

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 31, 2018

The City Council of the City of Davis met in special session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Lee.

Roll Call:

Councilmembers Present: Will Arnold, Dan Carson, Lucas Frerichs, Gloria Partida, Brett Lee

Councilmembers Absent: None

Other Officers Present: City Manager Mike Webb, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda L. Frerichs moved, seconded by W. Arnold, to approve the agenda. Motion passed unanimously.

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:

1. Conference with Labor Negotiators.
Agency Designated Representatives: City Manager Mike Webb; Assistant City Manager Kelly Stachowicz; Human Resources Administrator Janet Emmett; Patrick Clark, Patrick Clark Consulting
Employee Groups/Organizations (under discussion): Davis City Employees Association; Firefighters Local 3494; Fire Management; Unrepresented Employees
2. Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case.

City Council returned to open session at 6:35 p.m. with the following reportable action: City, County and UCD have entered into an agreement which extends the time for the City and County to file litigation on the Long Range Development Plan and its Environmental Impact Report to September 19. Parties have agreed to participate in a confidential mediation to see if city's and county's concerns can be resolved without litigation. Action was approved unanimously.

City Manager Announcements City Manager Mike Webb: Fire Department strike teams were deployed to Ferguson and Carr fires. Since PG&E has prioritized assistance to restoration of service to areas of severe fire damage, construction projects may experience significant delays including: L St. renovations, Mace Blvd. upgrades, Cannery bike/pedestrian crossing.

City Council None

Announcements

Public Comments

- Randii Macnear, Davis Farmers Market: Welcome new councilmembers.
- Michelle Clark, Yolo Land Trust: Annual community event, A Day in the Country on September 9 in Clarksburg.
- Emily Griswold, Central Park Gardens of Davis: Support consent calendar item--Central Park Gardens MOU.10 years of community effort. Recently incorporated as non-profit, all volunteer organization. Goals for future.
- Alan Hirsch: Suggestions for summer reading—Urban Fortunes, and Blink.
- Steve Jerome-Wyatt, American Indian People’s Resistance Movement: City of Sacramento should tear down statue of John Sutter.

Consent Calendar

First Amendment to Sales Agreement for the Advanced Metering Infrastructure and Meter Replacement Project, CIP No. 8187

1. Approved Resolution No. 18-135 - Authorizing the City Manager to Execute Amendment 1 to the Agreement with Delta Engineering Sales for the Automatic Meters, CIP No. 8187
2. Approved Budget Adjustment #4 (\$754,292) – re-allocating previously approved Water Funds for project expenses

First Amendment to Consultant Agreement to Perform an Organics Processing Facility Feasibility Analysis

Approved Resolution No. 18-136 - Authorizing the City Manager to Execute an Amendment to the Consultant Agreement with Clements Environmental for the Organics Processing Facility Feasibility Analysis

First Amendment to the Improvement Agreement for 216 West 8th Street, Subdivision No. 5037

Approved Resolution No. 18-137 - Approving the First Amendment to the Improvement Agreement for 216 West 8th Street, Subdivision No. 5037, and Authorizing the City Manager to Sign the First Amendment

Sole Source Agreement with Solenis, LLC for Wastewater Treatment Plant Chemicals – Sludge Thickening and Dewatering Polymer

Approved Resolution No. 18-138 - Authorizing the City Manager to Execute an Agreement for Purchasing Wastewater Treatment Plant Chemicals from Solenis

Approval to Purchase Chemicals for Wastewater Treatment - Sodium Hypochlorite and Sodium Bisulfite

Approved Resolution No. 18-139 - Authorizing the City Manager to Purchase Chemicals for the Wastewater Treatment Plant from Univar USA

Vacate Sewer Easement at 2990 Fifth Street – Creekside Affordable Housing

Approved Resolution No. 18-140 - to Vacate the Sewer Easement Located at 2990 Fifth Street

Amended and Restated Co-Sponsorship Agreements with Field User Groups – American Youth Soccer Organization, Davis Cricket Club, Davis Legacy Soccer Club, Davis Little League and the Davis Youth Softball Association
Approved Resolution No. 18-141 - Authorizing the City Manager to Execute the Amended and Restated Co-Sponsored Field Use Agreements

Amended Memorandum of Understanding to Maintain a Portion of Central Park

Approved Resolution No. 18-142 - Authorizing the City Manager to Execute the Amended Memorandum of Understanding with the Central Park Gardens of Davis to Maintain a Portion of Central Park (agreement amended to include provision related to specified term.

Public Notice for Unclaimed Money

Approved Resolution No. 18- 143 - Authorizing the Release of Unclaimed Monies Pursuant to Section 50055 of the Government Code of the State of California

City Manager Purchasing and Approval Authorization During Council Recess
Approved Resolution No. 18-144 - Authorizing the City Manager to Execute Professional Services Contracts, Award Construction Contracts, Manage Grants and Approve Budget Adjustments During the City Council Recess From August 1, 2018 Through August 27, 2018

Allocation of Funds for Third Street Improvements – Utility Package
Approved Budget Adjustment #2 (\$2,581,527) – appropriating Sewer Capital Replacement Reserve and Storm Drainage Capital Replacement Reserve Funds per prior City Council action on June 20, 2017

Designation of Voting Delegates for the 2018 League of California Cities Annual Conference

Appointed Gloria Partida as the voting delegate and Dan Carson as the alternate delegate

Recreation and Park Commission Action Item – Meeting of February 21, 2018

1. Received the Commission Minutes as informational
2. Approved commission recommendation to approve the RPC 2018 Work Plan

Treasurer’s Report for the Quarter Ended June 30, 2018

Accepted the report

Surveillance Technology – Impact Report and Use Policy: 1818 Corporation
Yard Security Cameras

Informational. Staff report submitted as informational on the consent calendar at least 30 days prior to a public hearing on September 11, 2018 to continue use of the specified surveillance technology.

Commission/Task Force Minutes:

1. Broadband Advisory Task Force Meetings of April 25 and May 23, 2018
2. Finance and Budget Commission Meeting of June 11, 2018
3. Historical Resources Management Commission Meeting of April 16, 2018
4. Human Relations Commission Meetings of April 26 and May 24, 2018
5. Recreation and Park Commission Meetings of January 17, March 21, April 18, May 16, and June 20, 2018
6. Utility Rate Advisory Commission Meetings of February 21, April 2 and 5, May 16, and June 20, 2018

Informational

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

Removed from
Consent Calendar: Grand Jury
Response - The
Looming Crisis
of Yolo County
City Pension
and Retirement
Medical Costs

Item removed by D. Carson.

D. Carson moved, seconded by L. Frerichs, as follows:

1. Authorize the Mayor and City Manager to co-submit a formal City response on behalf of the City Council to the 2018 Grand Jury Report: Looming Crisis of Yolo County City Pension and Retirement Medical Costs
2. Directed staff to prepare series of educational utility bill inserts: (1) funding for street, road, and bike path maintenance; (2) city's estimated \$8 million funding gap (infrastructure maintenance); and (3) pensions and other employee benefits

Motion passed unanimously.

Ride Share and
Taxi Companies

Item removed by G. Partida.

Public comments:

- David Maxwell-Senssia, Village Cab; Bruce Hanson, Friendly Cab; Alan Hirsch; Sean, A&B Taxi; Clarence Walker; Robert Canning; Cristianne Sokollis; Donna Russell; and Eric Gudz: Support taxi companies. Hard to compete with ride share companies. Request taxi stand and imposing business license requirements on ride share drivers.

Council comments included:

- Suggest targeted outreach to seniors
- Support including in Amtrak study; connect services to mass transit system.
- Interested in staff returning with taxi stand possibilities, history and viability

- ity.
- Explore options for licensing or otherwise regulating transportation network companies

By consensus, City Council accepted as informational items.

Public Hearing: Assistant City Manager Kelly Stachowicz: TEFRA hearing required to receive comment/feedback from public related to the project. City is not a party to the action.

Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing, Walnut Terrace, Windmere, and Windmere II (Walnut Windmere) Apartments Affordable Housing Project

Mayor Lee opened the public hearing.

- Carole Standingelk: Resident of Windmere. Question affordability.
- Cristopher: No provision for people to grow cannabis or use medicinal cannabis in low income apartments.

Mayor Lee closed the public hearing.

W. Arnold moved, seconded by L. Frerichs, to approve Resolution No. 18-145 - Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority (CMFA) in an Aggregate Principal Amount Not to Exceed \$21,000,000 to Finance Three Rental Residential Facilities for Low Income Seniors and Families for the Benefit of Walnut Windmere LP (or an Affiliate Thereof), and Certain Other Matters Relating Thereto. Motion passed unanimously.

Removed from Consent Calendar: Windmere and Walnut Terrace Refinance and Rehabilitation – Assumption and Assignment Agreements

Item removed by D. Carson.

D. Carson moved, seconded by L. Frerichs, to Approve Resolution No. 18-146 - Approving the Assignment and Assumption Agreements for Windmere Walnut Affordable Housing Project. Motion passed unanimously.

Public Hearing: Mobile Medical and Adult-Use Cannabis Delivery-Only Use / 2810 Cowell Boulevard

Planner Cathy Camacho: Overview of proposed project.

Mayor Lee opened the public hearing.

- Stephanie Parerra: Cannabis use/sales has disproportionately criminalized minorities.
- Omar Ochoa, Green Life Davis: Project applicant. Business not visible from the street, discreet signage and operations. Plenty of parking on site.

- Security plan includes cameras, motion detection, license plate readers.
- Chris: Low income people no longer have access to medicinal cannabis

Mayor Lee closed the public hearing.

W. Arnold moved, seconded by B. Lee, as follows:

1. Determine that the project is categorically exempt from environmental review pursuant to CEQA sections 15301 and 15303 as operation, repair, maintenance, leasing and licensing of existing facilities; and conversion of a small structure not exceeding 2,500 square feet where retail cannabis delivery-only is a conditionally permitted use
2. Approve Planning Application #18-41, Conditional Use Permit #11-18 to permit a mobile medical and adult-use cannabis delivery-only use at 2810 Cowell Boulevard, based on the recommended Findings and subject to the Conditions of Approval

Motion passed unanimously.

Public Hearing:
Office and Re-
search & De-
velopment Pro-
ject / 4699 Al-
hambra Drive –
Planning Ap-
plication #18-
29

Community Development Administrator Katherine Hess: Overview of project proposal.

Mayor Lee opened the public hearing.

- Alan Hirsch: Tree ordinance does not address trees in parking lots—trees will not grow without structural soil. Support project.
- Cybil Bryant and Eric Still, Buzz Oates and Ramco Properties: Support project. Looking forward to project implementation.

Mayor Lee closed the public hearing.

L. Frerichs moved, seconded by D. Carson, as follows:

1. Adopt the Mitigated Negative Declaration as adequately assessing the potential impacts of the project and the Mitigation Monitoring and Reporting Plan for its implementation
2. Approve Resolution No. 18-147 - Intent to Amend the General Plan to Re-Designate the Property at the Northwest Corner of Mace Boulevard and Alhambra Drive from Neighborhood Retail to Business Park (General Plan Amendment #4-18)
3. Introduce Rezoning/Preliminary Planned Development (PD) Zoning Ordinance Amending Chapter 40 of the Davis Municipal Code, Rezoning the Property at the Northwest Corner of Alhambra Drive and Mace Boulevard from PD #1-04 to #5-18
4. Approve Final Planned Development #6-18, Tentative Map #1-18 and Design Review application #10-18 for the project, based on the Findings and subject to the Conditions of Approval

Motion passed unanimously.

City Council recessed at 8:26 p.m. and reconvened at 8:36 p.m.

Public Hearing: Police Chief Darren Pytel: Overview of technologies and usage:
Surveillance
Technologies

1. Automated License Plate Readers (ALPR)
2. Care Trak System
3. Crisis Negotiations Equipment
4. Explosive Ordnance Disposal Robot
5. Police Body-Worn Cameras/In-car Cameras

Mayor Lee opened the public hearing.

- Stephanie Parerra; Francesca Wright, Davis People Power; Connor Gorman; Larry Guenther; Eric Gudz; Dean Johansson; Will Kelly; Nora Oldwin; Michael Robles; Cristianne Sokollis; Christy Bershoe; Kaitlyn Bishop; Steve Jerome-Wyatt; Carole Standingelk; and Donna Russell: Policies, specifically body-worn and in-car cameras, require greater specificity. Request more time to review and discuss.

Mayor Lee closed the public hearing.

Council comments included:

- Support future review by Independent Police Auditor and the Davis Police Accountability Commission.

W. Arnold moved, seconded by D. Carson, as follows:

1. Determined that continued use of the surveillance technologies have been balanced with the need to: investigate and prevent crimes; protect crime victims and society from those who commit crimes; protect civil rights and civil liberties, including privacy and free expression; and the costs to the city
2. Approved the continued use of the surveillance technologies
3. Adopted the Surveillance Use Policies as “interim” and directed staff to return to Council with an update within 6 months. Council amended policies as follows: (1) relating to body worn camera reviewing/media duplication: include except as provided for in video release policy; and (2) relating to release of video footage: include Independent Police Auditor in conjunction with City Manager and Police Chief.

Motion passed by the following vote:

AYES: Arnold, Carson, Lee
NOES: Frerichs, Partida

City Council recessed at 10:14 p.m. and reconvened at 10:26 p.m.

Hiring of Independent Police Auditor and
Assistant City Manager Kelly Stachowicz: Summarized scope of services for Independent Police Auditor and creation of the Davis Police Accountability Commission.

Creation of a Davis Police Accountability Commission

Public comments:

- Robert Canning, Larry Guenther, M.E. Gladys, Stephanie Parerra, Connor Gorman, Parens Swanland, Eric Gudz, William Kelly, Francesca Wright, Nora Oldwin, Elena Lusebrink, Alan Hirsch, Carole Standingelk, Tia Will, Steve Jerome-Wyatt, and Ann Marie Soigen: Should allocate more hours to Independent Police Auditor function. The Davis Police Accountability Commission should have more authority and funding. Commission make up should include members with adverse experiences with the police and not include law enforcement officers.

L. Frerichs moved, seconded by W. Arnold, to approve Resolution No. 18-148 - Approving a Scope of Services and Authorizing the City Manager to Initiate a Search for an Independent Police Auditor. Motion passed unanimously.

L. Frerichs moved, seconded by W. Arnold, to approve Resolution No. 18-149 - establishing structure and purpose of commission, as amended: (1) add language regarding objective—promotion of accountability, (2) modify membership—interactions with police changed to “adverse” interactions, and no law enforcement background, (3) potential stipend amount and mechanism to be determined, include reference in outreach and interviews. Motion passed unanimously.

W. Arnold moved, seconded by D. Carson, to appoint G. Partida and L. Frerichs as council liaisons to the Police Accountability Commission. Existing subcommittee on commission interviews (B. Lee & L. Frerichs) will conduct interviews for PAC applicants. Motion passed unanimously.

Council consensus to continue meeting.

City Council recessed at 11:44 p.m. and reconvened at 11:52 p.m.

Wages and Benefits for Unrepresented Executive Management Employees & Finance Director Employment Agreement

City Manager Mike Webb: Resolution brings unrepresented executive management positions into one global document and provides for consistency. City has re-created Finance Director role.

W. Arnold moved, seconded by B. Lee, as follows:

1. Approve Resolution No. 18-150 - Approving Wages and Benefits of Unrepresented Executive Management Employees
2. Approve Resolution No. 18-151 - Authorizing Employment Contract – Finance Director

Motion passed unanimously.

AB1234 Reporting

G. Partida: Attended League of California Cities conference on Finance.

D. Carson: Attended UC Regents meetings on behalf of Council regarding

UC Davis Long Range Development Plan.

Tentative Meeting Schedule

Public comments:

- Alan Hirsch: Request Tree Ordinance be agendized. Council goal setting workshop—should solicit commission input regarding important issues.
- Connor Gorman: Surveillance items should be considered in timely fashion.

City Manager Mike Webb: Working on initial scoping and dates for goal setting in early fall. Ride share and taxi cab follow-up— Staff will confer with taxi companies. Return to Council toward end of September with ideas and options for moving forward. Council consensus.

B. Lee: Add joint meetings with commissions to long range calendar. Idea was brought up through commission process: Chair & Vice Chair of each commission coming together for meeting once a year with liaisons.

D. Carson: Agendize as consent item on August 28: Scope for Council Subcommittee on Fiscal Sustainability, Carson and Partida. First task to develop ideas related to Council Goals.

G. Partida: Request explore idea of city ride share. Alleviate downtown parking and support getting people downtown.

W. Arnold: Taxi stand—information regarding where it was located previously and what it would look like to do it now. Support exploring other requirements such as business licenses.

W. Arnold: Parking lot tree policies?

M. Webb: Tree Ordinance will be agendized after break

Adjournment

Meeting was adjourned at 12:13 a.m.

Zoe Mirabile
City Clerk