

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of February 1, 2011

The City Council of the City of Davis met in regular session beginning at 5:15 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:

A. Conference with Legal Counsel – Existing Litigation: Davis City Employees Association v. City of Davis, California Public Employment Relations Board Case No. SA-CE-672-M

B. Conference with Labor Negotiators.

Agency Designated Representatives: William Avery, Avery and Associates; City Attorney Harriet Steiner; Interim City Manager Paul Navazio; Human Resources Administrator Melissa Chaney

Employee Organizations: Davis City Employees Association

City Council returned to open session at 6:34 p.m. Mayor Krovoza reported Council unanimously voted to defend the complaint pending before the Public Employment Relations Board.

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

Brief Communications P. Navazio: Status update on meetings with representatives for Union Pacific Railroad; staff will pursue any avenues consistent with Council direction regarding an at grade crossing. Item will be heard at Capitol Corridor Joint Powers Authority meeting on February 16.

R. Swanson and J. Krovoza: Attended the League of California Cities (LOCC) New Mayors and Councilmembers Conference in Sacramento.

S. Greenwald: Attended the LOCC Environmental Policy Meeting. Suggested Council consider agendaizing creation of a Council Subcommittee regarding Union Pacific issues.

R. Swanson: Assigned to LOCC Housing and Economic Development Policy Committee.

Long Range Calendar

P. Navazio: Follow up on Union Pacific and Redevelopment Agency Budget Actions agendized for February 15.

R. Swanson: Proclamation Declaring National Child Abuse Prevention Month agendized for April 5.

J. Krovoza: West Village Annexation scheduled for discussion on March 15; requested agendizing a status update on any outstanding issues before Council deliberation on annexation. Also requested the Urban Water Management Plan be reviewed by the Natural Resource Commission before discussed by Council.

Public Comments

- Danny Tomasello, Music Only Makes Sense: Music festival scheduled for June 25; live performances throughout venues in city to raise money for school programs.
- Laura Dolley, Alison Kenny and Heather Kenny, UC Davis CalPERG Oceans and Forest Conservation: Suggest city ban single use plastic bags and mandate use of canvass bags.
- Jon Li: Suggest workshop to discuss business and economic development.

Consent Calendar

Resolution No. 11-010 - Approving Caltest Analytical Laboratories as a Sole Source Vendor for Laboratory Testing, Program No. 7313
Approved

S. Souza recused from the following due to a conflict of interest from a business client:

Budget Adjustments in Support of the Twin Pines Rehabilitation Project and ADA Flatwork Improvements

- #52 (\$100,000) – Allocating Housing Trust Funds to the previously approved Twin Pines Apartment Rehabilitation project
- #53 (\$170,098) – Allocating CDBG Funds to ADA flatwork improvements, consistent with City Council action from April 2010

Approved

Appointment to Yolo County Waste Advisory Committee

Appointed Jacques DeBra, Utilities Manager, as the City of Davis representative

Golden Heart Awards for 2011

Affirmed awarding the 2011 Golden Heart Awards to the following recipients:

- Community Service: Tayler Stone
- Personal Challenge: Josie Campanelli, Ashley Altchek, Neia Wixson, and Robert Lipman

2010 Business and Economic Development Awards

Affirmed the Business and Economic Development Commission's recommendation and awarded the 2010 Business and Economic Development Awards to the following recipients:

- Individual, Business or Organization Contributions to Local Economic Development: David Taormino and Doug Arnold, Coldwell Banker Doug Arnold Real Estate, Inc.
- Extended Excellence in Local Economic Development: Nugget Markets

Fiscal Year 2010-11 Second Quarter Administratively Approved Budget Adjustments

Informational

Commission Minutes:

1. Business & Economic Development Commission Meetings of July 7; August 23; September 27; October 25; November 4, 10 and 22, 2010
2. Civic Arts Commission Meetings of November 8 and December 13, 2010
3. Human Relations Commission Meeting of November 18, 2010
4. Safety & Parking Advisory Commission Meeting of November 4, 2010

Informational

Police Ombudsman 2010 Annual Report

Informational

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

Removed from Consent:

Item removed by S. Greenwald.

Extension of Exclusive Right to Negotiate

Community Development & Sustainability Director Ken Hiatt: Resolution extends negotiating period, allows OPDE US Corp to complete proposal for city consideration.

Agreement with OPDE US Corp for Development of a Solar Farm on the Golf Course Farm

S. Souza moved, seconded by R. Swanson, to approve Resolution No. 11-011 - Amending and Extending the Exclusive Negotiating Agreement Between OPDE US CORP and the City of Davis for a Lease of a Portion of the Golf Course Farm for a Photovoltaic Facility. Motion passed by the following vote:

AYES: Souza, Swanson, Krovoza

NOES: Greenwald

Banning the Sale of Softwood Logs for Burning

Interim City Manager Paul Navazio: Proposed ban would apply to pines, spruces, firs, and cedars because they emit three times the amount of toxic per mass of wood smoke than other wood types.

Public comments:

- JD: Support proposed ban
- Matt Erhaerd, Yolo-Solano Air Quality Management District (YSAQMD): Support proposed ban; fits in with YSAQMD programs and activities; currently continuing monitoring program, will produce report from data at end of season; willing to provide guidance as to recommendation on workable burn program, to include options within framework.

- Alan Pryor, Yolo Clean Air: Oppose ordinance, not properly vetted by Natural Resources Commission, will not effect large out-of-town retailers, loopholes in definition of softwood, not enforceable, will have no impact on reducing smoke impacts.

S. Souza moved, seconded by R. Swanson, to direct the Natural Resources Commission to review the issue of burning softwood in community. Motion withdrawn.

S. Greenwald moved, seconded by R. Swanson, to request Yolo-Solano Air Quality Management District return to City Council with suggestions and results of their monitoring study, then Council will direct the Natural Resources Commission to review the issue.

R. Swanson clarified: YSAQMD will present information to Council prior to any consideration by the commission.

Motion passed unanimously.

Designation of Safety Enhancement Zones

Police Chief Landy Black: Proposed safety enhancement zone allows increased penalties for violations of specified offenses.

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

1. Introduce Ordinance Adding Article 26.05 to the City’s Municipal Code Authorizing the City Council to Designate Safety Enhancement Zones to Enhance Penalties for Violations of Certain Municipal Code Provisions Committed within the Designated Zone
2. Approve Resolution No. 11-012 – Designating a Safety Enhancement Zone for Picnic Day 2011 and Designating the Time During which Certain Municipal Code Violations Committed within the Designated Safety Enhancement Zone Will Result in Increased Fines

Motion passed unanimously.

By consensus, Council directed staff to report back by March 1 with a status update on businesses that have joined cooperatively in alcohol covenant and other Picnic Day safety measures.

City Council recessed at 8:12 p.m. and reconvened at 8:24 p.m.

Long-Term Plan for Affordable Housing Units Formerly Held by Davis Area Cooperative Housing Association (DACHA)

Housing & Human Services Superintendent Danielle Foster: Redevelopment Agency is the owner of the units and signatory to affordable housing covenant on the properties; City is acting as role of signatory to covenant under Inclusionary Housing Ordinance.

Public comments:

- David Thompson: Units should be retained as limited equity or sold as market rate with funds to be used for other affordable housing cooperative.

– Part 2

(Also discussed by Redevelopment Agency)

- Emily Ford, Neighborworks: Work with many different models throughout region; non-profit, provide sales and marketing as well as regulatory functions.
- Craig Shin, Lake Alhambra Homeowners Association: Tenants not in good standing and non-compliant with internal regulations should not be allowed to buy in.
- Ethan Ireland, DACHA: Submitted letter signed by 9 of 12 remaining households; not interested in direct sale of units to residents, more interested in rental properties through a management program and/or another cooperative that is not affiliated with David Thompson and Luke Watkins; request Council consider a 30 day stay, want to find another cooperative willing to take over management.
- Dave Taormino: 84% of buyers/sellers over last decade feel comfortable using local realtors; with competition from Dixon and Woodland, cannot get anywhere near prices with appreciation cap, appraisal roughly \$300 per unit; suggest getting appraisals.
- Jason Taormino: Unique opportunity to raise money for affordable housing program; limited equity cooperative still valid option; propose private non-profit to run a down payment assistance program.
- Ben Pearl: Polarity has developed between DACHA residents and developer consultant; low income residents have less access to education and resources, unable to fully participate in legal system; difficult for cooperative community to assess what has gone right/wrong with DACHA; want to continue discussion of models; city should not lose faith in cooperative model.
- Ann Evans: Cooperatives are affordable and viable models; Council needs to take leadership on affordable housing; city should create equity that benefits city, not individuals.

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

1. Investigate selling the units at market rate and potential uses of funds in excess of cost to Agency from units sold.
2. Seek appraisal of all units.
3. Issue Request for Proposal for selling of units.
4. Return to Council with a mixed model option for both selling and renting of units.

R. Swanson proposed a friendly amendment for the RFP to include seeking appraisals. Accepted by mover.

By consensus, direct staff to wait to issue RFP until after affordable housing workshop in May.

P. Navazio: Staff will move forward with appraisals, legal analysis, mixed model, etc. City Council assures DACHA members that there is no desire to evict residents from their homes.

D. Foster: Staff will get quote based on per unit price; RFP will also include management services.

Motion passed unanimously.

City Council recessed at 9:41 p.m. and reconvened at 9:47 p.m.

State Budget
Update – Pro-
posals Affecting
Redevelopment
Agencies

Interim City Manager Paul Navazio: Summarized RDA debts and bonding capacity.

Department of Community Development and Sustainability Director Ken Hiatt: Summarized RDA history and future projects.

(Also discussed
by Redevelop-
ment Agency)

R. Swanson moved, seconded by S. Souza, to approve Resolution No. 11-013 - Opposition to the Administration's Proposal to Abolish Redevelopment Agencies in California, or to Impose Additional Limitations on Redevelopment Agency Powers, amended as follows: strike "or any proposal for additional limitations on RDA powers."

City Attorney Harriet Steiner: Other conforming changes will be made within the resolution as needed.

S. Greenwald moved substitute motion, seconded by J. Krovoza, to approve Resolution in Opposition to the Administration's Proposal to Abolish Redevelopment Agencies in California, or to Impose Additional Limitations on Redevelopment Agency Powers without proposed amendment. Motion failed by the following vote:

AYES: Greenwald, Krovoza

NOES: Swanson, Souza

Main motion passed by the following vote:

AYES: Souza, Swanson, Krovoza

NOES: None

ABSTAIN: Greenwald

S. Souza moved, seconded by R. Swanson, to approve Resolution No. 11-014 - Approving Amended and Restated Cooperation Agreement By and Between the City of Davis and the Redevelopment Agency of the City of Davis. Motion passed unanimously.

Removed from
Consent:

Item removed by R. Swanson.

Agreement with
Wells Fargo
Bank to Estab-
lish a Non-
Revolving Line
of Credit

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

1. Approve Resolution No. 11-014A - Authorizing the Interim City Manager to Execute a Credit Agreement with Wells Fargo Bank for a Non-Revolving, Three-Year Line of Credit in the Amount Not-to-Exceed \$15 Million for the Purpose of Providing Interim Financing for the Costs Associated with the Development of a Joint Water Supply Project with the City of Woodland.
2. Authorize payment of the additional ancillary payments related to obtaining a letter of credit.

Motion passed unanimously.

Adjournment Meeting was adjourned at 11:35 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of February 1, 2011

The Redevelopment Agency Board 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 Chair Krovoza.

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

Boardmembers Absent: None

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

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

Public Comments None

Long-Term Plan for Affordable Housing Units Formerly Held by Davis Area Cooperative Housing Association (DACHA) – Part 2
Housing & Human Services Superintendent Danielle Foster: Redevelopment Agency is the owner of the units and signatory to affordable housing covenant on the properties; City is acting as role of signatory to covenant under Inclusionary Housing Ordinance.

(Also discussed by City Council)

Public comments:

- David Thompson: Units should be retained as limited equity or sold as market rate with funds to be used for other affordable housing cooperative.
- Emily Ford, Neighborworks: Work with many different models throughout region; non-profit, provide sales and marketing as well as regulatory functions.
- Craig Shin, Lake Alhambra Homeowners Association: Tenants not in good standing and non-compliant with internal regulations should not be allowed to buy in.
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- Ben Pearl: Polarity has developed between DACHA residents and developer consultant; low income residents have less access to education and resources, unable to fully participate in legal system; difficult for cooperative community to assess what has gone right/wrong with DACHA; want to continue discussion of models; city should not lose faith in cooperative model.
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D. Foster: Staff will get quote based on per unit price; RFP will also include management services.

Motion passed unanimously.

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State Budget Update – Proposals Affecting Redevelopment Agencies

Interim City Manager Paul Navazio: Summarized RDA debts and bonding capacity.

Department of Community Development and Sustainability Director Ken Hiatt: Summarized RDA history and future projects.

(Also discussed by City Council)

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

1. Approve RDA Resolution No. 1249 - Approving Amended and Restated Cooperation Agreement By and Between the City of Davis and the Redevelopment Agency of the City of Davis and Encumbering Funds Pursuant Thereto.
2. Approve Budget Adjustment #54 (\$623,630) to allow the Redevelopment Agency to repay its outstanding loan from the City.

Motion passed unanimously.

R. Swanson moved, seconded by S. Souza, to direct the Executive Director to initiate expedited issuance of debt in support of community consensus projects (downtown parking structure, hotel/conference center, and Depot/Gateway improvements) and schedule a public hearing for February 15 to consider future actions and implement projects within RDA housing set aside program. Motion passed unanimously.

Adjournment Meeting was adjourned at 11:35 p.m.

Zoe S. Mirabile, CMC
City Clerk