

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of March 15, 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

Youth in Government Shadows: Teddy Knox, Winston Tran, Mason Chupka, Juan Pablo Almanza Soto, Pavan Sah, Danny Medina, Sam Goidell

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:

- A. Conference with Legal Counsel — Existing Litigation:
  - 1. Davis Enterprise v. Fairfield Publishing, Yolo County Superior Court Case No. CV06-68
  - 2. Lewis v. Russell, Federal District Court Civ.S – 032646 WBSKJM
  - 3. 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: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 case)
- C. Conference with Real Property Negotiators:
  - 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

City Council returned to open session at 6:34 p.m. with no reportable action.

City Manager  
Announcements  
Public Com-  
ments

D. Brazil: Registration for summer programs now open online.

- Mark Hoshovsky: City hosted open space workshop last week, well attended, people engaged. City survey had 330 respondents, 75% view parcel tax favorably, 72% support open space program. Discussed open space mitigation on Mace Ranch Innovation Center. Informal proposal to use city land on Clayton, place easement on it, sell, then donate some to nonprofit—oppose idea. City should not use land as mitigation, not consistent with city ordinance, not meet adjacent mitigation requirement.
- Alan Miller: Consent calendar item—Yolo Rail Realignment Economics Benefit Study—\$50 million was original estimation, now upward of \$300 million. Enhancement costs have been left out of estimate. Potential 2,300 housing units on right of way, only 30-40 feet; project driven by developers. Need to have community discussion regarding use of potential space.
- Christina Blackman, Chamber of Commerce: Support Hyatt hotel project. Approximately 80% of rooms proposed to offer kitchen suites.
- David Greenwald: Consent calendar item—Police Department Body Worn Cameras—Human Relations Commission discussed body worn cameras. Agree should be implemented at this time as presented. If problems arise, policy should be revisited. No easy and clear path for video to be aired to public, exempt from release via Public Records Act. Police will provide to District Attorney in criminal or could be discovered in civil case. Officers that are involved in investigation are able to view video prior to writing report. Officers may engage in attempt to cover up.
- Rasha, Sang-Ju, Korea Sister City: Employee exchange program. Thank Sang-Ju Committee for help in settling in. Excited to be in Davis, engage in cultural exchange.
- Stacey Frerichs, Davis Art Center: Consent calendar item—Rainbow City Playground. Extend to city to host community meetings at Davis Art Center regarding renovation, adjacent to playground. Hope redesign is as unique now as when it was originally built.
- James Kriedler: Regular calendar item—Community Choice Energy Option Selection—Support alternative to PG&E going forward. Consent calendar item—Body worn cameras necessary, but officers should be held accountable. Need transparency. Suggest extending retention of video beyond 1 year.
- Alan Hirsch: Nishi working group. Endorse project. Proposed Sterling project, lack of mitigation. Not able to reach zero carbon emission standards if not enforce mitigation efforts. Projects need to be green.
- Jon Li: Suggest Davis become a charter city. Submitted report on charter city.
- Dan Berman: Two bathrooms at Redwood Park have been vandalized for several weeks. Regular calendar item—Support Community Choice Energy.

Consent Calen-  
dar

Sole Source Purchase for Guardian Crack Repair Product and Acrylic Resurfacing for the Walnut Park Tennis Courts  
Approved Resolution No. 16-021 - Approving Sole Source Purchase and Installa-

tion of Guardian Crack Repair and Acrylic Resurfacing for the Walnut Park Tennis Courts

PVUSA Lease Amendment

1. Approved Resolution No. 16-022 - Approving the First Amendment of the PVUSA Bill Credit Agreement
2. Found that the amendments are consistent with the existing Negative Declaration and therefore categorically exempt

Final Map for Mission Residences, Subdivision No. 5077

Approved Resolution No. 16-023 - Approving Final Map for Mission Residences, Subdivision No. 5077 and Authorizing the City Manager to Execute the Subdivision Agreement

Memorandum of Understanding Regarding Bail Bond Judgments

Approved Resolution No. 16-024 - Approving Memorandum of Understanding Regarding Bail Bond Judgments, and Authorizing the City Manager to Execute the Agreement

Co-Sponsored Theater Use Agreement

Approved Resolution No. 16-025 - Authorizing the City Manager to Enter Into a Theatre Co-Sponsorship Use Agreement Between the City of Davis and the ACME Theatre Company

Creekside Affordable Housing Sustainable Communities (AHSC) Funding Application - City as Co-applicant

Approved Resolution No. 16-026 - to Act as the Co-Applicant with Creekside Partners on the AHSC Funding Application for the Affordable Housing Project at 2990 Fifth Street and Surrounding Improvements to the Public Right of Way in an Effort to Reduce Vehicle Miles Travelled and Greenhouse Gas Emissions

Emergency and Hazard Placard Posting

Introduced Ordinance - Adding Article 8.22 to the Davis Municipal Code Regarding an Emergency and Hazard Placard System for Dangerous Buildings

Residential Development Status Report and Annual General Plan Housing Element Progress Report for Calendar Year 2015

1. Received the Residential Development Annual Status Report pursuant to Resolution No. 11-077 of 2011 (amending Resolution No. 08-158 of 2008)
2. Approved the Annual General Plan Housing Element Report pursuant to Section 65400(a)(2) of the State of California Government Code, which requires the Housing Element report to be forwarded to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD)

Commission Minutes (action item): Recreation and Park Commission Minutes

from the Meeting of January 21, 2016

1. Received the minutes for the January 21, 2016 Recreation and Park Commission meeting as informational.
2. Approved Commission recommendation to provide grant funding for the upcoming 2016 Teen Services Grant cycle to include \$6,000 to the ACME Theatre Company, \$4,000 to the Pence Gallery, and no funding be granted to the Davis Shakespeare Ensemble.
3. Approved Resolution No. 16-026A - Approving Award of the 2016 Teen Services Grants and Authorizing the City Manager to Enter into Contract with Award Recipients

Commission/Task Force Minutes (informational only):

1. Recreation and Park Commission Meeting of February 1, 2016
2. Senior Citizens Commission Meeting of January 14, 2016
3. Sports Park Complex Task Force Meeting of February 17, 2016

Informational

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

Removed from  
Consent Calendar:

Item removed by B. Lee.

Yolo Rail Realign-  
ment Eco-  
nomic Benefits  
Study

B. Lee: Assumptions in staff report. Reasonable to have further discussion about preliminary land use ideas, consider small revenue stream for funds for rails to trails transformation.

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

1. Accept the Yolo Rail Realignment Economic Benefits Study (Redevelopment Opportunities, Economic Benefits and Funding Options)
2. Continue participation in the Yolo Rail Realignment working group (Partnership) and further project consideration
3. Direct staff to return to Council regarding further opportunities for public discussion

Motion passed unanimously.

Police Depart-  
ment Body  
Worn Cameras

Item removed by B. Lee.

B. Lee: Suggest looking at program and policy in 1 year. See what works and if changes are needed.

By consensus, Council accepted item as informational.

Rainbow City  
Playground,  
CIP No. 8245

Item removed by B. Lee.

David Campbell, Siegfried, landscape and public outreach consultant: History of

project, including community input

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

1. Approve Resolution No. 16-027 - Selecting Leathers & Associates for Design and Furnishing of the Play Structures for Rainbow City Project, CIP 8245; Authorizing City Manager to Execute the Agreement With Leathers & Associates; and Authorizing the City Manager to Award the Future Construction Contract
  2. Approve Budget Adjustment #83 (\$518,837) – allocating Park Impact fees and ABAG Certificates of Participation funding
- Motion passed unanimously.

Appointments to Commissions and Task Force

Public comments:

- Stephen Mikesell: Planning Commission applicant
- Luis Rios: Social Services Commission applicant

City Council appointed applicants to fill commission vacancies based on a grid voting system:

1. Planning (1 alternate)
2. Social Services Commission (1 alternate)
3. Broadband Advisory Task Force (2 at-large)

Planning Commission								
1 Alternate (9/30/16)								
Commission Applicants		RD	LF	BL	RS	DW	TOTAL	APPOINT
Guenther	Larry							
Klineberg	Joy					X	1	
McGregor	Kirk							
Mikesell	Stephen	X	X	X	X		4	Alternate
Poduri	Chaps							

Social Services Commission								
1 Alternate (9/30/16)								
Commission Applicants		RD	LF	BL	RS	DW	TOTAL	APPOINT
Granda	Sara					X	1	
McGregor	Kirk							
Morris	April							

Poduri	Chaps							
Rios Jr.	Luis							
Uecker	Wilfred							
Valencia	Georgina	X	X	X	X		4	Alternate

<b>Broadband Advisory Task Force</b>								
<b>2 Public-at-large Members</b>								
<b>Commission Applicants</b>		<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>DW</b>	<b>TOTAL</b>	<b>APPOINT</b>
Adler	Scott	X	X	X	X	X	5	At-large Member
DiPietro	Mary							
Drew	Jesse		X		X		2	
McGregor	Kirk							
McMahon	Steve	X		X		X	3	At-large Member
Northup	Mary							

R. Swanson moved, seconded by R. Davis, to appoint members to the Planning Commission, Social Services Commission and Broadband Advisory Task Force based on grid votes above. Motion passed unanimously.

Continued Public Hearing: Parking Fine Schedule, Automated License Plate Reader Program and Parking Enforcement Technology/Collection Agreements

Police Chief Darren Pytel: Overview of Automated License Plate Reader (ALPR) program, enforcement technology and collection agreements

Mayor Wolk opened the continued public hearing.

Jennifer Anderson: Support program. Looking forward to implementing next phase of parking improvements.

Mayor Wolk closed the public hearing.

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

1. Approve Resolution No. 16-028 - Adopting a Parking Fine Schedule
2. Approve Resolution No. 16-029 - Approving T2, Inc. Software Subscription Agreement
3. Approve Resolution No. 16-030 – Approving the Citation Collection Services, LLC, Agreement and Authorizing the City Manager to Execute the Agreements
4. Approve Budget Adjustment #92 (\$329,740)

Motion passed unanimously.

City Council recessed at 7:35 p.m. and reconvened at 7:46 p.m.

Community  
Choice Energy  
Option Selec-  
tion

Sustainability Manager Mitch Sears: Background of project, currently concluding phase 1. Next steps: Phase 2 will include discussion on formation of a JPA. Approximately 1 year away from receiving energy via Community Choice Energy.

Public comments:

- Ezra Beeman: Support idea and opportunity to have control over energy, create new jobs. Positive for community.
- Elaine Roberts-Musser: Strongly support. Misunderstandings regarding formation of a CCE. Op eds in newspaper have expressed concerns that will obligate city treasury, program will not be subject to oversight, and Council will be tempted to increase rate for additional city revenue.
- Chris Granger, Cool Davis: CCE will help households reduce greenhouse gas emissions. Next step needs to focus on transportation footprint, need same focus and initiative.

B. Lee: Suggest structure JPA to include partners of other jurisdictions as non-voting members, West Sacramento and Woodland. Build in possibilities from the outset.

City Attorney Harriet Steiner: City and Yolo County as originating members of JPA can decide to negotiate, determine that certain entities may be eligible within distances, etc. Other entities outside of that area might require more process. Details will be finalized as part of JPA. City rates, including electric rates are subject to Prop 26; requires rates not covered by Prop 218 and 13 to be set at a reasonable cost that covers cost of service but are not profit making. Set rates in same way as other city services; look at cost for service and reserve funds needed, then set reasonable rate.

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

1. Approve Resolution No. 16-031 - Declaring the City's Intent to Form a Community Choice Energy Program in Partnership with Yolo County
2. Direct staff to communicate to MCE the City's decision to decline joining MCE at this time

Motion passed unanimously.

City Council recessed at 8:18 p.m. and reconvened at 8:24 p.m.

Hotel Market  
Analysis

R. Swanson recused herself due to a conflict of interest from a real property interest within 500 feet of proposal and left the room.

Community Development Administrator Katherine Hess: 2 proposals for extended stay hotels. Summarized market trends, spring and fall are high intensity

uses. Consultant report concluded that 1 extended stay hotel would be good for market, but not 2.

Public comment:

- Guneet Bajwa, Presidio Companies, developed Hyatt Place on campus: People have affiliation and feel comfortable with brands. Quality hotels want to be in Davis. Currently huge displacement, sending people to Sacramento. Losing Transient Occupancy Tax. Rare market moment, demand is current, timing is right.
- Tim Ruff: Hotel was originally considered for Nishi project, no longer included. Financial benefit to City is quite substantial from hotels. Support staff recommendation.

L. Frerichs moved, seconded by B. Lee, as follows:

1. Receive the HVS Hotel Market Analysis
2. Direct staff to return in April with recommended criteria for evaluation of hotel proposals to determine which application(s) should be processed through Planning Commission and City Council hearing

Motion passed by the following vote:

AYES: Davis, Frerichs, Lee, Wolk

NOES: None

ABSENT: Swanson (recuse)

R. Davis: Request information from UCD on how many conferences are turned away

L. Frerichs: Request information from community organizations, such as sports leagues

City Council  
Brief Commu-  
nications

R. Swanson: March 16—Cup of Coffee with Police Chief at Davis Chamber

AB1234 Reporting: D. Wolk: Attended Lady Demons Softball Crab Feed

Long Range  
Calendar

D. Brazil: Need additional meeting in June: Schedule June 28 as regular meeting. Also will need to schedule regular meeting May 24 or 31.

R. Davis: Fee study on April 5—May not be ready to act on fees. Schedule as workshop? Need to understand methodology.

City Attorney Harriet Steiner: Have opportunity to continue item to another date if necessary

R. Davis: Request review of land mitigation ordinance before June election. Workshop on County's new land mitigation ordinance and what it will mean for our city. Informational item, educate community and ask questions.

R. Swanson: Discussion to educate, not reinventing policy after application is in process. Request specifically listed as informational on long range calendar.

Adjournment Meeting was adjourned at 9:07 p.m.



Zoe S. Mirabile  
City Clerk