

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 25, 2017

The City Council of the City of Davis met in regular session beginning at 6:00 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 W. Arnold moved, seconded by L. Frerichs, to approve the agenda. Motion passed unanimously.

Closed Session City Council convened a closed session pursuant to Government Code §54954.5: 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; Davis Police Officers Association; Firefighters Local 3494; Program, Administrative and Support Employees Association

City Council returned to open session at 6:41 p.m. with no reportable action.

City Manager Announcements None

City Council Announcements W. Arnold: Attended joint Tree & Recreation and Park Commission meeting.
R. Swanson: Yolo County Visitor Bureau Taste of Yolo Event on June 10 in Central Park.
R. Davis: Received framed paper cut out from Wuxi delegation visit. Forum at Davis Community Church on issue of homelessness. Legal counsel authored amicus brief on City/County of San Francisco and Santa Clara litigation regarding sanctuary status. Federal judge issued preliminary injunction against executive order.

Public Comments

- Jean Jackman: Consent calendar item UCD LRDP—Campus provides the least amount of student housing in the UC system. Creates rental-housing issues. Suggest asking Chancellor to make account earmarked for dorms.
- Patrick Odland and Antonia Sebadise, Cesar Chavez Plaza Community Council: Represent 52 units on Olive Drive, low-income development. Invite Council to contact representatives if any questions.
- Alan Hirsch: Climate march on April 29 at state capitol. Bike parade from Davis, will meet at park and ride lot. Opportunity to show your values and get involved.
- Alan Pryor: UCD LRDP. University stopped being a good neighbor to city years ago. Cheaper to lease entire apartment building in town than build one on campus. Only real option is to bring lawsuit under CEQA after EIR is adopted. City should ask state legislators for assistance.
- Eric Gudz: Community Day of Service on April 29. Still recruiting volunteers.
- Connor Gorman: Consent calendar item—Lincoln40 Apartments. Support more outreach to community and pushing UCD for as much housing as possible.

Consent Calendar

Citywide Salary Table for All Positions 2013 through 2017
Approved Resolution No. 17-046 - Approving Citywide Salary Table for All Positions 2013 through 2017

Commission Minutes (action item): Human Relations Commission Meetings of September 22, October 27, November 16 and December 15, 2016, and March 23, 2017

1. Received minutes as informational
2. Ratified the following nominations from the Human Relations Commission for the 2017 Thong Hy Huynh Awards. Awards will be presented at the May 16th City Council meeting:
 - a. Lifetime Achievement: Al Rojas
 - b. Civil Rights Advocacy: Yolo Interfaith Immigration Network (YIIN)
 - c. Excellence in Community Involvement: ACME Theater Company and Intercambio
 - d. Young Humanitarian: Jesse Zablotsky and Alyse Lodigiani
 - e. Public Servant of the Year: Jamie Elliott

Commission Minutes (informational):

1. Bicycling, Transportation, and Street Safety Commission Meeting of March 9, 2017
2. Social Services Commission Meeting of March 9, 2017
3. Utility Rate Advisory Commission Meetings of January 12, February 9 and 23, 2017

Informational

Proclamation Declaring May 2017 as “May is Bike Month” in the City of Davis
Informational

L. Frerichs moved, seconded by W. Arnold, to approve consent calendar as listed above. Motion passed unanimously.

Removed from Consent Calendar:

Item removed by B. Lee.

Lincoln40 Student Apartments Proposed Project on East Olive Drive – EIR Project Alternatives

B. Lee: Propose examine mixed use alternative in EIR. Ground floor retail of some sort with upper floor residential.

Public comments:

- Alan Hirsch: Development should pay highest possible fees to schools. Location is not appropriate for housing, next to train station. Should consider making 100% retail.
- Eileen Samitz: Should include campus option as EIR alternative and eliminate Woodland alternative. Project needs to be significantly downsized.
- Paul Graft, representing Lincoln40 development: Conducting outreach over last year and a half. Not removing any trailer parks, working with existing tenants to determine needs. Access issue into Olive Drive difficult to address for feasibility; adding pedestrian crossing is still up in the air.
- Greg Rowe: Support on campus alternative as well as affordable and conventional. If need to delete something, should eliminate Woodland alternative. Can use data generated in Sterling EIR. Chiles Road alternative—parcels of similar size designated and zoned for residential are not currently available in the city.

W. Arnold moved, seconded by R. Swanson, to direct staff to proceed with inclusion of the following project alternatives to be evaluated in the Environmental Impact Report:

1. No Project Alternative
2. Existing Gateway / Olive Drive Specific Plan Alternative
3. Conventional Apartments Alternative
4. Reduced Density Student Apartments Alternative
5. Aggressive Transportation and Parking Demand Management Alternative
6. Off-Site City (3820 Chiles Road) Alternative
7. Off-Site Woodland Alternative
8. UCD On-campus Alternative
9. Mixed-use alternative (staff to determine housing units)

Motion passed unanimously.

Response Letter from UC Davis on the UC Davis LRDP

Item removed by B. Lee.

B. Lee: UCD intends to tear down a 2-story complex and replace with 3-story complex. Missed opportunity.

L. Frerichs: RFP for replacement of Orchard Park student housing will take place this summer, believe plan contains 3 story replacement. Request UCD consider higher density replacement.

Public comments:

- Dan Carson: Support staff recommendations. Concerned that UC has not meaningfully responded to questions from city. If going to have constructive dialogue, need full and complete responses. Need binding agreement to mitigate impacts.
- Greg Rowe: UCD only intends to house 90% of incoming students. Number of students living in city will increase under the LRDP. Students who live on campus enjoy college experience more and are more likely to graduate.
- Eileen Samitz: UCD letter is evasive. City and ASUCD have unanimously supported more on campus housing. Need to stop use of master lease by UCD, deprives city of funds and residents of needed housing. UCD needs to learn from UC Irvine, building high density, below market rate.

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

1. Receive as informational the April 14th letter from UC Davis on the LRDP
2. Direct staff and legal counsel to prepare a response letter to both UC Davis and UC Board of Regents for City Council review and consideration at the May 16th City Council meeting
3. Approve Budget Adjustment #97 (\$100,000) – allocating development impact fees and direct staff to begin scoping and preparation of independent City analysis of potential impacts associated with proposed UC Davis growth

Motion passed unanimously.

Public Hearing:
426 East 8th
Street & 717 D
Street / “D”
Street Gardens

L. Frerichs: Residence is within 500 feet of project site. Recused himself and left the room.

Planner & Historical Resources Manager Ike Njoku: Project site currently includes 8 unit studio apartment and single family resident with accessory dwelling unit. Proposal to subdivide into 9 lots for townhome style housing with apartment to remain.

Proposed Pro-
ject to Merge
and Re-Subdi-
vide Properties;
Planning Appli-
cation #15-51

Mayor Davis opened the public hearing.

Alan Hirsch: Should look at project in context. B Street has been a point of controversy regarding width of street and parking. Should discuss widening street. Project has too much parking.

Andre Moore, architect: Available to answer any questions.

Mayor Davis closed the public hearing.

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

1. Certify that Mitigated Negative Declaration #5-15 prepared for this project adequately addressed and mitigated the environmental impacts associated with the project
2. Introduce Ordinance Amending Section 40.15 of Chapter 40 of the Davis Municipal Code Rezoning Property Generally Located on 426 East 8th Street and 717 "D" Street to Planned Development #9-15, permitting the proposed residential subdivision and uses, based on the findings and conditions
3. Approve the following implementing entitlement applications, based on the findings and conditions for each application:
 - A. Affordable Housing Plan #3-15 that establishes the affordable plan for the subdivision
 - B. Merger and Tentative Map #3-15 that merges and re-subdivides the 0.702-acre parcels into 9 lots
 - C. Demolition #6-15 that approves the demolition of the single-family buildings at 717 D Street
 - D. Final Planned Development #10-15 that establishes final zoning standards for the 9 lots to be created in the new P-D district
 - E. Design Review #31-15 that establishes site plan and architectural standards for the new P-D district

Motion passed by the following vote:

AYES: Arnold, Lee, Swanson, Davis

NOES: None

ABSENT: Frerichs (recused)

City Council recessed at 8:27 p.m. and reconvened at 8:33 p.m.

Environmentally Acceptable Food Packaging Ordinance

Environmental Resources Manager Richard Tsai: Important piece for environmental program. Currently 70% voluntary compliance.

Public comment:

- Alan Pryor: Support ordinance. Integral part of Integrated Waste Management Plan.

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

1. Introduce Ordinance Adding Article 32.06 to the Davis Municipal Code to Eliminate the Distribution of Non-Compostable and Non-Recyclable Disposable Food Serving Ware
2. Determine that the Food Packaging Ordinance CEQA Negative Declaration adequately addresses the environmental impacts associated with the proposed ordinance

B. Lee proposed friendly amendment: September 1 implementation date. Accepted by mover and second.

Motion passed unanimously.

R. Swanson moved, seconded by L. Frerichs, to direct staff to bring back ordinance to require straws offered upon request. Exemption for to go items. Motion passed unanimously.

Davis Police
Department
2017-2019 Stra-
tegic Plan

Police Chief Darren Pytel: Summarized plan development, goals and objectives

Public comments:

- Eric Gudz: Interested in concept of community committees and outreach teams. Support inclusion of bias training as part of programming. Should help public understand how police navigate through decisions, provide understanding to greater audience.
- David Greenwald: Request Council revisit idea of civilian body to take part in oversight process. Many not willing to file a complaint and talk to police auditor. With public body, people would have greater access to process. Would like firm commitment when auditor leaves to continue to have oversight and consideration of civilian component.
- Alan Hirsch: Did not see the word “trust” in the plan. Guess that is the source of a lot of stress for officers. Maybe police can do more proactive ride alongs, help residents understand.
- Connor Gorman: Olive Drive community is home to low income individuals as well as homeless. With various projects occurring around it, afraid of it becoming gentrified and further policed. Need for civilian review board with oversight of police department.
- Parker Sedarro, ASUCD: Request focus on community building and solutions. Address cause of problems, not just symptoms. See accountability and transparency. Support body cameras. More outreach and community programs. Make sure civilian review board has power and held accountable.
- Timothy Nutter: City should rethink how currently addressing nuisance. Could increase operational efficiency if less officers respond to dog barking calls. Bicycle stores not aware of policy regarding deflectors on bikes; need to inform stores and public.

City Manager Dirk Brazil: Multi-year plan; will be bringing forward actions in series of budgets over next few years to address needs.

R. Davis: When budget comes forward, request items in PD budget that are reflective of coming out of strategic plan be called out.

W. Arnold: Community outreach efforts important, support opportunities for residents to engage with officers. Ombudsman program—interested in review of what has worked and what we do going forward.

L. Frerichs: Support biennial “Know Your Rights” presentations. Social worker on staff is essential and homeless outreach, crisis intervention.

B. Lee: Support homeless outreach team and social worker. Hope will be able to fund additional officer. Would like greater traffic enforcement and visibility of police.

R. Swanson: Interested in full time bike officer

R. Davis: Support outreach work and at risk populations. Issue of civilian oversight—current ombudsman is stepping away. Propose workshop to understand options allowed under state law. Understand models—current model, a couple others, consider safety subcommittee of Council to review. Understand implications and experiences around the state. Need systems in place.

Long Range Financial Forecast Model Assumptions

Assistant City Manager Kelly Stachowicz: Model is based on assumptions; request Council input on assumptions.

Bob Leland, Management Partners: Presented model and 20 year financial forecast

Public comments:

- Dan Carson, Finance and Budget Commission: Hope FBC is able to review revenue and spending assumptions. Still have significant challenges to fund personnel and infrastructure. Adding staff positions shouldn't be automatic. Should consider any offsetting revenue.
- Matt Williams, FBC: Useful for FBC to regularly review and comment on assumptions. Should provide comparison of model to city's official 2016-17 forecast, incorporate range of scenarios, performance indexes. Create graphical representations.

W. Arnold: FBC is appropriate place for ongoing review and discussion of assumptions

R. Davis: Request informational item on how/why Kitchell report of building and parks assessment has been modified and changes incorporated into fiscal model. Support comparison with official forecast. Provide parameters. Provide upper and lower ranges.

B. Lee: Request staff come back with relative order of magnitude for cannabis tax. What other communities of our size received. Reasonable sense of what that revenue will allow for.

K. Stachowicz: Can include some information for Council

H. Steiner: Cannabis tax in commercial/research operations scheduled June 20

City Council Brief Communications

None

Long Range
Calendar

D. Brazil: June 20—cannabis discussion; July 11—revenue discussion. Mobile home park conversion—will bring options to Council before summer break.

L. Frerichs: Request ceremonial for Tree Davis be scheduled on same night as joint discussion with Tree Commission.

Public comments:

- Alan Hirsch: Long Range discussion sets calendar. Have asked for several months for tree ordinance to be agendized. Tree ordinance is important. Many trees are going to die in next several years.

R. Swanson: Able to teleconference on June 20

R. Davis: Request informational item on Police Department outreach/civilian board

Adjournment

Meeting was adjourned at 10:24 p.m.

Zoe Mirabile
City Clerk