

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

The City Council and Redevelopment Agency Board of the City of Davis met in regular concurrent session beginning at 6:00 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/Redevelopment Agency convened a closed session pursuant to Government Code §54954.5 to discuss the following: Conference with Legal Counsel – Existing Litigation:

- A. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing 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

City Council/Redevelopment Agency returned to open session at 6:40 p.m. with no reportable action.

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

Ceremonial Presentation Proclamation Honoring Dr. Robert Washino for Four Decades of Service to the City of Davis Serving as Trustee of the Sacramento-Yolo Mosquito & Vector Control District was presented by Mayor Krovoza.

Brief Communications S. Pinkerton: City Hall will be closed December 23, 2011 thru January 2, 2012.

R. Swanson: Police Department will be conducting a bike safety and enforcement operation awareness campaign starting the week of January 9. Thanks to community bicycle stores for supporting this effort.

Menorah Lighting will take place in Central Park on December 21.

Public Comments

- Alan Pryor, Yolo Clean Air: Wood smoke occurring in neighborhoods despite Voluntary Don't Light Tonight program announcements, message isn't reaching majority of citizens in Davis.
- Dennis Dingemans, Hattie Weber Museum: Central Park restroom building should be retained in current configuration.

Consent Calendar (CC) 2012 PG&E Regional Clothes Washer Rebate Agreement – Water Conservation Program for City Residents  
Approved Resolution No. 11-189 - Authorizing the City Manager to Execute the 2012 PG&E Agreement between the City of Davis and PG&E to Continue the Clothes Washer Rebate Program Through Calendar Year 2012

(CC) Request from Expression Systems for Deferral of Fees  
Approved Resolution No. 11-190 - Authorizing City Manager to Execute Loan Agreement Allowing Payment Plan for Development Fees for Expression Systems

(CC) Accepting AB 109-Public Safety Realignment Act Funds  
Approved Budget Adjustment #56 (\$97,500) – appropriating funds from Yolo County Probation Department

(CC) Appointment of Inter-Commission Liaison from the Finance and Budget Commission to the Business and Economic Development Commission  
Ratified appointment of Jeff Miller as Liaison

(CC) Commission/Board Minutes:

1. Bicycle Advisory Commission Meeting of November 7, 2011
2. Planning Commission Meetings of February 9, October 12 and 26, 2011
3. Woodland Davis Clean Water Agency Board Meetings of September 29 and October 10, 2011

Informational

D. Wolk moved, seconded by R. Swanson, to approve consent calendar as listed above. Motion passed unanimously.

Removed from Consent: Item removed by S. Greenwald.

(CC) Six-Month Contract for Custodial Services with Clean Net USA S. Greenwald requested details of salary and health coverage benefits be provided for future agenda items of this type.

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

1. Approve Resolution No. 11-191 - Authorizing the City Manager to Execute a Contract with Clean Net USA for Custodial Maintenance Services, effective immediately and ending no later than June 30, 2012 in an amount not to exceed \$84,246
2. Direct staff to proceed with Request for Proposal/Bid Process for selection of a long term custodial services provider

Motion passed unanimously.

(CC) Staib 72 Open Space Property - Fee Title Resale Item removed by D. Wolk.

Open Space Planner Mitch Sears: Specialized field of service; broker has experience with the city and property in question.

Brokerage Services

D. Wolk moved, seconded by S. Souza, to approve Resolution No. 11-191 - Authorizing the City Manager or His Designee to Enter into a Services Agreement with California Agricultural Properties Inc. for Brokerage Services Related to the Resale of the City's Staib 72 Open Space Property. Motion passed unanimously.

Workshop:  
SACOG 2035  
Draft MTP/SCS  
and EIR

Community Development & Sustainability Director Ken Hiatt: Sacramento Area Council of Governments (SACOG) updates the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) every 4 years; released draft MTP and Environmental Impact Report (EIR) in mid-November for public comment.

Kirk Trost, Matt Carpenter and Greg Chu, SACOG: Working toward adoption in April; 25-year plan for freeways and highways, local streets and roads, bicycle and pedestrian infrastructure.

Public comment:

- Elaine Roberts-Musser: Must weigh trade-offs when pushing for densification, causes problems such as unable to achieve universal design and lack of yard space for children.
- Doby Fleeman: Long term goals and quality of life considerations are expensive; shops and restaurants highly dependent on visitors that arrive by vehicle; request Council to undertake review of employment demographics and future strategies.
- Crystal Waters: Support bicycling and pedestrian improvement efforts.
- Matt Williams: Consider jobs/housing and sustainable local economy balance

R. Swanson: Recused herself due to conflict of interest from a leasehold interest on Second Street and left the room.

City Attorney Harriet Steiner: Council will consider multi-modal center, depot, and street pedestrian bicycle improvements in core area without Swanson participating to segregate out any potential conflicts.

K. Hiatt: Draft project list in MTP contains primarily carryover projects. Identified 3 projects that SACOG was comfortable incorporating into design study level.

D. Wolk moved, seconded by S. Souza, to direct staff to draft a letter to SACOG in response to the MTP/SCS and DEIR, to include a request for the addition of the following projects to the Draft MTP Project List (in that City Council has given direction to advance these projects):

1. Study and design of Downtown core streetscape improvements, with emphasis on bicycle and pedestrian enhancements.
2. Study and design of Richards Boulevard/Olive Drive area access, circulation and streetscape improvements, with emphasis on bicycle and pedestrian enhancements.
3. Study and design of access alternatives for Nishi property to UC Davis.

Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Krovoza

NOES: None

ABSENT: Swanson

S. Souza moved, seconded by J. Krovoza, to reconsider above motion. Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Krovoza

NOES: None

ABSENT: Swanson

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

1. Direct staff to draft a letter to SACOG in response to the MTP/SCS and DEIR, to include a request for the addition of the following project to the Draft MTP Project List (in that City Council has given direction to advance this project): Study and design of Downtown core streetscape improvements, with emphasis on bicycle and pedestrian enhancements.
2. Clarify the scope of the two projects in the Draft MTP Project List related to the downtown multimodal depot facility: the "Downtown Multimodal Parking Structure" and "Capitol Corridor Multimodal Facility in Davis." In addition, clarify the lead agency and co-sponsorship roles with the Yolo County Transportation District.

Motion passed by the following vote:

AYES: Greenwald, Souza, Wolk, Krovoza

NOES: None

ABSENT: Swanson

R. Swanson returned to the dais.

R. Swanson moved, seconded by D. Wolk, to direct staff to include the following comments in the letter:

1. Commend and support the efforts of SACOG in the regional MTP/SCS to promote smart growth, integrate land use and transportation, reduce congestion and greenhouse gas emissions, and conserve natural resources.
2. Encourage SACOG to establish incentives for a local jurisdiction to advance smart growth and help the region exceed the greenhouse gas emission reduction targets in the MTP/SCS, AB 32 and SB 375.
3. Request the addition of the following projects to the Draft MTP Project List (in that City Council has given direction to advance these projects):
  - A. Study and design of Richards Boulevard/Olive Drive area access, circulation and streetscape improvements, with emphasis on bicycle and pedestrian enhancements.
  - B. Study and design of access alternatives for Nishi property to UC Davis.

Motion passed unanimously.

City Council recessed at 9:16 p.m. and reconvened at 9:26 p.m.

City Council  
Appointments  
to Advisory  
Commissions

Public comment:  
Jane Higgins: Civic Arts Commission applicant

R. Swanson moved, seconded by D. Wolk, to appoint Linda Zablonty-Hurst to the Historical Resources Management Commission as a regular member with a term ending date of September 30, 2012. Motion passed unanimously.

Council voted to appoint applicants to commission vacancies via use of a grid system:

<b>Civic Arts Commission -- 1 Regular (ending 9/30/12) &amp; 1 Alternate (ending 9/30/12)</b>								
<b>APPLICANT</b>		<b>SG</b>	<b>JK</b>	<b>SS</b>	<b>RS</b>	<b>DW</b>	<b>TOTAL</b>	<b>APPOINTMENT</b>
<b>Last Name</b>	<b>First Name</b>							
<b>Applicants</b>								
Brady	Susan	A	A	A	A	R	4A/1R	<b>Alternate</b>
Higgins	Jane	R	R	R	R	A	4R/1A	<b>Regular</b>
<b>Senior Citizens Commission -- 1 Regular (ending 9/30/14) &amp; 1 Alternate (ending 9/30/14)</b>								
<b>Applicants</b>								
Kalman	Orit			X		X	2	<b>Runoff</b>
Mendez	Evelyn	X	X	X	X	X	5	<b>Regular</b>
Quinn	Patricia				X		1	-
Russell	Donna	X	X				2	<b>Runoff</b>

R. Swanson moved, seconded by S. Souza, to appoint Orit Kalman as the alternate member of the Senior Citizens Commission, with a term ending September 30, 2014. Motion passed unanimously.

Ordinances to Repeal Water Rate Ordinance 2381 (Establishing Rates Effective December 1, 2011) Containing 5-year Water Rates and Reenact Ordinance 2364 (Establishing Rates Effective Au-

City Attorney Harriet Steiner: Ordinances are nearly identical, one urgency and one regular; recommended to assure that the repeal and the reinstatement take effect immediately and there is no gap in the ability of the city to collect water rates from customers.

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

1. Introduce Ordinance Repealing Ordinance No. 2381 Related to Water Rates to Increase the Base Rates and Metered Rates and Reenacting Ordinance No. 2364 Related to Water Rates
2. Adopt Urgency Ordinance No. 2383 - Adopted by the Necessary 4/5<sup>th</sup> Vote of the Council Repealing Ordinance No. 2381 Related to Water Rates and Reenacting Ordinance No. 2364 Related to Water Rates to Assure that Prior Water Rates Remain in Effect, to Take Effect Immediately as Necessary for the Pub-

gust 1, 2010)           lic Health, Safety and Welfare and to Assure Revenues for the Usual and Current Expenses of the City  
Motion passed unanimously.

Water Policy           Public comment:  
Direction           Elaine Roberts-Musser, Water Advisory Committee: Support recommendation to keep regular members at 10, with addition of alternates.

R. Swanson moved, seconded by D. Wolk, to approve Resolution No. 11-193 - Establishing the Structure and Purpose of the Water Advisory Committee, modifying the membership of the committee by the addition of five alternates.

S. Greenwald proposed a friendly amendment that alternates will not participate in discussion unless regular member is absent, with exception of public comment time designated for alternates. Not accepted.

Motion passed unanimously.

S. Greenwald moved, seconded by J. Krovoza, that alternates shall not participate in regular discussion of the Committee. Committee Chair shall open up frequent public comment time, specifically geared toward alternates Motion failed by the following vote:

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

Amendment to           Assistant City Manager Paul Navazio: Amendment is mostly technical cleanup  
the Water           related to definitions and prepayment provisions in the Installment Purchase Agree-  
Agreement and       ments between the Woodland-Davis Clean Water Agency, City of Davis, City of  
Related Install-     Woodland, and the Conway Preservation Group and related promissory notes; chang-  
ment Purchase      es generally favorable to city.  
Agreement

D. Wolk moved, seconded by S. Souza, to approve Resolution No. 11-194 - Approving the First Amendment to the Installment Purchase Agreement and Water Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the City. Motion passed by the following vote:

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

Appeal of Au-           Community Development Director Elvia Garcia-Ayala: Request is for removal of  
gust 1, 2011       city tree on private property.  
Tree Commis-      sion Decision to

Retain the Chi-     Parks & Urban Forest Manager Rob Cain: Tree Commission voted to deny re-  
nese Tallow       removal of tree, good health and structure; drain line and sidewalk could be repaired  
Located at 2820    without any damage to tree or requiring removal.  
Tiber Avenue

Brent Ulrey, applicant: Driveway has already been replaced on one side because

roots uplift concrete, and after only 5 years lifting again; drain line has been damaged; invasive species.

J. Krovoza moved, seconded by S. Greenwald, to uphold the Tree Commission decision to deny the request for removal and retain the tree. Motion failed by the following vote:

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

D. Wolk moved, seconded by S. Souza, to reject the Tree Commission decision and initiate the process to remove and replace the tree in consultation with the City Arborist.

J. Krovoza proposed a friendly amendment to request the City Arborist work with applicant to provide an appropriate replacement tree with like canopy. Accepted by mover and second. Motion passed by the following vote:

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

City Representation on Board of Commissioners for the Housing Authority of the County of Yolo

Community Development Director Elvia Garcia-Ayala: Reconstituted board; serves four cities and unincorporated county of Yolo in the provision of affordable housing.

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

- A. Appoint R. Swanson to serve as the City's representative on the Yolo County Housing Authority Board in accordance with Chapter 2 of Article 37 of the Yolo County Code, with the understanding that Davis is the alternate member for this year. R. Swanson will return to Council if an alternate needs to be appointed.
  - B. Authorize the City Manager, or his designee, to forward the appointee's name to the County Board of Supervisors for appointment to the Commission.
- Motion passed unanimously.

Long Range Calendar

S. Pinkerton: Upcoming items: January 10-Park Tax, water project critical path, possible RDA actions; January 24-Cannery Park, Appeal of Planning Commission Decision, Water Rate Study and possible ballot measure.

J. Krovoza: Request consideration of policy regarding new applicants for liquor licenses, request ABC include condition in license to allow City to designate 1 or more dates/year when sale of alcohol may be restricted. Would like to look at legal issues, how other cities regulate. Council consensus.

J. Krovoza: Request update on consent calendar regarding Fifth Street Design public outreach process be agendaized for January 10. Council consensus.

S. Greenwald: Request discussion of content of Woodland-Davis Clean Water JPA meetings from September 29 and October 10, specifically RFP bidders and

possible 4<sup>th</sup> bidder, size of treatment plant and possible downsizing, division of JPA funding and implications.

R. Swanson: Request Economic Development Strategy be agendized January 10 or 24.

Adjournment      The meeting was adjourned at 11:10 p.m. in memory of city employee Richard Garcia.

Zoe S. Mirabile, CMC  
City Clerk