MINUTES OF THE DAVIS CITY COUNCIL
Meeting of February 23, 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
Youth Mayors for the Day:	Vidya and Siddarth Merchant
Other Officers Present:	City Manager Dirk Brazil, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda

D. Brazil: Commission appointments will not include appointment to the Planning Commission.

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

A. Conference with Legal Counsel — Existing Litigation: Harrington v. City of Davis et al, Yolo Superior Court Case No. PT14-461
B. Conference with Legal Counsel — Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 case)
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 6:34 p.m. with the following reportable action: City Council voted unanimously to defend appeal file C080263.

Ceremonial Presentation

Proclamation About Being a Kid In Davis presented by Youth Mayors for the Day.

City Manager Announcements

None

Public Comments

- Evelyn Mendez-Choy, Senior Citizens Commission (SCC); Margot Loschke, SCC; and Elaine Roberts-Musser spoke in support of the SCC's request to review and provide recommendations on City affordable housing projects. Comments included: Seniors fastest growing population, many unable to cover basic needs. Staff did not agendize the last 2 projects for SCC review, illustrates why there is a commission devoted to interests of senior citizens.
- Tom Garberson and Georgina Valencia: Applicants for Senior Citizens Commission
- Maurice Pitesky and Lon Payne: Applicants for Recreation & Park Commission.
- Elizabeth Rey, Ellen Pontac and Steve Hayes spoke in opposition of potential housing in Mace Ranch Innovation Center.
- Brian Henley: Organics program will not increase public safety; will increase carbon footprint.
- Will Uecker: Request name be removed from consideration for appointment to Human Relations and Recreation & Park Commission tonight; instead would like to be postponed for potential appointment to Planning or Social Services Commission.
- Alan Miller: Proposed Lincoln 40 development on Olive Drive, large section of east side of Olive Drive, potential 3-5 story development. Opposed to impervious fence without way to cross between Olive Drive and railroad station. Bridge or tunnel crossing from Olive Drive would be a good idea.
- Alan Pryor: Staff should be considering greenhouse gas emissions in development deliberations. Major projects should not be approved with minimum building standards and no emissions standards whatsoever.
- Dorte Jensen: Financial imbalance of city is serious; taxes may not make a dent. Personnel costs to city of $45 million per year; revenues are $50 million.
- David Greenwald: On February 15, a hate crime occurred at West Village site. Yesterday, 300 students protested and presented list of demands to UCD Chancellor. Another possible hate crime this morning at train station. Need to be mindful that African American students do not feel safe in community.
- Alan Hirsch: Would like to present PowerPoint slides during public comment. Council consensus.

Consent Calendar

Safety Enhancement Zone for Picnic Day 2016

Approved Resolution No. 16-018 - Designating a Safety Enhancement Zone for Picnic Day 2016 and Designating the Time During which Certain Municipal Code Violations Committed within the Designated Safety Enhancement Zone Will Result in Increased Fines

Sole Source Agreement to Perform Water Distribution Flushing Services

1. Approved Resolution No. 16-019 - Authorizing the City Manager to Execute an Agreement Between ValveTek Utility Services Inc. and City of Davis for Water Main Flushing Services, of approximately 65 miles of City water distribution pipelines using the Neutral Output Discharge Elimination System

(NO-DES)
2. Approved Budget Adjustment #79 ($165,000) – allocating water funds

Stormwater Management and Discharge Control Ordinance
Introduced Ordinance - Amending Chapter 30 of the City of Davis Municipal Code Relating to Stormwater Management and Discharge Control

Second Readings of Ordinances for the Nishi Gateway development project (Introduced 02/16/2016):
1. Adopted Ordinance No. 2470 - Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code By Prezoning the Nishi Property (APN #036-170-018) Located Southeast of the Union Pacific Railroad (UPRR) Tracks and University of California Davis Campus, Southwest of Putah Creek, and North/Northwest of Interstate 80 (I-80), of Approximately 46.9± Acres, to Planned Development (PD) #6-14 Upon Annexation to the City of Davis as Outlined in Section 40.01.110 of Chapter 40
2. Adopted Ordinance No. 2471 - Amending the Zoning of the Gateway/Olive Drive Specific Plan Regarding Commercial Service Uses in the West Olive Drive Commercial Service Area (Nishi Gateway Project)
3. Adopted Ordinance No. 2472 - Approving an Agreement By and Between the City of Davis and Nishi Gateway, LLC, Relating to the Development of the Property Commonly Known as the Nishi Property

North Davis Meadows (NDM) Water Service
1. Directed staff to provide water service "will serve" letter to Yolo County for NDM County Service Area stipulating conditions for connecting to the City's potable water system
2. Directed staff to discuss terms and conditions of service to NDM residents for final approval by Council

Commission Minutes:
1. Finance and Budget Commission Meeting of January 11, 2016
2. Bicycling, Transportation and Street Safety Commission Meeting of January 14, 2016

Informational

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

Continued Public Hearing: Fines for the Parking Violations and Citations

Mayor Wolk opened and continued the following public hearing to March 15, 2016: Consider Changes to Certain Fines for the Provision of General Parking Violations, Disabled Parking Violations and Blocking Driveway Citations.

Appointments to Commissions

Public comment:

- Emma O'Rourke-Powell: Applicant for Human Relations Commission.

City Council voted to appoint applicants to commissions via a grid system:

Human Relations Commission 1 Alternate (9/30/16)								
Commission Applicants		**RD**	**LF**	**BL**	**RS**	**DW**	**TOTAL**	**APPOINT**
O'Rourke-Powell	Emma	X	X	X	X	X	5	Alternate
Poduri	Chaps							
Yeh	Elizabeth							

Recreation and Parks Commission 2 Regular (9/30/16), 1 Alternate (9/30/16)								
Commission Applicants		**RD**	**LF**	**BL**	**RS**	**DW**	**TOTAL**	**APPOINT**
Jones	Abram							
Koop	Stephanie	X	X	X	X	X	5	Runoff
McGregor	Kirk							
Payne	Lon	X	X	X	X	X	5	Runoff
Pitesky	Maurice	X	X	X	X	X	5	
Poduri	Chaps							

R. Davis moved, seconded by R. Swanson to appoint L. Payne and M. Pitesky as regular members, and Stephanie Koop as the alternate member. Motion passed unanimously.

Senior Citizen Commission 1 Alternate (9/30/18)								
Commission Applicants		**RD**	**LF**	**BL**	**RS**	**DW**	**TOTAL**	**APPOINT**
Carni	April							
Garberson	Tom	X	X	X	X	X	5	Alternate
Koop	Stephanie							
Valencia	Georgina							

City Council recessed at 7:16 p.m. and reconvened at 7:24 p.m.

Mace Ranch Innovation Center (MRIC) Update and Direction to Staff (continued from December 15, 2016)

Assistant City Manager M. Webb: Is Council interested in working with applicant to integrate housing onsite? Request direction regarding treatment of mixed use alternative throughout the remainder of the development review process. Absent Council direction, staff will continue to process project as proposed (no housing).

Dan Ramos, MRIC Project Manager: MRIC originally proposed without housing. CEQA process indicated that mixed use alternative has environmental benefits as well as economic impacts related to workforce housing. Innovation Centers in university towns are integrating housing, appeals to tech companies. Efficient use of land. Polls have indicated that voters will accept workforce housing. Commissions supports mixed use. SACOG supports smart growth principles of mixed use. Project should be on November 2016 ballot.

Public Comments

- Jason Taormino, Davis Chamber of Commerce; Gary Albertson; Meg Arnold; Darryl Rutherford; Ken Murray; Jim Gray; and Bob spoke in support of project as mixed use development. Comments included: Housing will attract economic growth to region based on university and existing high-tech companies. Need housing for lower income adults entering workforce. Should develop coalition to create community benefits agreement for all interested parties.
- Rhonda Reed, Jack Chapman, Ronald Ortell, and Eileen Samitz spoke in opposition to the addition of housing to project: MRIC was promised to be commercial only research park. Consider further densifying commercial use, yield most revenue. Housing creates more cost to city over time than it generates in taxes. Will create traffic issues. Wrong location for high density housing, should be closer to university.
- Alan Hirsch: No guiding principles for housing, no staff analysis lack data. Economic impact on city budget, school impacts, bike/ped connectivity, demographics of housing needs.
- Alan Pryor: Should not approve unsustainable development. Even with Community Choice Energy, will take 10 years to get to 80% of energy from renewable sources. Personal transportation not addressed. MRIC will generate 30,000-46,000 metric tons of greenhouse gas emissions per year.
- Patrick Huber: Alternative with housing preferable. Dense development hopefully means smaller footprint in other areas of town. Neither alternative adequately addresses open space issues or advances open space goals of city. Doesn't live up to innovation park guidelines.
- Dan Carson: Concerned that project may not pass as ballot measure because of housing component. First phase should include no housing. Applicant could come back for future vote, after further City analysis of housing needs.
- Elaine Roberts-Musser: Support well planned innovation parks. Housing could attract more business. How to guarantee workforce housing? Will add-

ing housing endanger project? Some commissions say not enough data to make recommendation.

- Dwayne Johnson: Need to address incompatibility of housing and laboratory use. Modern labs use smaller chemical amounts, few chemical exhaust hoods. With safeguards in place, can make labs adaptable and housing compatible.

R. Davis moved, seconded by R. Swanson, to direct staff to continue with preparation of a project action package for the project as proposed only.

B. Lee proposed a friendly amendment: Direct staff not to consider a mixed use alternative. Not accepted by mover.

Motion passed unanimously.

City Council recessed at 8:55 p.m. and reconvened at 9:07 p.m.

Affordable Housing Workshop

Housing and Human Services Superintendent Housing & Human Services Superintendent Danielle Foster: Summarized affordable housing program and potential projects. Requested any Council direction on the GAMAT homes, affordable rental housing rehabilitation projects, potential affordable housing project opportunities, and the pending discussion on the Chiles Affordable Housing Plan.

Public comments:

- Martha Teeter, Interfaith and Community Homeless Advocacy Group: Need innovative solution, clustered housing models based on natural configuration of homeless communities. Network of tiny houses across US. Can serve not only homeless but provide opportunities to downsize.
- Elaine Roberts-Musser: Waitlists— should compare to County. Important issue for seniors; suggest bring to Senior Commission for discussion.
- Roger Kingston: Need housing first facilities and services—transitional housing, mental health, detoxification and employment services. City and University should work to provide more housing on campus and be part of solution. Include tiny housing in Council discussion.
- Lisa Baker, Yolo County Housing: Waitlists– different lists, different site preferences. Not one size fits all approach. Happy to be partners with Davis's New Pathways program.
- Jason Taormino: Should change vision of program, need to concentrate on lowest income, mentally ill, children.
- Darryl Rutherford, Sacramento Housing Alliance: Need to revise housing ordinance, specifically address stacked flats.

R. Davis moved, seconded by R. Swanson, to accept Senior Commission recommendation to direct staff to bring proposed affordable housing projects and other issues potentially relevant to senior citizens to the Senior Citizens Commission for review and recommendation. Motion passed unanimously.

Councilmember Comments:

- R. Davis: Move forward on stacked flats and mixed use. Would like more work done on preference system; request staff come back with elements to consider in a selection. Provide options, legal trade-offs, help weigh options. Explore developing dedicated revenue source. Set criteria: include seniors, City contractors/workers, DJUSD contractors/workers, students with families. Explore with Yolo County Housing (YCH), possible overall management approach, explore different models. Inventory of City-owned properties, possibilities close to transit and shopping. Next priority should be senior. Look at models, relationship, what YCH could bolster.
- B. Lee: Revamp selection process at least for rental market. Staff come back with alternatives, similar to Yolo County Housing approach. Look at YCH managing affordable housing program in Davis, investigate feasibility. Variety of people and activities, requires broad understanding, economies of scale. Interested in what other jurisdictions are doing regarding tiny homes.
- R. Swanson: Wait list program. Greater existing ties with Davis. Where are limitations? List all options to change lottery system. Hold steady on GAMAT homes. Support looking into YCH running program. What would that look like? What would that mean?
- L. Frerichs: Consider getting updated appraisal of GAMAT values. Support exploring tiny houses. City of Fresno recently adopted Ordinance, examine closely. Stacked flats and vertical mixed use change is needed. Support requiring some percentage of affordable, possibly based on stories or size of project, consider economies of scale.
- D. Wolk: Support exploring preference system for lottery. GAMAT hold steady. Interested in seeing information on tiny homes. Support looking at dedicated revenue source. Not interested in YCH taking over affordable housing program.

L. Frerichs moved, seconded by R. Davis, to pursue changing affordable housing ordinance to require minimum 10% for stacked flats fewer than 5 stories, or 5% for vertical mixed use.

L. Frerichs: Request staff return to Council with discussion/potential options regarding smaller scale projects vs larger. Provide some flexibility.

Motion passed unanimously.

BerryBridge Affordable Housing Project—Subsidy and Development Components for 4100

Housing and Human Services Superintendent Housing & Human Services Superintendent Danielle Foster: Overview of project and staff recommendation

Public comments:

- Alma Mina, Legal Services of Northern California: 8 units proposed are not enough, property zoned for 13 units. Proposal should identify specific site for development of 5 sites elsewhere. Moderate income development is not af-

Hackberry Place

fordable. Providing subsidy for ownership units is not in best interests of low income population. All sales, proceeds and interests should be returned to affordable housing program, not reimbursed to developer.

- Michael Corbett: Davis is in need of housing. Project will provide housing in much needed range of prices. Fully accessible houses. Fits neighborhood.
- Don Fouts: RFP didn't specify subsidy would be provided, reimbursement for predevelopment costs, city donating land, allowed to not provide solar, etc.; rules were changed. Where is $400,000 coming from? Justify costs. Should have conversation about selling site.
- Darryl Rutherford, Sacramento Housing Alliance: Developers are in business of taking risks. Predevelopment costs are part of that risk. Not support recommendation. Consider in future a regional housing trust fund.
- Jason Taormino: Full transparency is critical. Did not happen in this case. Need to compensate developer. Also need to go back to drawing board. If put out RFP, should be same rules for everyone. If money is supposed to help the most people, shouldn't build houses that are $240,000-$300,000 each.

City Attorney Harriet Steiner: Received letter from Legal Services this afternoon. Affordable Housing Agreement provided up to 13 units, number of units is within proposed scope. Moderate income housing has always been included in ordinance. Fits definition of affordable housing.

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

1. Approve Resolution No. 16-020 - Approving Development Components and a Project Subsidy to the Berrybridge Affordable Housing Project for the Development of Eight Affordable Ownership Units at 4100 Hackberry Place, to be incorporated into an agreement between Town Planners & Builders, Inc. and the City; and
2. Approve Budget Adjustment #83 ($97,568) – allocating housing funds to compensate Town Planners & Builders, Inc. for the predevelopment payment to the project in the current fiscal year.

Motion passed by the following vote:
AYES: Davis, Frerichs, Lee, Swanson
NOES: Wolk

City Council Brief Communications

None

Long Range Calendar

D. Brazil: March 15– Commission appointments; water connection fee study postponed. April 5– Wastewater study fee postponed; Cannery bike/ped connection potentially postponed.

B. Lee: Schedule another meeting, possible Tuesday-Wednesday combination?
. D. Brazil: Will look at calendars

Adjournment Meeting was adjourned at 10:38 p.m.

Zoe S. Mirabile
City Clerk