

MINUTES OF THE DAVIS CITY COUNCIL AND REDEVELOPMENT AGENCY
SPECIAL MEETING
Meeting of December 06, 2011

The City Council and Redevelopment Agency of the City of Davis met in special session beginning at 6:10 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 Steven Pinkerton, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda S. Pinkerton: Contract with Miles Treaster to Purchase Office Furniture for Staff Consolidation has been removed from the consent calendar for further staff review.

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

Brief Communications None

Long Range S. Pinkerton: December 13 closed session will include labor negotiations and CPUC Application; disposition of DACHA Units will be discussed after the February 7 public hearing re DACHA dissolution; RDA status update will be either December 20 or January 10.

Public Comments None

Consent Calendar (CC) Application for Funding Assistance under the State's CalHome Mortgage Assistance Program
Approved Resolution No. 11-183 - Authorizing the Submittal of an Application to the California State Department of Housing and Community Development for Funding Under the CalHome Program; the Execution of a Standard Agreement if Selected for Such Funding and any Amendments Thereto; and any Related Documents Necessary to Participate in the CalHome Program

(CC) Contract with Renne Sloan Holtzman Sakai LLP for Professional Labor Contract Negotiation Services
Approved Resolution No. 11-184 - Authorizing the City Manager to Execute an Agreement with Renne Sloan Holtzman Sakai LLP for Negotiation Consultant Services

(CC) Commission / Committee Minutes:

1. Bicycle Advisory Commission Meeting of October 3, 2011
2. Civic Arts Commission Meeting of April 25, 2011
3. City of Davis / Chamber of Commerce 2x2 Committee Meetings of June 16 and September 15, 2011
4. Finance and Budget Commission Meeting of October 10, 2011
5. Human Relations Commission Meeting of October 27, 2011

Informational

(CC) Update on 2011 Public Safety Realignment Act

Informational

J. Krovoza moved, seconded by D. Wolk, to approve the consent calendar as listed above. Motion passed unanimously.

Removed from
Consent:

Item removed by J. Krovoza.

(CC) Development of a Solid Waste Resource Management Plan to Prioritize Recycling Program Actions, Evaluate Sanitation Service Costs, and Assess Long Range Sanitation Rate Impacts

D. Wolk moved, seconded by S. Souza, to Approve Resolution No. 11-185 - Adopting a Goal to Reduce Waste through Zero Waste Strategies. Motion passed unanimously.

Adjournment

Meeting was adjourned at 6:23 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS CITY COUNCIL AND REDEVELOPMENT AGENCY
Meeting of December 6, 2011

The City Council and Redevelopment Agency of the City of Davis met in regular session beginning at 6:34 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 S. Greenwald, to approve the agenda. Motion passed unanimously.

Public Comments

- Tess Boutan: Second grader; City should ban plastic bags and charge for using paper bags; will write project plan for www.dosomething.org and apply for grant, would like to get other children to work on project and spread to other communities.
- Alan Pryor: Natural Resources Commission is considering a proposed Ordinance to restrict plastic bags; similar ordinances have been passed by over 1,600 California cities; main driver for Ordinance is to reduce local litter, 500 bags used on average by people in California every year, only 3-5% are recycled.
- Chad Roberts, Yolo Audubon Society: Request Council send a message to Yolo County that City has concerns about siting radio transmission towers; suggest City ask County in 2x2 session to work on policy framework to avoid siting towers in wetlands and other environmentally sensitive areas.
- Jon Li: Harris Lewin, Genetic Immunology, met with 25 members of business community.
- Mark Graham: Oppose radio tower; visual blight in otherwise dark area; encourage every member of council to visit Occupy Davis; hope city and police do not issue citations.
- Shar Katz, Café Italia: Restaurant celebrating 30 year anniversary in 2012.

(CC) Consider Referendum and Water Rate Ordinance Options City Manager Steven Pinkerton: Council adopted five year water rates in September; subsequently established a Water Advisory Committee to advise on rates and related resource matters. City received a water rate referendum on October 24, which was verified by Yolo County in November as having sufficient signatures. Rates currently stayed.

Public comments:

- Bill Marble, Woodland Councilmember, Woodland-Davis Clean Water Association (WDCWA) & Water Resources Association of Yolo County:

Urge Council to consider that decision will not only impact Davis ratepayers, but Woodland's as well; Woodland has worked hard to advance surface water project and has fully honored commitments.

- Martie Dotie, Woodland Council: Best option for future is to change source water to Sacramento River; joint project of intake facility is environmentally superior.
- Tom Stallard, Woodland Council: Opportunity to move off ground water that has declining life; cost of water will only increase.
- Skip Davies, Vice Mayor Woodland: Woodland formed Water Rate Advisory Committee, already gone thru 3 20% increases; will continue with multi-year increases; support project going forward.
- Art Pimentel, Mayor Woodland: Woodland has diverse Council, differences of opinion on many issues, yet this issue is unanimously supported; made difficult decision to raise rates in this economic time. Does Davis understand significant additional cost to both cities if project delayed? Who will pay for costs? What is vision of WDCWA if Davis delays and Woodland moves ahead?
- Matt Rexroad, Yolo County Supervisor: Woodland will be moving forward with surface water project, encourage Davis to continue.
- Matt Williams: El Macero resident; referendum qualified enough signatures, Council has discretionary position to consider referendum on June ballot.
- Dan Conford: Involved in referendum, should go to ballot; surface water project is biggest infrastructure project in Davis, needs more consideration; need independent study of well system, measure intermediate and long term viability.
- Pam Neiberg: Referendum supporter; community members uncomfortable with process, unanswered questions, need full discussion of issues and scope; come up with project and rate structure everyone can live with, look at impacts of rates on residents.
- John Munn, Yolo County Taxpayers Association: Water rates are not affordable for citizens; underlying project is too expensive, should be reevaluating and reengineering cost and mix of surface water and well water.
- Bryan Johnson, Rancho Yolo Community Association: Many residents are low income, consider seniors and renters.
- Doby Fleeman: Support water project, needed for the last decade; will support reasonable rates.
- Bob Schneider: Need to ensure than project can and will move forward; aquifers are limited in capacity, not much recharge; cheapest opportunity to move forward with construction, bonds low; rate increases are reality in future; need to maintain access to surface water rights.
- Monica Harris: Political Consultant hired for referendum; Davis citizens are very politically active; community wants to make right step forward.
- Alan Pryor: Support project: Council should respect referendum, put on ballot, but stay the course.
- Daniel Cassel-McGill: Circulated petition; need more openness; tier 1 rate

increases do not accurately reflect increases across all categories.

- Michael Bartolic: False to present issue as surface versus ground water; referendum broad-based grassroots effort, want to be part of crafting ultimate solution, clean water priced fairly.
- Jim Berchell: Surface water project has already gone through national search for respondent to RFP, if continued delay will lose respondents; without surface water, will pay more for waste water treatment.
- Elaine Roberts-Musser: Putting off rates will come with consequences, could add \$17 million cost for 1 year delay, \$80-\$130 million for more; fines for non-compliance; let voters decide on referendum.
- Robert Canning: Support referendum on ballot, but move forward with project; have not been paying full cost of water in past.
- Paul Greavy: Question purity of surface water and availability in summer; support repeal of ordinance and comprehensive water rate study; support conservation efforts.
- Nancy Price: Referendum supporter; need rate study and well and aquifer study.
- David Musser: Issue has not been in the forefront of community discussion; Davis will be paying fines soon if they do not proceed, need to make decision soon.
- Ernie Head: Issue could have been settled years ago by putting to vote, need transparency.

R. Swanson moved, seconded by D. Wolk, to direct staff to return to Council with an appropriate Ordinance to repeal the September 6, 2011 Water Rate Ordinance (Ordinance No. 2381 – Amending Chapter 39 of the Davis Municipal Code Related to Water Rates to Increase the Base Rates and Metered Rates, introduced on September 6, 2011 and adopted on September 20, 2011).

J. Krovoza proposed a friendly amendment to direct staff to return to Council by mid-January at the latest with an initiative that Council would place on the June 5, 2012 ballot to provide the community with an opportunity to vote on whether or not the City should move forward with the surface water project. Seek to provide the community with the greatest amount of transparent information possible regarding rates and project design, to include enough specificity regarding project scope and estimate of cost so that voters will know exactly what they will be voting on. Accepted by mover. Not accepted by second.

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

1. Direct staff to return to Council with an appropriate Ordinance to repeal the September 6, 2011 Water Rate Ordinance (Ordinance No. 2381 – Amending Chapter 39 of the Davis Municipal Code Related to Water Rates to Increase the Base Rates and Metered Rates, introduced on September 6, 2011 and adopted on September 20, 2011)
2. Direct staff to return to Council by mid-January at the latest with an initiative that Council would place on the June 5, 2012 ballot to provide the

community with an opportunity to vote on whether or not the city should move forward with the surface water project. Seek to provide the community with the greatest amount of transparent information possible regarding rates and project design, to include enough specificity regarding project scope and estimate of cost so that voters will know exactly what they will be voting on.

Motion passed by the following vote:

AYES: Souza, Swanson, Wolk, Krovoza

NOES: Greenwald

D. Wolk moved, seconded by R. Swanson, that Council recommits to elements of the original motion from September 6, 2011 as follows:

1. Establish a Water Advisory Committee (WAC), to advise Council on the rates, project and related items.
2. Ensure any significant decision by the Woodland Davis Clean Water Agency (WDCWA) would be brought before the Council.
3. Seek flexibility on the timelines for the project and raising capital, including requesting the assistance of the city's legislative delegation, with the idea of stretching out the rate schedule, this includes seeking a water quality compliance variance if possible.
4. Analyze and make recommendations on possible public operation of the project.
5. Seek guarantees to ensure the project will only use local and regional businesses, materials and labor, to the maximum extent feasible.
6. Utilize and lobby for as much federal and state funding as possible, including state water bonds and potential Delta restoration dollars headed toward the Yolo Bypass and look also at utilizing other local dollars besides user fees.
7. Continue to focus on conservation and reuse, in addition to the City's conservation efforts, access state and federal funds if feasible, to offset the costs to residents of implementing water conservation strategies or replacing equipment.
8. Provide for regular community meetings and updates.
9. Explore the creation of a rate-subsidy program for low-income households.

R. Swanson proposed a friendly amendment to modify #9 to add "or other measures to assist low income rate payers." Accepted by mover.

S. Greenwald proposed a friendly amendment to provide full disclosure as to difficulty, practicality and scope of what low income subsidy would entail. Not accepted by mover.

Motion passed unanimously.

D. Wolk moved, seconded by R. Swanson, to direct staff to return as soon as possible with a report on all options for funding the surface water project, to include a comprehensive water rate study utilizing an independent consultant

and the Water Advisory Committee would be fully involved in the process.
Motion passed unanimously.

D. Wolk moved, seconded by R. Swanson, to direct staff to bring back a 1-year rate increase pursuant to Prop 218, to cover current deferred maintenance and ongoing needs and not based on costs of the surface water project.

R. Swanson proposed a friendly amendment for staff to bring back at earliest possible time.

H. Steiner clarified: Staff needs to know the cost of construction and methodology for determining rates in order to determine how quickly an interim rate can be presented.

D. Wolk withdrew motion.

D. Wolk moved, seconded by R. Swanson, to direct staff to bring back a report on a short term water rate increase pursuant to Prop 218 to cover deferred maintenance and ongoing operations and maintenance needs, separate from the water project.

S. Greenwald proposed a friendly amendment that the rate should be for at least a year. Accepted by mover and second.

S. Pinkerton: Staff will bring back options regarding a rate study and drawing down the line of credit.

Motion passed unanimously.

J. Krovoza requested Council agenda discussion regarding possibly increasing the membership of the Water Advisory Committee. Council consensus.

City Council recessed at 10:30 p.m. and reconvened at 10:40 p.m.

(CC/RDA)
KMJE/KDVS
Radio Broadcast
Tower at 44090
County Road
28H

Sustainability Program Manager Mitch Sears: In September 2010, Yolo County Supervisors approved a 365 foot radio tower at the County landfill. The Redevelopment Agency reviewed the original proposal in March 2010 and determined that the new radio tower was not in conflict with the City/County Pass Through Agreement; the City provided comments to the County that addressed both the location and the design of the proposed tower. Subsequently, Yolo County approved a one year extension of the project in September 2011.

Public comments:

- David Tembledor, Results Radio: Proponent, no changes to project since presented, determination should be consistent; discussion at County Board of Supervisors, will be regarding whether extension was appropriately granted, not specific aspects of the project.

- Jack Chapman: Wildhorse resident, oppose tower location; from Wildhorse area, visibility is clear all the way to the Sierras; tower should be located closer to commercial areas.
- Alan Pryor: Impacts on migrating waterfowl; agricultural lands and open space critical to maintaining character and heritage of city and county; urge Council to send stronger worded letter to County Supervisors and invoke Pass Thru Agreement.
- Laura Snyder: Property owner on Road 103; entire area is migratory path.
- Steve Hayes: Resident of North Davis, preserve wildlife buffer area, major terminus on flyway; 365 foot tower with strobe lights does not fit.
- Neal Rude, KDVS: Non-commercial educational broadcaster; prioritizes local music, public affairs and news shows; tower will allow to further reach community and greater Sacramento area; trying to replace current tower for 15 years; facing encroachment in listenership areas.
- Todd Urich, KDVS: Working on tower relocation project for 15 years; complies with Federal Communications Commission and other requirements; landfill site seemed most suitable to all parties; if this tower not built, could force KDVS to look for different tower sites necessitating 2 sites instead of co-locating on 1.
- Eileen Samitz: Tower in direct violation of protecting open space; light impacts not addressed by County.

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

1. Determine that the proposed project for the new radio tower is consistent with the rural nature of the agricultural buffer area between roads 27 and 29
2. Determine that despite improvements in the project design, the proposed project is inconsistent with the US Fish and Wildlife Services' communication tower locational guidelines and will create a potential bird strike hazard due to the close proximity to wildlife habitat areas and bird migratory routes
3. Direct the City Manager to submit a letter to Yolo County Board of Supervisors restating its 2010 comments on the proposed tower and recommending that the Board not support an extension of the permit to construct the tower based on the potential impacts to biological resources associated with its proposed location
4. Direct City Council representatives to the City-County 2x2 Committee to request review of policy concerning location of radio towers and strobe lighting.

S. Greenwald proposed a friendly amendment to direct the City-County 2x2 Committee to discuss drafting an ordinance that takes into account U.S. Fish and Wildlife recommendations and suggested mitigations. Accepted by mover and second.

S. Greenwald proposed a friendly amendment to remove the following from the motion: Determine that the proposed project for the new radio tower is consistent with the rural nature of the agricultural buffer area between roads 27

and 29 (item #1). Accepted by mover and second.

J. Krovoza proposed a friendly amendment to direct that portions of the Open Space and Habitat Commission recommendation that staff concurs with be incorporated into the letter from the City Manager. Accepted by mover and second.

Motion passed unanimously.

(CC) Public Hearing: CDBG and HOME Critical Needs List; RFP for Program Year 2012-2013

Community Services Director Elvia Garcia-Ayala: Annual review of critical needs list, guidelines to make decisions in grant funding process later next Spring.

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

R. Swanson moved, seconded by S. Souza, to approve Resolution No. 11-186 – Approving the Critical Needs List and Directing Staff to Issue a Request for Proposals for the Community Development Block Grant and Home Investment Partnerships Program Funds for Program Year 2012-2013. Motion passed unanimously.

S. Souza moved, seconded by R. Swanson, to continue meeting until 12:00 a.m. Motion passed unanimously.

(RDA) Exclusive Negotiating Agreement – Hotel Conference Facility

Community Development & Sustainability Director Ken Hiatt: Intent of the agreement is to outline a process and timeline for evaluating the project scope, feasibility, and financing.

R. Swanson moved, seconded by S. Greenwald, to Approve RDA Resolution No. 1271 - Authorizing Agreement to Negotiate Exclusively with Ashok Patel for the Redevelopment of the University Park Inn into a Full-Service Hotel and Conference Facility. Motion passed unanimously.

(CC) Item Submitted by Councilmember (Greenwald): Discussion of City Council Portrait

S. Greenwald: Running out of space for Council pictures in Community Chambers; do not need a new picture covering only a 6 month period. Suggest waiting another 6 months to take Council portrait.

S. Greenwald moved to wait to take Council portrait until after the next election. No second.

S. Souza moved, seconded by R. Swanson, to take a council portrait as soon as possible. Motion passed by the following vote:

AYES: Souza, Swanson, Wolk, Krovoza

NOES: Greenwald

(CC) Public

R. Swanson: Recused herself due to a conflict of interest from a lease interest

Hearing: within the DBID area and left the room.

Downtown
Business Im-
provement Dis-
trict (DBID)
Annual As-
sessment Pro-
cess

Community Development & Sustainability Director Ken Hiatt: Annual process; 2 protest letters received opposing structure of assessment and disproportionate fees and expressing concern over annual inflator.

Mayor Krovoza opened the public hearing.

- Michael Bisch, DDBA: DBID members benefit City via downtown ambience.

Mayor Krovoza closed public hearing.

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

1. Accept the 2011 Core Area BID Report and Davis Downtown Business Association (DDBA) FY 2012-2013 Summary Budget, as amended by incorporation at the conclusion of the public hearing
2. Approve Resolution No. 11-187 - Approving the 2011 Core Area BID Report as Amended and Levying an Annual Assessment Known as 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. Approve Resolution No. 11- 188 - Authorizing the City Manager to Execute an Amendment to the Davis Business Improvement District Administration Agreement, appointing the DDBA as the administering agency for the DBID assessment proceeds

S. Souza amended motion to add discussion by City-DDBA 2x2 regarding next year's assessment process will include issues raised by protestors. Accepted by seconded. Motion passed by the following vote:

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

Adjournment Meeting was adjourned at 12:11 a.m.

Zoe S. Mirabile, CMC
 City Clerk