

MINUTES OF THE DAVIS CITY COUNCIL AND REDEVELOPMENT AGENCY
Meeting of November 1, 2011

The City Council and Redevelopment Agency of the City of Davis met in regular session beginning at 6:37 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: City Manager Steve Pinkerton, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

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

Brief Communications Interim Public Works Director Robert Clarke: Chip Seal treatment update—in 2010, City contracted for chip seal surface treatment on a number of city streets; contractor has not complied with all aspects of bid package; have reached agreement on approach to address deficiencies. Treatment of pavement maintenance in the long run will be a future Council discussion.

S. Greenwald: Request chip seal be agendized for next agenda as to how to proceed.

S. Pinkerton: November 29 meeting includes a comprehensive discussion regarding funding for capital infrastructure.

H. Steiner: Contractor has agreed to perform work as per the contract; under no obligation to give city money back. Different pavement treatment would entail different contract. Will agendize a closed session for next week for Council deliberation.

H. Steiner: Update on Union Pacific at-grade crossing application-California Public Utilities Commission (CPUC) held pre-hearing last week; Union Pacific at grade crossing hearing scheduled in May. All parties agreeable to voluntary mediation which is likely start next month; potentially produce solution or at least narrow issues.

S. Souza: Forum held last week regarding Low Carbon Diet Program.

R. Swanson: Sister City Inuyama, Japan delegation will be visiting this week.

J. Krovoza: Delegation from Inuyama, Japan is still looking for host families to house visitors.

D. Wolk: Tree planting in Arroyo Park for celebration of Arbor Day; 20-30 trees planted.

J. Krovoza: Author David Gershon visited Davis. Item will be agendaized for discussion on whether to apply as contest city for Low Carbon Diet Challenge. Staff is collecting nominations for business representative for iGATE; want to wrap up and identify full delegation on November 15.

Ceremonial
Presentation

Proclamation in Support of California Retired Teachers Week November 6-12, 2011 presented by Mayor Krovoza.

Public Com-
ment

- Robert Gonzales, California Retired Teachers Association: Thanked council for Proclamation; retired teachers serve as role models in volunteer service.
- Ken Harris: Leon Place resident, chip seal work started today; freshly coated seal with leaves and twigs embedded in street along with gouge marks; rougher texture than before; would be willing to pay more in assessment for good street pavement.
- Elaine Roberts-Musser: New para-transit mobility training available for seniors; utilized grant from New Freedom fund; training will take place in Davis and possibly West Sacramento; will match up trainer with senior and take them on test runs; idea is to get seniors to use public transportation before they have to give up keys.
- Alan Miller: Concerned over animal movement across Union Pacific fence; fencing has been up 1 month and injuries have already occurred; request letter from City to UP to address problem.
- Bobby Weist, Davis Firefighters Local 3494: Thanked citizens for 'Fill The Boot' contributions for Thanksgiving Turkey Baskets, raised \$7,400; last year fed 775 families for Thanksgiving at a cost of \$16,000; expecting total cost to go up approx. \$2,000 this year; 100% of money collected goes to community.

Consent Calen-
dar

(CC) Memorandum of Understanding with the Veterans of Foreign Wars Post 6949 for Continued Use of Designated Areas of the Veterans' Memorial Center Approved Resolution No. 11-171 - Authorizing City Manager to Enter into a Memorandum of Understanding with the Veterans of Foreign Wars Post 6949

(CC) Plans, Specifications, Estimate and Contract Award for Northstar Wildlife Observation Deck Reconstruction, CIP No. 8229

1. Approved the plans and specifications for Northstar Wildlife Observation Deck Reconstruction
2. Approved Resolution No. 11-172 - Awarding Contract of \$51,700 (Base Bid Plus Add Alternate Bid) to SLS Constructors, Inc., for Northstar Wildlife Observation Deck Reconstruction, CIP No. 8229
3. Approved Budget Adjustment #41 (\$79,244) – allocating funding from CDBG (\$72,244) and Park Impact Fees (\$7,000)

(CC) 2011/12 First Quarter Administratively Approved Budget Adjustment
Informational

(CC) Commission Minutes:

1. Finance and Budget Commission Meeting of September 12, 2011
2. Planning Commission Meeting of January 26 and October 12, 2011
3. Safety and Parking Advisory Commission Meeting of August 4, 2011

Informational

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

Removed from
Consent:

Item removed by S. Greenwald.

(CC) Profes-
sional Service
Agreement for
the Design of
the Rehabilita-
tion and Re-
placement
(R&R) Phase of
the Wastewater
Improvements
Project

Senior Engineer Michael Lindquist: Staff issued Request for Qualifications and received 5 responses; selection committee reviewed and conducted interviews; staff negotiated proposed scope with preferred proposer.

J. Krovoza moved, seconded by S. Souza to approve Resolution No. 11-172 - Authorizing the City Manager to Execute a Consultant Agreement with Hydro-Science Engineers, Inc. for Design Services of the Rehabilitation and Replacement Improvements Phase of the Wastewater Improvements Project, CIP No. 8219. Motion passed by the following vote:

AYES: Souza, Swanson, Wolk, Krovoza

NOES: None

ABSTAIN: Greenwald

(CC) Blue Max
Kart Club Re-
quest to Amend
Lease of the
Old City Land-
fill Site on Pole
Line Road to
Allow for
Commercial
Operations

S. Pinkerton: Item removed from agenda for further staff review; will return at a later date.

Councilmembers requested the following be addressed when item returns:

- Neighborhood outreach
- City does not receive financial benefit; sales taxes go to County
- Neighbors would like lower decibel carts
- Request comparison of decibel levels, existing versus proposed rentals.
- Request information on activity and noise levels since inception

Public Hearing:
Establishment
of Underground
Utility District
No. 9 – Under-
grounding of
the Overhead
Power, Phone

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

Assistant City Engineer William Marshall: First action necessary to create underground district; prevents any additional overhead utility lines. District is eligible to receive PG&E funding. Completion generally takes 5-7 years.

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

and Cable Services for the Area Bounded by Russell Boulevard on the North, First Street on the South, A Street on the West, and B Street on the East

public hearing.

D. Wolk moved, seconded by R. Swanson to introduce Ordinance Establishing Underground Utility District No. 9. - Wherein Certain Poles and Overhead Wires and Associated Overhead Structures are and Shall be Prohibited and from which Certain Existing Poles and Overhead Wires and Associated Overhead Structures Must be Removed; and Further Providing for the Removal of Such Poles and Overhead Wires and Associated Overhead Structures; and Otherwise Relating to the Existence, Maintenance, Use and Removal and Prohibition of Poles and Overhead Wires and Associated Overhead Structures Therein. Motion passed by the following vote:

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

S. Greenwald returned to the dais.

Car Sharing Pilot Program – Year One Status Report and Agreement Amendment No. 2 with Zipcar, Inc.

R. Swanson: Recused herself due to a conflict of interest from a lease interest on Second Street; Council will need to segregate discussion and make decision regarding possible placement of parking spots at Depot, then will return to the room for remaining discussion.

Administrative Analyst Stacey Winton: Council approved a 2 year pilot program, implemented in October 2010; provided 1 year status report. Zipcar has approached City with a request to add 2 additional vehicles due to high vehicle utilization; staff recommends adding 2 vehicles at the Depot parking lot.

S. Souza moved, seconded by J. Krovoza, to designate as Depot parking lot as the preferred location for 2 additional parking spots; a fee of \$1,000/year to be inserted into contract for use of Depot parking spots.

H. Steiner: City is not prohibited from charging for parking at Depot, but is prohibited from charging for spaces in a manner that is inconsistent with commuter purpose of lot.

S. Souza withdrew motion.

S. Souza moved, seconded by J. Krovoza, that the City shall reserve 2 parking spots at the City owned location along H Street alley across from the Depot, at a cost of \$1,000 per year.

J. Krovoza proposed a friendly amendment to direct staff to conduct an assessment of appropriate value for parking spaces, looking at other cities that receive payment from Zipcar for use of spaces. Amount to come back to Council, to be not less than \$1,000 per year. Accepted by mover.

S. Souza amended motion as follows: City will explore the cost of an appro-

priate amount of money for use of a city owned parking spot, to come back to Council for final determination of value. Accepted by second. Motion passed by the following vote:

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

R. Swanson returned to the dais.

J. Krovoza moved, seconded by S. Souza, to direct staff to continue working with Zipcar on amendment to the contract that includes ensuring that no further city dollars are spent in support of program, in particular, issue related to city cost associated with preparing spaces either poles or striping.

S. Souza proposed a friendly amendment to remove city's minimum guarantee requirement. Accepted by mover.

J. Krovoza withdrew motion.

J. Krovoza moved, seconded by Souza, if staff is able to come to agreement with Zipcar on adding 2 parking spaces, also add to contract to make sure that no further city dollars are spent in implementing Zipcar program going forward. Motion passed by the following vote:

AYES: Souza, Swanson, Krovoza
NOES: Greenwald, Wolk

City Council recessed at 9:24 p.m. and reconvened at 9:40 p.m.

Chip Seal; Add
Closed Session
Item to Agenda

H. Steiner: Following discussion regarding chip seal earlier this meeting, staff contacted contractor and asked them to stand down until after Council was able to convene a closed session next week. Contractor was unhappy as he would incur additional cost for his crew. Staff suggests Council add an urgency item to the agenda so that Council may meet in closed session.

J. Krovoza moved, seconded by R. Swanson, to add an urgency item to the agenda so that Council may deliberate in closed session at close of regular meeting. Motion passed unanimously.

Central Park
Master Plan Re-
stream Building

Property Management Coordinator Anne Brunette: Central Park upgrade project will be done in two phases; first phase includes construction of a new restroom, second will be the installation of the universal design playground.

Public comments:

- Jim Beckett, Dennis Dingemans, and Mary Lee Thompson, Hattie Weber Museum: Support Central Park Master Plan except for section around Museum; oppose demolition of restroom building, suggest Museum use for storage, staging and display; only interested in existing park shed if it can

be located in immediate vicinity of Museum; universal design playground should be in Community Park.

- Randii Macnear, Davis Farmers Market: Manager for 30 years, rare to come forward to Council and speak to issues, problems increasing in park, many do not feel safe; restroom is constantly vandalized; proposed play area will be good draw for Market.
- Steve Tracy, Old North Davis Neighborhood Association: Historic restroom structure should be maintained, some details have been lost over time, but still has historic importance.
- Gayle Sosnick: Restroom facility does not have historic significance architecturally, generic building, does not complement Museum architecturally.

Police Lieutenant Colleen Turay: Biggest problem is where the restroom is situated, unable to see behind building from vehicle; difficult area to patrol except on foot.

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

1. Direct staff, in conjunction with the Historic Resources Management Commission, to review the historical items owned by the city and managed by the Hattie Weber Museum and to determine which items are more appropriately archived at Shields Library. Work with Shields Library to archive the more significant historical items.
2. Direct staff to work with Hattie Weber Museum staff to draft a plan to retain the existing Works Project Administration (WPA) Building for the time being, to be used as storage for the Museum.

Motion failed by the following vote:

AYES: Greenwald, Krovoza
NOES: Souza, Swanson, Wolk

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

1. Direct staff to proceed with demolition of the existing restroom in Central Park, relocate the existing park shed to Hattie Weber Museum, incorporating the sheds appearance with the Museum to be used as storage, and direct \$1,000 of the CIP budget be allocated to add shelving or other improvements to maximize the storage capacity of the shed.
2. Direct staff to move responsibility of rental over to Hattie Weber Museum to rent at their discretion.
3. Direct staff, in conjunction with the Historic Resources Management Commission, to review the historical items owned by the city and managed by the Hattie Weber Museum and to determine which items are more appropriately archived at Shields Library. Work with Shields Library to archive the more significant historical items.

Motion passed by the following vote:

AYES: Souza, Swanson, Wolk
NOES: Greenwald, Krovoza

S. Souza moved, seconded by J. Krovoza, to continue the meeting until mid-

night to conclude items, including closed session. Motion passed unanimously.

Establish Utility Rate Advisory Committee Utilities Manager Jacques DeBra: Staff recommends that a Utility Rate Advisory Committee be formed to increase community involvement in the utility rate setting process.

Public comment:

- Elaine Roberts-Musser: Support establishing an advisory committee; should widen scope; need to be able to make reasonable assessments on utility rates.

Council comments included:

- Should include sewer, storm water and Waste Water Treatment Plant in scope
- Proposed committee names: Water Utility Advisory Committee, Water Supply Advisory Committee
- Committee should focus solely on surface water project and only touch on wastewater issues relevant to water supply
- Should have scope similar to Utility Rate Advisory Committee in Dixon
- Water conservation programs should be added to the parameters of committee in form of customer water demands and conservation efforts.

Councilmembers made the following appointments to the Water Utility Advisory Committee:

S. Souza: Elaine Roberts-Musser and Michael Bartolic
R. Swanson: Gerald Adler and Doby Fleeman
D. Wolk: Alf Brandt and Helen Thompson
S. Greenwald: Mark Siegler and Bill Kopper
J. Krovoza: Frank Loge and Steve Boschken

S. Souza moved, seconded by R. Swanson, to accept all 10 members appointed to committee. Motion passed unanimously.

Long Range Calendar S. Pinkerton: Closed session on November 7

City Clerk Zoe Mirabile: Referendum petition results will be agendized November 15 or December 6, depending upon when results are verified by County Elections Office.

S. Souza: Request to agendize zoning of Whole Foods property for November 15. Council consensus.

Closed Session City Council adjourned to closed session at 11:43. Council convened closed session pursuant to Government Code §54954.5 to discuss the following: Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (one case).

Council returned to open session at 12:07 a.m. J. Krovoza reported that Council rescinded action to schedule a closed session next week and directed staff to allow contractor to proceed with chip seal repair on certain streets at no cost to the city.

Adjournment Meeting was adjourned at 12:08 a.m.

Zoe S. Mirabile, CMC
City Clerk