

MINUTES OF THE DAVIS CITY COUNCIL
Meetings of July 19, 2016

The City Council of the City of Davis met in regular and special meeting session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Robb Davis.

Roll Call:

Councilmembers Present: Will Arnold, Lucas Frerichs, Brett Lee, Rochelle Swanson, Robb Davis

Councilmembers Absent: None

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

Approval of Agenda – Special Meeting L. Frerichs moved, seconded by W. Arnold, to approve the special meeting agenda. Motion passed unanimously.

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following: Conference with Legal Counsel — Existing Litigation: Davis Professional Firefighters Association, Local 3494 v. City of Davis, Public Employment Relations Board Case No. SA-CE-833-M.

City Council returned to open session with no reportable action. Special meeting was adjourned.

Approval of Agenda – Regular Session L. Frerichs moved, seconded by W. Arnold, 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. Supporters of Responsible Planning in Davis v. City of Davis et al, Yolo Superior Court Case No. PT15-1442
2. Davis Citizens Alliance for Responsible Planning v. City of Davis et al, Yolo Superior Court Case No. PT16-444

B. Conference with Legal Counsel — Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 case)

City Council returned to open session at 6:30 p.m. with no reportable action.

R. Davis: City Council will return to closed session to discuss existing litigation SORPID v Davis later in the meeting, following the General Plan Update item.

City Manager Announcements D. Brazil: Rainbow City play structure is in need of volunteers for community build, must be 18 years or older as it is a construction site.

Public Comments

- Chad Roberts, Steering Committee Yolo HCP/NCCP; Bob Schneider, Tulayome Council; Patrick Huber, Open Space & Habitat Commission; Steve Grecko, HCP/NCCP Advisory Committee; and Bill Hostein spoke in support of consent item - Permit Application for Yolo County Habitat Conservation Plan/Natural Communities Conservation Plan (Yolo HCP/NCCP). Comments included: Major step forward in regional systematic conservation plan for County. Open up funding opportunities. Greater amount of conservation can be achieved in jurisdiction with conservancy plan.
- Elaine Roberts-Musser, Utility Rate Advisory Committee: Members interested in having a Council liaison.

Consent Calendar 2016 Pavement Rehabilitation Project – Rehabilitation Package, CIP 8250
Approved Resolution No. 16-114 - Awarding Contract to Ghilotti Construction for Construction of the 2016 Pavement Rehabilitation Project – Rehab Package, CIP 8250 and Authorizing City Manager to Execute Contract, in the amount of \$1,737,632.55 with a construction contingency of \$250,000

Evaluation of Downtown Parking In-Lieu Fees

Approved Resolution No. 16-115 - Authorizing the City Manager to Enter into an Agreement with Walker Parking Consultants for Evaluation of Core Area In-Lieu Parking Fees

Property Liens for Unpaid Administrative Citations, Abatement Penalties and Reinspection Fees

Approved Resolution No. 16-116 - Certifying the Code Enforcement Cost Accounting Report of Unpaid Administrative Citation Fines, Abatement Penalties, and Reinspection Fees and Assessing Affected Parcels for Penalties and Requesting Inclusion of the Charges on the Yolo County Secured Tax Roll in the Same Manner as General Taxes

Quitclaim of Fee Title for a Portion of Research Park Drive (aka former Chiles Road)

Approved Resolution No. 16-117 - to Quitclaim a Portion of Street Right-of-Way on Research Park Drive and Reserving a Public Utility Easement.

Development of Home Investment Partnerships Program (HOME) Underwriting and Subsidy Layering Guidelines

Approved Resolution No. 16-118 - Adopting Underwriting and Subsidy Layering Review Guidelines for the Allocation of Federal HOME Funds

Permit Application to the U.S. Fish & Wildlife Service for the Yolo County Habitat Conservation Plan/Natural Communities Conservation Plan

Approved Resolution No. 16-119 - Authorizing the City Manager to Submit an Incidental Take Permit Application to the U.S. Fish & Wildlife Service as Required by the Federal Government as Part of the Finalization of the Yolo HCP/NCCP

Grant Application to the California Wildlife Conservation Board to Help Fund Public Accessibility Improvements at South Fork Preserve

Approved Resolution No. 16-120 - Authorizing the City Manager to Submit a Grant Application to the California Wildlife Conservation Board to Help Fund Public Accessibility Improvements at South Fork Preserve, a City-Owned Nature Preserve Adjacent to the South Fork of Putah Creek at County Road 104

City Manager Purchasing and Approval Authorization During Council Recess

Approved Resolution No. 16-121 - Authorizing the City Manager to Execute Professional Services Contracts, Award Construction Contracts and Approve Budget Adjustments During the City Council Recess From July 20 Through August 29, 2016

Second Reading: Ordinance Amending Chapter 39 of the Davis Municipal Code Related to Water Service Connection Charges

Adopted Ordinance No. 2485 (Introduced 07/12/2016)

Lincoln40 Environmental Impact Report (EIR) Contract Funding

Recommendation:

1. Approved Budget Adjustment #2 (\$172,000) – allocating applicant funding for preparation of an EIR for the proposed Lincoln40 Apartments project
2. Approved Resolution No.16-122 - Authorizing the City Manager to Execute Task Order No. 2 to the Agreement with Raney Planning & Management, Inc. to Prepare an Environmental Impact Report for the Lincoln40 Project Proposal

Evaluation of 3rd Street On-Street Dining

Received as informational: Should the City Council wish to consider installation of additional “parklets” or on-street dining areas downtown, staff would propose to return with criteria and process for evaluation.

Minutes from the Sports Park Task Force Meeting of June 29, 2016

Received as informational

Creation of Council Subcommittee on Animal Services

Formed Council Subcommittee on Animal Services; appointed Mayor Pro Tem Lee and Councilmember Frerichs

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

North Davis Channel Enhancement Project Finalization – Update

Sustainability Manager Mitch Sears: Overview of project to enhance channel along Northstar.

Stephen McCord, McCord Environmental: awarded in 2010 to assist with cost to plant vegetation along channel. Volunteers helped to plant 240 lbs. of native grasses and wildflower seeds, 6,000 herbaceous plugs, 3,000 shrubs, and 600 trees. Installed 8 different signs explaining the vegetation and its uses. Project will be completed early in 2017. Thank volunteers and groups that donated their time.

Carrie Shaw, Putah Creek Council: Surviving amount of vegetation has been in 80% range.

Special Tax Bond Refinancing

Assistant City Manager Kelly Stachowicz: Favorable bond market; able to re-finance from existing rate of 5.23 year average to just over 3%

W. Arnold moved, seconded by L. Frerichs, to approve Resolution No. 16-123 – Authorizing the Issuance of Bonds of Community Facilities District No. 2007-2 Designated 2016 Special Tax Refunding Bonds for the Purpose of Defeasing and Refunding the Outstanding Bonds of Said District No. 2007-2 (East Davis Mace Ranch Area II), Appointing Fiscal Agent and Escrow Agent, Approving the Placement of Bonds Upon Receipt of an Offer to Purchase and Certain Other Actions. Motion passed unanimously.

Sports Complex Task Force Findings and Recommendations

Carson Wilcox, Sports Complex Task Force Vice Chair: Summarized Task Force findings and recommendations. Overview of Needs Assessment: More than 6,000 participants, 86% under age 20, 77% travel to outside tournaments, 92% of groups interested in hosting tournaments in town, 85% state current fields do not meet needs. Need two types of facility improvements: new sports complex and reconfiguration/improvement of existing fields. Outlined critical design factors for sports complex. Propose community-based organization to build, own and operate; organize a fund-raising effort.

Public comment:

- Kelly McCrory, Davis Little League: Many sports groups are community-based, service organizations. Allow all participants to participate regardless of ability to pay.
- Alan Humason, Yolo County Visitors Bureau: Thorough report, believe in work and recommendations. Willingness of groups to participate to solve problems. Enlist energy in community.
- Elaine Roberts-Musser: Should prioritize improving existing facilities; current facilities are in disrepair.
- Michael Foust: Represent property south of Legacy that offered up private location for complex. Appreciate recommended criteria. Looking forward to public process when City is ready.
- Bill Donaldson: Support recommendations. Lot of work by community

members. Project has been stalled for 30 years. If money available in budget, should start economic impact study.

- Kevin Waterson, Davis Youth Softball Association: Community motivated. Sense of community seen in other jurisdictions that have complexes. Outsiders expect certain things from Davis, not provided with current facilities.

Council comments:

R. Swanson: Consider design-bid-build for project. Request RFP, not RFI; should come back to Council. Support economic analysis study.

B. Lee: Would like to better understand synergy of aggregation of different sports into one facility. Consider two 50-acre sites instead of one 100-acre, especially if closer to town.

City Attorney Harriet Steiner: All buildings at Legacy fields are temporary, operate under lease. City provided agricultural mitigation on lands city already owns, will continue as long as Legacy exists. City will have to conduct environmental analysis, provide mitigation, etc.

R. Davis: Suggest community-based organization get started, consider drafting out economic study RFP that city could base final RFP on. Goal setting could help define what city could do on short, medium, long term. Discussion should be focused on what is realistic for city to do in short and medium term. Need to understand what will not move forward on infrastructure needs if prioritize upgrading existing sports facilities.

W. Arnold moved, seconded by R. Swanson, as follows:

1. Direct the Recreation and Park Commission to conduct a public meeting on the Task Force Report
2. Incorporate the following recommendations into the 2016-2018 City Council Goals:
 - a. The city supports establishing a partnership with the community-based organization to pursue the development of a new sports complex, and therefore will work to encourage the creation of a non-profit entity that would undertake an effort to build and operate a new sports facilities identified in the report of the Sports Complex Task Force.
 - b. While a community-based non-profit entity is organized and develops a sound business plan, the city will commit to a limited but important supportive role in the development of a new sports complex. This could initially include conducting a formal process to invite offers from potential donors of sites for a sports complex, as well as evaluating various potential sites to determine which one best meets the needs of both sports organizations and the community as a whole. Later steps could involve processing of permits and environmental reviews for a proposed projects, making surplus city land available if necessary for a new sports facilities if a suitable private site is unavailable, new sports facilities with existing

city recreational programs and fields. A city investment in the project in the future is also possible.

- c. That the City Council intends to prioritize available funding for reconfiguring and/or improving maintenance of a select number of existing fields to facilitate flexibility in their use with the goal of supporting a wide range of underserved and growing sports. This could include projects for stand-alone fields built separately from a sports complex.

Motion passed unanimously.

B. Lee: Request information on possibility of using Measure O funds. If private entity provides land for sports park construction/use, available to be used as mitigation lands?

City Council recessed at 8:06 p.m. and reconvened at 8:13 p.m.

Steps To Develop Options for a General Plan Update

Principal Planner Bob Wolcott: Overview of steps to develop options for a General Plan update, to include initial input regarding objectives and planning issues, options for work plan/possible approaches, formal work plan to prepare and issue a Request for Qualifications or a Request for Proposals, and hire consultants to begin the process.

Public comments:

- Jon Li: General plan is a status quo document, leaves out health, social services, civic arts, youth, seniors. Propose Davis become a charter city. Send out survey to each household.
- Eileen Samitz: Good general plan, took 100+ citizens, 14 committees, over 8 years to create current plan. Need to include sustainability and health. Extend timeline to allow for additional public meetings. Should ask for addresses to understand who is providing community input - residents, business owners or outsiders.
- Elaine Roberts-Musser: Don't need a full update. Focus update on infill in downtown, rental housing, economic development, traffic impacts. Start with explaining development process and general plan update process.
- Colin Walsh: Much of current plan is still relevant and positive. Only formal place for community involvement was web survey in August. Should allow more input between working draft and final adoption. Include community forum, multiple avenues for public comment.
- Jim Gray: Critical need to update general plan. Encourage city to not adopt a document that is too insular to Davis boundaries and community. Encourage city to think about how to be innovative, change quickly, adapt, be sustainable.

Council comments included:

W. Arnold: Request staff report on charter city. How interacts with general plan and update process. Support extending community input time at least through September. Expand survey, available at Farmers Market, in City Hall, etc. Pa-

per, not just online. Support public forum. Support requesting identifying information for commenters, not submit anonymously.

B. Lee: Explain to community what general plan is. Support using existing plan to do update, still relevant. Support additional public comment between drafting options for work plan and commission review. Need to refine questions on survey.

L. Frerichs: Use current plan for update. Support more community input. Proposed survey questions too open ended. Need process to determine what changes are acceptable. Consider form based code.

R. Swanson: Request presentation on form based code and charter city. Support identifying residents/business owners. Specific questions on survey. Incorporate other small documents in general plan. Look at inconsistencies in General Plan, Core Area Specific Plan and Climate Action & Adaptation Plan. Look at vacancy rate in terms of UCD Long Range Development Plan. Consider UCD footprint and impact on tax base. Look at sustainability, economic development; consider specific ideas as to what does that look like, what does community want to see. Grassroots or looking at tax base. Current demographics and trends locally, regionally, statewide. Consider allowing comments without personal names, but instead street names. Interested in interjurisdictional input, DJUSD, County, UCD.

R. Davis: Value cost of space, maximize use. Definitional work: community forums, education of Council, charter city, what is and isn't a general plan, form based code, identify goals and properties, what we want to achieve.

Council consensus: Provide for additional public input; refine survey, more specific, internet plus other community locations, not submitted anonymously. Look at best practices: how does Davis fit into region. Not try to develop 50 year plan.

M. Webb: Staff will confer as to timeline of educational workshops—form based code, general plan 101, charter city.

R. Swanson: Look at Measure R votes of last few years, innovation park process, address issues to better serve community, invest in community, how to work with university—LRDP, 2x2, etc.

Continued
Closed Session

City Council returned to closed session at 9:13 p.m. to discuss the SORPID v Davis litigation and reconvened in open session at 9:25 p.m. with no reportable action.

City Council
Meeting Proce-
dures

R. Davis: Summarized recommendation

Public comments:

- Colin Walsh: Suggest going back to 3 minutes for public comments.
- Eileen Samitz: Support 3 minutes. Historically allotted 3 minutes from previous Councils. Visual overheads—in past, able to use Wolf overhead. Pre-screening is not always possible.
- Elaine Roberts-Musser: Support 3 minutes. Can always limit to 2 minutes if many speakers. Consent calendar—would be helpful for Council to indicate when they intend to pull an item from consent.
- David Greenwald: Consent calendar public comment confusing. 3 minutes should be the norm.

Council comments:

R. Swanson: Consider 3 minutes for general public comment, 2 minutes for specific items. If more than 10 people speaking, limit comments to 2 minutes. Set minimums and maximums for presentations.

W. Arnold: Support 3 minutes. Consider calling for 1-minute speakers, then 2-minute speakers, then 3 minutes.

L. Frerichs: Support 3 minutes. Support Mayor discretion to limit comment times if many speakers.

B. Lee: Support 3 minutes, but want to see people line up or use comment cards. Delay when people wait to get up from audience. Add more information to agenda, how much time allotted, protocol for speaking.

R. Davis: Will try for 3-minute comment period, will ask people to line up for efficiency. Ask that people honor time limits. Document reader will be available, can be used without informing staff in advance. Electronic presentations should be provided in advance.

B. Lee: Request that any recommendation that is complex or long, should be emailed in advance to Council. Consider posting emails publicly sent to City Council prior to meeting.

R. Davis: See what other cities are doing in that regard

L. Frerichs moved, seconded by W. Arnold, as follows:

1. Direct staff to develop and return to Council with a proposed schedule of joint meetings between the City Council and commissions/committees and jurisdictional partners, such as DJUSD School Board, for the 2016-2018 Council.
2. Approve the following:
 - a. Move Council Announcements to the beginning of the agenda, to last a maximum of 10 minutes. During this period, in addition to brief an-

nouncements, Council members will note any consent calendar items they wish to pull from the agenda.

- b. As a general rule, individual speakers will be allowed 3 minutes each to speak during Public Comment, and will be asked to line up. Up to 5 minutes may be granted if the individual is speaking on behalf of five or more people present, a recognized organization, or a jurisdictional partner. The Mayor will have discretion about how much time to grant project applicants whose projects must be heard by the City Council.
 - c. Members of the public will be allowed to show visuals during Public Comment. PowerPoint or other electronic presentations should be provided in advance of the meeting.
 - d. Whenever possible, ceremonial items will be consolidated and limited to one meeting a month.
 - e. Rosenberg's Rules of Order will continue to be followed in the same manner the Council is currently using.
 - f. Clapping, booing or other disruptions during Public Comment, presentations or other non-ceremonial portions of the meeting will not be allowed. After the City Council has completed action on an item, members of the public may demonstrate support or opposition as long as such actions do not disrupt the normal flow of business.
 - g. Agenda packets will continue to be released on the Thursday prior to a Tuesday meeting. Complex and lengthy items or issues of particular significance to the community may be presented at one meeting for informational purposes, returning to the Council at a later meeting for additional discussion and action.
3. The Subcommittee on Legislation will continue to follow the guidelines developed by Council in 2013 to determine whether an item related to an issue outside of the city's normal jurisdiction should be brought before the full Council for consideration.

Motion passed unanimously.

City Council
Brief Commu-
nications

R. Swanson: Will be putting together presentation regarding potential implications to sister city. Existing incubator in South Davis, Area 52, will be submitting application for an innovation park. Will be hearing more about that in the fall.

Long Range
Calendar

B. Lee: August 30 – may not be present for meeting, to be determined.

Adjournment

Meeting was adjourned at 9:57 p.m.

Zoe S. Mirabile
City Clerk