

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of December 5, 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 Mike Webb, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda By consensus, City Council approved the agenda.

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following: Conference with Real Property Negotiators:  
Property: 2727 Second Street (APN 071-404-011)  
Agency Negotiators: City Attorney Harriet Steiner, City Manager Mike Webb, Public Works Director Robert Clarke, Assistant Public Works Director Stan Gryczko, Environmental Resources Manager Richard Tsai  
Negotiating Parties: Davis Waste Removal Company Inc.  
Under Negotiation: Price and Terms of Payment

City Council returned to open session at 6:47 p.m. with no reportable action.

Ceremonial Presentation Recognition of Outgoing City Manager:

- Assembly Resolution presented by Jonathon Howard, Deputy District Director for Assemblymembers Cecilia Aguiar-Curry and Bill Dodd
- Yolo County Supervisors Resolution presented by Supervisors Don Saylor and Jim Provenza
- Proclamation in Recognition of Dirk Brazil for His Outstanding Service to the City and Davis Community

City Manager Announcements M. Webb: Upcoming meetings—December 6 at Community Chambers, Davis Futures Forum, Topic: Parking. December 7 at Senior Center, Police Oversight Forum. December 7—Davis Downtown Advisory Committee at Senior Center.

41<sup>st</sup> production of Nutcracker, tickets on sale tomorrow; online ticket sales available via city website. December 9—City Hall at the Market, Public Works Department features. Holiday tree lighting and parade—over 1,500 attended. Recently

completed projects—Drummond roundabout now in paving phase. Davis Art Center landscaping, with assistance of displaced farmworkers grant.

City Council  
Announcements

None

Public Com-  
ments

- Susan Rainier, David McLoughlin, Topper, Eileen Samitz, and Ron Oertel spoke in opposition to large student housing projects. Comments included: Mega-dorms are being approved without studying whether water and sewer system can accommodate projects. Costs the community in commercial sites, affordable housing, and impact fees. Need to work with university to find solution to issue.
- Rhonda Reed, Old East Davis Neighborhood Association; Tia Will; and Alan Miller spoke regarding consent calendar item—second reading of Trackside project Ordinance. Comments included: Oppose Ordinance. Disappointed in process—less than transparent, disrespectful of commission volunteers, and one-sided. Response from developers and Council was not collaborative. Project should be reconsidered.
- Bonnie Walther: Interfaith Rotating Winter Shelter season has begun. Intake site on 5th & D Streets, register homeless and send off to participating home site for meal and place to sleep. Thank city for temporary site. Asking city for permanent site for homeless for next year.
- Todd Edelman: Attended Anderson Rd improvement workshops. Missed opportunity—left turn from middle does not allow for state of the art bike infrastructure. Ask City Council to suspend requirement for dual left turn lane. City has received grant for additional bike lockers at depot. Public Works drafting RFP to create lockers that accommodate cargo bikes to replace cars. Aim to have program in spring to lend e-cargo bikes.
- Senna Fittenger: Regular calendar item-Bike Pump Track. Support recommendation for track at Community Park. Oppose Mace Ranch Park location, not appropriate.
- Connor Gorman: Picnic Day 5 topic is still pending, past wrongs need to be righted. Support funding additional services for the rotating winter shelter.
- Imy Gladdes: Council needs vision for sustainable future in areas of environment, safety and finance. Smaller development footprints with increased affordable units.
- Carrie Ann Hunt: Long and frustrating experience to find affordable rental. Rented by room, geared for students not families.
- Colin Walsh: Shift in projects coming before city—4, 5, and 6 bedrooms, single use buildings, not easily repurposed. Not welcoming to families, working people, and single parents. Council put pressure on university to build more housing, but university still has not increased housing on campus.
- Alan Hirsch: Davis Futures Forum—parking and downtown core. Thank Council for supporting net neutrality. Vacation of ROW for 820 B St—will not get back ability to plant tree. Should include street trees as part of vacation.

Mace Blvd— staff report does not reflect citizen or commission input. Does not show due diligence or indication of public involvement.

- Nancy Price: UCD has been asked to implement 50/100 housing plan by city, county, ASUCD, Sierra Club. If city keeps approving projects, sending message to UCD that they do not have to comply.
- Eric Gudz: Bicycling Transportation and Street Safety Commission requests Council to submit letter supporting AB1103 to legalize Idaho stop. As individual—support Council in putting forward resolution in support of net neutrality.
- Dan Fuchs: Disappointed in the way reconstruction of bike lane at south end of little league fields has been handled. Signage and timing could be better. Cyclists and pedestrians confused.

Consent Calendar

Construction Contract Award for Mace Boulevard Corridor, CIP No. 8257

1. Approved Resolution No. 17-153 - Awarding Contract to Ghilotti Construction for Construction of the Mace Boulevard Corridor Improvements and Authorizing City Manager to Execute Contract
2. Approved Budget Adjustment #64 (\$160,000) – transferring Road Impact Fee funds from the Pavement Rehabilitation project, CIP No. 8250, to fully fund construction costs

Wastewater Treatment Plant Facility Improvement Project, CIP No. 8219 – Project Update and Additional Contingency

Approved Resolution No. 17-154 - Approving the Increase in Contingency for the Design-Build Agreement with AECOM / WML a Joint Venture for the Secondary and Tertiary Improvements Project

Amendment to On-Call Engineering Services Agreement, Task Order #5 for the Sewer Lift Station Design, CIP No. 8275

Approved Resolution No. 17-155 - Awarding Contract to HDR for Sewer Lift Station Design

Water Cost of Service 2017 Update

1. Affirmed currently adopted water rate increases of 14% and 9% in January 2018 and 2019 respectively
2. Directed staff to pay off I-Bank debt associated with the East Area Water Tank project

Community Pool License Agreement for Davis Aquadarts

Approved Resolution No. 17-156 - Authorizing the City Manager, or His Designee, to Enter Into a Temporary License Agreement with Davis Aquadarts to Use Community Pool During the 2018 Season

Extension of Contract for the Water Efficiency Customer Engagement Project

Approved Resolution No. 17-157 - Authorizing the City Manager to Execute the Fifth Agreement Amendment with Watersmart Software Solutions to Extend the Term of the Agreement

Reject All Bids and Re-Bid 2018 Traffic Striping Project, CIP No. 7252

Approved Resolution No. 17-158 - Rejecting All Bids for the 2018 Traffic Striping Project, and Authorizing Staff to Re-Bid Project

L. Frerichs recused himself from the following item due to real property interest within 500ft of the subject site.

Intent to Vacate Right-of-Way (ROW) at 820 B Street

Approved Resolution No. 17-159 – Resolution of Intent to Vacate Right-of-Way and Retain a Public Utility, and Signage Easement Over Approximately 512 sq. ft. Located in Front of 820 B Street

Second Reading: Rezoning/Preliminary Planned Development Zoning Ordinance Amending Chapter 40 of the Davis Municipal Code, Rezoning the Project Site, Consisting of Approximately 0.525 Acres Located at 901-919 Third Street and 0.167 Acres of Leased Area of Adjacent Railroad Right-of-Way, from Mixed-Use (M-U) to Preliminary Planned Development (PD) #04-15

Adopted Ordinance No. 2517 (Introduced 11/14/2017)

AYES: Arnold, Frerichs, Swanson, Davis

NOES: Lee

Election Code Update

Introduced Ordinance Amending Chapter 12 of the Municipal Code Relating to Elections

City Council Minutes from the Meetings of June 6 and 20, 2017

Approved

Commission/Task Force Minutes:

1. Broadband Advisory Task Force Meeting of August 23
2. Bicycling, Transportation, and Street Safety Meeting of September 14, 2017
3. Historical Resources Management Commission Meetings of July 17 and October 16

Informational

Letter of Support for Net Neutrality to the Chairman of the Federal Communications Commission

Authorized the mayor to sign a letter, on behalf of the entire Council, to the Chairman of the Federal Communications Commission, to show support for maintaining the principles of free and open internet service, enshrined into law under Title II of the Communications Act

Pilot Program – Wraparound Services for the Interfaith Rotating Winter Shelter

1. Authorized City Manager to fund a pilot program of supportive wraparound services for individuals seeking shelter at the Interfaith Rotating Winter Shelter
2. Directed staff to pursue future funding options in conjunction with Yolo County Department of Health and Human Services and other service providers

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

City Council recessed at 7:49 p.m. and reconvened at 7:51 p.m.

Caltrans Presentation: Proposed I-80 HOV Lane Project

Marlon Flournoy, Caltrans District 3 Deputy District Director: Overview of bus/carpool lane and bikeway project. Thinking comprehensively about improvements at one time, limiting impacts, opportunity to apply for grants. Working with agencies within corridor. Looking to address safety issues within region. Next steps include: refine scope, cost, schedule spring 2018, environmental review summer 2018-fall 2019, construction summer 2021-fall 2023.

Public comment

- Alan Hirsch, Dan Fuchs, Diane Swann, John Swann, John Steele, Alan Miller, Eric Gudz, John Watterson, Todd Edelman, and Daniel provided input on the proposed I-80 HOV lane project. Comments included: Consider 24/7 car pool lanes, not just peak hour. Union Pacific crossing, road 32A improvements and bicycle access should be included as part of CalTrans study. Bike connection should be preserved and maintained during construction. Should consider converting one existing lane to HOV lane. Current bike path serves as buffer area to catch trash from freeway. Would like to see more consideration toward park and ride scenarios, public transportation connectivity and car pool. Should construct bicycle infrastructure ahead of HOV lane. Should have fee waivers or subsidies for low-income individuals that could potentially use the proposed express lane.

Council comments included:

- Support idea of building bike facility first
- 32A crossing—dangerous at grade railroad crossing. Ask for SACOG partnership to do an integration of 32A segment to causeway.
- Consider adding auxiliary lane from south bound 113 to Davis. Allow 4<sup>th</sup> lane to continue on and exist at Richards Blvd.
- If continuing public outreach, beneficial to meet with Bicycling Transportation and Street Safety Commission, conduct item as workshop.
- Have to figure out connectivity of causeway to city limits by all modes. Want to achieve separated system for cyclists to go from city limits to causeway.

M. Flournoy: Staging—idea is to construct bicycle structure first. After construction, will work on other aspects of project. Have been following issues regarding 32A, will be part of analysis. Looking at all modes of transportation traveling in corridor. Currently working with SACOG and other issues on managed lane network study, strategies to better manage traffic in region. Looking at park and ride lots within corridor. UCD interested in running more transit service. Yolobus also interested. Goal of project is to increase usage of that mode.

Appointments to Advisory Commissions

Public comments:

- Alex Lee: Bicycling Transportation and Street Safety Commission (BTSSC) & Planning Commission applicant
- Alan Hirsch: Commissioners should be embedded in community. Request commissioners to occasionally attend city council or other commissions meetings. Ask staff to ask commissioners in each meeting what other meetings they have attended.
- Aria Berliner: BTSSC & Senior Citizen Commission applicant
- Osman Multi: Recreation and Park Commission applicant
- Todd Edelman: BTSSC applicant.
- Greg Rowe: Planning Commission applicant

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

<b>Bicycling, Transportation, and Street Safety Commission</b>								
<b>1 Regular (12/31/20)</b>								
<b>Commission Applicants</b>		<b>WA</b>	<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>TOTAL</b>	<b>APPOINT</b>
Berliner	Rosaria						0	
Casillas	Carlos						0	
Chan	Michael						0	
Csontos	Tim						0	
Edelman	Todd	X			X	X	3	Regular
Hewlett	James						0	
Hildreth	Russell						0	
Lee	Alex		X	X			2	
Soltani	Cyrus						0	
Ugartemendia	George						0	
Vosheva	Lyubov						0	

<b>Human Relations Commission</b>							
<b>1 Alternate (6/30/19)</b>							

<b>Commission Applicants</b>		<b>WA</b>	<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>TOTAL</b>	<b>APPOINT</b>
Alam	Nadia	X		X	X	X	4	Alternate
Costa	Katelyn		X				1	
DeSanti	Lisa						0	
Harland	Bruce						0	
Harrington	Cheri						0	
Leyva	Jesus						0	
Myers	Christopher						0	
Russell	Donna						0	
Soltani	Cyrus						0	

<b>Planning Commission 1 Alternate (12/31/18)</b>								
<b>Commission Applicants</b>		<b>WA</b>	<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>TOTAL</b>	<b>APPOINT</b>
Chan	Michael						0	
Davis	Mark						0	
Harrington	Cheri						0	
Lee	Alex						0	
Malinowski	Jeffrey						0	
Rowe	Greg	X	X	X	X	X	5	Alternate

<b>Recreation and Park Commission 1 Regular (6/30/21); 1 Alternate (6/30/19)</b>								
<b>Commission Applicants</b>		<b>WA</b>	<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>TOTAL</b>	<b>APPOINT</b>
Bair	James (Stan)						0	
Chan	Michael						0	
Csontos	Tim						0	
Harland	Bruce						0	
Harrington	Cheri	A	A	A	R	A	5	Alternate
Malinowski	Jeffrey						0	
Mufti	Osman	R	R	R	A	R	5	Regular
Ugartemendia	George						0	

<b>Natural Resources Commission</b>								
<b>1 Alternate (12/31/18)</b>								
<b>Commission Applicants</b>		<b>WA</b>	<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>TOTAL</b>	<b>APPOINT</b>
Bair	James (Stan)	X	X	X	X	X	5	Alternate
O'Neill	Sharman						0	
Rasure	John						0	
Rowe	Greg						0	
Ugartemendia	George						0	

<b>Senior Citizen Commission</b>								
<b>1 Regular (6/30/21); 1 Alternate (6/30/19)</b>								
<b>Commission Applicants</b>		<b>WA</b>	<b>RD</b>	<b>LF</b>	<b>BL</b>	<b>RS</b>	<b>TOTAL</b>	<b>APPOINT</b>
Berliner	Rosaria	A	A	R	A	X	5	Alternate
Lasensky	Elizabeth	R	R	A	R	X	5	Regular
Russell	Donna						0	

City Council recessed at 9:06 p.m. and reconvened at 9:13 p.m.

Site Selection for Proposed Bike Pump Track, CIP No. 8311

Senior Civil Engineer Kevin Fong: Project overview, public outreach on site locations, staff recommends Community Park

Public comments:

- Jeff Austin, Marita Canna, David Fahy, and Jason Boss spoke in opposition to Mace Ranch Park as the location for the Bike Pump Track. Comments included: Collected signatures in opposition to Mace Ranch Park location. Concerned about funding of project. Should not have considered site. Need more than 3 location options.
- Kevin Bradford, John McClay, Nicole Warren, and Nick Watterson, Bike Park Alliance; Nick Dao; Marcy Nicholl; Connie Shinna; and two individuals spoke in support of the Bike Pump Track project proposed Community Park location. Comments included: Thank Council for moving project forward and providing funding. Good example of public private partnership. Good to look at park utilization to improve and continue to meet growing needs of community.
- Todd Edelman: Support central location. Concerned about mitigating negative parking impacts and ways for children who do not own bicycles to use track.
- Gloria Partida: Bike lane on Ponte Verde needs to get fixed before funding new facility. Bike access to Korematsu and Harper is dangerous. Need to look at areas that are dangerous for children first.



R. Swanson moved, seconded by L. Frerichs, to Approve Resolution No. 17-160 – Selecting Community Park as the Site Location for the Bike Pump Track Project. Motion passed unanimously.

Establishment and Implementation of a Retail Cannabis Business Community Benefit Program

Chief Innovation Officer Diane Parro: County is interested in county-wide outreach and educational efforts. Applicants for dispensaries have expressed desire to contribute to fund of some sort. Important for applicants to understand what is expected of them prior to Conditional Use Permit process. Details of program are still to be determined.

City Attorney Harriet Steiner: Theory behind community benefit fund is that there are potential adverse impacts that need to be mitigated. As move forward with initial benefit assessment, should start process to determine if that is appropriate fee and if it covers potential adverse impacts. Studies from other jurisdictions will be taken into consideration.

Public comments

- Eric Gudz; Aaron Ladda; Dan Carson; John Bose, DJUSD Superintendent, Connor Gorman; Lorne Silverstein, Integrate Cal Community Partners; Mary Kay Holt, Good Peoples Farm; Todd Edelman; Heidi Kelleson and Gina Deleidon, First Five Yolo; Sue Tzunshu; Jane Edie; Gina Borgious; Annette Finberg; Joellyn Welsh; Becky Hurd; and Kimberly Cargisle, Davis Cannabis Collective spoke in favor of a Retail Cannabis Business Community Benefit Fund. Comments included: Portion of tax revenue should be earmarked for drug and alcohol prevention, intervention, counseling and nursing services. Adolescent population is most at risk. Focus dollars on most vulnerable women and children.
- Alan Hirsch: Concerned with deliveries to empty lots, should deliver to residences, not people on street. Provide mechanism to check IDs. Community mitigation fund— obesity treatment should be given preference. High school drug issues. Externalities of product.
- Gloria Partida: Concerned that opportunity to inject restorative justice is not being met. Need to make meaningful actions to address substance abuse. Add funding for programs such as First Five Yolo. City should go over permitting process with eye for equity.

W. Arnold moved, seconded by L. Frerichs, to approve Resolution No. 17-161 - Authorizing the City Manager to Commission an Impact Study Regarding Cannabis Retailers in the City of Davis, Authorizing the City Manager to Enter Into Community Benefit Agreements with Cannabis Retailers to Address Potential Impacts on the Community Caused by Those Businesses, and Establishing a Community Benefit Fund. Motion passed unanimously.

Council comments included:

L. Frerichs: Focus on early childhood prevention/intervention services, restorative justice, creative or entrepreneurial business

B. Lee: Support resources to First Five and Davis Joint Unified School District. Consider program similar to RFP process for CDBG funding with workshop and review by Social Services Commission (SSC). Explain how programs serve Davis residents. If not reviewed by SSC, should at least have application process for funding.

R. Swanson: Support counseling at DJUSD, First 5 programs and restorative justice. Funds should come back into Davis. Also prevention efforts at junior high and high school level. Parameters for recipients—need to already be established programs and able to start services right away, not using funds for start up.

W. Arnold: Support ongoing funding stream to benefit most vulnerable such as First 5 program.

R. Davis: Support education efforts for youth and women of child bearing age—understand risks. Should be vigilant about changes in packaging of edibles. Need to set parameters for how to allocate funds. Be strategic. Focus on key ages and intervention. If have RFP process—focus on counseling, education, pre natal care. Applicants need to show how leveraging existing funds, matching funds. Need commitments to monitoring programs to make sure achieve goals. Consult with County Health Director—Set up best practices, evidence based programs.

W. Arnold moved, seconded by R. Swanson, that at least 50% of funds are to be dedicated to programs serving children 0-5, early childhood prevention and intervention services.

B. Lee: Suggest first entities to present proposals for funds are First Five and Davis Joint Unified School District.

R. Davis: Restorative justice—could ask Yolo County to allow all youth offenses to go through restorative process. Speak to Police Chief.

R. Davis moved substitute motion, seconded by W. Arnold, to receive proposals for multi-year funding for early childhood care, including pregnancy and youth services. Intent to fund 3-5 year commitment covering half of program cost, with matching funds provided by recipient; scale of program based on available funds.

All motions were withdrawn from consideration.

City Council  
Brief Commu-  
nications

R. Davis: AB 1234 reporting—attended Bicycle Hall of Fame event

Tentative Meeting Schedule R. Davis: Bicycling, Transportation, and Street Safety Commission—request to support AB1103. Request legislative subcommittee discuss and bring back if interested.

City Manager Mike Webb: Next meeting 12/19—revenue measures. Seeking Council availability for closed session meeting 12/20.

B. Lee: Development impact fee update—changing fees to be based on bedroom, not unit. With large development proposals coming forward, want to hear sooner rather than later.

M. Webb: Looking at those as components of development agreement discussions. On individual basis until able to undertake fee study.

B. Lee: Anderson Road project constraints—if relax constraints, able to have greater flexibility. Not necessarily need staff report.

M. Webb: Staff is looking into that and having discussion with consultant.

L. Frerichs: City/County/University 2x2x2 calendared as soon as possible

M. Webb: Will follow up

Public comments:

Tracie Dewitt: Where does 1% benefit fund come from? Number should be higher considering profit margin. Can individual contributions be more than 1%? Should begin to educate adults and community.

H. Steiner: Recreation cannabis subject to tax. 1% community benefit fund designed to deal with adverse impacts, percentage could change over time. Community benefit fund will be dedicated to offset impacts of cannabis on community; tax can be used for other purposes.

Adjournment Meeting was adjourned at 11:48 p.m.

Zoe Mirabile  
City Clerk