

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of May 17, 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 Pro Tempore Swanson.

Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza (arrived 7:06), 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: Conference with Legal Counsel – Existing Litigation:

- A. Newpath Networks, LLC v. City of Davis, Federal District Court, Eastern District Case No. 2:10 CV-00236-GEB-KJM
- B. City of Davis v. Newpath Networks, LLC, California Public Utilities Commission Case No. C. 10-03-011  
(The following were also discussed by the Redevelopment Agency)
- C. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424
- D. Neighborhood Partners, LLC v. Davis Area Cooperative Housing Association, et al., Yolo County Superior Court Case No. CV11-649

City Council returned to open session at 6:41 p.m. with no reportable action.

Approval of Agenda S. Souza moved, seconded by D. Wolk, to approve the agenda. Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Swanson

NOES: None

ABSENT: Krovoza

Brief Communications P. Navazio: Celebrate Davis will be held at Community Park on Thursday, May 19, 4:30-9 p.m.

Long Range Calendar R. Swanson: Will participate in the August 1 meeting via teleconference.

P. Navazio: West Village to be postponed from May 24 meeting. May 31 scheduled as a comprehensive budget workshop.

AB1234: S. Souza attended the Cap to Cap Conference on behalf of the Clean Water Agency.

Public Com-  
ments

- Alan Pryor, Yolo Clean Air: Wood smoke hazardous to health, support mandatory prohibition
- Elaine Roberts-Musser: Prop 218 notice should be scheduled on next agenda. Support Council efforts to make notice as transparent as possible.

Consent Calen-  
dar

Escheat Policy for Unclaimed Money – Handling of Un-Cashed Checks in Accordance with California Government Code

Approved Resolution No. 11-059 - Approving an Escheat Policy

Sacramento Area Council of Governments (SACOG) Sustainable Communities Consortium

Approved Resolution No. 11-060 - Authorizing Interim City Manager to Execute MOU with SACOG to Create a Consortium to Develop a Regional Plan for Sustainable Development

Parents Who Host Lose the Most Campaign

Reaffirmed support for Resolution 10-065, which was adopted by the City Council and the DJUSD School Board in 2010 to discourage underage drinking via the Parents Who Host Lose the Most program

Appropriation of Funds Awarded to the City by the Yolo-Solano Air Quality Management District (YSAQMD) Under the 2010/11 Clean Air Funds Grant

Approved Budget Adjustment #96 (\$22,714), which provides:

1. \$15,000 to help fund the purchase and installation of one diesel engine particulate exhaust trap on a City backhoe
2. \$7,714 to purchase two work bikes (human powered work vehicles) to replace the use of conventional gasoline fueled vehicles for certain City work functions

Extension of Sewer Connection Fee Reduction for Non-Residential Reuse of Existing Space

Introduced Ordinance Amending Section 33.02.042 of the Davis Municipal Code to Extend Until July 1, 2012 the Temporary Reduction of Sewer Connection Fees for Reuse of Existing Space for Nonresidential Purposes

Commission/Board Minutes:

1. Human Relations Commission Meetings of December 16, 2010; and January 27, February 24, and March 24, 2011
2. Planning Commission Meeting of October 13, 2010
3. Woodland-Davis Clean Water Agency Meetings of February 1 and March 17, 2011

Informational

D. Wolk moved, seconded by S. Souza, to approve the consent calendar as listed. Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Swanson

NOES: None

ABSENT: Krovoza

Removed from  
Consent Calendar:

Item removed by S. Greenwald.

Interim City Manager Paul Navazio: Summarized fiscal impact; budget adjustment will fund contract approved by Council on March 15.

East Area Water  
Tank and Pump  
House Art Design  
Contract  
Funding

D. Wolk moved, seconded by S. Souza, to approve Budget Adjustment #98 (\$91,650) – Transferring funds from the East Area Tank construction contingency purchase order to a new purchase order to fund the contract with LC Mural and Design for the approved selected art on the East Area Tank and adjacent Pump House. Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Swanson

NOES: None

ABSENT: Krovoza

City Council recessed at 7:06. Krovoza arrived and seated at dais. Council reconvened at 7:08 p.m.

Brief Communications

J. Krovoza: May is Bike Month, encouraged participation in planned activities.

Ceremonial  
Presentations

Ceremonial Presentation:

Proclamation Recognizing May 2011 as Older Americans Month presented by Mayor Krovoza.

Council welcomed the Delegation from Sister City Sang-Ju, Korea and Presented Honorary Citizen Certificates.

Vice Mayor Dongwhane Kim of Sang-Ju: Celebration of 7<sup>th</sup> year of sister city relationship; Sang-Ju is bicycle friendly, green city and supports high education.

Public Hearing:  
SP Depot At-  
Grade Crossings

Mayor Krovoza opened the following public hearing and continued it to May 24, 2011: SP Depot At-Grade Bike/Pedestrian Crossings Project Mitigated Negative Declaration.

Presentation of  
City Manager's  
FY2011/12 Proposed  
Budget

Budget Manager Kelly Fletcher and Interim City Manager Paul Navazio: Presented budget and summarized reduction proposals.

Public comment:

- David Greenwald: Over reducing Police Ombudsman could result in increased complaints to city Police Department. Support emphasis on unmet needs, specifically road maintenance. Need to grapple with unfunded liabilities regarding pension and retiree medical.

Councilmember comments included:

- Oppose reduction in Police Ombudsman, look instead at reducing support to other organizations in town
- Consider 2-year budget
- Request community workshop focused on employee compensation, community priorities related to programs/services
- Request discussion regarding pool utilization
- Consider increasing taxes
- Concerned over proposed cuts to public safety and recreation
- Request 5-yr forecast under different labor agreement scenarios
- Request service reduction proposals regarding City/UC Davis Fire
- Support addressing unfunded liabilities in infrastructure and capital replacement
- Need to address unfunded liabilities in healthcare and pensions
- Oppose reduction to Tree Davis, hesitate to reduce support when getting good product for the cost
- Look for more volunteerism from community

City Council recessed at 9:11 p.m. and reconvened at 9:21 p.m.

Dresbach-Hunt-Boyer Tankhouse Rehabilitation

(Joint Discussion with Redevelopment Agency)

Property Management Coordinator Anne Brunette: Summarized background of project, activities to date and proposed next steps.

D. Wolk moved, seconded by S. Souza, that the City make a concerted and speedy attempt to relocate the Tankhouse with limited cost and liability to the City; if not possible, staff will return to Council with the appropriate findings pursuant to CEQA to demolish the Tankhouse and restore/rehabilitate the landscaping and sidewalk.

S. Greenwald moved substitute motion, seconded by R. Swanson, to direct staff to return to Council with the appropriate findings pursuant to CEQA to demolish the Tankhouse and restore/rehabilitate the landscaping and sidewalk.

R. Swanson proposed friendly amendment to direct staff to proceed with a 30 day public notice to determine if a third party should elect to take over responsibility and relocate the Tankhouse structure with total cost for movement and related fees to be borne by third party, including indemnification. Accepted by mover.

Motion passed unanimously.

Crown Castle Distributed Antenna System (DAS) Network Pre-application Processing Di-

Principal Planner Michael Webb: Overview of project, feedback from community open house meetings, and outstanding issues.

Steven Garcia, Crown Castle: Performed significant public outreach. All parties have been informed and provided an opportunity to comment.

rection

Public comments:

- Javier Chavez: Request relocation of proposed site 8
- Mariana Luchessi: Request relocation of proposed site 4

Councilmember comments included:

- Respond to resident concerns
- Consider alternatives for sites 4, 8, 19, 23
- Look carefully at sensitive sites
- Mock pole should be installed at City Hall

Third Street Improvements Project (CIP #8164)

– Streetscape Design and Construction Project of the Two-Block Segment of Third Street between A Street and B Street as well as the B Street Alley between Second Street and Fourth Street

(Joint Discussion with Redevelopment Agency)

S. Greenwald: Recused herself due a conflict of interest as she owns property on Rice Lane and left the room.

City Attorney Harriet Steiner: Council/Redevelopment Agency will hear presentation and make any determination on vehicle traffic patterns, then Greenwald may return for remaining discussion.

Transportation Planner Brian Abbanat: Outlined project, reduced cost options and next steps.

Aditya Advani, Royston Hanamoto Alley & Abbey (RHAA): Some sectors of street do not have positive interaction; uneven lighting; pedestrians underserved; sidewalks uneven, narrow and pinched. Outlined design concepts and traffic circulation alternatives.

Public comments:

- Dave Cane, Project Oversight Group: Support staff efforts and RHAA, keep circulation as is.
- Mont Hubbard, Davis Bicycles!: Public input handled well by staff. 2<sup>nd</sup> option is overly restricted. Possible to provide for limited number of delivery and ADA parking, restrict access to residents and local delivery via signage and street treatments rather than bollards, allow for cross traffic while maintaining integrity of space, and bicycle/pedestrian plaza without barriers.

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

1. Approve Third Street Improvements Draft Circulation Concept 1 (Preserve Existing Circulation)
2. Approve findings that the Third Street Improvements project, as defined by Draft Circulation Concept 1 and Draft Final Streetscape Design Concept B, is categorically exempt from CEQA.

Motion passed by the following vote:

AYES: Souza, Wolk, Swanson, Krovoza

NOES: None

ABSENT: Greenwald

S. Greenwald returned to the dais.

J. Krovoza moved, seconded by S. Souza, as follows:

1. Accept the Third Street Improvements project Draft Final Report as adequate for decision-making purposes for Phase 2: Plans and Specifications
2. Approve Third Street Improvements Draft Final Streetscape Design Concept B (Circular Paving Pattern and Gateway Monument)
3. Approve Resolution Authorizing the Interim City Manager to Execute a Professional Services Agreement with Royston Hanamoto Alley & Abbey for Preparation of Plans and Specifications, for an amount not to exceed \$475,980
4. Upon construction completion, direct staff to initiate a traffic calming survey on University Avenue between Second Street and Fourth Street, pursuant to existing Policies and Guidelines on Installation of Undulations, Other Traffic Calming Devices and, Preferential Parking Districts to determine if the segments meet traffic calming criteria

R. Swanson moved substitute motion, seconded by D. Wolk, to direct staff to return to Council/Redevelopment Agency with detail regarding project cost and scope. Council/Redevelopment Agency shall have the option to move forward with a scaled down version.

J. Krovoza withdrew main motion.

R. Swanson withdrew substitute motion.

R. Swanson moved, seconded by S. Souza, to direct staff to return to Council/Redevelopment Agency with a staff report detailing specific cost breakdown for two versions of the project--version A shall be as proposed by staff and version B shall be a scaled down version; report to include full cost/estimates, suggested phasing, source of funds and timeline. Motion passed unanimously.

Removed from  
Consent Calendar:

Item removed by R. Swanson.

Deputy City Manager Kelly Stachowicz: Provided information on the Visitor Attraction Annual BID process.

Intent to Levy an  
Assessment for  
Visitor Attraction District -  
Assessment on  
Hotels, Motels  
and Bed and  
Breakfast Establishments in the  
Visitor Attraction

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

1. Accept the 2010-2011 Visitor Attraction Annual BID Report and Budget from Yolo County Visitors Bureau, including the proposed 2011-2012 budget, subject to any changes or modifications that may be made subsequent to a public hearing on the request to increase, levy and collect the annual assessment
2. Approve Resolution No. 11-061 - Intention to Levy and Collect the Business Improvement District Annual Assessment Fee for the Visitor Attraction District Pursuant to the Parking and Business Improvement Area Law

tion District During Fiscal Year 2011-2012

of 1989 (if approved, a public hearing will be held on June 7, 2011, to levy the assessment)  
3. Direct staff to provide a breakdown of what subsidy has been provided in past to DDBA, and what it would look like if City eliminates subsidy.  
Motion passed unanimously.

Expiration of Extensions for Construction of Development Projects

Item removed by R. Swanson.  
Principal Planner Michael Webb: Council has granted an automatic 1-year extension for all entitlement projects both residential and commercial for the past 2 years, all but 2 projects have options for administrative approval of extensions. Staff recommends taking no action.

S. Souza moved, seconded by R. Swanson, to take no action on this item, thereby allowing Ordinance No. 2360—Granting a Twelve-Month Extension of Specified Land-Use Entitlements through July 1, 2011 to lapse. Motion passed unanimously.

Adjournment

The meeting was adjourned at 1:00 a.m.

Zoe S. Mirabile, CMC  
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD  
Meeting of May 17, 2011

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Roll Call: Board Members Present: Sue Greenwald, Joe Krovoza (arrived 7:06), Stephen Souza, Rochelle Swanson, Dan Wolk

Board Members Absent: None

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

Closed Session      Redevelopment Agency convened a closed Session pursuant to Government Code §54954.5 to discuss the following: Conference with Legal Counsel – Existing Litigation:  
(Joint Discussion      A. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing  
with City Council)      Association, Yolo County Superior Court Case No. CV PO 08-3424  
   B. Neighborhood Partners, LLC v. Davis Area Cooperative Housing  
   Association, et al., Yolo County Superior Court Case No. CV11-649

Redevelopment Agency returned to open session at 6:41 p.m. with no reportable action.

Approval of      S. Souza moved, seconded by D. Wolk, to approve the agenda. Motion passed  
Agenda      by the following vote:  
                                 AYES:      Greenwald, Souza, Wolk, Swanson  
                                 NOES:      None  
                                 ABSENT:      Krovoza

Public Com-      None  
ments

Dresbach-Hunt-      Property Management Coordinator Anne Brunette: Summarized background  
Boyer Tank-      of project, activities to date and proposed next steps.  
house Rehabili-      D. Wolk moved, seconded by S. Souza, that the City make a concerted and  
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(Joint Discussion      City; if not possible, staff will return to Council with the appropriate findings  
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Adjournment      Meeting was adjourned at 1:00 a.m.

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Board Secretary