposed in Ordinance reflect the maximums set by the State.

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

R. Davis moved, seconded by R. Swanson, as follows:

1. Adopt Ordinance No. 2461 – Urgency Ordinance to Amend Section

Penalty Provisions to Recently Enacted State Law (SB 88)

39.02.045(C) of the Davis Municipal Code to Modify Enforcement Provisions for Violation of Water Conservation Requirements Established By State Law, State Regulation and Local Ordinances, and to Modify Civil and Criminal Penalties for Violation(s) 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

2. Direct staff to bring back amendments to clarify ordinance and an implementation plan, to include: City Council believes that education and warning, gradual penalties are appropriate for enforcement; goal is compliance. Consider defining notice, in writing, specific to both tenants and owners, clarify “intentional” and “substantial”
 3. Direct staff to inform District Attorney of City Council preference for neighborhood court, if a criminal proceeding is pursued
- Motion passed unanimously.

Update on Economic and Fiscal Impact Analysis for Nishi Gateway Innovation District and Mace Ranch Innovation Center Projects

Assistant City Manager Mike Webb: Proposals are currently under review by city and Draft Environmental Impact Reports are being circulated.

Public Comments:

- Dan Carson: Should be standard for future developments to consider direct fiscal impacts to city. Misunderstanding about findings, particularly in regards to net increase; worst case scenario does not factor in development agreement, construction tax, sale of city land, use of city land for drainage, etc.
- Elaine Roberts-Musser: Draft EIR will suggest alternative best for environment, economic analysis suggest best for economy. City Council will determine what is best for overall city. Formation of assessment district is not addressed in impact analysis.

City Council recessed at 8:39 p.m. and reconvened at 8:52 p.m.

Hotel Conference Facility, 1111 Richards Boulevard – Second Reading of Ordinance Amending Gateway / Olive Drive Specific Plan

Community Development Administrator Katherine Hess: Summarized comments received and staff responses. Future Commission review will include Natural Resources and Bicycling, Transportation and Street Safety Commissions.

Chuck Cunningham, applicant team: Transient Occupancy Tax revenue projected is a conservative estimate; sales tax will also be generated. Sustainability—applicant has committed to implement during design, construction and operation of project. Photovoltaic—will design for most effective layout.

Jeff Dorso, applicant team: Exchanged emails and meet with representatives from Unite Here in person, productive starting point. Intend to keep discussions going.

Public Comments:

- Michael Harrington: Oppose negative declaration, project should have had a complete Environmental Impact Report analysis. Should have been fully vet-

- ted by commissions. Traffic study incomplete. Tunnel needs to be retained.
- Chris Soderquist: Sustainable hospitality property, best in Sacramento region. Not a single solar panel on hotel in community today. Applicant has committed to placing 275 panels.
 - Ty Hudson, Unite Here: Haven't had any meaningful discussion beyond an introductory meeting. Nothing has changed in regards to income inequality and worker issues.
 - Alan Pryor: Council instructed staff to return with sustainability, labor and traffic mitigation measures. Nothing new presented, just reasoning behind current analysis. Project has been rushed through entitlement process without citizen engagement, including commission review.
 - Alan Humason, Yolo County Visitors Bureau: Hotel conference center has been discussed for years, applicant has been responsive to requests for input. Creative project; local business owner; job creation. Support project.
 - David Greenwald: Richards Blvd traffic issues are fixable; less traffic impacts when University is not in session. West side of campus has I-80, Hutchinson Blvd and Russell Blvd exits; should educate drivers.
 - Rodney Robinson: Support increase in solar panels. Should move in direction of net zero energy. Issue of water conservation and retention hasn't been full addressed. Project should be postponed to address traffic issues.

R. Davis: Request update on market demand and financial analysis of hotel and conference center; what market can bear, potential scenarios.

M. Webb: Assessment of independent studies, city dynamics as well as regional activity regarding hotels.

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

1. Adopt Ordinance No. 2462 – Amending the Zoning and Design Guidelines of the Gateway/Olive Drive Specific Plan Regarding Hotel Uses in the West Olive Drive Commercial Service Area (Introduced 08/25/2015);
2. Direct staff to file a CEQA Notice of Determination with the Office of the Yolo County Recorder

R. Swanson proposed friendly amendment: Direct staff to return to Council with a report within the next few meetings with details of funding options and accelerating Richards Boulevard Corridor Improvements. Accepted by mover.

Motion passed unanimously.

City Council recessed at 9:59 p.m. and reconvened at 10:06 p.m.

Short Term
Residential
Rentals

Assistant City Manager Kelly Stachowicz: Intent is to introduce the conversation of short term rentals of 30 days or less in residential units. Issues to consider— Transient Occupancy Tax (TOT) is currently 10% for hotels; existing code doesn't collect on anything other than hotels. Airbnb is amenable to an agreement for TOT collection; conversations have not occurred with other host plat-

forms. Another question is business licenses, city doesn't specifically require business license for this type of transactions. No limit on number of nights a facility can be rented.

Public Comments:

- Cathy Slouse: Joined Airbnb last April, but have been hosting people since 1990's. Don't mind tax, but oppose 90 day restriction.
- Lorrane Visher: Airbnb contributes to retirement income. 90 days is arbitrary and unfair. People are vetted by Airbnb, have phone and email conversations; high motivation to be safe and keep neighbors happy. Don't have problem paying business tax if necessary. Regulations will cause many hosts to withdraw from program.
- Marika: Joined Airbnb 2.5 years ago. Use Airbnb when traveling for work, and also host to supplement income. People prefer to stay in home environment.
- Bill Slouse: Apartments for scholars visiting University are booked very far in advance. Alternative to staying in a hotel. Oppose restrictions related to number of days.

R. Swanson moved, seconded by R. Davis, to direct staff to publicize and host a community forum, discussion about program in Davis. Return to Council with proposed options, addressing that particular community.

B. Lee: Request information regarding regulations for rooming houses, bed and breakfasts.

Motion passed unanimously.

City Council
Brief Commu-
nications

R. Davis: Water Resources Association moving forward with establishing Groundwater Agency, putting together scope of work. Community Choice Energy—will be attending Marin Clean Energy and meeting with Board members to discuss options, to include county representation.

Long Range
Calendar

D. Brazil: Fire Station Options date to be determined. October 27—Land Dedication Site.

H. Steiner: May need short public session on subcontractor substitution matter related to local water project.

Adjournment

Meeting was adjourned at 10:52 p.m.

Zoe S. Mirabile
City Clerk