

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of April 18, 2017

The City Council of the City of Davis met in regular session beginning at 6:33 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 D. Brazil: Consent calendar item removed from agenda—Lincoln40 Student Apartments; item will be agendaized next week.

W. Arnold moved, seconded by L. Frerichs, to approve the agenda as amended. Motion passed unanimously.

Ceremonial Presentation Proclamation Recognizing April 22 as Earth Day was presented by R. Swanson.

2017 Environmental Recognition Awards:

A. Business: Indigo Hammond + Playle Architects and Whole System Designs. Presented by W. Arnold and R. Swanson.

B. Non Profit: Davis Community Church. Presented by L. Frerichs.

C. Individual/Group: Yolo Interfaith Alliance for Climate Justice. Presented by R. Davis.

D. Environmental Legacy: Davis Bike Lanes, 50<sup>th</sup> anniversary of the first bike lane in the United States. Presented by B. Lee.

City Council recessed at 7:07 p.m. for a reception and reconvened at 7:17 p.m.

City Manager Announcements D. Brazil: Delegation from Wuxi, China is currently visiting. April 22—Picnic Day and Safety Enhancement Zone will be in effect.

City Council Announcements R. Swanson: Yolo-Solano Air Quality Management District is working on air particulate standards and improvements within the district.

B. Lee: Attended Yolo Sustainable Groundwater Management planning meeting, Davis will be joining.

L. Frerichs: SACOG Board meeting will be held on April 20, will report back at next meeting.

R. Davis: Know Your Rights Forum at UCD Law School. Able to debrief from joint discussions with commissions—opportunity for Council to give more specific direction. Looking for Council Subcommittee to propose next set of joint discussions.

Public Comments

- Alan Hirsch: Important to welcome everyone in community. Distributing Signs that say Love Your Neighbor in different languages. Hope city will place in front of civic buildings. Encourage environmental sustainability in community. Science March in Sacramento on April 22.
- Connor Gorman: Third Space Collective is still an issue. Lease is set to expire end of April, need alternative space. Consider city building such as Historic City Hall.
- Alan Miller: PG&E has purchased the building at 203 J Street and intends to demolish it; two businesses are being evicted. PG&E was supposed to install a pipeline on the railroad right of way, but instead plans to use this building site. Neighborhood wants to see businesses stay. Ask city to have City Manager and City Attorney look into this to stop it from happening. Not in city's best interest to lose businesses.
- Rick Gonzales, Yolo Interfaith Immigration Network: Invite Council and community to raffle and auction fundraiser on April 26 at Veterans Memorial Center. Raising money to fund immigrant population. Provide \$25 grocery tickets to university students.

Consent Calendar

Citywide Fiber Optic Network Feasibility Study

1. Approved Resolution No. 17-037 - Authorizing the City Manager or His Designee to Execute an Agreement with CCG Consulting to Prepare the Feasibility Study of Options for Implementing a Citywide Fiber Optic Network
2. Approved Budget Adjustment #96 (\$86,000) – allocating Franchise Cable Funds, including \$66,700 for consultant services to prepare the Feasibility Study, \$5,000 for associated legal services, and \$14,300 for costs to create a GIS map of the existing City conduit infrastructure

Sewer System Management Plan Update

Approved Resolution No. 17-038 - Approving Updates to the Sewer System Management Plan for the City of Davis

Low Carbon Transit Operations Program (LCTOP) Funding for Bicycle E-Locker Purchase and Installation Project at the Amtrak Station

Approved Resolution No. 17-039 - Authorizing the City Manager, on Behalf of the City of Davis, and the Unitrans General Manager, on Behalf of Unitrans, to Act as Authorizing Agents for the Purpose of Obtaining and Administering LCTOP Funding

Application for Grant Funds for the California Urban Greening Grant Program

Approved Resolutions No. 17-040 - Approving Application for Grant Funds for California Climate Investments Urban Greening Program – Mace Ranch Project

Approved Resolution No. 17-041 - Approving Application for Grant Funds for California Climate Investments Urban Greening Program Tim Spencer Alley Enhancement Project

Second Reading: Ordinance Repealing Section 40.26.276, and Adding Article 40.26A of the Zoning Code Related to Personal Cultivation of Cannabis and Related Definitions

Adopted Ordinance No. 2497 (Introduced 04/04/2017)

Wastewater Rate Study and Proposition 218 Utility Rate Information

1. Received and accepted the Wastewater Rate Study Report
2. Approved the Proposition 218 Notice containing wastewater cost allocation adjustments to be effective beginning October 1, 2017
3. Directed staff to work with the Finance & Budget and Utility Rate Advisory Commissions to develop recommendations for the wastewater fund reserve policy and potential uses of the balance available over the reserve fund balance target

Civic Arts Commission Minutes from the Meetings of January 19, February 13 and March 13, 2017

1. Received Minutes as informational
2. Accepted Balance Beam as a gift to the City of Davis Public Art Inventory, per Commission recommendation (action item, March 13<sup>th</sup> meeting)
3. Approved Resolution No. 17-042 - Approving the Acceptance of Donated Work of Art into the City's Public Arts Collection

2016/17 Third Quarter Administratively Approved Budget Adjustments  
Informational

Open Space and Habitat Commission Minutes from the Meeting of March 17, 2017  
Informational

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

Public Hearing: Assistant City Manager Kelly Stachowicz: Funding recommendations based on 2017-2018 assumed funding allocations. Process included request for projects and Social Services Commission deliberation and recommendation.

Community Development Block Grant (CDBG) and Housing Investment Partnerships Program

Mayor Davis opened the public hearing.

- Alan Pryor, Davis Oral Health Project: Distribute dental materials to many non-profit organizations. Only grassroots organization left out of funding recommendation. Davis Oral Health Project should receive funding, meets criteria.

Mayor Davis closed the public hearing.

(HOME) Funding Recommendations

W. Arnold: Davis Oral Health Project stemmed from an action to not fluoridate water

R. Swanson: Should have a conversation about funding oral health. Consider support from Rotary or other service clubs, dental businesses.

L. Frerichs moved, seconded by B. Lee, to approve Resolution No. 17-043 – Tentatively Awarding 2017-2018 Allocation of CDBG Funds in the Amount of \$568,000 and HOME Funds in the Amount of \$300,000, and authorizing submittal of the required One-Year Action Plan to the Department of Housing and Urban Development (HUD), contingent upon funding provided. Motion passed unanimously.

Public Hearing: Sterling 5th Street Apartment Project at 2100 5th Street

Planner Eric Lee: Overview of project components and required entitlements. Summarized Development Agreement provisions.

Ben Richie, Denovo Planning Group, EIR consultant: Two significant traffic impacts at 2<sup>nd</sup> St./Cantrill Dr. and Pole Line Rd. between 5<sup>th</sup> St. and Cowell Blvd. Common themes: ensure that population does not exceed number planned for, allowable uses and densities in the residential high density, potential traffic impacts and thresholds of significance for downtown traffic. Revisions to project since release of EIR do not alter analysis or conclusions.

Applicant presentation:

- Josh Fassbinder, DinCal3, applicant: Addressed community and commission comments—project has been reduced in height and pushed farther back on property. Coordinating access to amenities under managed approach, such as certain number of days per year, finding partnership opportunities.
- Keith Bloom, Mutual Housing California: Affordable stand alone project within proposal. Developer contributed land and \$2 million in funds. 38 units, permanently affordable for low, very low and extremely low income households. Will have on site community organizer and student initiative programs. Serving transitional age youth, provide affordable housing and services.
- George Phillips, applicant lawyer: Ways to protect property from any legal judgment against Families First. Have assurances that will not affect private property transaction of purchase of property.

Mayor Davis opened the public hearing.

- Larry Furlazzo; Carolyn Stiver, Chamber of Commerce; Matt Palm; Rebecca Davis; Cindy; Sara Williams; Jan Judson; Greg Rowe; Kristin Stoneking; Donald Gibson, Victoria Morl, Daniel Neagy, Josh Talvine, Georgia Savage, Samantha Chang, Samuel Kennedy, and Rahii, ASUCD; Emily Wu; Ann Marie Flynn, Mutual Housing California; Rob Wiener; Russ Spodarra; Lois Serrano; Naiima Kalime; Machaela Conserras; Richard Sieman; Jennifer Chapman; Connor Gorman; Julianne Carrea; Eric Gudz; and Erica Shemra spoke in support of the project. Comments included: Support density, student housing and

affordable components. Provides range of unit types. City needs more affordable housing and housing in general. Project is environmentally superior and is a productive use of space. Location is near multiple transit routes.

- David McLaughlin; Martha Teeter; Lucy Hamless; Christy Herbigg; Mary Lou Carter; Pam Wilson; Kevin Wheeler; Jean Miller; Rhonda Reed; Bryan Johnson; Collette Stillkey; Marjorie Beach; Sandy Philby; Susan Ranier; Tim Hoban; Eileen Samitz; and Rodney Robinson spoke in opposition to the project. Comments included: UCD should be required to build more on campus student housing. Shouldn't build dorms within city limits. Project is too large; will impact traffic congestion. Mature trees will be removed. Current building should be repurposed. Project is not sustainable. Need housing that is flexible for families as well as students. Concerned about dividing access to amenities, not available to affordable units. Concerned about legal judgment on previous occupants. Rancho Yolo residents are concerned the zoning on their mobile home park lots may change.
- Larry Gunther: Planned developments should not transform the city. Recent PDs constitute transformative and fundamental changes. Do we want to transform our city by exceptions? Disagreement and confusion regarding long term planning for future. Need to come together as community to decide what we want city to look like for next 100 years.
- Todd Eidelman, Deep Streets Davis: City in extreme housing crisis. Partial failure of transportation mode share goals. Counter productive to not optimize space. Have to prioritize housing over parking. Sterling could have 15-20% more housing if no parking is required. Why is there parking for 60% of students when only 11% will drive? Consider car share or normal car rentals. Project should be excluded from parking minimums.
- Matt Williams: Sterling is not a holistic approach to housing. Need to grapple with overall General Plan update, look at whole picture.
- Connor Gorman: Need more housing that is affordable. Wonder what market rate apartment is expected to be and will that be affordable for students? Can't use need for housing as a way to ignore other concerns and community issues. Projects should actively give back to community, create positive impacts.
- Mary Jo Bryan: Support update to General Plan and Housing Element. Support smart growth and good planning, community participation. Need to find a way to make growth work for entire community.
- Alan Hirsch: Clearly need housing and sustainable building. Project probably could have improved with review by Tree Commission and Finance & Budget Commission. Project is revenue neutral. Lack of funding for schools from parcel tax rollback for multi-family. Hope future projects will ask for money for schools.
- Ron Glick: Measure R is the chokehold that is constraining housing developments and causing shortage in town. Need to get rid of Measure R to expand the city and build more housing.

Mayor Davis closed the public hearing.

City Council recessed at 10:34 p.m. and reconvened at 10:45 p.m.

Council comments included:

- Interested in addressing development impact fees. Not equitable.
- Interested in developer and MHA working together on pool usage, possibly once a month during warm months and providing public pool passes to MHA residents.
- Propose reaffirming zoning of Rancho Yolo and consideration of mobile home conversion protection ordinance
- Should opt in to highest green product available via VCEA. Encourage people to reduce water consumption.
- Parking—request developer to work with staff to develop exit fee for parking to encourage storage.
- \$40,000 one-time contribution for bike infrastructure efforts. Implement best practices in terms of design and planning for active transportation.

Josh Fassbinder, DinCal3:

- Community pools are open May-September. Suggest 1 day per month of open access to pool facility, joint community event in facility. Purchase pool passes for families within affordable community, for period of 10 years. Pay annually or up front to MHA who will allocate passes to residents of community.
- VCEA—comfortable assuming that rates are competitive. Will stay in program, 100% green to extent possible, assuming rates are competitive to PG&E.
  - R. Davis: Within 10% of PG&E. Consensus.
- Exit fee for garage—so many free per month free, once exceed number, charge.
- Determine median amount for water—over will be charge, under will be incentive.
- \$40,000 fee one-time payable at building permit?
  - Council consensus, yes.

City Attorney Harriet Steiner: Future actions to return to Council—confirm Rancho Yolo zoning, mobile home conversion protection ordinance, structure development impact fees.

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

1. Certify the Final Environmental Impact Report (EIR) prepared for the project (#3-15)
2. Approve Resolution No. 17-044 - Adopting CEQA Findings of Fact; Adopting a Statement of Overriding Considerations; Adopting a Mitigation Monitoring Plan; and Certifying the Final EIR for the Sterling 5<sup>th</sup> Street Apartments Project
3. Approve Resolution No. 17-045 - Intent to Amend the General Plan to Change the Land Use Designation for the Property at 2100 Fifth Street, Consisting of 6.0 Acres, from “Industrial” to “High Density Residential” (General Plan Amendment #2-15)

4. Introduce Ordinance Amending Chapter 40 of the Municipal Code Rezoning the Parcel Located at 2100 Fifth Street (APN #071-405-018), from Planned Development #3-92 to Planned Development #5-15
5. Introduce Ordinance Approving a Development Agreement with Uplift Family Services and Din/Cal 3, Inc. Relating to the Sterling Fifth Street Apartments Project, including the Affordable Housing Plan #2-15 (Development Agreement #3-15)
6. Approve Planning Application #15-49 for the Final Planned Development #7-15, Tentative Map #4-15, Demolition #2-15 and Design Review #18-15 for the project based on findings and subject to conditions of approval

Project documents to be amended as follows:

- Add program for pool passes and open pool days
- \$40,000 one-time fee at building permit to be allocated for transportation provisions bike/pedestrian active design. Return to Council for final determination of use of funds.
- Valley Clean Energy Alliance opt in provided fees are within 10% of PG&E.
- Add to water use section—provisions to reduce water use. Will return to Council if need action.
- Staff to return with parking plan.

Motion passed unanimously.

City Council  
Brief Commu-  
nications

W. Arnold: Will be traveling and attending Cap-to-Cap.

Long Range  
Calendar

City Manager Dirk Brazil: June 6—HCCP JPA discussion will be taken up in community forum rather than at Council meeting. June 20—joint discussion with Planning Commission. SACOG will be present to discuss regional housing.

B. Lee: Internet rentals update. Date? Will need to provide notice to people. Also a revenue component.

D. Brazil: Staff will confer.

Adjournment

Meeting was adjourned at 12:04 a.m.

Zoe Mirabile  
City Clerk