

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of May 23, 2017

The City Council of the City of Davis met in regular session beginning at 6:30 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 Ethan Walsh, City Clerk Zoe Mirabile

Approval of Agenda D. Brazil: Consent calendar item—Beverage Straw Ordinance amended with language change.

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

City Manager Announcements Monday is Memorial Day; City Hall will be closed.

City Council Announcements None

Public Comments

- Francesca Wright: Picnic Day incident and aftermath—No public forums or direct reports to Council or public bodies. City Attorney displayed poor judgment in hiring retired Sheriff for audit. Police Chief Pytel revised policies for officers in unmarked cars. Seeking direction for advisory board. Accountability measures with auditor should be made public.
- Linda Deos: Foxtails need to be moved from Covell Greenbelt. Have not seen anyone working in area except to mow periodically. Parks Department hasn't been responsive to issue.
- Shanti Isram: Support consumer choice energy program. Intern at Environment California, nonprofit. Reaching out to local leaders; ask to sign letter of support for vision of renewable energy.
- Dean Johansson: Human Relations Commission reviewed proposed police surveillance ordinance on April 27. Ordinance deals with surveillance technology, transparency, and public input. Uses Oakland Ordinance as starting point.

Consent Calendar Radio Replacement Project – Interoperability with Fire, Police and Local Government Agencies

Approved Resolution No. 17-053 - Authorizing City Manager to Enter Into a Licensing Agreement with the Sacramento Regional Radio Communications System

City Council Meeting Schedule for Legislative Year 2017-2018
Approved Resolution No. 17-054 - Establishing Schedule of Meeting Dates for Legislative Year 2017-2018

Beverage Straw Ordinance
Introduced Ordinance Adding Article 17.03 to the Davis Municipal Code to Enact Procedures and Prohibitions Regarding the Distribution of Beverage Straws to Reduce Waste and Setting Forth the Penalties for Violation

- Commission/Task Force Minutes:
1. Broadband Advisory Task Force Meeting of February 22, 2017
 2. Historical Resources Management Commission Meeting of February 27, 2017
- Informational

R. Swanson moved, seconded by L. Frerichs to approve the consent calendar. Motion passed unanimously.

Appointments to Advisory Board/Commissions

Assistant City Manager Kelly Stachowicz: Will not be appointing to Utility Rate Advisory Commission tonight.

Public comments:

- Linda Deos: Personnel Board applicant
- Donna Russell: Applied for Senior Citizens, Social Services & Human Relations Commission
- Justin Goss: Finance & Budget Commission applicant.
- Ray Solomon, FBC current member. Served 1 term, interested in serving another term.

Council appointed applicants to commissions based on a grid voting system:

Finance and Budget Commission								
4 Regular (06/30/21)								
Commission Applicants		WA	RD	LF	BL	RS	TOTAL	APPOINT
Azam	Mariyam						0	
Beeman	Ezra						0	
Carson	Daniel	X	X	X	X	X	5	Regular
Eichele	Larry						0	
Engel	Geoffrey			X	X	X	3	Runoff

Goss	Justin	X	X	X			3	Runoff
Myers	Christopher							
Salomon	Raymond	X	X		X	X	4	Regular
Turner	Mary Ann							
Weiss	Michelle	X	X	X	X	X	5	Regular

R. Swanson moved, seconded by L. Frerichs, to appoint Justin Goss to FBC. Motion passed by the following vote.

AYES: Arnold, Frerichs, Swanson, Davis

NOES: Lee

Recreation and Park Commission								
3 Regular (06/30/21); 1 Alternate (06/30/19)								
Commission Applicants		WA	RD	LF	BL	RS	TOTAL	APPOINT
Escamilla-Greenwald	Cecilia	X	X	X	X	X	5	Regular
Harland	Bruce						0	
Hubbard	Tyson	X	X	X	X	X	5	Regular
Pitesky	Maurice	X	X	X	X	X	5	Regular
Reinecke	Deborah						0	
Richter	Vanessa	X	X	X	X	X	5	Alternate

L. Frerichs moved, seconded by, R. Swanson, to retain Vanessa Richter in the alternate position. Motion passed unanimously.

Personnel Board								
1 Alternate								
Commission Applicants		WA	RD	LF	BL	RS	TOTAL	APPOINT
Deos	Linda	X	X	X	X	X	5	Alternate
Turner	Mary Ann						0	

Senior Citizen Commission								
4 Regular (06/30/21)								
Commission Applicants		WA	RD	LF	BL	RS	TOTAL	APPOINT
Loschke	Margot	X	X	X	X	X	5	Regular
Lotter	Donald		X	X	X		3	Regular

Neville	Donald	X	X	X	X	X	5	Regular
Regnell	Janet	X	X	X	X	X	5	Regular
Russell	Donna	X				X	2	
Smith	Maddy						0	

Public Hearing:
Proposed Zoning of Commercial Cannabis Manufacturing, Testing, Research, and Distribution Business in the City

Assistant Director Community Development & Sustainability Ashley Feeney: Overview of proposed regulations and next steps.

Mayor Davis opened the public hearing.

- Eric Gudz, Integrate Cal Community Partners and Students for Sensible Drug Policy: Education and crime reduction will be key to successful policy implementation. Peer education programs, community workshops can be offered as support from community. Encourage Council to look at creation of community benefit fund from generated taxes.
- Kimberly Kimball, Therapeutic Alternative: Support strict regulations for manufacturing as proposed. Protect consumers and environment.
- Anthony Vasquez: Encourage and support regulations.
- David Carlson, H&S Properties: Davis Municipal Code 40.01.010 has low standards for exceeding hazardous material threshold, below what is established elsewhere. Consider revising what constitutes volatile in Davis Municipal Code at another time.
- Amelia Patterson, Blessed Extracts: Happy to see manufacturing moving forward so swiftly. Discreet asset of this community.
- Sadik Sadu: Planning to start cannabis business in Davis. Encourage building of community.
- Rob Reid: Recommend differentiating commercial and medical; different process to obtain licenses. Without specificity, may be difficult to obtain license.
- Donna Russell: Need to make sure that medical marijuana is not taxed. Police department and County Prosecutor’s Office should research arrests made of simple possession of cannabis. Join efforts to extract wrongfully imprisoned people.

Mayor Davis closed the public hearing.

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

1. Introduce Ordinance Adding Article 40.26B to the Davis Municipal Code Related to Zoning of Commercial Cannabis Manufacturing, Testing, Research, and Distribution Business in the City; and Amending Sections 40.30A.030, 40.30A.070 and 40.30A.080 to Make Clarifying Edits to the Existing Administrative Use Permit Findings
2. Find that this Ordinance is not a project subject to California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations as set forth in the Ordinance.

B. Lee: Interested in administrative overhead costs from other jurisdictions with commensurate programs.

R. Davis: Want to know cost of compliance. Challenges of cash based program, ways to track/report revenue. Interested in more information on production of medical versus non-medical products.

Motion passed unanimously.

City Council recessed at 7:36 p.m. and reconvened at 7:45 p.m.

Public Comments

L. Frerichs moved, seconded by W. Arnold, to reopen general public comment. Motion passed unanimously.

- Dillan Wright, Third Space Art Collective: Express gratitude to Councilmembers for support. Happy to be a part of Davis art community. Currently looking for another building.
- Connor Gorman: Cannabis ordinance—if 600 sq. ft. of cultivation for testing facilities, should allow outdoor cultivation as well as indoor. Consider amending in the future. Support looking into the release of individuals still incarcerated for previous cannabis related incidents.

Public Hearing:
Chiles Ranch
Subdivision /
2411 E. 8th
Street: First
Supplement and
Amendment to
Development
Agreement;
Tentative Sub-
division Map;
Revised Afford-
able Housing
Plan; Final
Planned Devel-
opment; Re-
vised Final
Planned Devel-
opment

Assistant Director Community Development & Sustainability Ashley Feeney: Project previously approved in 2009, not yet broken ground. Provided comparison of projects and proposed changes for affordable housing.

Mayor Davis opened the public hearing.

- Colin Walsh: Every new development should include permanently affordable housing. Affordable units should not be decreased. Other types of multi-family or attached housing units should be built instead of single family.
- Connor Gorman: Possible to require affordable housing units above the minimum standard. Single family residences will sell for much higher rates than previously proposed condos. High demand for affordable housing in Davis. Should look to build an affordable apartment complex to help with housing demand.
- Linda Deos: Concerned about not requiring more affordable. Neighborhoods should have a mix of economic residences. Oppose in lieu fees. If condos are not built, look at duplexes or quadplexes.
- Bryan Johnson: Lack of affordable housing. Should not become a precedent that money takes place of affordable housing.
- Midge Dorn: Not enough diversity in Davis. Moderate priced housing should be included in development as well as affordable.
- Karen Leyse: Concerned about increase in traffic on East 8th Street. At the very least, need traffic calming measures. Area has increased number of students and parking has become an issue.
- Crystal Edwards Jones: Should hold developer to at least 15 units.

- Eileen Samitz: Should ensure 22 units of some kind, consider other attached unit types.
 - Lydia Della-Schlosser, Fouts Homes: Many people apply for affordable housing, but qualification is at times problematic. Trying to provide the best approach with combination of on site affordable and in-lieu fees. Traffic calming measures incorporated into development agreement.
 - Don Fouts, developer: Needed to modify plan to increase quality and make project better. Condos are dated product, full of issues. Original design of condos were massive and out of scale for development. Proposing mix of on site affordable integrated within community and in lieu fees. City needs a source of funds to support affordable housing goals. Provide benefit to greater number of households.
 - Ann Maria Soika: Previous proposal had 24 affordable, not 22. In lieu fees are too low. Architectural diversity is less in new proposal. Accessory dwelling units are located on top of garage, not accessible to seniors and disabled.
- Mayor Davis closed the public hearing.

Assistant City Manager Kelly Stachowicz: Social Services Commission reviewed proposal. Voted unanimously to not support proposed modifications.

B. Lee: Interested in all affordable on site, not in lieu fees. Possibly 14 units. Suggest additional time for resale via the city's right of first refusal program.

L. Frerichs: Lots 31, 32, 63, 64 should also be affordable duplexes. Should have minimum 12 affordable units. After summer recess, request workshop on affordable housing, in lieu fees, selection process, assessment of needs and types of affordable units.

W. Arnold: Interested in total number combined for on-site and in lieu fees to equal 22. Allow for some in lieu fees, but more on site than what is proposed by developer. 10 on site and 12 in lieu fees.

R. Davis summary: Consensus for importance of integration of affordable unit within the community. Interested in larger number of on site units: Frerichs 12, Lee 14, Arnold 10.

City Council recessed at 9:16 p.m. and reconvened at 9:25 p.m.

D. Fouts: Proposal: Total units reduced to 96 units, reciprocal percentage for affordable would be 20 units. 12 on site with 8 in lieu fees. Scattered in lots 6-10 and 31, 32, 63, 64.

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

1. Introduce Ordinance Approving the First Supplement and Amendment to Development Agreement Regarding the Chiles Ranch Subdivision Project
2. Approve the Tentative Subdivision Map to subdivide Lot "41" for the creation of 9 new residential lots ("*Chiles Ranch West*")

3. Approve the following applications, based on findings and subject to conditions:
 - a. Revised Affordable Housing Plan to amend the number of affordable units required and to meet the housing obligation through a combination of construction of on-site units (12) and payment of in-lieu fees (8)
 - b. Finalized Planned Development to establish development standards for 9 new residential lots; Revised Final Planned Development to formalize minor development standard changes within the approved subdivision due to minor shifts in lot lines

City Attorney Ethan Walsh: Affordable units and in lieu fees are to be incorporated into development agreement. Future changes to map can be done at a future action.

B. Lee proposed a friendly amendment: Condition of Approval 92(b) amended: increase 60 days to 90, and 90 days to 120 for Right of First Refusal Program. Accepted by mover and second.

Motion passed unanimously.

City Council
Brief Commu-
nications

None

Long Range
Calendar

City Manager Dirk Brazil: June 20—Veterans Memorial Center & Senior Center Legacy. July 11—Safety technology has been renamed to public safety surveillance.

R. Davis: Banking RFP status?

D. Brazil: Will return to Council before recess

R. Davis: Post recess affordable housing workshop

D. Brazil: Will schedule

Adjournment

Meeting was adjourned at 9:37 p.m.

Zoe Mirabile
City Clerk