

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 12, 2016

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

Approval of Agenda R. Davis moved, seconded by D. Wolk, 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:

- A. Conference with Legal Counsel —Existing Litigation: Supporters of Responsible Planning in Davis v. City of Davis et al, Yolo Superior Court Case No. PT15-1442
- B. Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (2 cases)
- C. Conference with Real Property Negotiators:
 - Property: APN 69-047-026
 - Agency Negotiators: City Attorney Harriet Steiner, City Manager Dirk Brazil, Assistant City Manager Kelly Stachowicz, Housing & Human Services Superintendent Danielle Foster
 - Under Negotiation: Price and terms of payment

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

Ceremonial Presentation State Fire Marshal Tonya Hoover presented a California Certified Fire Chief Certification to Nathan Trauernicht

Proclamation Celebrating the 25th Anniversary of Dos Coyotes and Honoring Bobby Coyote for His Contributions to the Davis Community for 25 Years was presented by Mayor Wolk

City Manager Announcements D. Brazil: January 18-Annual Martin Luther King, Jr. Day Celebration at Varsity Theater; January 20-Water Conservation Workshop at Veterans Memorial Center

Public Com-

- Dorte Jensen: Finance and Budget Commission previously proposed recom-

ments

recommendations to Council related to transparency, should be followed before city proceeds with more taxes.

- Elaine Roberts-Musser: Council Goals item—City should still outwardly support innovation park process and consider Finance and Budget Commission recommendations relative to transparency. Support asset inventory, need to understand cost.
- Fabrizio Sasso, Sacramento Central Labor Council: Suggest Council initiate task force process to determine what minimum wage should be for city.
- Sean Raycraft, Davis Citizens for Living Wage: Need to address poverty and income inequality, willing to discuss moving forward together to develop policy.
- David Greenwald, Davis Vanguard: Upcoming events: January 13 - discussion regarding Mace Ranch Innovation Center; January 30-Nishi event followed by walking tour of site; January 24-Woodland panel discussion on criminalization of youth of color; February 9-UC Law School discussion on racial profiling of Muslims.
- Alan Miller: Thank staff for maintenance around areas where homeless used to camp.
- Jon Li: Suggest Davis consider charter city process.
- Neil Rudd: Support sugary beverage tax. Propose cent tax on distributors, with oversight from Recreation and Park and Social Services Commissions.
- Alan Pryor: Consent calendar item-Election Code-suggest intent and purpose language be retained as is. Oppose staff proposal to conduct audit after election and return to Council with analysis of campaign contribution limits.
- Michael Harrington: Support sugary beverage tax in June, should save parcel tax to November. Nishi development project not ready for vote yet.
- Susanna Gunther: Nishi proposal should be tabled if air quality impacts could cause potential health risks.
- Nicholas Gunther: Community has strong emotions regarding development proposals. Request more organized framework including comprehensive and easily accessible record. Development projects are particularly important and should be looked at as an integrated whole.
- Dave Taormino: Disappointed in process regarding Paso Fino project. City has not conducted impartial appraisal update and wants landmark trees donated without compensation. Hope city will reconsider approach.

Consent Calendar

Walnut Park Restroom, CIP No. 8238

Approved Resolution No. 16-001 – Resolution Awarding Contract of \$165,898 to RSC General Engineering for Walnut Park Restroom

Amendment to Professional Services Agreement for On-Call Engineering Services for Design of Well 11 Conversion to Irrigation Well, CIP 8273

1. Approved Resolution No. 16-002 - Authorizing the City Council to Execute Task Order No. 4 to the Agreement with Hydrosience Engineers, Inc. to Design the Conversion of Well #11 to Non-Potable Irrigation Supply for Community Park Irrigation

2. Approved Budget Adjustment #64 (\$125,510) – allocating funds to CIP

Correcting Davis Business Improvement District 2016 Assessments for Category III – Services Businesses

Approved Resolution No. 16-003 – Correcting the 2016-2017 DBID Annual Assessments for Group III (Services) in Resolution 15-153

City Council Minutes from the Meetings of August 25 and September 15, 2015
Approved

1,000 Mentors for Youth Op-Ed Piece

Approved op-ed piece for signature by each Councilmember

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

Removed from
Consent Calendar:

2014-2016 City
Council Goals
Update – December 8
Retreat Follow Up

Item removed by R. Swanson and R. Davis.

Assistant City Manager Kelly Stachowicz: Summarized updates.

R. Swanson moved, seconded by R. Davis, to approve updates to 2014-2016 Goals, Objectives and Tasks. Motion passed unanimously.

Election Code
Update

Item removed by L. Frerichs.

L. Frerichs: Request staff consider concern expressed during public comment. Bring back item.

R. Davis: Council not interested in pursuing campaign contribution limits. Barring any expressed interest from Council, staff will not pursue analyzing the cost of elections.

Public Hearing:
Medical Marijuana – Ordinance Regulating Marijuana Cultivation

City Attorney Harriet Steiner: Recommend introducing ordinance to retain local control to regulate cultivation.

Mayor Wolk opened the public hearing.

- Alan Pryor: Scope of staff proposal at Planning Commission hearing was broader. Make sure that current proposal only addresses cultivation, and not dispensaries or deliveries.
- Ian Roland: Policy may present hardship for patients with medical use; targeting already vulnerable population.

- Vince McGloughlin, Lauren Silverstein, Hannah Chail, Kafir Appor: Take no action at this time. Need economic analysis and analysis of potential adverse impacts and hazards such as high water usage and offensive odors. Allow community to weigh in.
- Katherine Gilbert: No study has indicated increase in crime from regulations.
- Joe Wisgirda, Green Heart Club: Outdoor and indoor cultivation can be regulated to meet everyone's needs. Suggest regulation based on square footage instead of number of plants. Could require all growers to have renters insurance, balance needs of landlord.
- Ron Clement: Should require no additional licensure for patients and prohibit outdoor cultivation. Should prohibit in any home where minors reside.
- Chris, Dorrie Pachatti, and Matt Palm: Support personal cultivation. Consider as medical and health issue.
- David Greenwald: Surprised that medical marijuana dispensaries are banned, Country is moving away from prohibition.

Mayor Wolk closed the public hearing.

Assistant City Manager Mike Webb: Not addressing delivery at this time.

H. Steiner: Davis currently bans dispensaries. Preemption issue on mobile deliveries will not go into effect until state takes further action.

R. Davis moved to allow indoor cultivation of marijuana in residential districts and residential uses within all planned development districts of a similar nature, and residential uses within mixed use districts, subject to enumerated standards. Those standards include requirements that the cultivation occur in a residential dwelling or accessory structure where a qualified patient or primary caregiver resides full-time, and that all zoning, locational, and building, electrical, plumbing, and fire code requirements be complied with.

B. Lee moved substitute motion, seconded by R. Davis, to:

1. Allow indoor cultivation of marijuana in residential districts and residential uses within all planned development districts of a similar nature, and residential uses within mixed use districts, subject to enumerated standards. Those standards include requirements that the cultivation occur in a residential dwelling or accessory structure where a qualified patient or primary caregiver resides full-time, and that all zoning, locational, and building, electrical, plumbing, and fire code requirements be complied with; and
2. Limit the cultivation to a cumulative square-foot area, regardless of the number of patients or caregivers at the premises, of 50 sq. ft. per patient and 250 sq. ft. for primary caregiver.

Motion passed unanimously.

R. Davis moved, seconded by B. Lee, to prohibit all outdoor cultivation. Motion passed unanimously.

R. Davis moved, seconded by B. Lee, to prohibit commercial cultivation. Motion passed unanimously.

B. Lee moved, seconded by R. Swanson, to not require registration. Motion passed unanimously.

R. Swanson moved, seconded by L. Frerichs, to direct staff to return no later than December 2016 with an update regarding status of state law as well as options to move forward with task force or similar body.

B. Lee proposed friendly amendment not to proscribe Council from addressing issue earlier. Accepted by mover and second. Motion passed unanimously.

R. Davis moved, seconded by R. Swanson, to introduce ordinance consistent with prior motions by Council. Motion passed unanimously.

City Council recessed at 8:25 p.m. and reconvened at 8:32 p.m.

Nishi Gateway Workshop – Planning Application #14-57: General Plan Amendment #08-14, Rezoning/PPD #06-14, Annexation #2-14

Community Development Administrator Katherine Hess: Overview of project.
Erik de Kok and Gary Jacobs, Ascent Environmental: Summarized Sustainability implementation plan, air quality impacts and proposed mitigation.
M. Webb: Outlined baseline project features and next steps.

Mike McKeever, SACOG: Regional principles, need to increase infill growth in order to meet air quality requirements and greenhouse gas reduction targets. Support 2 transportation access points to site, disburse impacts.

Public comments

- Sira Delgado; Trish Price, Davis Bicycles!; Hibba; Cecilia Panderro; Mario; Matt Palm; Spencer; Alan Miller; and Michael Bisch, Davis Downtown, spoke in support of the project. Comments included: Davis has one of lowest vacancy rates, between .1-.3%. Students need affordable housing within biking distance to campus and downtown amenities. Smart, green growth opportunity. Commitment to reduced parking. Meets Council goals. Fiscal benefit to City. Project to offer 1,500-1,800 permanent jobs. Support retaining tree grove and additional open space on south side. Project will eliminate unsafe railroad crossing.
- Alan Hirsch; Alan Pryor; Steve Wheeler; Nicholas Gunther; Greg Rhode; Matt Williams; Nancy Price; Eileen Samitz; and Rodney Robinson spoke in opposition to the project. Comments included: Project has potential, but not ready for June ballot. Concerns regarding financial projections, analysis shows project is fiscal negative for City. Finance & Budget Commission recommendations have not been addressed. Sustainability not enough, developer should commit to LEED. Traffic and air quality mitigation measures unrealistic. Student housing cannot be guaranteed. University needs to add residence

- halls to LRDP. Urge Council not to rush decision.
- Elaine Roberts-Musser: Virtually all development is planned incrementally. Planning Commission believed there was sufficient detail to move forward. Enough market to justify hotel on site.
- Brandon: University should provide more housing. 5,000 more students by 2020.

Council paused discussion on item.

Affordable
Housing Work-
shop

Staff presentation and workshop postponed to a later date; however, Council received public comment on the item.

Public comments:

- Martha Teeter, Interfaith Homeless Advocacy Group: Housing first program—suggest city keep looking at serving underserved population. Should be priority.
- Matt Palm: Housing first looks expensive up front, important to look at long term benefit. Support program.

Continued Nishi
Gateway Work-
shop – Planning
Application
#14-57: General
Plan Amend-
ment #08-14,
Rezoning/PPD
#06-14, Annex-
ation #2-14

Council comments included:

R. Davis: Request information—What role does School District have in establishing Community Facilities District amounts? Current estimates if move to Community Choice Energy?

L. Frerichs: Consider reducing fees to meet affordable requirements. Consider including LEED ND as baseline project feature.

R. Swanson: Request information on ballot language. Staff response to commission questions/recommendations. Timelines for project details.

City Council
Brief Commu-
nications

None

Long Range
Calendar

D. Brazil: January 19-Medical marijuana ordinance back for 2nd reading. Canary bike/pedestrian connection postponed to March 15.

R. Davis: Status of affordable housing item?

D. Brazil: Will have to discuss at staff level, possibly separate and return to Council with individual items.

B. Lee: Wage task force; discuss proposed composition and what it would be tasked with.

D. Wolk: Should be consent calendar item

Adjournment

Meeting was adjourned at 11:45 p.m. in memory of Jerry Schimke.

Zoe S. Mirabile
City Clerk