

MINUTES OF THE DAVIS CITY COUNCIL AND REDEVELOPMENT AGENCY
Meeting of September 20, 2011

The City Council and Redevelopment Agency of the City of Davis met in regular concurrent 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

Councilmembers Absent: Dan Wolk

Other Officers Present: City Manager Steve Pinkerton, 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—Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of § 54956.9: 1 case

B. Conference with Legal Counsel – Existing Litigation:

1. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424
2. 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 City Manager Steve Pinkerton: (1) Proposed City Arts GATEway Project to Serve as a Portal to Mark the Pedestrian Passage between Downtown Davis and the Eastern Entry to the UC Davis Arboretum has been postponed to October 4, 2011; (2) Proposed Resolutions to be Considered at the League of California Cities Annual Conference has been moved from regular to consent calendar.

S. Souza moved, seconded by R. Swanson, to approve the agenda as amended. Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: None

ABSENT: Wolk

Ceremonial Presentation Proclamation Recognizing September 2011 as Senior Center Month was presented by S. Greenwald.

Proclamation Inviting the Communities of Davis and UCD to Participate in the Cool Davis Festival and Other Cool Davis Activities October 13-16, 2011 was presented by J. Krovoza.

Brief Communi-
cations

S. Pinkerton: Water Forum will be held on September 21 in Community Chambers.

City Attorney Harriet Steiner: Update on Crown Castle litigation--FCC opened proceeding several months ago regarding Federal Government preempting City Government to regulate streets and rights of way related to the roll out of cellular and broadband for communities. Businesses filed briefs regarding communities that impeded roll out, and the City of Davis is listed as one. Intent is to file brief comments to FCC on behalf of the City within the month. Further information will be posted to the city website.

S. Souza: Attended meetings in Washington DC last week with representatives on behalf of Woodland-Davis Clean Water Association (WDCWA), specifically related to the proposed surface water project intake facility.

R. Swanson: R. Swanson and S. Greenwald will travel to League of California Cities conference in San Francisco.

S. Greenwald: Attended Yolo Water Association meeting; received presentation on mercury. Agencies will be facing new regulations on mercury in the future.

J. Krovoza: Attended Sacramento Area Council on Government (SACOG) meeting last Thursday as the City representative; discussed draft Metropolitan Transportation Plan and Sustainable Communities Plan.

Davis Farmers Market celebrated 35th anniversary of service.

AB1234:

S. Souza: Traveled to Washington DC as representative for WDCWA.

R. Swanson: Attended Economic Development Hub and Sacramento Metro Airport Terminal opening; creative financing and contracting with design build process; encourage staff to reach out to Sacramento City regarding terms and strategies for financing.

Long Range Cal-
endar

S. Pinkerton: Postponed discussion of Redevelopment Agency Status to December and joint discussion with Historical Resources Management Commission (HRMC) to early spring.

S. Souza: HRMC preference is to complete work-plan prior to meeting with Council; will potentially include a request to use arts funds for other cultural purposes such as historical resources.

J. Krovoza: Proposal to eliminate Amtrak funding is pending in Congress. Request to agendize resolution in support of Amtrak funding on September 27

or October 4. Further requested Council representative to Capitol Corridor Joint Powers Authority to look at proposal to make sure it fits with Davis interests. Council concurred.

J. Krovoza: Staff action to shut down structure at N Street Cooperative followed City Ordinance; do we want to amend Ordinance or set up procedure to deal with similar situations? Suggest item come to Council in next couple weeks. Council concurred.

J. Krovoza: Metal recycling has been shut down at Davis Waste Removal. Request staff report back to Council on status. Council concurred.

Public Comments

- Nicolas Mead, Kate Zurich-Smith, Sam Rivers, Ad Julian, Antoni Del B, Elena, Emma Kurtz and Emma Solarno, all from ACME Theatre Company: ACME is student run and free for high school students; largest user of Veterans Memorial Theatre (VMT), 11 weeks out of the year; can no longer afford to use VMT because of increase in facility rental fees.
- Alan Pryor: Oppose reduction to Integrative Pest Management program.
- Michael Bisch, Christine Hildebrand, Nina Gatewood, Rosalee Paine, Janis Lott and Alzeda Knickerbocker, all from Davis Downtown Business Association (DDBA): Any parking study for the proposed 3rd-4th-E-F garage should consider needs of merchants and small business owners; lack of parking is major concern for downtown businesses; need to accommodate future needs; if density not increased in core, will be developed on periphery; urge Council to continue process.
- Ed Huyn: Invite public to join discussion regarding happiness at Yolo County Library on September 22; see www.iamhappyproject.org for details.
- Steve Tracy, Old North Davis Neighborhood Association: Street curbside spaces are packed on Friday event evenings, yet over 300 empty spaces in parking lots.
- Jan Troost, Finance and Budget Commission: Commission reviewed budget and proposed \$2.5 million cuts; urge Council to step back and provide more time to consider reductions.
- BJ Klostermann: Request Council include arborist and Tree Davis in discussion of water conservation to determine critical needs of trees.
- Mont Hubbard: Not clear that new parking garage is the best way to promote vitality of downtown merchants; urge Council to consider different ways to use existing parking spaces.

Consent Calendar

(CC) Consultant Agreement with R Robertson – Bryan, Inc. (RBI) for Evaluating and Implementing the 2011 Toxicity Reduction Evaluation (TRE) as required by National Pollutant Discharge Elimination System (NPDES), Program No. 7320

Approved Resolution No. 11-151 - Authorizing the City Manager to Execute Consultant Agreement with R Robertson – Bryan, Inc (RBI), for Toxicity Re-

duction Evaluation, Program No. 7320.

(CC & RDA) Lender-Required Affordable Housing Covenant Modifications for the New Harmony Affordable Housing Project at the Intersection of Drummond and Cowell

Approved Resolution No. 11-152 and RDA Resolution No. 1270 - Approving Lender and Investor-Required Modifications to the Affordable Housing Covenant for New Harmony Affordable Housing Covenant at the intersection of Drummond and Cowell

(CC) Corrections to Funding Sources and Expenditures for Street Maintenance
Approved Budget Adjustment #133-FY10/11 (\$10,862)

(CC) Management and Maintenance Expenses of Pacifico Affordable Housing Project- 1752 Drew Circle – Allocating Rent Payments and Corresponding Project Expenditures Through June 2011

Approved Budget Adjustment #140-FY10/11 (\$70,130)

(CC) Allocation of Open Space Program Reserve Funds for Prior Year Easement Costs

Approved Budget Adjustment #142-FY10/11 (\$28,704)

(CC) Re-appropriation of Unencumbered Appropriations from Fiscal Year 2010/11 to 2011/12 for Specific Projects in Support of Departmental Programs and Capital Improvement Projects

Approved Budget Adjustments #147-FY10/11 (-\$5,287,177) and #001-FY11/12 (\$5,287,177)

(CC) Plans, Specifications and Estimate, and Contract Award for Patwin Elementary School Frontage Improvements, CIP No. 8220 Recommendation:

1. Approved plans and specifications
2. Approved Budget Adjustment #023-FY11/12 (\$38,600)
3. Approved Resolution No. 11-153 - Awarding Contract of \$79,115 to Abide Builders, Inc., for Patwin Elementary School Frontage Improvements, CIP No. 8220

(CC) 2010-11 Fourth Quarter Administratively Approved Budget Adjustments
Informational

(CC) Commission Minutes:

1. City/UCD Student Liaison Commission Meeting of May 11, 2011
2. Civic Arts Commission Meetings of March 14 and April 11, 2011

Informational

Proposed Resolutions to be Considered at the League of California Cities Annual Conference – September 21-23, San Francisco

1. Authorized the City's voting delegate and alternate to confer and decide on

city position related to the six resolutions introduced for consideration at LOCC's 2011 Annual Conference

2. Waived City Council policy requiring two readings of resolutions establishing a City position on matters not directly related to City affairs
3. Authorized the City's voting delegate(s) to represent the City of Davis on any additional "petitioned" resolutions that may be presented to the General Assembly for consideration

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

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: None

ABSENT: Wolk

Removed from
Consent Calendar:

Item removed by J. Krovoza.

Senior Civil Engineer Roxanne Namazi: Proposed consultant agreement is for design and engineering services in the amount of \$125,000.

(CC) Consultant Agreement with KD Anderson & Associates, Inc., for Engineering Design Services for the Fifth Street Corridor Improvements Project, CIP No. 8138

Public comment:

- Steve Tracy, Old North Davis Neighborhood Association: Previous Council direction included addressing spillover traffic; request City provide traffic calming in interior neighborhoods.

J. Krovoza moved, seconded by R. Swanson, to postpone the item to the next Council meeting and direct staff to verify Council direction and appropriate level of study and design.

H. Steiner clarification: Staff will look at initial Council direction and scope of work; will determine if contract may be amended to include neighborhood traffic calming in scope. If appropriate, will modify.

R. Swanson requested staff return with possible impacts on funding source and timelines.

Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: None

ABSENT: Wolk

(CC) Appropriating Fiscal Year 2010/11 Self Insurance Expenditures and Offsetting Insurance Premium Revenue

Item removed by R. Swanson.

Budget Manager Kelly Fletcher: Clean-up item to correctly account for premium expenditures and revenues.

R. Swanson moved, seconded by S. Souza, to Approve Budget Adjustment #134-FY10/11 (\$4,247,399). Motion passed by the following vote:

nues
AYES: Greenwald, Souza, Swanson, Krovoza
NOES: None
ABSENT: Wolk

(CC) Traffic Calming on J Street between E. Eighth Street and Covell Boulevard - One-Year Pilot Program
Item removed by J. Krovoza.

Public comments:

- Mont Hubbard, Davis Bicycles!: Oppose reduced scope and slower pace of project; urge Council to return to original scope of 3 streets and include analysis of non-physical measures.
- Steve Tracy, Davis Bicycles!: Partial measure may not result in desired speed reductions; suggest additional measures such as full ladder treatment on crosswalks, include sharrows where bike lanes disappear, and yellow signs at non-stop sign intersections; approximately \$20,000 in additional costs.

Senior Civil Engineer Roxanne Namazi: Staff recommendation is to install a “bike buffer” on J Street between E. Eighth Street and Covell Boulevard, as a one-year pilot program, to reduce traffic speeds.

R. Swanson moved, seconded by J. Krovoza, to direct staff to return to Council with cost estimates to allow Council to analyze options.

J. Krovoza proposed a friendly amendment for proposals to go back to Safety & Parking Advisory Commission and Bicycle Advisory Commissioner for consideration. Accepted by mover.

H. Steiner clarification: If scope amended, staff may have to reject all bids and re-initiate project.

Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza
NOES: None
ABSENT: Wolk

(CC) Public Hearing: Application of Dissolution by Davis Area Cooperative Housing Association (DACHA) under California Civil Code 817.2

Housing & Human Services Superintendent Danielle Foster: City is processing application for dissolution from Davis Area Cooperative Housing Association (DACHA) in accordance with established procedures, including a 120-day public hearing notification. The City has received a complaint that notice was inadequate; as a courtesy, staff recommends opening the public hearing and continuing it to January 24, 2012 to provide additional notice to potentially interested parties.

Mayor Krovoza opened the public hearing.

- David Thompson, Twin Pines Cooperative Foundation: Object to public hearing on basis that proper notice was not provided; request Council immediately close the public hearing and not allow any additional testimony

to be heard.

- Ethan Ireland, Acting President of DACHA: DACHA has nothing but liabilities and exists on paper only; as long as DACHA remains un-dissolved, residents current and previous cannot move on; no good reason not to dissolve DACHA.
- Jean Johnson, former DACHA resident: Hope Council considers that if DACHA is not dissolved immediately, will cause current and former residents psychological and financial distress.
- Elaine Roberts-Musser: Providing pro bono legal services to certain DACHA members; DACHA is a corporation in name only, no assets whatsoever; it is time to allow DACHA to dissolve; City properly noticed all cooperatives in the region 4 months ago.

Mayor Krovoza closed the public hearing.

City Attorney Harriet Steiner: City is required to hold a public hearing and provide 120 day notice. Main claimant alleging failure to receive notice was Twin Pines.

J. Krovoza proposed item be kept open until the end of the meeting and request Luke Watkins attend the meeting; would like to pursue formally asking for a reduction in time for notice. Council consensus.

H. Steiner: If item not resolved tonight, suggest continuing to next meeting to attempt to resolve issues over noticing period before returning to Council.

City Council recessed at 9:25 p.m. and reconvened at 9:38 p.m.

(CC) Public
Hearing: CA-
PER for Program
Year 2010
CDBG and
HOME Funding

Administrative Analyst Patrick Conway: For program year 2010, City awarded \$873,693 Community Development Block Grant (CDBG) funding and \$578,485 Home Investment Partnerships (HOME) funding; 18 organizations completed 19 projects, which primarily served low and moderate income residents.

Mayor Krovoza opened the public hearing.

- David Thompson, Neighborhood Partners: Submitted 19 page letter and requested city include in response to HUD, includes list of activities by city staff that should be of concern to HUD.

Mayor Krovoza closed the public hearing.

S. Greenwald moved, seconded by S. Souza, to Approve Resolution No. 11-154 - Authorizing the City Manager to Submit Program Year 2010 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) to Fulfill Required Reporting on City Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Funds, with inclusion of comments received in writing and verbally during the review period for the report and the public hearing.

Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: None

ABSENT: Wolk

(CC) Second Reading: Ordinances Establishing Five Year Rates for Sanitary Sewer and Water to be Effective December 2011

Utilities Manager Jacques DeBra: On September 6, Council introduced Ordinances establishing five-year sanitary sewer and water rates.

R. Swanson moved, seconded by S. Souza, to adopt the following ordinances to establish five year water and sanitary sewer rates to be effective December 1, 2011 (introduced 09/06/2011):

1. Ordinance No. 2380 - Amending Chapter 33.04.050 (a) and (b) of the Municipal Code Relating to Sanitary Sewer Rates (five year rates), consistent with the rates published in the Proposition 218 Notice of Public Hearing
2. Ordinance No. 2381 - Amending Chapter 39 of the Municipal Code Related to Water Rates (five year rates), consistent with Council action at their September 6, 2011 meeting setting rates below those published in the Proposition 218 Notice of Public Hearing.

Motion passed by the following vote:

AYES: Souza, Swanson, Krovoza

NOES: Greenwald

ABSENT: Wolk

(CC) Fiscal Year 2011/12 Final Budget and Future Reductions

City Manager Steve Pinkerton: Staff is working to address direction by Council to reduce budget by \$2.5 million by September 30; attempting to keep service levels as high as possible.

Public comment:

- Emily Henderson, ACME: Concern over modification to facility fees that adversely affects youth community co-sponsored groups.

R. Swanson moved, seconded by S. Souza, to continue discussion of the Fiscal Year 2011/12 Final Budget and Future Reductions to September 27 and incorporate into budget workshop.

J. Krovoza proposed a friendly amendment to direct staff to proceed with the following workplan items:

- Continue meetings with Labor groups
- Recommend City Negotiator to Council within 3 weeks
- Conduct a closed session with Council on labor negotiations within 3 weeks
- Refine Organizational Studies and implement where feasible over the next 60 days

Accepted by mover and second. Motion passed by the following vote:

AYES: Souza, Swanson, Krovoza

NOES: Greenwald

ABSENT: Wolk

(CC) Continuation of:
Public Hearing:
Application of
Dissolution by
Davis Area Co-
operative Hous-
ing Association
(DACHA) under
California Civil
Code 817.2

J. Krovoza: No response to attempt to receive reduction in time for notice.

Public comment:

- Ethan Ireland, DAHCA, and Elaine Roberts-Musser: Request Council proceed with dissolution.

J. Krovoza moved, seconded by S. Souza, to continue the public hearing to September 27 and direct staff to return to Council with an option that would as best possible move to dissolve DACHA in the shortest possible time period.

Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: None

ABSENT: Wolk

City Council recessed at 11:12 p.m. and reconvened at 11:21 p.m.

(CC) Potential
Topics of Signif-
icance to be Dis-
cussed by the
Woodland Davis
Clean Water
Agency

Next Meeting Scheduled on September 29, 2011 is Anticipated to Include:

- Water Treatment Plant Capacity and City Dedicated Capacity Shares Under Joint Powers Agreement
- Release of Draft RFP to Qualified Bidders for Final RFP Review Process

J. Krovoza suggested item be postponed to September 27; next meeting of WDCWA is September 29, will be able to fully discuss items on September 27 as staff reports will be available for review. Council consensus.

Adjournment

Meeting was adjourned at 11:26 p.m.

Zoe S. Mirabile
City Clerk