

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of August 30, 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 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 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 Labor Negotiators:

Agency Designated Representatives: City Manager Dirk Brazil; Assistant City Manager Kelly Stachowicz; Assistant City Manager Mike Webb; City Attorney Harriet Steiner; Human Resources Administrator Janet Emmett; Patrick Clark, Patrick Clark Consulting
Employee Groups/Organizations (under discussion): Davis City Employees Association; Firefighters Local 3494

C. Conference with Real Property Negotiators:

Property: Mace Boulevard, unincorporated area of Solano County (APN 110-060-090)

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: David Hansen, Cathryn Nordstrom, and Stanley Hansen

City Council returned to open session at 6:48 p.m. with no reportable action.

City Manager Announcements None

City Council Announcements R. Swanson: Greater Sacramento Area Economic Development meeting will be held next week.

R. Davis: Attended City-Chamber-Davis Downtown-Yolo County Visitors Bureau meeting—working to draft joint goals. Two items of discussion included cleanliness downtown and parking.

L. Frerichs: Council Subcommittee (Davis/Frerichs) Community Choice Energy: working group meetings, next steps in creating joint powers authority. Development of mission statement and name of energy program.

Consent Calendar Water Quality Improvement Project, CIP 8224 – Increase Contingency Amount for Ghilotti Contract and Contract Amendment for Brown and Caldwell for Additional Owner’s Representative Cost

1. Approved Budget Adjustment #11 (\$1.5 million) – allocating water funds
2. Approved Resolution No. 16-124 - Authorizing the City Manager to Approve an Additional \$1.5 Million of Contingency to the Construction Contract with Ghilotti Construction Company for the Water Quality Improvement Pipelines
3. Approved Resolution No. 16-125 - Authorizing the City Manager to Execute an Amendment to the Agreement with Brown and Caldwell Consultants for Owners Representative Services for the Water Quality Improvement Project, CIP No. 8224

Amendment to the Subdivision Agreement for Zelkova Court Subdivision 4569
Approved Resolution No. 16-126 - Approving and Authorizing the City Manager to Sign Sixth Amendment to the Subdivision Agreement for Zelkova Court, Subdivision No. 4569

Amendment to Agreement to Perform Targeted Cleaning of City Water Distribution Pipelines Using the Neutral Output Discharge Elimination System (NO-DES)

1. Approved Resolution No. 16-127 - Authorizing the City Manager to Execute Amendment No. 1 to the Agreement with Valvetek Utility Services Inc. for Water Main Flushing Services
2. Approved Budget Adjustment #12 (\$175,000) – allocating water funds

Amtrak Station Improvement Project – Electronic Bike Locker Installation
Approved Resolution No. 16-128 - Approving the Electronic Bike Locker Installation Project at the Amtrak Station and Accepting Low Carbon Transit Operations Program (LCTOP) Funding for the Project

Modifying Parking Restrictions on Third Street at the Farmers Market
Introduced Ordinance Amending Section 22.08.380 of the Davis Municipal Code Relating To Timed Parking Zones

Charter City Background Information
Informational

Committee/Commission/Task Force Minutes:

1. Bicycling, Transportation and Street Safety Meeting of June 9, 2016
2. Broadband Advisory Task Force Meeting of June 22, 2016
3. Historical Resources Management Commission Meeting of June 20, 2016

Informational

City Council Minutes: January 12 and 19, and February 2 and 16, 2016

Informational

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

Public Comments

- Sunny Shine and Huston Toole, Friends of Russell Blvd Fields; Ben Hart; Helen Thompson; Steve Raulf; Carl Hiller; Colin Walsh; Bill Walsh; Eileen Samitz; and Linda Hughes spoke in opposition to UC Davis' proposal to build housing over portion of Russell Fields: Well-utilized fields for sports and campus events, inviting entry to campus, irreplaceable resource. Citizens for Responsible Planning has identified 100+ acres on campus where housing can be built. Request Council agendaize discussion on this issue, make comments to university. Loss of green space at Russell/Howard would be loss for both university and community. Housing will have negative traffic impacts to already dangerous intersection.
- Bejhan Singh, Deepak Kumar, and Guapa Gandreep spoke in opposition to placement of a statue of Gandhi in Davis.
- Carol Standingelk, Aissa Tsui and Francisco Dominguez spoke in opposition to the Dakota Access Pipeline (DAPL): Many cities have approved resolutions opposing DAPL, request Davis pass similar resolution. Pipeline will contaminate drinking water for millions of people. Need to preserve the environment.
- Dorte Jensen: Road conditions deteriorating. Prioritize public safety, then transparency in budget. Outreach for citizen participation.
- Alan Miller: Chancellor Katehi dismissed 4 years, 8 months after pepper spraying incident. Should establish a marker at incident site, indicating that it will not happen again.
- Michele Clark, Yolo Land Trust: Upcoming community event "Day in the Country". Chefs will offer sample dishes made from food donated from local farms, wineries and breweries.
- Neil Ruud: Gandhi statue should move forward with previous action to approve. Already had opportunity to provide input.
- Alan Hirsch: Support moving ahead with General Plan. Interested in September 13 workshop on Form Based Code. Concerned that people are confusing economic development with community development.

Removed from
Consent Calendar:

Item removed by W. Arnold.

Community
Choice Energy
(CCE) Project
Management
Consultant

Public comments:

- Lorenzo Kristoff: Request Council defer action on this item. Concerned from process and substance standpoint. Community Choice Energy started as citizen engagement effort. Since March 2016, have been excluded from process, not been asked to participate in development of recommendation. Request advisory committee (CCEAC) be reinstated.
- Gerry Braun: Thank Council for moving forward with implementation and working with county. Lack information regarding qualification of Lean Energy to support formation. Consultants should be used judiciously and only as needed. CCEAC recommended hiring qualified individual to manage project implementation.
- Alan Pryor: CCEAC recommended option to pursue, also included pursuing internal management team, experienced in-house General Manager. Lean Energy to be hired as project manager through launch of JPA. Need developed in-house expertise instead. Also recommended further overview by CCEAC or other technical advisory group. Many in community will view as suspect without independent oversight.

D. Brazil: Staff can meet with individuals that have raised concerns.

R. Davis: From CCE meetings last week, clear instruction to staff was to reinstitute advisory group. Staff needs to work closely with group to maximize their participation.

L. Frerichs: Ability to defer for a few weeks to sign contract. Allow CCEAC technical group to weigh in.

B. Lee moved, seconded by W. Arnold, to delay consideration of item for at least 2 weeks, allow staff to follow through with commitments to re-establish Task Force, engage with advisory group. Motion passed unanimously

Buyer Selection
Pilot Project
and Right of
First Refusal
Program Con-
tract Extension

Item removed by B. Lee.

B. Lee: Suggest window of time for people to drop off applications, then randomly assign an order within categories. Making literally first come, first served may impose hardship.

R. Swanson: Should address disability and mobility issues in criteria

City Attorney Harriet Steiner: Staff will ensure process included a window of time and consideration of disability access issues.

B. Lee moved, seconded by R. Swanson, to approve Resolution No. 16-129 – Extension of the Right of First Refusal Contract with Neighborworks Sacramento. Motion passed unanimously.

Public Hearing: Planner Cathy Camacho: Summarize proposed rehabilitation; debt will be sole responsibility of Mutual Housing of California.
TEFRA Hearing
Owendale
Mutual Housing Community Mayor Davis opened the public hearing:

Keith Bloom, Mutual Housing of California: Thank city to allow to obtain financing.

Mayor Davis closed the public hearing.

B. Lee: Not able to ascertain whether bond payments will allow for appropriate set aside of funds for ongoing project maintenance. Would be helpful to understand what set aside should be, and whether group able to meet.

L. Frerichs moved, seconded by R. Swanson, to approve Resolution No. 16-130 - Authorizing and Directing Execution of a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority and Approving the Issuance of Revenue Bonds By the Authority to Finance a 45-Unit Affordable Rental Housing Facility for the Benefit of Mutual Housing California, and Certain Other Matters Relating Thereto. Motion passed unanimously.

Appeal of the
June 16, 2016
Tree Commission Decision to Retain the Tree at 2312 Leonardo Street

Urban Forest Manager Rob Cain: Staff recommends Council uphold Tree Commission decision to retain the tree due to its good health and vigor and direct staff to undertake the following measures:

- Root prune the tree to reduce the root damage potential to the surrounding hardscape
- Advise the property owner on deep watering techniques
- Monitor and evaluate the tree after the recommended root pruning to assess if further action is needed

Mayor Davis opened the public hearing.

Peter and Susan Dileanis: In process of re-landscaping; prefer different tree species. Nuisance tree, fine dust and seed pods drop on vehicles and aggravate allergies. Most trees on street are more compact, current tree better suited for larger space.

Alan Hirsch: Sets bad precedent to remove tree for these reasons. Will need to make raised bed to change texture of soil. Tree should be retained.

Mayor Davis closed the public hearing.

W. Arnold moved, seconded by R. Swanson, to grant the appeal and reverse the decision of the Tree Commission to retain the tree at 2312 Leonardo Street.

B. Lee proposed friendly amendment to allow appellant to choose the method of evaluation for tree. Provision to pay into mitigation fund to account for fact that removing older healthy tree and replacing with smaller tree on site. Amend to provide credit of cost of tree that is planted in its place. Accepted by mover and second.

Motion passed unanimously.

Broadband Update

Chris Clemens, Broadband Advisory Task Force: Large digital divide in community. Update on Task Force efforts and recommendation.

Public comments:

- Steve McMahon; Matt Williams; Doug Walter; Patrick Fish; and Robert Nickerson spoke in support of moving forward with Broadband RFP. Comments included: Facilitate infrastructure and encourage competition. Economic opportunity to leverage quality of life in Davis. True broadband can do much for business, education, entertainment, and telehealth medical devices. Fiber optic networks are future proof, able to upgrade many times with same fiber. Supply platform for future growth.
- Robert Erland: Thank Council for considering RFP. Consider social purpose corporation if creating a publicly owned infrastructure.
- Resident in North Davis Meadows: Interested in broadband.

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

1. Approve Resolution No. 16-131 - Authorizing the City Manager to Issue a Request for Proposals for a Feasibility Study for a Citywide Fiber Optic Network
2. Direct staff to return with a recommendation for revisions to city policies that will best ensure future deployment of infrastructure that supports broadband

Motion passed unanimously.

City Council recessed at 9:07 p.m. and reconvened at 9:19 p.m.

Item Submitted by Councilmembers (Davis/Lee): Reconsideration of Process Related to Gandhi Public Art Piece Installation

City Attorney Harriet Steiner: Reconsideration is when Council wants to re-look at an action. Depending on type of action, reconsideration may be more or less strictly adhere to time schedules. Many rules of order discuss reconsideration happening only at the same or the immediate next meeting—refers to binding deadlines, contracts, quasi-judicial. Other types of actions are policy related. Council procedural guidelines allow for both types. Process for this agenda item: First, need motion to determine whether Council wishes to examine item. Motion for reconsideration requires a majority vote.

R. Davis: Summarized recommendation to reconsider process related to Gandhi public art piece, specific to timing of installation. Would like to get to the needs of the community, understand the controlling narratives that control behavior.

B. Lee: Council voted in February to accept and place sculpture. Did not anticipate controversy, item placed on consent. After Council took action, group reached out and expressed concerns.

R. Davis moved, seconded by B. Lee, to reconsider City Council decision of February 2, 2016 to accept and place a donated Gandhi sculpture at the west side of the playground in North Central Park, specific to timing of installation.

Public comments:

- Dr. Rami Singh; Braniel Bopharri; Deepa Serra; Amir Sharrend; Brakash Vigha; Alex Singh; Bill Tupstin; Paul Revinas; Darshan Singh Mundy; Rishkana Wigh; Gavinda Sahn; and two individuals (names not stated) spoke in opposition to placement of the Gandhi statue. Comments included: Gandhi was rejected by Nobel Peace Prize Committee. Gandhi stands for his caste system, his race, his religion, his sex; not universal rights. Direct contradiction of American values. Many other key figures in this country represent peace, why not choose another? Placing statue imposes the opinion of one side. Proponents didn't reach out to opponents, difficult to follow commission agendas. Did not provide all facts for Council to make informed decision. Support reconsideration, have dialogue. Gandhi situation has divided Indian community. Statue funds could go to help people in India.
- Anushka Chander; Akash Misha; Evelyn Raski; Ravinda Karunn; Anita Tassi; Madhi Sunder; Samantha McCarthy; Jane Higgins; Mary Phillip; Balz Zoing; Arun Singh; David Paige; Dalack Cezarr; Sean Goyle; Benjamin Payler; Vanita Domier; Julia Panko; Shamma Nassiwalla; Jhan Navinder; and four individuals (names not stated) spoke in support of the Gandhi statue. Comments included: Gandhi is known as peace symbol and advocate for non-violence. Inspired other civil rights leaders. Statue represents good that he fought for, path to peace. UCD Professor to have symposium on non-violence to coincide with installation. Planned all activities in good faith for October 2 – United Nations' Day of Peace. Committee members from different faiths and backgrounds raised funds, prepared for installation. Opponents can donate another image. Proposal refined by staff and recommended by Civic Arts and Recreation and Parks Commissions. No opposition to project or location of statue expressed during meetings. Process was thorough and transparent, should not reconsider unanimous Council decision.
- Sara Zimmerman; Sean Raycraft; and Robert Erland spoke in support of creating public art theme in Central Park. Comments: Opportunity to create ongoing discussion regarding conflict resolution and peace. Public art should inspire community discussion, invite other interpretations. Historical figures are often mischaracterized in narrative; need to be humanized, not mythologized. Consider series of statues to represent collection of community values, various figures throughout parks and venues. Educate and inspire new generation, but recognize those less fortunate affected. Read statement from Gloria Partida, Phoenix Coalition– important that all members are taken into consideration, consider what should be placed in Central Park if not embraced by all.

- Alan Hirsch: People have need for personal discovery that Gandhi was imperfect. Acknowledgement of personal investment of time and resources.
- Steven Masillas: Intention of process is so people aren't left out and that Council action doesn't harm individuals. People are not satisfied with process. Take conflict serious enough to have discussion, healing and coming back together.
- Missish Gushna: Learned acceptance of alternative lifestyles, even though orthodox religion taught otherwise.

Motion failed by the following vote:

AYES: Lee, Davis

NOES: Arnold, Frerichs, Swanson

City Council
Brief Commu-
nications

R. Davis: AB1234 reporting—attended lunch at State of Agriculture

Long Range
Calendar

B. Lee: Return to Council with public comment process. L. Frerichs /W. Arnold support.

R. Swanson: Check in with Councilmembers. Get different options.

B. Lee: Take steps to let community know what City Council will be discussing. Possibility of using Davis Enterprise to publish Agenda on Sunday before Tuesday meeting.

R. Davis support

W. Arnold: Revisit policy regarding medical and recreational marijuana if passes ballot in November. R. Davis /L. Frerichs support.

W. Arnold: Status of Natural Resources Commission recommendations – pesticides and integrated pest management program. To go containers at restaurants—require compostable?

L. Frerichs: Downtown Trans Media Art Walk

Adjournment

Meeting was adjourned at 12:00 a.m.

Zoe S. Mirabile
City Clerk