

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 15, 2011

The City Council of the City of Davis met in regular session beginning at 5:30 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, Dan Wolk

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:

(Also discussed by Redevelopment Agency)

A. Conference with Legal Counsel – Existing Litigation:

1. Citizens Alliance for Regional Environmental Sustainability v. County of Yolo, et al., Yolo County Superior Court Case No. PT11-200
2. 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 6:39 p.m. Mayor Krovoza announced there was no reportable action.

Approval of Agenda

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

Davis High School students shadowing City Councilmembers, participating in Youth in Government program, introduced themselves.

Ceremonial Presentation

Councilmember Stephen Souza presented a Proclamation to Charles Russell Recognizing Him as a Recipient of the “Champion of the Community” Award from the California Park and Recreation Society.

Mayor Pro Tempore Rochelle Swanson presented a Proclamation to Susan Sabatier Recognizing Her as a Recipient of the “Champion of the Community” Award from the California Park and Recreation Society

Brief Communications

Interim City Manager Paul Navazio: Provided details of the Youth in Government program: students will be shadowing staff and other members of the community Tuesday, March 22 and a mock City Council Meeting is scheduled on March 23.

Friday, March 18 is a staff furlough; City Hall will be closed.

S. Souza: Opening day of Little League was March 11, City Councilmembers performed at opening ceremonies.

R. Swanson: Swanson and Souza attended the Yolo Leadership Summit.

S. Greenwald: Attended a meeting of the Yolo Transportation District, discussed funding for bus station stops—Davis not allotted very many bus stop placements, funding primarily thru Unitrans. Need to analyze whether Davis should receive more in fair share funding. Also attended a Finance and Budget Commission meeting, discussed possible tax options.

D. Wolk: commended city staff for placement of changing tables in men's bathrooms.

Public Comments

- Alan Pryor, Yolo Clean Air: Wood burning devices contribute to pollution; Council should consider prohibition on wood smoke.
- Lisa Baker, Yolo County Housing: Distributed calendar highlighting accomplishments and participants in programs.
- Nico Deanda, Human Relations Commission: Cesar Chavez celebration schedule March 26 in Central Park; to student and dance performances; agencies throughout region displaying services and products.
- David Musser: General public has not had an opportunity to weigh in on possible plastic bag prohibition; issue should be placed before vote of public; documentation should be produced that plastic bags from Davis actually cause damage to environment.
- Dennis Dingemans, Assistant Director Hattie Weber Museum: Central Park Master Plan-should retain WPA built restrooms and use as display space for historical information; adaptively reuse building instead of tearing down; request Master Plan changed at appropriate time for design review.
- Mary Lee Thompson, Exhibit Coordinator Hattie Weber: too little exhibit and storage space at the Museum; restroom building could solve problem and enhance history plaza concept; historical significance.
- Sung Moon, Chairperson of Friends of Sangeou Korea Sister City: Sister city since 2004; thanked Council for support in strengthening sister city relationship; introduced Baek Ryool Sung who will be living in Davis for 1 year participating in cultural experience and learning about city operations.
- Baek Ryool Sung: Resident of Sangeou City; thanked Council for opportunity to participate in internship exchange program; will study administration of Davis, bike laws and cultures; environment; agriculture and livestock.

Long Range Calendar

S. Souza: Requested moment of silence in honor of those who have lost their lives this week from disasters in Japan. Council concurred.

P. Navazio: Tentative special meeting of March 22 has been cancelled; April 12

special meeting will focus on water utility and funding requirements/options to establish utility rates.

R. Swanson questioned when the potential plastic ban prohibition will come to Council. S. Souza, liaison to Natural Resources Commission: Commission sub-committee is currently researching topic, item will be brought back to full NRC body for recommendation, then to Council.

Consent Calendar

Amended and Restated Aquatic Co-Sponsored Facility Use Agreements - Davis Aquatic Masters, Davis Aquadarts, Davis Water Polo Club and Davis Aquastarz
Approved Resolution No. 11-028 - Authorizing the Interim City Manager to Execute the Agreements, which include updated lifeguarding standards and emergency response requirements related to the installation and use of Automated External Defibrillators (AED) at the aquatic facilities, with a revised expiration date of March 30, 2016 (5 year term)

Capital Asset Policy - Establishing Procedures to Account for and Inventory the City's Capital Assets in Accordance with Generally Accepted Accounting Principles

Approved Resolution No. 11-029 - Approving the Capital Asset Policy

Professional Services Agreement for the East Area Water Tank Art Project

Approved Resolution No. 11-030 - Authorizing the City Manager to Execute Agreement with LC Mural and Design for Professional Services Related to the East Area Water Tank Art Project

Contract Award for Water Main Replacement - 2011, CIP No. 8190

Approved Resolution No. 11-031 - Awarding Contract of \$194,838 to Navajo Pipelines Inc., with a construction contingency of \$30,000

Safe Routes to School Grant for Patwin School Frontage Improvements, CIP No. 8220

1. Approved Resolution No. 11-032 - Authorizing the City Manager to Execute Program Supplement to Administering Agency-State Agreement for Safe Routes to School
2. Approved Budget Adjustment #73 (\$64,100) - allocating grant funds into the current fiscal year project budget

Caltrans Bicycle Transportation Account Grant Priorities – 2011/12 Funding Cycle

1. Directed staff to submit applications to the Caltrans Bicycle Transportation Account for the Drummond Bikeway Grade-Separated Crossing and the H Street Tunnel Reconstruction
2. Approved Resolution No. 11-033 - Approving the Application for Grant Funds, which authorizes the City Manager and the Interim Public Works Director to sign all necessary documents, and committing to a 10% local match

Supportive Housing Program Grant Award in the Amount of \$106,752

Approved Resolution No. 11-034 - Authorizing the City Manager to Execute

Agreements with the US Department of Housing and Urban Development and Davis Community Meals for the Implementation of the Supportive Housing Program

Sponsoring SB 383, Solar Gardens Act, a Bill to Establish a Pilot Program in Yolo County to Allow Local Governments, Businesses, Residents and Schools to Voluntarily Invest in Solar Energy

Approved Resolution No. 11-035 - Sponsoring SB 373

Surface Water Installment Purchase Agreement

Approved Resolution No. 11-036 - Approving the Amendment to the Installment Purchase Agreement and Water Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the City

Transportation Development Act (TDA) Claims for Fiscal Year 2010/11

1. Approved Resolutions 11-037 and 11-038 respectively - Approving the City's Claim for TDA - Local Transportation (FY10/11) and State Transit Assistance Funds (FY 08-09 and 20-11)
2. Approved Budget Adjustment #72 (\$124,633) – Adjusting revenues in accordance with the claim

Management and Maintenance Expenses of Pacifico Affordable Housing Project-1752 Drew Circle

Approved Budget Adjustment #69 (\$57,764) – allocating existing and future rent payments and corresponding project expenses through June 2011

Completion of One-Year Pilot Program on Speed Limit Modifications – Increasing Speed Limits from 25 mph to 30 mph for the Following Segments:

- Anderson Road between Covell Boulevard and Oriole Avenue
- Sycamore Lane between Antelope Avenue and north City Limit
- J Street between E. Eighth Street and Covell Boulevard

Approved maintaining the 30 mph speed limit on identified segments

Annual Housing Element Progress Report for Calendar Year 2010

Approved the report required by the State of California and direct staff to forward the report to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) prior to April 1, 2011

Proclamation Recognizing Cesar Chavez Day and Community Celebration
Ceremonial

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

Removed from
Consent Calen-

Removed from consent calendar by S. Souza.

dar:
Public Works Agreement Between the City and the Redevelopment Agency Committing to Undertake Four Key Redevelopment Projects on Behalf of the Agency

(Also discussed by Redevelopment Agency)

Residential Development Status Report for Calendar Year 2010

Community Development and Sustainability Director Ken Hiatt outlined the four key redevelopment projects identified in the agreement: (1) Hotel/Conference Facility, (2) Downtown Mixed Use Project (City parking lot), (3) Hunt-Boyer Tankhouse and Site Improvements, and (4) Central Park Improvements. He explained that in February, Council approved the Central Park Master Plan with the understanding that the existing restroom will be demolished. If Council wants to retain the restroom, that action will need to be agendaized at a future meeting. Before proceeding with construction drawings, staff will return to Council for final approval of plan.

City Council

S. Souza moved, seconded by R. Swanson, to approve Resolution No. 11-039 - Approving and Authorizing the Execution of a Public Works Agreement for the Funding of Services and Projects Within the Davis Redevelopment Project. Motion passed unanimously.

Redevelopment Agency

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

1. Approve RDA Resolution No. 1255 - Approving and Authorizing the Execution of an Public Works Agreement for the Funding of Services and Projects Within the Davis Redevelopment Project
2. Approve Budget # 75 (\$7,000,000) – Transferring funds from the Agency to the City for carrying out identified projects

Motion passed unanimously.

Principal Planner Bob Wolcott explained this is third annual residential status report. The context for decision making in upcoming months: no comprehensive long range General Plan on horizon; staff focused away from housing and moving towards sustainability, transportation and economic development. He summarized actual residential development activity for 2005-2010, units approved for development in 2010, and anticipated activity from 2011-2013.

Public comments:

- David Greenwald: city should be processing development with a focus on sustainability and senior housing guidelines; senior housing guidelines and the Climate Action and Adaptation Plan should be incorporated into ordinances.
- Elaine Roberts-Musser: issue of fiscal impact for residential developments-- not pay fair share of costs, they are borne by citizens in increased assessments and taxes; costs should be fully paid by developer; proposals for new housing should be net fiscally neutral.
- Eileen Samitz: Cannery Park development proposal--site should be mix of housing types for all; diversity of housing; benefit whole community; previous project received input from community over the years; support universal design.

D. Wolk moved, seconded by R. Swanson, as follows:

1. Accept the status report for 2010 in that: the report describes actual residential

development and reasonably projects the amount of residential development that may be anticipated; and the actual and anticipated residential development is in compliance with the 1% growth cap resolution #08-019 adopted on February 12, 2008

2. Direct staff to return in January 2012 with the next residential development status report.
3. Direct staff, as soon as practical, to return to Council with a larger policy discussion to include housing types and densities that have been developed

Motion passed unanimously.

S. Greenwald moved, seconded by D. Wolk, to form a Council Subcommittee, to include S. Greenwald as a member, to work with staff to approach PG&E regarding developing their site for housing.

H. Steiner reminded Council that there is already a Council policy to encourage development on PG&E site.

Motion failed by the following vote:

AYES: Greenwald

NOES: Souza, Swanson, Wolk, Krovoza

City Council recessed at 8:46 p.m. and reconvened at 9:01 p.m.

New Harmony
Affordable
Housing Project:
Funding Consideration and Construction Bid Update

(Also discussed
by Redevelopment Agency)

Housing and Human Services Superintendent Danielle Foster summarized previous Council action on this project and provided specifics on financials--average cost per unit for affordable projects, tax credit program requirements and average public contribution for awarded projects.

Rachel Isko, Sacramento Yolo Mutual Housing Association: Original construction budget estimate of \$12.3 million; received bids from \$11.5 to 12 million; savings could be just under \$1.2 million in construction; potentially save more during value engineering of project; based on proposed savings, city's loan commitment could be reduced by approx \$615,000; must apply for tax credits by next week, need firm commitment from Council.

Public comments:

- Mindy Romero, Board Member SYMHA: thanked Council for considering additional funding commitment; New Harmony project already has a waiting list, some have been on it 2-3 years; this is only viable project at present; to replace project will take quite a while; quality project; needed and highly valued; good investment for community
- Chris Ann, SYMHA: many citizens living in substandard housing; support project going forward

J. Krovoza moved, seconded by D. Wolk, to direct staff to proceed with providing \$2,484,391 in additional commitment to the New Harmony project in order to ensure the project's competitiveness for tax credit financing.

R. Swanson proposed a friendly amendment to direct staff to utilize a third party consultant during construction and pre-construction on behalf of the Agency to make sure that investment is maximized and protected, and to minimize control cost overruns. Accepted by maker and second. Motion passed by the following vote:

AYES: Greenwald, Swanson, Wolk, Krovoza

NOES: Souza

Removed from Consent Calendar:

Completion of One-Year Pilot Program on Speed Limit Modifications – Increasing Speed Limits from 25 mph to 30 mph for Specified Segments

Removed from consent calendar by S. Souza.

Interim Public Works Director Bob Clarke explained that State law governs criteria for establishing speed limits that are enforced by radar or other electronic devices; outlined results of speed after posting higher limit during the one-year pilot program; recommend maintaining increased limits.

Public comment:

- Mont Hubbard and Steve Tracy, Davis Bicycles: Raising speed limits is counter to other city goals—specifically increasing bicycle mode share; concern over limit near schools and residences; speed limits should be reduced to 25 mph; implement traffic calming measures where feasible to slow speeds; bike lanes on Anderson Road are below city standards—5 ft or less, while street lanes are wider than standard; faster streets create more and worse accidents
- Russell Reagan: Oppose increase in speed limits; section on J Street-northbound bikes needing to make a left turn have to cross car lane, intersection should be better designed to facilitate left turn.
- Darren Wick: Commute along J St regularly, don't feel safe; member of Birch Lane Bike Committee—encourage students to bike to school; other schools also have students riding along J St; limiting speeds can help increase cycling.
- Angel York: use opportunity to practice traffic calming.

S. Souza moved, seconded by S. Greenwald, to use J Street between Eighth and Covell as a pilot project for traffic calming; direct staff to double stripe bike lane, multi-strip pedestrian crosswalk, and multi-strip perpendicular across roadway.

City Attorney Harriet Steiner stated staff will need to return to Council after agendaing a discussion on striping options.

J. Krovoza moved substitute motion, seconded by S. Souza, to direct staff to return to Council by April 5, 2011, with a traffic calming plan for the following segments to return to 25 mph:

- J Street between E. Eighth Street and Covell Boulevard
- Anderson Road between Covell Boulevard and Oriole Avenue
- Sycamore Lane between Antelope Avenue and north City Limit

S. Souza withdrew main motion.

J. Krovoza clarified: intent of the motion is for staff to work with the community to design measures.

S. Greenwald requested the analysis include information regarding enforcement activity on those streets. H. Steiner explained that the Police Department will only be able to issue warnings and cannot enforce speed if it can't be brought down utilizing traffic calming measures.

P. Navazio: In the meantime, speed as posted will remain; timing of community engagement is challenging. Council has a joint discussion with the Safety Parking and Advisory Commission (SPAC) on May 3. Request item be deferred until after coordinating analysis with SPAC. If item returns on April 5, report will only contain staff analysis and will not include commission or community input.

J Krovoza: Staff to return to Council on April 5; begin to look at street segments. What are options? Cost of measures? Include enforcement information.
Motion passed unanimously.

City Council recessed at 10:17 p.m. and reconvened at 10:27 p.m.

Proposition 218
Notice of Proposed Water,
Sewer and Sanitation Rates and
Outreach Efforts

Interim Public Works Director Bob Clarke outlined proposed rate increases and presented the draft Proposition 218 Notice.

S. Greenwald: suggest the estimate rate calculations reflect average residence, and show potential increases thru 2015/16.

Public comment

Elaine Roberts-Musser: many citizens don't realize how much rates will be increasing over the next 4 years; need to focus on public education; suggestions to improve Notice--Notice should be in red ink/bold and state "water rates are expected to increase between 20-30% over the next five years"; shouldn't delay increase in rates, hopefully in the future cost savings will reduce future increases.

S. Greenwald: suggest the initial paragraph begin with water rate information, bill comparison with other cities should reflect comparison after increases over time.

City Attorney Harriet Steiner: Notice has to include maximum rate amount and method of rate calculation.

S. Souza moved, seconded by D. Wolk, as follows:

1. Authorize staff to mail the Proposition 218 Notice containing FY2011-12 utility rate adjustments to be effective beginning August 1, 2011, to include incorporating suggestions proposed by community and Councilmembers
2. Receive the list of community outreach actions slated for 2011

J. Krovoza moved substitution motion, seconded by R. Swanson, to direct staff as follows:

1. Return to Council with a plan for a multi-year rate increases to become effective October 1, 2011
2. Spend the next two months perfecting the public notice and making the best possible estimates of the cost of the project(s) over five years
3. Draft notice to return to Council for final approval, to include changes proposed by public and Councilmembers and diligent work on clarity of five year plan

Motion passed by the following vote:

AYES: Greenwald, Swanson, Krovoza

NOES: Souza, Wolk

P. Navazio clarification: Staff may need to bifurcate sewer and sanitary sewer rates when returning with multi-year increases.

Funding Status Update – Parks, City Facilities and Transportation Infrastructure

Interim City Manager Paul Navazio explained this is an informational update outlining the funding status of parks, facilities and transportation infrastructure; previously identified as unfunded liabilities because funding levels have been generally inadequate to support long-term costs of maintenance and replacement.

Community Services Director Elvia Garcia-Ayala provided an overview of the inventory of parks, greenbelts, and parkland amenities such as pool complexes, meeting rooms and community facilities; outlined current capital replacement needs.

R. Swanson requested a comparison of current turf v. replacement, either no mow or other type(s), to include the cost of maintenance and irrigation.

Interim Public Works Director Bob Clarke presented information on services provided by the Transportation Division including maintenance of infrastructure, solid waste and recycling, coordination of transit funding and hazardous materials response; highlighted the gap between what is currently budgeted vs what should be in order to maintain a basic level of infrastructure. Also explained that the vast majority of funding for said infrastructure is from state and federal sources.

Update on State Budget and Potential Legislation Related to RDA

P. Navazio presented a brief update on potential legislation related to Redevelopment Agency and potential impacts to the City and Agency budgets: Assembly and Senate scheduled to hold votes tomorrow afternoon; will provide further updates as actions are taken.

(Also discussed by Redevelopment Agency)

Adjournment

The meeting was adjourned at 12:13 a.m. in memory of those who lost their lives in the earthquake in Japan and with hope that the nuclear crisis is contained.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
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Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza, Stephen Souza, Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

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

Closed Session The Redevelopment Agency Board convened a closed session pursuant to Government Code §54954.5 to discuss the following:

- (Also discussed by City Council)
- A. Conference with Legal Counsel – Existing Litigation:
 - 1. Citizens Alliance for Regional Environmental Sustainability v. County of Yolo, et al., Yolo County Superior Court Case No. PT11-200
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Agencies Claimed Against: City of Davis and Redevelopment Agency
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The Board returned to open session at 6:39 p.m. Mayor Krovoza announced there was no reportable action.

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

Public Comments None

Consent Calendar Redevelopment Agency Legal Expenses Related to the Production and Preservation of Affordable Housing
Approved Budget Adjustment #68 (\$130,000) – allocating funds budgeted from Redevelopment Housing Set-Aside

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

Removed from Consent Calendar: Removed from consent calendar by S. Souza.
Community Development and Sustainability Director Ken Hiatt outlined the four

Public Works Agreement Between the City and the Redevelopment Agency Committing to Undertake Four Key Redevelopment Projects on Behalf of the Agency

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key redevelopment projects identified in the agreement: (1) Hotel/Conference Facility, (2) Downtown Mixed Use Project (City parking lot), (3) Hunt-Boyer Tankhouse and Site Improvements, and (4) Central Park Improvements. He explained that in February, Council approved the Central Park Master Plan with the understanding that the existing restroom will be demolished. If Council wants to retain the restroom, that action will need to be agendaized at a future meeting. Before proceeding with construction drawings, staff will return to Council for final approval of plan.

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1. Approve RDA Resolution No. 1255 - Approving and Authorizing the Execution of an Public Works Agreement for the Funding of Services and Projects Within the Davis Redevelopment Project
2. Approve Budget # 75 (\$7,000,000) – Transferring funds from the Agency to the City for carrying out identified projects

Motion passed unanimously.

Loan Forgiveness Under the Pacifico Project Cooperation Funding Agreement

Removed from consent calendar by R. Swanson.

Housing and Human Services Superintendent Danielle Foster explained the Agency previously provided \$1.6 million for this project to City’s Housing Trust Fund; intent was for short term loan, eventually the City and Agency were going to work cooperatively to rehab project with either loan forgiveness or rehab structure.

R. Swanson moved, seconded by D. Wolk, to approve RDA Resolution No. 1256 - Forgiving Its Loan of \$1.6 Million Under the Pacifico Project Cooperative Agreement with the City of Davis in Exchange for the Recordation of Affordable Housing Covenants by the City of Davis to Ensure Ongoing Affordability of the Pacifico Affordable Housing Project. Motion passed unanimously.

New Harmony Affordable Housing Project: Funding Consideration and Construction Bid Update

(Also discussed by City Council)

Housing and Human Services Superintendent Danielle Foster summarized previous Council action on this project and provided specifics on financials--average cost per unit for affordable projects, tax credit program requirements and average public contribution for awarded projects.

Rachel Isko, Sacramento Yolo Mutual Housing Association: Original construction budget estimate of \$12.3 million; received bids from \$11.5 to 12 million; savings could be just under \$1.2 million in construction; potentially save more during value engineering of project; based on proposed savings, city’s loan commitment could be reduced by approx \$615,000; must apply for tax credits by next week, need firm commitment from Council.

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NOES: Souza

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