

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 5, 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 Mayors for the Day: Adam and Samuel Rosas

Councilmembers Absent: None

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

Approval of Agenda L. Frerichs: remove item from agenda—Appointments to an Ad Hoc Council Subcommittee on UC Davis Long Range Development Plan, postponed until after June election. Council consensus.

L. Frerichs moved, seconded by R. Swanson, 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:
 - 1. Davis Citizens Alliance for Responsible Planning v. City of Davis et al, Yolo Superior Court Case No. PT16-444
 - 2. Harrington, appellant v. City of Davis, et al, respondents, Third District Court of Appeal Case No. C081263
- 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 6:30 p.m. with the following reportable action: City Council voted unanimously to defend the lawsuit DCAFRP v. City of Davis.

Ceremonial Presentation Proclamation About Why I Like Being a Kid in Davis presented by Youth Mayors for the Day.

Proclamation Recognizing April 10-16, 2016 as National Public Safety Telecommunicators Week presented by Mayor Wolk.

City Manager Announcements None

- Public Comments
- Sharon Shoemaker: Davis Youth Flute Group Choir visited Sister City Wuxi, China. Read letter from Wuxi—eager for more visitors from Davis. Present gift of calligraphy.
 - Robert Smith: Live on Victoria Place. Request a sign be placed on corner of Victoria Place and Marina Circle with words “Slow Children at Play.” Fast drivers on street, want to avert tragedy.
 - Ruth Asmundson, Sister City Ambassador: Consent calendar item—Council Subcommittee Report on Sister City Program. Support new sister city proposals for Puerto Princesa, Palawan in Philippines.
 - George Poquina, Friends of Los Banos Munoz Committee: Support request to form Porto Princessa in sister city relationship.
 - Valantino Balanco: Friends of Los Banos Munoz: Request Council approve new sister city relationships tonight. National election in Philippines in May; approval by Council of new relationship would help spur projects.
 - Alan Miller: Thank developers of proposed project on Lincoln Drive for reaching out to neighbors and providing studies. Need to look closely at routes to schools.
 - Alan Hirsch: Consent calendar item—Sterling 5th Street Proposal EIR. Parking garage is a concern. Sustainability initiative in EIR should be required, also address global warming.

Consent Calendar Renewal of Agreement for Public, Education, and Government (PEG) Access Funding for Fiscal Years 2016-2017 through 2018-2019

1. Approved Resolution No. 16-032 - Authorizing the Davis City Manager to Execute Agreements Between the City of Davis, Davis Joint Unified School District, and Davis Media Access for the Provision of Educational and Public Access Cable Services. The resolution addresses the following contract terms:
 - a. Allocation of the annual franchise fee revenues for three years
 - b. Allocation of monthly per-subscriber PEG capital funding (pass-through) between the City and DMA and DJUSD for three years
 - c. Requirements that the agreement with DMA and DJUSD be used strictly for operation and programming of their respective cable channels and related media (bulletin boards systems, webcasting, etc.).

2. Approved Resolution No. 16-033 - Designating \$225,000 to Davis Media Access for Enhancements to a Community Media Center

City Investments - Local Agency Investment Fund (LAIF)

1. Approved PFFA Resolution No. 1016 – Resolution of the Board of the City of Davis Public Facilities Financing Authority (PFFA) Authorizing Investment of Monies in Local Agency Investment Fund.
2. Approved Resolution No. 16-034 – Authorizing Investment of City Monies in Local Agency Investment Fund.

Rainbow City Playground – Community Park Remediation (Re-Bid), CIP No. 8245

Approved Resolution No. 16-035 - Awarding Contract of \$187,500 to ZL Construction for Remediation of Rainbow City Playground

Professional Services Agreement for Lift Station Feasibility Study, CIP No. 8275

Approved Resolution No. 16-036 - Selecting HDR, Inc. for Lift Station Feasibility Study and Authorizing City Manager to Execute the Agreement With HDR, Inc.

Amendment to Professional Services Agreement for Collection and Analytical Services for Drinking Water

Approved Resolution No. 16-037 - Authorizing City Manager to Execute Laboratory Agreement Amendments with BSK Analytical Laboratories for Drinking Water Monitoring

Purchase of Kitchen Food Scrap Collection Pails as Part of the Organics Program Implementation

Approved Resolution No. 16-038 - Awarding Contract to Orbis Corporation for the Purchase of Kitchen Food Scrap Collection Pails for Residential Customers, and rejecting bids submitted by Impact EcoVision Environmental and BioBag Americas, Inc. as non-responsive for failing to meet bid specifications

Weed Abatement 2016 – Setting a Public Hearing on May 17, 2016 for Owners to Object to Proposed Removal of Weeds

Approved Resolution No. 16-039 - Declaring Weeds Growing Upon Private Property Within the City of Davis to Be a Public Nuisance: Directing the Chief of the Fire Department to Post or Mail Notice to Destroy Weeds, and Providing Notice of Hearing on Objections Thereto Pursuant to California Government Code, Article 2, Section 39560 Through 39588

New Stop Sign on Oeste Drive at Rutgers Drive

Introduced Ordinance - Amending Section 22.07.030 of the Davis Municipal Code Relating to Stop Intersection Designation

Prohibiting Parking on the North Side of West Olive Drive

Introduced Ordinance - Amending Section 22.08.310 of the Davis Municipal Code Relating to No Parking

Second Reading: Ordinance Amending Chapter 30 of the Davis Municipal Code Relating to Stormwater Management and Discharge Control
Adopted Ordinance No. 2473 (Introduced 02/23/2016)

Second Reading: Ordinance Adding Article 8.22 to the Davis Municipal Code Regarding an Emergency and Hazard Placard System for Dangerous Buildings
Adopted Ordinance No. 2474 (Introduced 03/15/2016)

Sports Complex Task Force Update and Extension of Duration to Convene

1. Received update of the Sports Complex Task Force
2. Approved additional time to the Task Force to complete findings and recommendations to City Council on July 19, 2016

2016 Environmental Recognition Award (ERA)

Approved Natural Resources Commission nominations for 2016 Environmental Recognition Awards. Awards will be presented at the April 19, 2016 City Council meeting.

Integrated Waste Management Plan Implementation Status Update
Informational

Commission/Committee/Task Force Minutes:

1. Senior Citizens Commission Meeting of February 11, 2016
2. Sports Park Complex Task Force Meetings of February 3, February 17 and March 2, 2016
3. Utility Rate Advisory Committee Meetings of November 12, 2015, and January 14 and February 18, 2016

Informational

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

Removed from
Consent Calendar:

Item removed by R. Davis.

Northstar Pond
Restoration

R. Davis: Hope future consideration includes whether city should be maintaining resources in current state. Concern with cost of maintaining parks; should move in direction to save energy, water and money, less labor intensive methods. Need fundamental examination of parks infrastructure.

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

1. Receive Northstar Pond Assessment completed by Blankinship & Associates, Inc.
2. Receive proposal for Lake Maintenance Services and Vegetation Removal

3. Approve Resolution No. 16-040 - Authorizing the City Manager to Enter Into a Maintenance Services Agreement Between the City of Davis and Deangelo Brothers, LLC (DBi Services) for Vegetation Management and Aeration Upgrades at Northstar Pond, and to implement an ongoing monthly pond maintenance beginning in FY2016-17
 4. Approve Budget Adjustment #110 (\$60,000) – transferring funds within the Parks Division operating budget
- Motion passed unanimously.

Sterling 5th
Street Proposal
Environmental
Impact Report

Item removed by R. Swanson.

Assistant City Manager Mike Webb: Contract to prepare EIR include in depth environmental review, evaluation and assessment including a scoping meeting with community. EIR will include traffic, greenhouse gas initiatives, environmental sustainability, and alternatives.

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

1. Approve Resolution No. 16-041 - Authorizing the City Manager to Execute Task Order No. 2 to the Agreement with De Novo Planning Group to Prepare an Environmental Impact Report for the Sterling 5th Street Proposal
2. Approve Budget Adjustment #97 (\$120,000) – allocating applicant deposit payments

Motion passed unanimously.

Council Sub-
committee Re-
port (*Lee/Swan-
son*): Sister
City Program

Item removed by B. Lee.

B. Lee: Proposal by Subcommittee—addition of sister cities should follow a set process. Focus on criteria.

R. Swanson: A number of cities are interested in becoming sister cities. Should make assessment of current cities.

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

1. Direct the Council Subcommittee to work with staff to review existing sister cities to determine the appropriate designations, based on the guidelines below and return to Council with an updated resolution to formally incorporate guidelines into policy
2. Direct staff to include \$5,000 in the 2016-17 budget in the sister cities program to allow for hosting of sister city delegations

Motion passed unanimously.

Professional
Services Agree-
ment for City
Investment Ad-
visory and
Management

Item removed by B. Lee.

B. Lee: Constrain investment to US treasuries investments and notes, not commercial. Better match liquidities to projects. Should maintain level of low risk, change length of investments as opposed to quality.

R. Davis: Request policy discussion come back to Council. Questions about Comprehensive Annual Financial Report (CAFR) and how city uses internal funds.

R. Davis moved, seconded by L.Frerichs, to direct staff to bring item back to Council.

R. Davis: Would support approving consultant contract, but interested in policy discussion

Consultant: Current step is contract. Next step is to discuss what strategy to use to employ funds.

R. Swanson moved substitute motion, seconded by L. Frerichs, to approve Resolution No. 16-042 - Authorizing the City Manager to Sign Agreement with PFM Asset Management for Investment Advisory Services. Motion passed unanimously.

City Attorney Harriet Steiner: Staff will go back and look at investment policy, how to implement new contract.

City Council recessed at 7:33 p.m. and reconvened at 7:39 p.m.

Appeal of January 21, 2016 Tree Commission Decision Related to Request for Removal of Landmark Tree Quercus lobata, Valley Oak Located at 736 A Street

Urban Forest Manager Rob Cain: Tree was initially inspected in 2009, again in 2016. Staff and independent analysis determined that tree should be retained.

Catherine Brinkley: Tree leans heavily towards house. According to peer review literature, injury location and root rot poses risk. Tree is dangerous. Submitted support letters from neighbors.

Public comment:

- Alan Hirsch: Staff has managed tree canopy conservatively, consulting arborist provided a conservative and thorough analysis. Need to preserve shade trees. Trees sequester carbon. Support retaining tree.

R. Davis moved, seconded by R. Swanson, to grant the appeal of the January 21, 2016 Tree Commission action to deny the request of the property owner to remove the landmark tree, thereby authorizing removal of the tree. Motion passed unanimously.

Entertainment Permit Ordinance

Police Chief Darren Pytel: Summarized proposal—2 permits: entertainment permit (applies to businesses, allows for imposition of conditions) and special event permit (replaces currently required dance permit). Will return to Council with resolution to establish permit, inspection and modification fees.

Public comment:

- Alan Miller: Support permit process. Request noise ordinance be amended at some point to address low frequency noise.

D. Pytel: Can provide 6 month check-in; which permits are in place and what conditions of approval apply.

R. Davis: Request more work on soft closures on certain days/holidays. Consider mandatory posting of educational materials on alcohol poisoning, what to do if someone is non-responsive, etc.

D. Pytel: Can add as a condition of approval. Most would probably volunteer to do so.

L. Frerichs moved, seconded by R. Swanson, to introduce Ordinance Repealing Ordinance No. 2465 Related to a Moratorium on Certain Bar, Nightclub and Restaurant Uses and Repealing and Reenacting Chapter 11 of the City of Davis Municipal Code to Establish Requirements for Entertainment Permits and to Provide Penalties for Noncompliance

R. Davis proposed friendly amendment: Direct staff to return to Council with informational status update within 6 months. Accepted by mover and second.

B. Lee: Interested in what is proposed for specific entities before city finalizes. Consider Council sign off on initial permits.

D. Pytel: As permits are issued, can provide copies to Council.

D. Wolk proposed friendly amendment: Title the permit the Peter Gonzales Entertainment Permit Ordinance. Accepted by mover and second.

Motion passed unanimously.

Cost of Service and Fee Study Report

Finance Administrator Kelly Fletcher: Typical cost of service and fee study occurs every 5-7 years. Request Council provide comments on proposed cost of living factor for future fee adjustments (San Francisco-Oakland-San Jose Consumer Price Index for All Urban Consumers (CPI-U) and any comments/follow-up requests regarding proposed fees

Tom Sinclair & Jack Dillis, Municipal Resources Group: Summarized Cost of Service Study Report

Public comment:

- Dan Carson: Finance & Budget Commission met with consultants. Reviewed and provided input to work; discussed building in replacement value of facilities into fee structure, a means to start to address unmet needs related to infrastructure. Opportunity in future to improve upon numbers and fine tune based on updated analysis of infrastructure needs. Important to follow up with recreation and park fees.

Council comments included:

R. Swanson: Request slides/graphs related to different departments. Where are there large disparities? Cost increases more in one department versus another? Core services versus programs. Would like to understand tradeoffs; show Council options of 20%, 30%, 50%. Also consider different service providers, public models.

R. Davis: Would like to align actual facilities replacement cost and structure fees in the future. Request subsidies be called out in annual budget, actual figures within the budget, not just in a policy document. Understand how much we are spending to subsidize. Interested in analysis of how compensation has grown over 5-10 years, use PERS and OPEB for growth rates; consider whether to account for growth rate of compensation. Consider hybrid approach with CPI increase.

L. Frerichs: Request detail on fee subsidies with recreation fees

R. Swanson: Identify which facilities are city facilities, but majority of the time used by outside groups such as school district, etc.

Fiscal Year
2015/16 Budget
Update

Finance Administrator Kelly Fletcher: Overview of revenue and expenditure results through the first eight months of Fiscal Year (FY) 2015/16 and General Fund estimates through the end of the fiscal year (June 30, 2016)

Public comment:

- Dan Carson: City is becoming more fiscally stable. Finance & Budget Commission took position that budget could stand to incorporate an increase in sales tax, use more realistic numbers.

R. Davis: Would like to see choices. If put more money into OPEB, will it reduce interest payment? Tackling critical infrastructure—Are there any potentials for leveraging funds? Options to get federal funding for roads or possible SACOG grants?

City Council recessed at 9:41 p.m. and reconvened at 9:47 p.m.

Fire Shared
Management
Update

Fire Chief Nathan Trauernicht: Update on City/UC Davis Fire Shared Management

City Manager Dirk Brazil: Refinements continue to be made as needed. Financial savings, operational advances, efficiencies.

R. Swanson: Suggest sell downtown fire station, then relocate to a city property such as 23 Russell Blvd. Want admin staff downtown, should be easily accessible.

L. Frerichs: Support outside examination of shared management. Perception issues with accessibility. Helpful if Fire Department participate in weekly update.

Public comment:

- Bobbie Weist, President Davis Firefighters Local 3494: Support Fire Station 31 remodel and keeping services downtown. If downtown station is relocated, will be detrimental to downtown. Started fire station relocation/rebuild committee in August 2015. Had one meeting, then sent staff to station design symposium class, haven't heard anything since then. Union has never opposed shared management; issue is lack of information. Office space—important to have Fire Chief in Fire House, staff need to know they have Fire Chief support. Room for Chief at Station 31, no office staff currently.

Council comments included:

B. Lee: Want comprehensive study; service models, station locations, staffing, etc. Consider what other jurisdictions are providing based on community needs and increase in medical calls. Want Council to be responsible for selection of consultant.

R. Davis: Should be budget item with specific scopes of work, phased. Phase 1—examine question of siting of stations. Look at city and private property. Consider response times to locations not covered and how to mobilize resources. Phase 2—what does the future of a mid-size city department look like? Have structures that are constructed better, aging population, etc. Need full participation of leadership and staff.

R. Swanson: Agree with greater scope and RFP to come back to Council

D. Wolk: Need to acknowledge issues and address them. Staff morale is still low. Issues of communication.

R. Swanson moved, seconded by L. Frerichs, to direct staff to return to Council in July with a Request for Proposals process, to include appointment of Council Subcommittee, to move forward with analysis of costing and assessment of delivery of services and physical location of facilities. Motion passed unanimously.

City Council
Brief Commu-
nications

R. Swanson AB1234 reporting: Upcoming trip to Washington, DC for Cap-to-Cap Conference. City will be paying for flight.
D. Wolk AB1234: Attended Yolo Farm to Fork event

Long Range
Calendar

D. Brazil: Cannery bike/pedestrian crossing postponed to May 3. Fees & Charges postponed to May 17. May 3—Community Choice Energy and City/County MOU.

Adjournment

Meeting was adjourned at 10:49 p.m.

Zoe S. Mirabile
City Clerk