

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of June 21, 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 D. Brazil: Amendment to consent calendar item—Final Map for BerryBridge, Subdivision No. 5082; revised documents do not change project or staff recommendation.

R. Davis 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: Supporters of Responsible Planning in Davis v. City of Davis et al, Yolo Superior Court Case No. PT15-1442

B. Conference with Labor Negotiators:  
Agency Designated Representatives: City Manager Dirk Brazil; Assistant City Manager Kelly Stachowicz; Assistant City Manager Mike Webb; City Attorney Harriet Steiner; Patrick Clark, Patrick Clark Consulting  
Employee Groups/Organizations (under discussion): Davis City Employees Association; Firefighters Local 3494

City Council returned to regular session with no reportable action.

Ceremonial Presentation Proclamation Designating July 2016 as National Parks & Recreation Month was presented by L. Frerichs.

Proclamation in Honor of Sutter Health for Being Named Among the Top U.S. Health Systems was presented by D. Wolk.

City Manager Announcements None

Public Comments

- Suzanne Miller, Sonia, Alissa, Benjamin Mitchell, Dicely Fong, India, Pia Risa, Isis, Nico, Lila, Benjamin Raven, Annalia, and Patrick Huber spoke regarding use of rodenticides in City: Students of Ms. Hanson's 4<sup>th</sup>-5<sup>th</sup> class at Birch Lane studied impacts of rodenticides, can harm mammals, including birds of prey and pets, as well as children. Smell of rodenticide attracts more rats. Marin County has banned rodenticides; why shouldn't we? American rat terriers specifically bred to hunt rats. Family of 3-6 barn owls will eat 3,000 rats per year.
- Laurence Lingrim and Steven Tournamy: Consent calendar item BerryBridge Affordable Housing Project—Thank Council for recognizing safety issues, engaged neighbors. Need to address traffic calming issues. Preserve neighborhood for current residents. Tot lot located across from majority of development.
- Susan Ranier, Green Building Council: Propose city adopt Living Community Challenge as an ordinance. System for growth in sustainable way. State has cap and trade money for sustainable communities.
- Michael Harrington: Appreciate city and county election staff for work on Measure A. Want to work on solutions to problems and challenges we have. Support Living Community Challenge, may make it an initiative to voters. Would also like to work with Council on budget.
- Lynne Nittler: Thank Council for considering city participation regarding the proposed Valero oil train project. Thank city for staying with the issue and dedicating staff time. July 9 gathering at railroad station, walk/ride bikes to Central Park, theater version of incident that occurred in Oregon.
- Eileen Samitz. Citizens for Responsible Planning: Need more on campus housing, specifically student apartments. Unfair to community to deflect UC housing needs to Davis.

D. Brazil: In 2014, Council urged businesses not to sell rodenticide and residents not to use. City Integrated Pest Management program does not include rodenticide. Staff will return with a staff report outlining what the city does and how to bring community attention to this issue.

City Council recessed at 7:17 p.m. and reconvened at 7:19 p.m.

Consent Calendar

Solid Waste Rates and Organics Program; Rate Modifications  
Approved Resolution No. 16-080 - to Modify Customer Rates for Solid Waste Service Fees Effective August 1, 2016

2016 Pavement Rehabilitation Project, CIP 8250 – Slurry Seal Package  
Approved Resolution No 16-081 - Awarding Contract to Sierra Nevada Construction for Construction of the 2016 Pavement Rehabilitation Project – Slurry Seal Package and Authorizing City Manager to Execute Contract

Rainbow City Playground – Community Park Site Improvements, CIP No.

8245

1. Approved Resolution No. 16-082 - Awarding Contract of \$397,544 to McNabb Construction, Inc. for Site Improvements of Rainbow City Playground
2. Reduced the project scope for site improvements by approximately 25% to \$298,760 and total project cost by approximately \$110,000
3. Authorized the City Manager to process a budget adjustment of approximately \$85,000 to meet the budget overrun and execute all documents necessary to complete the contract. Funding will likely come a combination of CDBG ADA grant dollars, community enhancement funds, and/or other transportation related dollars.

Wastewater Treatment Plant Improvement Project, CIP No. 8219 - Professional Service Contract Amendments

1. Approved Resolution No. 16-083 - Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with West Yost Associates
2. Approved Resolution No. 16-084 - Authorizing the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Robertson-Bryan, Inc.

Agreement Extension to Perform Required Laboratory Services

Approved Resolution No. 16-085 - Authorizing the City Manager to Execute Amendment No. 3 to the Agreement Between the City of Davis and Caltest Analytical Laboratory

Amended and Restated Lease Agreement – Davis Community Meals at 504-512 Fifth Street

Approved Resolution No. 16-086 - Authorizing the City Manager to Enter Into an Amended and Restated Lease Agreement with Davis Community Meals That Allows the Nonprofit Organization to Continue Leasing City-Owned Property at 504-512 Fifth Street to Operate a Transitional Home for Homeless Families and Individuals and to Provide Programs Aimed at Transitioning Families and Individuals from Homelessness to Permanent Housing

Fiscal Year 2016-17 University Research Park Excess Special Assessment District Reserve

1. Approved Resolution No. 16-087 - Determining Excess Funds and Directing Application Thereof University Research Park Assessment District
2. Approved Resolution No. 16-088 - Requesting Collection of Charges on Tax Roll
3. Authorized Mayor to sign Certification of Assessment

Fiscal Year 2016-17 Park Maintenance and Open Space Protection Special Taxes

1. Approved Resolution No. 16-089 - Requesting Collection of Charges on

- Tax Roll for Park Maintenance Special Tax for the FY 2016-2017
2. Approved Resolution No. 16-090 – Requesting Collection of Charges on Tax Roll for Open Space Protection Special Taxes for the FY 2016-2017
  3. Authorized Mayor to sign Certifications of Special Tax

Fiscal Year 2016-17 Mello-Roos Community Facilities Tax Assessments

1. Approved Resolutions Fixing Fiscal Year 2016-17 Tax Rates for the following:
  - A. Resolution No. 16-091 – Fixing Tax Rate for Community Facilities District 1990-1 (East Davis)
  - B. Resolution No. 16-092 – Fixing Tax Rate for Community Facilities District 1990-2 (East Davis/Mace)
  - C. Resolution No. 16-093 – Fixing Tax Rate for Community Facilities District 1990-3 (North Central Davis)
  - D. Resolution No. 16-094 – Fixing Tax Rate for Community Facilities District 1990-4 (South Davis)
  - E. Resolution No. 16-095 – Fixing Tax Rate for Community Facilities District 1990-5 (West Davis)
  - F. Resolution No. 16-096 – Fixing Tax Rate for Community Facilities District 1991-2 (East Davis/Mace)
  - G. Resolution No. 16-097 – Fixing Tax Rate for Community Facilities District 2007-2 (East Davis/Mace Ranch II)
  - H. Resolution No. 16-098 – Fixing Tax Rate for Community Facilities District 2015-1 (Cannery)
2. Approved Resolutions Requesting Collection of Charges on Tax Rolls for Fiscal Year 2016-17 for the following:
  - A. Resolution No. 16-099 – Collection of Charges on Tax Roll for Community Facilities District Series 2009 Special Tax
  - B. Resolution No. 16-100 – Collection of Charges on Tax Roll for Community Facilities District 1991-2 (East Davis-Mace Ranch Area) Series 2007 Special Tax
  - C. Resolution No. 16-101 – Collection of Charges on Tax Roll for Community Facilities District 2007-2 (East Davis Mace Ranch Area II) Series 2007 Special Tax
  - D. Resolution No. 16-102 – Collection of Charges on Tax Roll for Community Facilities District 2015-1 (Cannery) 2015 Special Tax
3. Authorized Mayor to sign Certifications of Special Tax

Application for California Department of Resources Recycling and Recovery, Beverage Container Recycling Grant Program (CalRecycle) for Fiscal Years 2016-17 and 2017-18

Approved Resolution No. 16-103 - Authorizing Submittal of Application for All CalRecycle Grants for Which the City of Davis is Eligible

Second Reading: Rezoning/Preliminary Planned Development Ordinance Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code Re-

zoning Property Located at 2990 Fifth Street (APN #071-100-025), Consisting of 2.27+ Acres, from Planned Development (PD) #4-88, Single Family Residential Subarea to Planned Development (PD) #10-15  
Adopted Ordinance No. 2481 (Introduced 06/14/2016)

Fiscal Year 2015-16 Visitor Attraction District Assessment Funding  
Approved Budget Adjustment #138 (\$123,000) – appropriating revenue from increase in the assessment from 1% to 2% effective July 2015

California Office of Emergency Services (OES) Strike Team Reimbursements  
Approved Budget Adjustment #139 (\$462,651) – appropriating reimbursement funds

Benicia Valero Crude Oil by Rail Project Application; Surface Transportation Board Proceeding  
Consistent with City Council Resolution 14-052, authorized the City to oppose the Valero petition to the Surface Transportation Board related to federal preemption on rail related projects and the Valero Benicia Crude Oil by Rail project

Wastewater Treatment Plant Improvements Program, CIP No. 8219 – Financial Update  
Received project financial update for the Wastewater Improvements Program which consists of the Rehabilitation and Replacement (R&R) Project (completed in 2015) and the Secondary and Tertiary Improvements (STI) Project currently in construction

Community Choice Energy Program Development Status Update  
Received update

Community Development Block Grant (CDBG) and Housing Investment Partnerships Program (HOME) Request for Proposals (RFP) Process Survey and Results  
Received applicant and commissioner feedback on changes to the CDBG and HOME RFP process. The process will be further discussed as part of the commencement of the next RFP process at a Council meeting in November or early December.

Council Goals 2014-2016 – Final Update  
Informational

Commission/Committee/Task Force Minutes:

1. Bicycling, Transportation, and Street Safety Commission Meeting of May 12, 2016
2. Broadband Advisory Task Force Meeting of April 27, 2016
3. City/Chamber 2x2 Committee Meeting of March 28, 2016

4. Sports Complex Task Force Meeting of May 25, 2016  
Informational

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

Removed from  
Consent Calendar:

Items removed by B. Lee.

B. Lee: Questioned whether staff concerns had been addressed; received response that all were addressed.

BerryBridge  
Affordable  
Housing Project/4100  
Hackberry  
Place – Disposition and Development  
Agreement  
Amendment

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

1. Approve Resolution No. 16-104 – Approving an Amendment to the BerryBridge Disposition and Development Agreement to Allow for the Phasing of Development in Two Phases.
2. Approve Resolution No. 16-105 - Approving BerryBridge Subdivision No. 5082 and Authorizing the City Manager to Execute the Subdivision Agreement with Town Builders and Planner, Inc.

Motion passed unanimously.

Final Map for  
BerryBridge,  
Subdivision  
No. 5082

Public Hearing:  
Water Capacity  
Charge

Mayor Wolk opened and continued the following public hearing to July 12: Water Capacity Charge Study; Rates for New or Expanded Connections to the Water System.

Public Hearing:  
Visitor Attraction  
Business  
Improvement  
District (VA-  
BID) Annual  
Reauthorization

Assistant City Manager Kelly Stachowicz: Summarized process, no protests received regarding the reauthorization and increase of assessment.

Mayor Wolk opened the public hearing.

Alan Humason, Yolo County Visitors Bureau: \$317 million spent in Yolo County on tourism, important economic driver for community. Occupancy rates 68.7%/Davis 68.8%. Activities of Bureau include PR/media relations including press coverage, website [www.visityolo.com](http://www.visityolo.com), social media.

Mayor Wolk closed the public hearing.

R. Swanson moved, seconded by L. Frerichs, to approve Resolution No. 16-106 – Confirming the Assessment Report and Approving the Levy of an Assessment for the Visitor Attraction District Pursuant to the Parking and Busi-

ness Improvement Area Law of 1989 and Authorizing the City Manager to Execute Administrative Agreement with Yolo County Visitors Bureau to Implement Activities of the District. Motion Passed unanimously.

Public Hearing: Community Development Administrator Katherine Hess: summarized proposed modifications to Cannery Development Agreement.

Cannery Development Agreement and Preliminary Planned Development Amendment

Cannery Grade Separated Crossing Additional Options

Public Works Director Robert Clarke: Overview of preferred pedestrian overcrossing concert—Alternative 4 at Covell Boulevard and F Street with option A or B. Staff recommendation includes engaging Union Pacific to determine whether they will authorize use of right of way.

Bonnie Chiu, New Home Company: Additional community benefits for current and future residents. Stacked flats and mixed use parcels are last parcels to be developed at Cannery.

Council Subcommittee Davis/Frerichs: Not able to get easement from Cranbrook property owners in a voluntary manner.

Mayor Wolk opened the public hearing.

Alan Hirsch: Comments from Planning Commission were not included in packet materials. Rezone so that commercial will not just include neighborhood shopping. Additional \$4 million could be spent anywhere in city, hasn't been reviewed against other priorities. Too big of a decision to be made tonight, should be discussed by community.

Elaine Roberts-Musser: Nice to see Cannery project coming to fruition and contentious issue being resolved. Good resolution.

Rob Wainwright, Shea Homes: First partner builder at Cannery, excited to be part of mixed use development. Support stacked flats and commercial development proposals. Homeowners thrilled to see market center move ahead, vibrant part of community.

Ira Bray: Support increase in affordable housing. Support staff recommendation, particularly the crossing.

Noel Gutierrez: Visited crossing, decent alternative proposed by staff. Recognize project is costly, but this is long term solution that can work for residents. Safe for children.

Mayor Wolk closed the public hearing.

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

1. Determine that the proposed amendment is consistent with the scope and analysis of the Environmental Impact Report (SCH#2012032022) adopted

for the Cannery Project and that no new analysis or environmental review is required

2. Introduce Ordinance Approving the Second Amendment to the Development Agreement for the Cannery Project
3. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code to Amend Preliminary Planned Development (PD) #1-11 Subarea G, University Stacked Flats and Subarea I, Neighborhood Mixed Use, in the Cannery Property
4. Approve Resolution No. 16-107 - to Revise and Update the Final Planned Development, Affordable Housing Plan, and Neighborhood Design Guidelines for the Cannery Project

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

1. Determine that the proposed amendment is consistent with the scope and analysis of the Environmental Impact Report (SCH#2012032022) adopted for the Cannery Project and that no new analysis or environmental review is required;
2. Introduce Ordinance Approving the Second Amendment to the Development Agreement for the Cannery Project
3. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code to Amend Preliminary Planned Development (PD) #1-11 Subarea G, University Stacked Flats and Subarea I, Neighborhood Mixed Use, in the Cannery Property
4. Approve Resolution No. 16-107 - to Revise and Update the Final Planned Development, Affordable Housing Plan, and Neighborhood Design Guidelines for the Cannery Project; and
5. Direct staff to place the \$1.6 million funds allocated to the grade separated crossing into a separate fund, and increase timelines by 1 year.

Substitute motion withdrawn.

Main motion passed unanimously.

B. Lee moved, seconded by R. Swanson, to direct staff to return to Council with an update on the Covell Corridor Plan. Following discussion of potential projects to pursue, Council Subcommittee to meet with North Davis Land Company again regarding possible easements. If not successful with that endeavor, staff will return to Council after fine-tuning pedestrian overcrossing concepts, and receiving input from the Bicycling, Transportation and Street Safety Commission.

B. Lee clarification: Potential project includes identified bicycle infrastructure on west side of Pole Line, long term vision of bicycle connectivity.

B. Lee amend motion: item to return to Council within 3 months. Subcommittee membership to be Davis/Lee.



Motion passed unanimously

City Council recessed at 8:48 p.m. and reconvened 8:55 p.m.

Adoption of the  
Fiscal Year  
2016-2017 An-  
nual Budget

Budget Manager Kelly Fletcher: Final budget adoption and determining appropriations limit.

Public comment:

- Elaine Roberts-Musser: Thank Finance and Budget Commission and Council for making transportation improvements a priority.

L. Frerichs moved, seconded by R. Swanson, to adopt Urgency Ordinance No. 2482 - Approving and Adopting Final Budget of the City of Davis and for the Former Davis Redevelopment Agency for the Fiscal Year 2016-2017, Providing for the Post-Auditing of Paid Demands Certified or Approved as Conforming to Such Approved Budget and Determining the Appropriations Limit of the City of Davis Pursuant to Article XIII-B of the State Constitution.

Motion passed unanimously

Cost of Service  
Fees and Fee  
Subsidy

Finance Administrator Kelly Fletcher: 19 fees have a subsidy in excess of \$1; 11 fees set by local policy, 6 fees related to public safety.

R. Davis moved, seconded by B. Lee, to direct staff to return to Council with a public hearing to amend the fees to fully recover cost of all resale inspections. Motion withdrawn.

R. Davis moved, seconded by B. Lee, to direct staff return to Council within 6-8 months with an update on efficiencies to be implemented in the building division. Motion passed unanimously.

City Council  
Brief Commu-  
nications

R. Swanson: Will be traveling to China, work with University and investors. No city funds expended.

D. Wolk: AB1234 reporting-Empower Yolo event attendance

R. Davis: Members of DJUSD, Police Department and other city staff met to advance restorative justice program for youth diversion. Collaborative effort, takes existing diversion program and move toward restorative justice process.

Long Range  
Calendar

R. Swanson: Absent on July 19. May be able to teleconference.

B. Lee: Email from engineering department related to request for traffic calming on Hackberry. Roads with vehicle rips of less than 500 per day are not eligible for traffic calming. Seems arbitrary. Request information, staff to determine whether agenda item or just update to Council.

B. Lee: Request agendaize joint Council and Commission meetings  
D. Brazil: Logistical item will be included in a larger procedural discussion  
R. Davis: Broader discussion of approaches to meetings

Adjournment Meeting was adjourned at 9:26 p.m.

Zoe S. Mirabile  
City Clerk