

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

The City Council and Redevelopment Agency 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: 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 Labor Negotiators.

Agency Designated Representatives: City Manager Steve Pinkerton; City Attorney Stacey Sheston; Assistant City Manager Paul Navazio; Renne Sloan Holtzman Sakai, LLP

Employee Group/Organization (under discussion): Davis City Employees Association

B. 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

City Council returned to open session at 6:36 p.m. Mayor Krovoza announced that the California Public Employment Relations Board (PERB) case has been tentatively ruled against the city. Council unanimously voted to file exceptions to the PERB ruling, which are due by November 20. At time of filing, city will issue a statement drafted by legal counsel explaining why Council has chosen to take this action.

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

Brief Communications S. Pinkerton: County Elections Office validated signatures for Referendum against the Ordinance establishing the water rates. Item agendaized for Council discussion on December 6.

S. Souza: Appointed as representative to California Local Agency Formation Commission (LAFCO). Yolo Natural Heritage Foundation has released an Environmental Impact Report (EIR) scoping document for the Conservation Plan. East Area Water Tank opened last Saturday; art work was dedicated.

R. Swanson: Attended 10<sup>th</sup> Anniversary of Inuyama Sister City and Veterans

Day Memorial ceremony at Davis Cemetery. DeVere's Irish Pub opened last weekend in downtown. . Attended inaugural meeting on November 14 of the 'Next Economy for Region.' Solano -Yolo County Joint Economic Summit will be held November 16. On November 17, the DSIDE group is hosting a "Who's on First" meeting, with an update on efforts to locate partnerships.

D. Wolk: Attended Veterans Day ceremony at Davis Cemetery and Habitat for Humanity fundraiser. Yolo Basin Foundation Buck for Ducks Event will be held on November 18. Turkey Trot scheduled for November 19.

S. Greenwald: Attended Senior Citizen Commission meeting, discussion included downtown items of interest; and Finance and Budget Commission, received budget update.

J. Krovoza: Hugs for Hope event held at The Graduate on November 12. Sacramento Area Council of Government released tentative grant awards for community infrastructure related to biking; city submitted 7, 5 were recommended for funding whole or in part, totaling over \$2 million for Davis. US Bicycling Hall of Fame dinner held November 5 at UCD Freeborn Hall.

AB1234 Reporting: J. Krovoza: Starting to claim mileage for SACOG meetings, submitted mileage reimbursement for 6 meetings.

Public Comments

Alan Pryor: Natural Resources Commission approved a Zero Waste Resolution over three months ago, request item be agendaized for Council approval as soon as possible; dozens of cities in California have passed similar resolutions.

Consent Calendar

(CC) Final Map for Willowbank Park Unit No. 3, Subdivision No. 4984  
Approved Resolution No. 11-174 - Approving Final Map for Willowbank Park Unit No. 3, Subdivision No. 4984 and Authorizing the City Manager to Execute the Subdivision Agreement (Brix & Mortar Partners, LLC)

(CC) Consultant Agreement for Technical Assistance with Current National Pollutant Discharge Elimination System (NPDES) Wastewater Permit Activities

Approved Resolution No. 11-175 - Authorizing the City Manager to Execute Consultant Agreement with Larry Walker Associates for Current NPDES Permit Activities, Program No. 7320

(CC) Funding Application to the California Department of Education for Continued Funding of Child Development Services in FY2012-2013

Approved Resolution No. 11-176 - Authorizing the City Manager to Submit Funding Application and Enter into Contract with the California Department of Education, Related to the Administration of Child Development Services

(CC) Pricing for Mahogany Lane/Willowbank 10 Subdivision - Maximum Affordable Low-Moderate Units

Approved Resolution No. 11-177 - Establishing Maximum Unit Prices for Two and Three Bedroom Low/Moderate Income Affordable Ownership Units in the Mahogany Lane Subdivision

(CC) Lease Amendment for Cold Weather Shelter at 512 Fifth Street  
Approve Resolution No. 11-178 - Authorizing the City Manager to Execute a Lease Amendment for the City Property at 512 Fifth Street with Davis Community Meals for its Use of the Property as a Cold Weather Shelter During 2011-2012 Winter Months

S. Greenwald recused from the following item due to a conflict of interest as she owns property in Underground Utility District No. 9:

(CC) Second Reading of Ordinance Establishing Underground Utility District No. 9 and Authorizing City Manager to Execute Agreements with PG&E to Perform Undergrounding Work and Electric Panel Service Conversions – Undergrounding Overhead Power, Phone 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

Recommendation:

1. Adopted Ordinance No. 2382 - Establishing an Underground Utility District, 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 (introduced 11/01/2011)
2. Approved Resolution No. 11-179 - Approving and Authorizing the City Manager to Execute Agreements Related to the Establishment of Underground Utility District No. 9

(CC) Natural Resources Commission Minutes from the Meeting of July 25, 2011

Informational

(CC) 500 First Street/Davis Commons Zoning Designation Relative to Whole Foods Lease of the Former Borders Books & Music Space

Informational

(CC) Invitation to Join i-GATE Innovation Hub Partnership  
Confirmed the following representatives to the i-GATE Innovation Hub:  
Mayor (or Designee)-Rochelle Swanson; City Manager-Steve Pinkerton; Economic Development Director-Ken Hiatt; Chamber of Commerce-Chamber of Commerce Executive; Business Representative-Bob Medearis

Removed from Consent Calendar:

(CC) Davis  
Business Improvement District 2011 Core Area BID Report, Proposed FY 2012-13 DDBA Budget, and Intention to Levy and Collect an Assessment for FY 2012-13

Item removed by J. Krovoza.

R. Swanson recused herself and left the room due to a commercial business interest on Second Street, which falls with the downtown area and DBID.

Economic Development Coordinator Sarah Worley: Summarized Davis Business Improvement District (DBID) process. City received a request from Davis Downtown Business Association (DDBA) to reconsider administrative support fee, approximately \$16,000 will be subtracted from the total amount of assessments collected and forwarded to DDBA; fee was included in the city's 2011-12 budget approved in June 2011.

Public comments:

Jennifer Anderson, Michael Bisch, Rosalie Paine, and Melanie Glover, DDBA: Support DDBA's request to reconsider recovering city administrative fees; DDBA acts as marketing and economic development arm for city, \$16,000 represents 41% of marketing and promotion budget; DDBA will be forced to cut from marketing and promotions activities such as Art About or Halloween Treat Trails.

D. Wolk moved, seconded by J. Krovoza, as follows:

1. Approve the 2011 Core Area BID Report, including the FY 2012-13 proposed budget and programs from the DDBA subject to any changes or modifications that may be made subsequent to a public hearing on the request to increase, levy and collect an annual assessment, to be held on December 6, 2011
2. Approve Resolution No. 11-180 - Intention to Levy and Collect the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the Davis Business Improvement District For Fiscal Year 2012-2013
3. Direct staff not to collect the \$16,000 administrative fee.

S. Souza proposed a friendly amendment that the City should recover hard costs of \$4,000 for postage and noticing. Not accepted.

S. Greenwald moved substitute motion to approve the \$16,000 administrative fee cost recovery from DBID processing, and request staff to return to Council with a proposal for direct funding of arts program with said funding. No second.

Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Krovoza

NOES: None

ABSENT: Swanson

R. Swanson returned to the dais.

Establishment  
of a Teen Ser-  
vices Grant  
Fund

Community Services Director Elvia Garcia-Ayala: On October 4, Council directed staff to proceed with developing a teen services fund established with \$70,000 in funds previously set aside from the sale of the Third and B Teen Center facility for use by programs that would enhance or promote teen services. Fund is anticipated to be a one-time allocation.

Public comments:

Nick Mead, Lucas Frerichs, and Emily Henderson, ACME members and Board representatives, spoke in support of establishing the teen services grant fund. Comments included: Facility rental rates threaten existence of ACME program; most redeeming quality about proposal is that it provides funding for any youth lead non-profit group; suggest eligibility criteria include minimum track record of more than 1 year; allows ACME to continue operating and time to come up with plans for future operations.

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

1. Approve Resolution No. 11-181 - Authorizing the Purpose, Eligibility Criteria, Funding Restrictions and Financing of the Teen Services Grant Fund (Option A), as amended:
  - Add 50% of budget cap for amount of grant funding
  - Replace requirement for 501c3 in good standing for 1 year with 3 years in good standing
  - Remove restriction for programs that duplicate services already provided by City
2. Approve Budget Adjustment #29 (\$70,000) – transferring funds from Construction Tax for the expressed purpose of establishing the Teen Services Grant Fund
3. When discussion of construction tax fund set aside from sale of Teen Center building is agendized for Council discussion, include relevant grant information so that Council is not spending potential grand funds on other programs

S. Greenwald proposed a friendly amendment to direct staff to return to Council before next budget cycle with a discussion cost recovery methodology and maintenance of city facilities. Not accepted.

R. Swanson amended motion as follows add language in the application under funding guidelines that special circumstances will be considered for any of criteria. Accepted by second.

Motion passed unanimously.

S. Greenwald moved, seconded by J. Krovoza, to direct to return to Council well before the next budget cycle with an analysis of facility rental fee cost recovery and fee setting schedule. Motion passed unanimously.

City Council recessed at 8:07 p.m. and reconvened at 8:23 p.m.

Establish Water  
Advisory  
Committee

Interim Public Works Director Robert Clarke:

- On 11/1, City Council each appointed 2 members.
- Three (3) actions before Council
- Need direction to move forward
- After 1<sup>st</sup> meeting of body, may bring item back to council with any proposed amendments.

S. Souza moved, seconded by S. Greenwald, as follows:

1. Confirm Council appointees:

Sue Greenwald:	Mark Siegler & Bill Kopper
Joe Krovoza:	Frank Loge & Steve Boschken
Stephen Souza:	Elaine Roberts-Musser & Michael Bartolic
Rochelle Swanson:	Gerald Adler & Doby Fleeman
Dan Wolk:	Alf Brandt & Helen Thomson

2. Approve Resolution No. 11-182 – Establishing the Structure and Purpose of the Water Advisory Committee
3. Confirm Council direction that appointees shall disclose their economic interests and add the Water Advisory Committee as a “Designated Position” to the city’s Conflict of Interest Code, filing under Disclosure Categories 1, 2, and 4. The jurisdictional boundary for Category 1 shall be extended to include all of Yolo County.
4. Councilmembers will contact their appointees to discuss staggered terms of either 2 or 3 years.

R. Clarke clarification: Resolution will be amended to include 1 appointee from each Councilmember shall serve 2 years and 1 shall serve 3 years.

J. Krovoza proposed a friendly amendment to reword portions of the Purpose and Function of the Committee as stated in the resolution:

1. Purpose: The Water Advisory Committee is to *advise* the City Council *on* the City’s water rates, *water conservation assumptions and programs*, and related water matters as directed by the City Council
10. Functions of Committee: (b) amend ‘water conservation assumptions’ to read *water conservation programs*.

Accepted by mover and second. Motion passed unanimously.

Woodland-Davis Clean  
Water Agency  
Update – Surface Water Project Request for

Woodland-Davis Clean Water Agency (WDCWA) General Manager Dennis Diemer: Update on activities/goals/objectives of the WDCWA to date and the current design-build-operate RFP review process; WDCWA Board approved the release of a draft RFP to three pre-qualified bidders on September 29, 2011, draft available for public review. All comments will be compiled and incorporated into the final RFP scheduled to be released in January 2012 after

Proposal Process JPA Board approval. WDCWA has scheduled a public meeting on December 8 in Woodland to receive comments on the project and RFP process.

Jim Yost, West Yost: Summary of project costs.

D. Wolk requested a public meeting be scheduled in Davis in addition to Woodland. Also requested the RFP return to Council for discussion before comment period expires after review by the Water Advisory Committee.

R. Swanson requested a cost breakdown in more detail.

Long Range Calendar S. Pinkerton: December 6 meeting: Staff will try to reschedule all items except noticed public hearings so that there will be enough time for referendum and water rate discussion.

J. Krovoza: SACOG issuing draft of Regional Transportation Plan and Sustainable Communities Strategy; suggest agenda update. Council consensus.

Adjournment Meeting was adjourned at 10:23 p.m.

Zoe S. Mirabile, CMC  
City Clerk