

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of January 24, 2017

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 R. Davis: Remove consent calendar item from agenda—Lease with Center for Land-Based Learning for Cannery, will come back on a future agenda.

W. Arnold moved, seconded by L. Frerichs, 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 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

B. Conference with Legal Counsel — Existing Litigation: Burrowing Owl Preservation Society v. City of Davis et al, Yolo Superior Court Case No. PT17-21

C. Conference with Real Property Negotiators:

1. Property: APN 070-251-17

(City and Successor Agency to the Redevelopment Agency)

Agency Negotiators: City Attorney Ethan Walsh, City Manager Dirk Brazil, Assistant City Manager Mike Webb, Assistant City Manager Kelly Stachowicz, Media & Communications Officer Stacey Winton, Property Management Coordinator Tracie Reynolds

Under Negotiation: Price and terms of payment

City Council returned to open session at 6:36 p.m. R. Davis reported on action taken in closed session: City Council approved defense of the lawsuit Burrowing Owl Preservation Society v. City of Davis. Council believes the City went beyond

what is legally required in mitigating the impact of the project on burrowing owls. The City also complied with current guidance from the State Department of Fish and Wildlife. We believe the petitioners should take their concerns to Fish and Wildlife since they are the regulatory agency and the City must comply with Fish and Wildlife requirements.

City Manager  
Announcements

D. Brazil: Thank employees for response to storm, will continue to be a heavy lift over the next few weeks. Working with Davis Waste Removal to add special street cleanup due to damage from storm. Cleanup all week, special pickups in neighborhoods.

Facilitated Community Conversation regarding Cannabis on January 31 at Senior Center.

City Council  
Announcements

W. Arnold: Attended City-DJUSD 2x2 meeting.

R. Swanson/R. Davis: LRDP Subcommittee activities, further details in regular item later on agenda

L. Frerichs: Subcommittee met with people from UC regarding proposed Renters Resources Ordinance

R. Davis: Thank Human Relations Commission and citizens who attended Martin Luther King, Jr. event on Monday, sense of people wanting to come together.

Valley Clean Energy Alliance meeting—Discussion included timeline for beginning purchase of electricity and conflict policies for advisory members.

Last Council meeting had conversation on issues related to panhandling, included storage of items in public spaces and homelessness. District Attorney, Public Defender, and Police Department meeting to discuss grant funding to handle addiction issues through neighborhood court or homeless court. Focus on treatment and processes. County is looking for \$6 million+; city is supporting efforts.

Intent to remove consent calendar items

B. Lee comment on consent calendar item—Entertainment Permit Update. Request a fuller discussion at future Council meeting. What has been done so far, how its working, ideas for future.

D. Brazil: Will be included in Health of Downtown workshop.

Public Comments

- Francisco, Julia Van Warren, Rodrigo Hedderbeck, Dave Abramson, Gabriel Sarnell, and Michael Rose: Support city divesting from Wells Fargo; values do not represent those of the community. Support standing rock and those fighting the Dakota Access Pipeline.
- Greg House, Jennifer House, Anya McCann, Andrew Wynead, and Karen Waterson: Item removed from agenda—Center for Land Based Learning Lease for

Cannery Farm. Comments included: Request Council remove item from consent calendar for further discussion. Suggest putting Cannery lease out to bid. Community should have say in how land is managed. Support efforts to ensure organic farming on site.

- Howard Zochlinsky: City has been using abatement laws in biased manner. Invite people to join in class action lawsuit against City.
- Alan Humason, Yolo County Visitors Bureau: Tickets on sale for Taste of Yolo Food Festival on June 10 in Central Park.
- Larry Gunther, Old East Davis Neighborhood Association: Design guidelines work, over past 12 years many projects approved and all have increased density. Neighborhood has continued to evolve.
- Greg Rowe: Regular calendar items—Support UCD LRDP comment letter and renter’s resources ordinance. Concerned fees may not be sufficient for a robust program over time, should monitor closely.
- Alan Hirsch: Suggest City Council consider a discussion of actions related to undocumented workers.
- Alan Pryor: Support proposal to put Cannery lease out to bid, term should be revisited. Consent calendar item—West Davis Active Adult project. Development Agreement, site map and mitigations need to be clearly explained before project is scheduled for an election.
- Natalie Nelson, Pence Gallery: Support Davis Hyatt House project. Developer interested in partnering with Pence and other arts groups, not only offered support but also platform for sharing.
- Eileen Samitz: Regular calendar items— Oppose Hyatt House—bad location, not easily accessed, impacts to neighborhood. Support renter’s resources ordinance— should implement as soon as possible. UCD LRDP—appreciate staff and Council efforts; support equal weight analysis. Consent calendar item— West Davis Active Community— concerned units not get RHNA credits, project should not be fast-tracked.
- Kemble Pope: Represent Trackside project proposal. Development team has worked to address as many neighborhood concerns as possible. Reduced from 6 to 4 stories, reduce residential units from 48 to 27. City’s public review process is underway. [www.trackside.center](http://www.trackside.center)
- Colin Walsh: Consent calendar item—Conflict of Interest policy update. Should include all commissions, important to be transparent. Many in community work at University. Should have policy to understand relationships.
- Connor: Suggest all commissions be included in Conflict of Interest Code requirements. Support divestment from Wells Fargo.
- Bridget Boyd: Parking situation at Davis Diamonds, safety concern with lots of street parking, area getting busier. Should look into shared parking with business lot next door.
- Alissa Chapman: Support rental resources ordinance. Experience irresponsible landlords, conditions not acceptable. Support divestment from Wells Fargo.
- Dave Nacell: Support Hyatt House project.

Consent Calendar

Amendment to On-Call Engineering Services Agreement for Design of H Street, Davis Little League Parking Lot and Tunnel Improvements, CIP No. 8251  
Approved Resolution No. 17-003 – Approving Task Order No. 6 to Alta Planning + Design as Part of Their On-Call Engineering Services Agreement for Design of H Street, Davis Little League Parking Lot and Tunnel Improvements and Authorizing City Manager to Execute Contract

Revised MOU and Scope of Work for Remodeling of the Works Progress Administration (WPA) Central Park Former Restroom Building  
Approved Resolution No. 17-004 – Authorizing the City Manager to Enter Into a Revised Memorandum of Understanding with the Yolo County Historical Society to Raise Funds to Remodel the Old Restroom in Central Park

Amendment to Telecommunications Agreement – City-Owned Parking Garage  
Approved Resolution No. 17-005 – Authorizing the City Manager to Enter Into a Third Amendment to the Telecommunications Agreement with T-Mobile West LLC to Continue Operating a Cell Site at the City-Owned Parking Garage at First and F Streets

Update of the Davis Commission Handbook  
Approved Resolution No. 17-006 – Adopting the 2017 Commission Handbook

Second Reading: Ordinance Amending Section 8B.07.040 of the Davis Municipal Code Reauthorizing the Public Educational and Government (PEG) Fee on State Cable Franchisees Operating Within the City  
Adopted Ordinance No. 2494 (Introduced 01/10/2017)

Support Letter for AB 1 and SB 1 – Transportation Infrastructure Funding  
Authorized the Mayor to sign a letter on behalf of the City Council and direct staff to send letter to Senators Dodd and Beall and Assemblypersons Aguiar-Curry and Frazier

Entertainment Operating Permit Update  
Informational

2016/17 Second Quarter Administratively Approved Budget Adjustments  
Informational

Commission Minutes (action): Civic Arts Commission Meeting of December 8, 2016

1. Received Minutes as informational
2. Approved Resolution No. 17-007 – Approving Acceptance of Donated Works of Art Into the City's Public Arts Collection

Board/Commission Minutes (informational):

1. Bicycling, Transportation, and Street Safety Commission Meeting of December 8, 2016
2. Natural Resources, Open Space & Habitat and Recreation & Park Commissions Concurrent Special Meetings of November 17, 2016
3. Open Space & Habitat Commission Meeting of December 5, 2016
4. Valley Clean Energy Alliance Board Meeting of December 13, 2016

Received as informational

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

Removed from Consent Calendar:

Item removed by R. Swanson.

R. Swanson: Suggest City consider a policy to address concerns related to employment and interactions with the University.

Amending Conflict of Interest Code

R. Swanson moved, seconded by L. Frerichs, to approve Resolution No. 17-008 – Amending the Conflict of Interest code provision. Motion passed unanimously.

West Davis Active Adult Community

Item removed by B. Lee.

B. Lee: Remove Phrase “without unnecessary delay” from recommendation.

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

1. Direct staff to solicit Commission input on the proposal
2. Return to Council with a budget adjustment and contract for preparation of an Environmental Impact Report
3. Initiate review of the fiscal impacts of the proposal
4. Process the applications, and bring them to Planning Commission and City Council hearing upon completion of staff and commission reviews

Motion passed unanimously.

Hyatt House Hotel – Proposed Extended Stay Hotel at 2750 Cowell Boulevard, Planning Application #15-60

R. Swanson recused herself due to real property interest within 500 feet of the subject site and left the room.

Assistant Community Development & Sustainability Director Ashley Feeney: Neighborhood meetings held November 29, 2016 and January 10, 2017. Summarized revised project design and proposed developer contribution toward enhancement of Rose Creek Greenbelt and Park. Amended conditions of approval.

Guneet Bajwa: Most of project team members are Davis residents, crafted project in unique Davis way. Modifications have been made in mutually respectful and civil manner. Number one hotel growth market is the greater Sacramento region.

Bridget Boyd, Rose Creek Neighborhood. Come to agreement to support compromise presented tonight. Ask city to help fund neighborhood improvements, community benefit agreement. Bring value to neighborhood, offset negative impacts.

Neil, neighborhood representative. Wanted to figure out a way to sustain value in community as long as business was in location and doing well. Ask city to offset funds from developer. Want to make destination, area in town that is truly unique.

Alissa, neighborhood representative: Still have questions regarding size of trees that are being planted. Would like some assurance of sizes, possibly in terms of height.

Public comments:

- Jason Taormino, Chamber of Commerce; Alan Humanson, Yolo County Visitors Bureau; Dechristy Adams, Montgomery Elementary School; Sean Raycroft; Crystal Edwards Jones; Desiree Rojas; Joshua Jones, Labor Alliance Delgates; Ty Hudson, Unit Here Local 49; Suzanne Kimball; Connor Gorman; Dan Carson; Alan Hirsch; Elaine Roberts-Musser; and Matt Williams spoke in support of the project. Comments included: Developers have been responsive to neighborhood concerns. Have entered into long-term commitment to support families and elementary school. Request consideration of using vacant rooms for transitional housing. Need more economic development projects in City, fiscal benefit to entire community. Funds for park enhancements should be allocated toward necessary infrastructure improvements citywide; will eventually get to a point where there are no longer amenities in neighborhood that need replacing. Should have gone before Tree Commission— 5-gallon trees are much more sustainable, should have 3-year guarantee on trees. Developer has voluntarily made a binding commitment to respect rights of future hotel workers to organize a union.
- Neil, Rose Creek Neighborhood Representative: Request Council discuss timeline, when commitments to neighborhood are to be made.
- Alan Pryor: Will monies contributed just replace other obligations that city has to neighborhood? Suggest requirement that applicant purchase all other electricity through 100% renewable rate via Valley Clean Energy Alliance JPA. Council should not impose oversize projects through zoning by exception on less affluent neighborhood.

A. Feeney: Will study if parking improvements to Davis Diamonds existing facility are possible

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

1. Certify Mitigated Negative Declaration #4-15 as adequately assessing the potential impacts of the project
2. Approve Resolution No. 17-009 - Amending the General Plan to Add Hotels as a Conditionally Permitted Use Within the Business Park Designation, with a Maximum Floor Area Ratio of 1.0 (General Plan Amendment #4-16)

3. Approve Resolution No. 17-010 - Amending the South Davis Specific Plan to Modify Guidelines for Non-Residential Development Along Chiles Road/Northerly Cowell Boulevard (South Davis Specific Plan Amendment #2-16)
4. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code, Amending Planned Development #2-12 Relating to Permitted Uses, Building Height, Signs and Outdoor Uses (Rezoning and Planned Development Amendment #7-15)
5. Approve Conditional Use Permit Application #5-15, Final Planned Development #9-15, Minor Modification #4-16 for a reduction in parking spaces and increase in tower height, and Design Review Application #25-15 for the project, based on the findings and subject to the conditions. Conditions include modifications to the project resulting from facilitated meetings with presentative of the Rose Creek neighborhood south of the project site, as well as the following: Amended condition of approval to clarify minimum photovoltaic, 260-290. Sustainability feature—buy into renewable if such project is available.

Motion passed by the following vote:

AYES: Arnold, Lee, Frerichs, Davis

NOES: None

ABSENT: Swanson (Recuse)

Assistant City Manager Mike Webb: Staff in midst of preparing 5 year projection plan for park improvements citywide. If Council wishes to utilize 1-time impact fees or construction fees for specific improvements to Rose Creek neighborhood, recommend Council direct staff to return to Council prior to certificate of occupancy with proposal for specific areas of neighborhood improvements, cost and timelines subject to Council intent to consider allocation of funds for neighborhood enhancements and plans.

R. Davis moved, seconded by L. Frerichs, to direct staff to expedite one of the park projects within the neighborhood in the coming fiscal budget. Allocation up to \$150,000 at time of construction fees to defined other priority project. Subject to understanding that future Councils are not fully bound by that based on timing of receipt of fees.

B. Lee moved a substitute motion, seconded by W. Arnold, to schedule discussion of potential amenity improvements in spring or summer. Staff to return with variety of suggestions as to how to allocate funds.

M. Webb: Suggest bring with 5-year plan a specific list of possible enhancements if funding and completion of project were to transpire. Proposal to include potential greenbelt enhancements. Looking for direction of timeline and dollar figure above and beyond normal projections.

B. Lee withdrew substitute motion. R. Davis withdrew main motion.

R. Davis moved, seconded by L. Frerichs, within the context of the 5-year park improvement plan, to direct staff to return with potential improvements in the range of \$150,000.

M. Webb clarification: Will work with neighborhood, develop list of improvements and amenities, may be replacements or enhancements.

Motion passed by the following vote:

AYES: Arnold, Lee, Frerichs, Davis

NOES: None

ABSENT: Swanson (Recuse)

City Council recessed at 9:09 p.m. and reconvened at 9:21 p.m.

Rental Resources Ordinance – Rental Education, Registration and Inspection Program

R. Swanson returned to the dais

Media & Communications Officer Stacey Winton: Summarized program, 3 components—education, registration and inspection.

Public comments:

- Daniel Neagy and Georgia Savage, ASUCD; Tim Tutt; Colin Walsh; Sean Raycraft; Will Kelly; Josh Jones; Connor Gorman; Vince Sturla, Oeste Manor Neighborhood Association; Matt Vosich, UCD Planning Office; Dave Griffin; and Alissa Meyer, Legal Services of Northern California; spoke in support of the Rental Resources Ordinance. Comments included: Fines and fees should be bigger. Address issue of illegal leases, and ensure safety and habitability of dwellings. Inspection program is important. Don't see resources for legal consulting, students don't know where to go when issues occur. Education is an important resource for students and renters.
- Alan Pryor: Concerned about penalties. Likely that many landlords will not register because it will be cheaper to be penalized than register.
- Ken Wagstaff: Need to address issue of homes being purchased by investors and occupied by 5 or more unrelated adults.
- Elizabeth Saft: Concerned penalties not enough for people who habitually violate ordinance.
- Matt Palmine: Public health and rights issue for tenants. Crisis of housing affordability.
- James Richie: Concerned ordinance will require outside property owners to resort to local property management companies, may increase rent.
- Alan Hirsch: Outreach not sufficient to address parking, noise, landscape, environmental issues. Fees are low; will there be enough money to manage program? Not enough for robust protections for students. Penalties not enough, should be \$1,000.
- Shelley Bailes: Many houses in Davis aren't inspected, build extra rooms and charge more rent. Others are reported as mini dorms and inspected, then after



compliance with city requirements, convert back again to mini dorms. Should be \$5,000 penalty for non-compliance.

- Ellen Pontac: New construction that passes final inspection is not subject to another inspection within 5 years. Should list rights and responsibilities of both landlord and tenant.
- Samantha Change, ASUCD: Ordinance allows for mediation. Fee on renters is necessary. Need more discussion about renters rights, especially differently abled.
- Andy Wallace: Most people don't understand that inspection program goes along with administration citations. Concern about discrepancy in how program is funded; fees won't cover objectives. Not having inspection program cover multi-family is a problem, especially 5-20 units that are very dated.
- Elaine Roberts-Musser: What triggers inspection? Need specifics. Recommend 1-page explanation of what renters rights are and what landlord responsibilities are. Support ordinance. Concerned that multi-family is exempt.

W. Arnold moved, seconded by R. Swanson, to introduce Ordinance Adding Article 18.11 to the Davis Municipal Code to Implement Housing Rental Regulations and a Residential Rental Registration and Inspection Program, as amended: Local contact for manager within 50 miles of the city (modified from proposed 35 miles). Owner can request waiver of the location requirement if owner can demonstrate that the manager or owner can timely respond in person to matters related to the rental unit.

R. Davis: If possible, consider program to track and post status of inspected units online. Consider adding to inspection list a cursory reading of lease or summary of provisions.

Motion passed unanimously.

City Council recessed at 10:28 p.m. and reconvened at 10:33 p.m.

City Comment Letter to UC Davis on the Environmental Impact Report (EIR) Notice of Preparation (NOP) for the UC Davis Long Range Development Plan (LRDP)

Assistant City Manager Mike Webb: UC Davis issued Notice of Preparation on January 4, started scoping period for preparation of the EIR for LRDP. Comment period closes February 17.

Public comments:

- Kirk McGregor: Recommend work with UCD to explore research and development options such as shared infrastructure operability, and coordinate long-term development. If there is infrastructure to support that type of relationship, other parties may be interested in contributing.
- Dan Carson: Statewide estimate of growth needed in UC system to accommodate California residents is 11,000 additional. How much is UCD share of that growth? Suggest CEQA alternative to look at downscale approach.
- Colin Walsh: Hope Council will authorize staff to go to Regents meeting to represent City.

- Connor Gorman: Support staff attending Regents meeting. May listen to city officials more than students.
- Sunny Shine: Thank Council for patience in listening and being persistent. Still concerned over detention basin impacts on Russell Fields.
- Crystal Jones: Thank Council for collaborative efforts on both renters rights and UCD LRDP. Encourage city to go to Regents meeting, understand what kind of vision is possible.

W. Arnold moved, seconded by R. Swanson, to authorize transmittal of the letter to UC Davis and the University of California Regents submitting comments in response to the Notice of Preparation of an Environmental Impact Report for the 2017-2027 UC Davis Long Range Development Plan. Motion passed unanimously.

Discussion of Council Meeting Start Time

Public comment:

- Connor Gorman: Length of meetings and expectations should be addressed if pushing start times farther back.

City Attorney Harriet Steiner: Timing on agenda is best estimate. To change start times requires an Ordinance amendment.

W. Arnold moved, seconded by R. Swanson, to direct staff to return with Ordinance to change start time to 7:00 p.m.

L. Frerichs: Should remain at 6:30. Shorter closed sessions, start at 6 instead of 5:30.

R. Davis: Request Council think about another night of the week for longer closed sessions such as labor negotiations.

Motion withdrawn.

By consensus, City Council directed staff to schedule closed sessions at 6:00 p.m., with regular session start time remaining at 6:30 p.m. Probable to have closed session every meeting.

City Council Brief Communications

AB1234 Reporting: W. Arnold /R. Swanson /R. Davis /B. Lee: Attended Chamber dinner

Long Range Calendar

B. Lee: Banking services update—possible to move from February 21 to 7?  
D. Brazil: Intent is to include with social investment policy being developed by consultant.

R. Davis: Suggest informational item regarding banking on February 7. Can provide direction to staff.

H. Steiner: Will bring back information on banking services, investment services, loans. Council can decide how to move forward.

W. Arnold: Davis Diamonds parking issue and suggestion by B. Lee to have parking impact fees in future projects.

R. Davis: Keep health of downtown workshop on February 7.

Adjournment Meeting was adjourned at 11:18 p.m.

Zoe Mirabile  
City Clerk