

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 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 Davis.

Roll Call:

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

Councilmembers Absent: Rochelle Swanson

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 by the following vote:
AYES: Arnold, Frerichs, Lee, Davis
NOES: None
ABSENT: Swanson

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. Lewis v. Russell, Federal District Court Civ.S – 032646 WBSKJM
2. Supporters of Responsible Planning in Davis v. City of Davis et al, Yolo Superior Court Case No. PT15-1442
3. Robert Weist v. City of Davis, United States District Court Eastern District of California Case No. 2:16-CV-01683-TLN-EFB

B. Conference with Real Property Negotiators:

Property: The Farm Property at The Cannery (APN 035-510-010)

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: The Center for Land-Based Learning

Under Negotiation: Lease terms

City Council returned to open session at 6:32 p.m. Mayor Davis reported that Council took action to authorize defense against the lawsuit Weist v. City of Davis by the following vote:

AYES: Arnold, Frerichs, Lee, Davis

NOES: None

ABSENT: Swanson

Ceremonial Presentations Proclamation Designating November 26, 2016 as Shop Small Business Saturday presented by Mayor Davis.

Recognition of the City of Davis Receiving the Institute for Local Government and League of California Cities' Beacon Award for Achievements Reflecting a Comprehensive Approach to Addressing Climate Change. Presented by Kara Lee Brown.

City Manager Announcements D. Brazil: In process of purchasing open space to expand South Fork Preserve, expect to close early January. Asking citizens to complete downtown survey, access via city website. City Hall and offices will be closed next Thursday and Friday for Thanksgiving holiday.

City Council Announcements R. Davis: Marriott Residence Inn item will be continued to Dec. 6. Hyatt House Hotel item will be continued to Dec. 20. Encourage any comments on projects during general public comment.

W. Arnold: Attended LAFCO meeting. Davis sent letter to property owner on Montgomery regarding water services, approved by LAFCO.

R. Davis: Finance and Budget Commission received presentation by actuary regarding retiree medical. Changes in PERS and OPEB contribution rates will have impacts on budget.

Public Comments

- Greg Roma: UC Davis was 1 of 10 entities that submitted bid to purchase University Research Park. If UCD has enough money for property that eventually sold for \$70 million, they should have enough money to build housing on campus.
- Alan Pryor: Natural Resources Commission will hold public forum on pesticide use on Dec. 7 at Senior Center. Provide information on alternatives. Davis Oral Health Project-distributed over 2,400 dental kits to non-profits. Funded partially from Soroptimist, thank Council for financial support.
- Doug Barbierri: Support Hyatt House Hotel project. People who spoke in opposition were focused on aesthetics. No alleged harm from project. Residents asking Council to come down with full force of law on property owners. If residents are opposing project, should come forward and make an offer to buy land from developer, control what occurs on property.
- Eric Gudz, Students for Sensible Drug Policy, Integrate Cal: Thank Council for commitment to make space for medical marijuana community. Empowering medical patient community to contribute to process. Set bar high for businesses outside of city borders.
- Neil Ruud: Hate crimes occurring in Davis since election. Encourage City to take action against policies that encourage hate. Everyone should

feel safe in this community. Ask Council to reach out to vulnerable in community.

- Alan Hirsch: Vigil held last week brought community together. Everyone should be able to participate in discourse without fear of deportation or blowback. Encourage Council to ask local legislators to take action to block any appointment to federal office by people holding views of misogyny, anti-semitic, anti-Islamist, etc.
- Sunny Shine: UCD Russell Fields treasured by community, should not be developed as housing by UCD. Friends of Russell Blvd Fields have been endorsed by Yolano Sierra Club.
- Colin Walsh: Ask City to take up issue of Russell Fields. Defines campus boundary in meaningful way. Impact on city if fields are closed, pick up games will be moved to city parks. Turned in roughly 450 comments to UCD.
- Michael Harrington: Hyatt House Hotel project—developer bears burden to change zoning, at discretion of Council. Sometimes Council will ask for mitigation if up-zoning occurs. Generally support underground parking for projects. Consider giving more rooms in exchange for underground parking.
- David Greenwald: Second Street pipeline protest today, Department of Homeland Security police car pulled up. Man walked up to protesters trying to intimidate. Trump threatening to pull funding from Sanctuary Cities; Human Relations Commission agenda item tomorrow night to discuss what that will mean. Everyone’s duty to speak out.
- Eileen Samitz, Citizens for Responsible Planning: Petition online, UCD has over 5,300 acres but has not provided enough housing. Op-ed on October 30, identified over 100 acres on or near campus to provide student housing, not including Russell Fields. UCD is costing city in property taxes when purchase land and hold master leases at apartment complexes. Urge Council to remember to do what is in the best interests of the city first. CitizensplanningDavis.org.
- David: Nation is divided, nasty behavior from both sides.
- Julianna: Speak on behalf of neighbors and animals. Marriott and Hyatt hotels will be built on land occupied and used by animals. Oppose hotels.

Consent Calendar

Advanced Metering Infrastructure and Meter Replacement Project, CIP No. 8187 – Installation and Operation of the Hardware and Software to Replace the City’s Existing Water Meters

1. Approved Resolution No. 16-157 - Authorizing the City Manager to Execute an Agreement with Delta Engineering Sales for Installation and Operation of Advanced Metering Infrastructure and Water Meters
2. Approved Budget Adjustment #43 (\$562,238) – allocating Surface Water Pipelines Funds

Contract Amendment for Social Services Work

1. Approved Resolution No. 16-158 - Authorizing the City Manager to Execute Amendment #1 to the Agreement with Joan Planell for Social Services Consulting Services
2. Approved Budget Adjustment #39 (\$15,000) – allocating General Fund salary savings

City Manager Contract Amendment

1. Approved Resolution No. 16-159 - Authorizing Amendment #1 to the Employment Agreement with City Manager Dirk Brazil
2. Approved Budget Adjustment #42 (\$5,000) – allocating General Funds

Broadband Advisory Task Force Minutes from the Meeting of September 28, 2016

Informational

W. Arnold moved, seconded by L. Frerichs, to approve the consent calendar as listed above. Motion passed by the following vote:

AYES: Arnold, Frerichs, Lee, Davis

NOES: None

ABSENT: Swanson

Public Hearing: Fire Marshal Timothy Annis: Ordinance will maintain the current level of fire
Fire Code safety.

Adoption –

2016 California Fire Code, as Amended by the City of Davis Mayor Davis opened the public hearing, and after no comments, closed the public hearing.

Amended by the City of Davis

W. Arnold moved, seconded by L. Frerichs, to adopt Ordinance No. 2490 - Amending Chapter 13 Article 13.01 of the Davis Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2016 Edition of the California Building Standards Code Including the Following Part: Part 9 California Fire Code; and, Amending Those California Building Standards as Identified Herein, Through Express Findings of Local Necessity. Motion passed by the following vote:

AYES: Arnold, Frerichs, Lee, Davis

NOES: None

ABSENT: Swanson

Public Hearing: Chief Building Official Gregory Mahoney: Overview of amendments to state
Building Code code, same as in previous building code. Discretionary: CalGreen. Trying
Adoption – to refine cost effectiveness to get to zero net energy for residential structures
2016 California Building Standards Code, as Amended by within next few months.

Amended by

Mayor Davis opened the public hearing.

the City of Davis

Alan Hirsch: Support city working with Cool Davis on pilot program. Request amendments— study economic effectiveness of Community Choice Energy. Cost effectiveness for title 24 needs to be understood. Encourage efficiency in homes, generate power for current homes as well as electric vehicles. Consider mandatory retrofitting. Electrical placements for hot water, HVAC, etc. Study effectiveness of CCE on electric distribution.

Mayor Davis closed the public hearing.

B. Lee: Consider addressing greater sustainability through LEED process. Provide clear expectations to commercial developers.

Assistant City Manager Mike Webb: Task already included in Council Goals specific to developing greenhouse gas standards for commercial projects. Calls for staff returning to Council in Spring 2017 with recommendations.

B. Lee: Request standards prior to Council deliberation on projects.

L. Frerichs moved, seconded by B. Lees, to adopt Ordinance No. 2491 - Repealing and Re-Enacting Article 8.01 of Chapter 8 of the Davis Municipal Code, and Adopting By Reference the California Code of Regulations Title 24, 2016 Edition of the California Building Standards Code Including the Following Parts: Part 2 California Building Code, Part 2.5 California Residential Code, Part 3 California Electrical Code, Part 4 California Mechanical Code, Part 5 California Plumbing Code, Part 6 California Energy Code, Part 11 California Green Standards Code, and Amending Those Parts of the California Building Standards Code as Identified Herein, Through Express Findings of Local Necessity. Motion passed by the following vote:

AYES: Arnold, Frerichs, Lee, Davis

NOES: None

ABSENT: Swanson

Public Hearing:
Downtown
Business Improvement District (DBID)
Annual Assessment Process

W. Arnold: Recused from item due to a conflict of interest as owner of business downtown subject to the assessment; left the room.

Chief Innovation Officer Diane Parro: Received one written protest to assessment. Speedy response from bar and restaurant committee helpful to staff when drafting the entertainment ordinance. Had several outreach meetings with businesses over the last year.

Mayor Davis opened the public hearing, and after no comments, closed the public hearing.

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

1. Accepted the 2016-2017 Davis Downtown Annual BID (Business Improvement District) Report and Davis Downtown FY 2017-2018 Summary Budget at the conclusion of the public hearing

2. Approved Resolution No. 16-160 - Approving the 2016 DBID Report as Amended and Levying an Annual Assessment Known as the DBID Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for The DBID for Fiscal Year 2017-2018
3. Approved Resolution No. 16-161 - Authorizing City Manager to Execute a DBID Administration Agreement for the Core Area and Periphery Benefit Zones

Motion passed by the following vote:

AYES: Frerichs, Lee, Davis
 NOES: None
 ABSENT: Arnold (recuse), Swanson

W. Arnold returned to the dais.

Continued from November 1, 2016: Marriott Residence Inn Hotel
 Mayor Davis continued the following item to December 6, 2016: Marriott Residence Inn Hotel – Proposed Extended Stay Hotel at 4647 Fermi Place, Planning Application #15-70.

Continued from November 1, 2016: Hyatt House Hotel
 Mayor Davis continued the following item to December 20, 2016: Hyatt House Hotel – Proposed Extended Stay Hotel at 2750 Cowell Boulevard, Planning Application #15-60.

East Covell Boulevard Corridor Improvements Plan
 Assistant City Engineer Brian Mickelson: Overview of completed project. Next priorities: F Street intersection improvements. Shared use path, north side of Covell from J Street to Pole Line.

Public comments:

- Dan Fuchs: Eager for L Street/Covell intersection, understand scheduled for work this upcoming summer. Encourage Council to improve Pole Line intersection before working on shared use path. Generally, good plan.
- Eileen Samitz: Increased speeding cars cutting from Covell through Matisse or to Pole Line Road. Narrow street with parking on one side. Matisse, Renoir, Picasso should not be ignored. Landscaping area between Matisse and Pole Line is lacking. Need more bus shelters at bus stops, especially at Pole Line and Covell.
- Alan Hirsch: Need bike racks next to bus shelters. North side of Covell is a dead end, should complete the entire path. Fix Pole Line, get everyone on south side.

Councilmember comments included:

- B. Lee: Sequence timing of projects in such a way that they flow seamlessly. Consider policy recommendation from Bicycling Transportation

and Street Safety Commission prioritizing safety of bicyclists utilizing paths versus vehicular bicyclists. F Street at lower priority than Pole Line

- R. Davis: Interested in Pole Line and Covell intersection improvements before F Street and Covell. Support north side class 1 between Cannery and Pole Line. Spend time with BTSSC and design firms to get design right. Consider as future priority: cycle track from Covell down J Street to existing cycle track.
- L. Frerichs: Support both shared use path on Covell as well as Pole Line intersection. Queuing distance on left turn lane from Covell onto Pole Line median needs to be adjusted, turn lengthened. Neighborhood traffic calming issues—budgeted dollars this year. Need to be mindful of issues and possibly increase funding for next year.
- W. Arnold: Support prioritizing Pole Line intersection. Support removing all protected right hand turn lanes, not safe.

City Council recessed at 8:30 p.m. and reconvened at 8:40 p.m.

Richards Boulevard / Olive Drive Corridor Plan

Steve Greenfield, Cunningham Engineers: Overview of Downtown Gateway Arch

Jerry Thornton: Overview of Richards/I-80 Interchange, Olive Drive/Train Depot BP Connection, Olive Drive/L Street Connection, west bound I-80 Olive Drive off-ramp closure, Olive Drive/Pole Line Rod BP Connection

Senior Transportation Planner Brian Abbanat: Overview of Olive Drive Bicycle Facility Improvements

Dave Stanek:, Fehr & Peers: Circulation Overview

B. Abbanat: Priorities— Richards/I-80 Interchange & Olive Drive Off-Ramp Closure; Downtown Gateway Arch; Olive Drive Bicycle Facility Improvements; Olive Drive/Pole Line Road Connection & Olive Drive/Train Depot Connection.

Public comments:

- Diane Swan, Bike Davis!: Board supports closing Olive Drive off-ramp. Will reduce number of vehicles on Olive Drive. After off-ramp closure, need connection at Depot or Pole Line Road. Prioritize Pole Line.
- Alan Miller: Support Pole Line connection to Olive. Support Gateway Arch. Consider undercrossing, even though Union Pacific is obstinate. Pedestrian tunnel was installed without a shoefly. Overcrossings are not heavily utilized.
- Dan Fuchs: Gateway Arch is beautiful, but possibly better to spend funds somewhere else, maybe on intersection improvements. Support closing Olive Drive exit. Support Pole Line/Olive Drive connection. If 23A crossing is closed, greater access to route 40 bicycle access would be helpful.

- Matt Williams: Support Downtown Gateway Arch. Lincoln 40 would add students going to UCD, will impact traffic. Depot crossing options are missing one component. UCD as a partner would contribute to overcrossing at Richards at grade of RR on north side behind boy scout cabin.
- Chuck Cunningham, Cunningham Engineering representing Lincoln 40 project: Richards interchange is key component to corridor, benefits to traffic flow and bicycle safety. Olive Drive/Depot crossing could be located at Lincoln 40. Willing to contribute financially some extent to project. Better to construct overcrossing before Lincoln 40. Funding is huge issue, \$30 million worth of improvements.
- Connor Gorman: Support overcrossing or undercrossing from Olive to downtown. Interested in what the walking times to various locations would be. Why does closing Olive off-ramp cost so much?
- Alan Pryor: Existing level of service conditions overstated for Richards/Olive Dr. Starting discussion with presumption that only having 20-second delay during peak periods, analysis is destined to fail. Need to look at current baseline conditions.
- Colin Walsh: Support Olive Drive crossing. Need train parking downtown, lot is full every day by 6:30am. Overflow parking goes into Old North Davis. Concerned over cost of projects.
- Peter Jacobson: Support closing Olive Drive off-ramp, makes neighborhood more livable. Ramp currently closed for 2 weeks, queuing is contained. Connection to Pole Line is second priority.
- Eileen Samitz: Support improvements to Richards and Olive Drive, but concerned projects are driven by Lincoln 40 project. Think long and hard about spending funds.

B. Lee: If able to get external funding, prioritize Richards/I-80 interchange. Possibly consider street improvements instead of Gateway Arch. Prioritize Olive Drive/Pole Line Connection before Gateway Arch. Consider maintaining at grade crossing at Olive/Richards if Olive off-ramp closed.

W. Arnold: Support Gateway Arch. Having pedestrians and bike cross Olive Drive now is confusing, safety issue. Troubled intersection. Closing off-ramp may eliminate need to other bicycle facility improvements.

L. Frerichs: Support Richards/I-80 interchange. Support Gateway Arch. Support pedestrian/bike path on each side, should continue conversations with Union Pacific. Support closing Olive Drive off-ramp.

R. Davis: Consider something at-grade at Olive Drive to improve bike/pedestrian crossing, phase dedicated to bikes and pedestrians. Question impact to traffic at signal. Support moving forward with Richards/I-80 interchange. Consider using RDA bonded funds for transit program. Use as matching funds for Richards interchange. Support closing Olive Drive off-ramp. Need to change motorist behaviors going downtown. Signage directing toward

campus Old Davis Road off ramp, or even to Russell off Hwy-113. If going to fight Union Pacific on undercrossing, should be at Olive Drive toward Depot area.

City Council
Brief Commu-
nications

None

Long Range
Calendar

D. Brazil: Wastewater Cost of Service moved to January 24.

L. Frerichs: November 17 – Labor closed session, participating via teleconference.

L. Frerichs: Request update or discussion at Council regarding City-UCD 2x2 formation. Request update from Long Range Development Plan Subcommittee.

R. Davis: Intent is to bring forward document

B. Lee: Rental Resources Ordinance—request move to January 24 for sufficient student outreach.

B. Lee: Conducting commission interviews. Would like to schedule joint Council-Commission discussions. Will agendaize item. Consult with City Manager to come up with plan.

Adjournment

Meeting was adjourned at 10:23 p.m.

Zoe Mirabile
City Clerk