

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 11, 2011

The City Council of the City of Davis met in regular session beginning at 4:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Krovoza.

Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza, Stephen Souza, Rochelle Swanson

Councilmembers Absent: None

Other Officers Present: Interim City Manager Paul Navazio, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

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

(Joint Discussion with Redevelopment Agency) A. Conference with Legal Counsel – Existing Litigation: Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424

B. Liability Claims:

1. Claimant: Twin Pines Cooperative Foundation

Agencies Claimed Against: City of Davis and Redevelopment Agency

2. Claimant: Neighborhood Partners, LLC

Agencies Claimed Against: City of Davis and Redevelopment Agency

City Council returned to open session at 5:37 p.m. Mayor Krovoza reported as follows: The City Council and Redevelopment Agency were briefed on the status of the above matters. There is a trial date set on Twin Pines v. DACHA matter for October 2011; discovery in this matter is going forward. Through this discovery and the trial, additional information about DACHA and the allegations raised by Twin Pines and Neighborhood Partners will be resolved by the courts.

Approval of Agenda

R. Swanson moved, seconded by S. Souza, to approve the agenda. Motion passed unanimously.

City Council/Bicycle Advisory Commission Joint Discussion

Bicycle Advisory Commissioners (BAC) Present: John Berg, Earl Bossard, Robert Davis, Sarah McCullough, Davis Takemoto-Weerts, and Alan Jackman

Bicycle/Pedestrian Coordinator and Staff Liaison Tara Goddard: BAC has been looking at ways to integrate bicycling into action items in Council Goals; 26 different action items identified that directly impact bicycles.

John Berg, BAC Chair: Presented Commission goals and priorities for the next 2 years, using Council Goals as guidelines.

Council/Commission comments:

- Concern over losing Redevelopment Agency funding

- Suggest smart phone app be created for wayfinding
- Encourage bicycle tourism
- Suggest using UC Davis students for metric research
- Utilize volunteers in bicycling community – Davis Bicycles! and Bike Collective
- Need bicycle connectivity at West Village
- Request commission look at incorporating goals into bike plan

Public comments:

- Bruce Hammond: Concerned over bicycle vandalism and theft; suggest kiosks be installed around town to provide phone apps
- Mont Hubbard: Request painting of bike loop around town
- Russell Reagan: Wayfinding necessary, especially for Putah Creek undercrossing, South Davis undercrossing along Cowell Blvd and entrance to Putah Creek undercrossing along freeway
- Steve Tracy: Illegal to use hand held device on bicycle; app would need to be used with handlebar mounted phone

City Council recessed at 6:33 p.m. and reconvened at 6:43 p.m.

Ceremonial Presentation:

Mayor Krovoza presented a Proclamation Recognizing January 17, 2011 as Martin Luther King, Jr. Day

Public Comments

- Allen Pryor, Yolo Clean Air: Support wood burning restrictions and cost-effective anti-pollution measures
- Mark Graham: Grass roots campaign for public school funding, www.25teacherssalaries.org; request Council to support campaign
- Brian Johnson, Rancho Yolo Community Association: Efforts to buy Rancho Yolo Mobile Home Park from owners have been halted by owner's unwillingness; letters previously written to Council asking for help pertaining to health and wellbeing of residents in park, no response received; request city work with RYCA in drafting ordinance against fiscatory actions from park owners
- David Greenwald: Martin Luther King, Jr. Day event should be more citizen-based and not driven only by staff efforts

Consent Calendar

Resolution No. 11-001 - Authorizing Woodland-Davis Clean Water Agency to Proceed with Final Engineering of Water Project Intake Facility
Approved

Resolution No. 11-002 - Authorizing the City Manager to Execute Agreements with Hiroshi and Thelma Kido for Providing Water and Sewer Hook-Ups to Serve Property Outside the City Limits [Kido] - 1224 Drummond South
Approved

Purchase of New Type-I Urban Structure Fire Apparatus

1. Approved Resolution No. 11-003 - Resolution Accepting Bid of \$501,329.89

From Hi-Tech Fire Apparatus, Inc., for One (1) Type-I Urban Structure Fire Apparatus

2. Approved Budget Adjustment #31 – Transferring \$506,330.00 (includes \$5,000 contingency) from the Vehicle Replacement Fund to the 2010/2011 Fleet Purchase and Disposal Fund in order to initiate the purchase and place a non-refundable security deposit to expedite the build and avoid an expected model year price increase of approximately \$30,000

Second Reading: Ordinance No. 2373 - Amending Municipal Code Section 2.01.120 Regarding Filling City Council Vacancies
Adopted (Introduced 12/14/2010)

Ordinance No. 2374 - Approving First Amendment to the Willowbank Unit #10 Development Agreement; Being the Property Consisting of Approximately 7.15 Acres Located on the North Side of Montgomery Avenue, East of Rosario Street, West of Mace Boulevard, and South of Putah Creek
Adopted (Introduced 12/14/2010)

Commission/Committee Minutes:

1. City / Davis Downtown Business Association 2x2 Committee Meetings of April 26, September 27 and October 18, 2010
2. City / UCD Student Liaison Commission Meeting of November 10, 2010
3. Finance and Budget Commission Meeting of November 8, 2010
4. Historical Resources Management Commission Meeting of October 18, 2010
5. Tree Commission Meeting of November 18, 2010

Informational

Development Impact Fee Annual AB1600 Report
Accepted the report

Treasurer's Report for the Quarter ended September 30, 2010
Accepted the report

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

Removed from Consent:

Item removed by R. Swanson.

Annual Audit / Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2010

Interim City Manager Paul Navazio Public agencies are required to document transmittal of annual financial reports; summarized report findings

Public comment:

- Jon Li: Issues need to be addressed, be strategic and action oriented

R. Swanson moved, seconded by S. Greenwald, to receive the report. Motion passed unanimously.

Public Hearing:
Resolution
Amending the
Parking Fine
Schedule

Police Chief Landy Black: Proposed resolution adds eight enforcement sections that were inadvertently omitted from the Parking Fine Schedule adopted by City Council on November 16, 2010.

Mayor Krovoza opened the public hearing, and after no comments, closed the public hearing.

S. Souza moved, seconded by R. Swanson, to approve Resolution No. 11-004 - Adding Sections to the Parking Fine Schedule. Motion passed by the following vote:

AYES: Souza, Swanson, Krovoza

NOES: Greenwald

Proposed Union
Pacific Railroad
Fence and Dis-
cussion of Pe-
destrian/Bicycle
Access Between
Olive Drive and
Downtown Da-
vis

Property Management Coordinator Anne Brunette: Union Pacific proposes construction of a fence on the south side of the railroad tracks from the I-80/Olive Drive exit to the Richards Boulevard undercrossing. The most direct route for many Olive Drive residents to downtown, UCD, schools and daily services is across the tracks in the vicinity of the SP Depot or L Street, and proposal has raised concerns among the community.

Lisa Stark, Union Pacific Railroad (UPR): Overview of project--installation of public safety fence along UPR right-of-way parallel with tracks and Olive Drive

LeeAnn Dickson, U.S. Department of Transportation: Davis is not able to have a quiet zone under Federal Train Horn Rule, mandate requiring horn use upon approach of public crossings.

Daren Gilbert, California Public Utilities Commission (CPUC): CPUC has authority over grade crossings, location and treatment; if city decides to pursue crossing, will have to file application. Most likely, protests will be filed if city wants to pursue at-grade crossing in this location; would support undercrossing or overcrossing.

Public comments:

- Alan Miller: Old East Davis resident; support fencing due to public safety concerns; at-grade crossing justified at this location, Davis neighborhood of 1,000 people will be cut off by installation of fence
- John Henson: Olive Drive resident; several thousand people reside and several hundred cars are in the neighborhood, with only 1 egress; concern over building fence to lock people in without providing appropriate egress
- Daniel Quincy: Land/property not owned by UP, leased by federal government to railroad; crossing used for many years, people have right-of-way
- Steve Tracy: Live near railroad tracks for almost 40 years; presented picture of Del Mar station in Pasadena as example of crossing
- Alan Jackman, Bicycle Advisory Commission: Oppose use of public funding for fence if project proceeds without crossing
- Bruce Hanson: Curved section of track creates hampered visibility; suggest

tunnel for undercrossing, but potential danger of criminal activity in limited visibility area

- Mark Despeal: Tenant of Slatters Court; support at-grade crossing
- Henry Renault: Fence would be to detriment of business owners downtown, students and residents; support overcrossing or at grade crossing
- Roger Littge: People can assume easement after 5 years of uninterrupted use, residents have been able to cross tracks since 1868; consider at grade crossing with gate
- Susan Lovenburg, Davis Joint Unified School District: 49 DJUSD students reside on Olive Dr., attend 11 different school; DJUSD does not provide transportation to students, have worked with Unitrans to better serve Olive Dr. neighborhood; need to provide safe and accessible crossing
- Kirk Troste: Serious problem is un-monitored crossing along railroad; urge city to take action to protect students; should not fence in community, need to find short term solution to provide safety while also providing access
- Shawn O'Brien: Slatters Court resident; if fence built, need at grade crossing
- Rhonda Reed: Potential to lose mature trees along fence
- Richard Caillas: Need to establish strong collaborative efforts with all agencies
- Jim Watson: Technology exists to detect trains, provide safety warning, build infrastructure to effectively control crossing; find better solution
- Jon Li: Slatters Court resident; station is multi-modal, pedestrian and bicycle access should be provided
- Carol Joyce: Support at-grade crossing
- Christine Yampo: Slatters Court resident; Richards Blvd. is not safe crossing for pedestrians and bicyclists
- Gary Sandy, UCD Government Relations: University has record of cooperation with city; recently submitted grant to SACOG for additional planning in area; concerned with safety; supportive of Council and city efforts, willing to provide assistance
- Taylor Pope: Resident on Olive Dr.; potential for economic consequences for Olive Dr. residents and downtown businesses, community will be marginalized
- Michael Erickson: Support gate at Amtrak

City Council recessed at 9:29 p.m. and reconvened at 9:41 p.m.

R. Swanson moved, seconded by S. Souza, as follows:

1. City Council opposes the fence proposed by Union Pacific
2. Direct staff to work Union Pacific and others for alternatives to increase the net safety, focusing on a bike/pedestrian access at grade crossing or other such alternatives for the residents on Olive Drive
3. Direct Councilmember Greenwald, as representative to Capitol Corridor Joint Powers Authority (CJPA), to request the CCJPA Board not to move forward with releasing funds for this project until the city is able to assess reasonable alternatives

S. Souza proposed a friendly amendment to request a risk assessment study. Ac-

cepted by mover with the following clarification: City Council will see alternatives before moving forward with assessment, in case there is the possibility of reaching agreement without it.

S. Greenwald proposed a friendly amendment to request staff to discuss with Union Pacific Railroad a possible bicycle right-of-way along the proposed fence line to facilitate safe crossing. Accepted by both mover and second.

J. Krovoza further clarified the motion: doesn't preclude other alternatives.

S. Souza provided details of the proposed risk assessment: Analysis of the risk of selecting one solution as compared to another, namely, comparing the safety of the current situation to the safety with the two alternatives of proposed fence and at grade crossing.

P. Navazio: Staff will move forward with looking at every opportunity for at-grade crossing with alternatives to be brought back for Council consideration.

Motion passed unanimously.

Long-term Plan
for Affordable
Housing Units
Formerly Held
by Davis Area
Cooperative
Housing Associ-
ation (DACHA)
– Part 1

(Joint Discussion
with Redevel-
opment Agency)

Housing & Human Services Superintendent Danielle Foster: Summarized affordable housing models and policy questions.

Public comments:

- David Thompson: Want to try to figure out way to deal with DACHA situation; believe that co-op form is viable and options are available, should set rents at 120% of median income
- Ethan Ireland, DACHA Acting President: Foreclosure not conducted with understanding that residents would own homes; DACHA does intend to pursue dissolution, has no assets, no finances, no property; done everything possible to meet financial obligations.
- Luke Watkins: DACHA members weren't paying carrying charges; obtained rent roll from DACHA bookkeeper; some in arrears up to \$10,000; should not use city funds to finance purchase by DACHA members; request third party investigation of issue
- Ethan Ireland, residents referred to by DACHA were already taken to court and were in process of restructuring payments; personally never been late on payments and that goes for virtually everyone else in organization

P. Navazio: questions for Council consideration:

- To what extent should the agency recover investment?
- Retain as affordable? At what income level?
- Type of ownership model?

Council comments included:

- Support Co-op model or for-sale units

- Suggest 80-120% of area median income, prices should average 100% of AMI
- Buyer/tenant selection process
- Consider assistance programs Would like to see breakdown of prices
- Want to look at land trust model

P. Navazio: Staff will return with recommendations based on options discussed by Council.

Items deferred Mayor Krovoza announced the following items have been postponed to January 18, 2011:

1. Resolution to Amend the City of Davis Buyer/Tenant Selection Guidelines and Adopt a Procedure for Income Qualifying Households that Include Adult Dependents for Rental and Ownership Affordable Housing Units
2. Transportation and Circulation Planning: General Plan Element, Implementation Plan, and Possible Commission Structure

Brief Communications P. Navazio: Public Works recycling program has been expanded to accept #7 plastics

S. Souza: State Water Resources Control Board meeting on January 18 will include the water rights permit hearing to overcome last protest on application to obtain water rights; 9 written statements submitted on Davis' behalf

J. Krovoza: Propose moving 'Brief Communications' to front of agenda

Long Range Calendar

J. Krovoza: Council goal setting retreat—want to schedule ASAP
P. Navazio: Suggest scheduling session during regular agenda on February 15
R. Swanson: Want to wait until after mid-year budget update, ask staff to add budget funds; support scheduling retreat after new Council member appointed
S. Greenwald: Support waiting to schedule
J. Krovoza: Consider Saturday in March

S. Greenwald: Request update on road repaving be moved earlier on calendar
P. Navazio: Update on road paving scheduled for February 15 with transportation funding overview and priorities
By consensus, leave as scheduled for February 15. Staff to verify that no additional paving will be done before item comes to Council.

J. Krovoza: Request update on state budget and impacts to City; defer to staff on scope and level of detail
P. Navazio: Staff holding meetings next week; can schedule update for February 1
R. Swanson: Request staff to present options for Council consideration regarding RDA.
S. Greenwald and S. Souza: Support thorough analysis by staff; willing to wait if necessary

S. Souza: Solar project at Wastewater Treatment Plant producing electricity since October; facility should be highlighted to bring public awareness to project
P. Navazio: Will consult with Public Works staff.

Adjournment Meeting was adjourned at 10:57 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of January 11, 2011

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Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza, Stephen Souza, Rochelle Swanson

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(Joint Discussion with City Council) A. Conference with Legal Counsel – Existing Litigation: Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424

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1. Claimant: Twin Pines Cooperative Foundation

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Approval of Agenda R. Swanson moved, seconded by S. Souza, to approve the agenda. Motion passed unanimously.

Public Comments None

Consent Calendar Redevelopment Agency State Controller's Report for the Fiscal Year Ending June 30, 2010

Reviewed the report

RDA Resolution No. 1247 - Approving Agreement for Commercial Rehabilitation Loan for Restaurant at 630 G Street

Approved

S. Souza moved, seconded by R. Swanson, to approve the consent calendar as

listed above. Motion passed unanimously.

Long-term Plan for Affordable Housing Units Formerly Held by Davis Area Cooperative Housing Association (DACHA) – Part 1

(Joint Discussion with City Council)

Housing & Human Services Superintendent Danielle Foster: Summarized affordable housing models and policy questions.

Public comments:

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Adjournment

Meeting was adjourned at 10:57 p.m.

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City Clerk