

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of May 10, 2022

The City Council of the City of Davis met in regular meeting session beginning at 6:30 p.m. via teleconference or otherwise electronically. The meeting was called to order by Vice Mayor Frerichs.

Roll Call: Councilmembers Present: Will Arnold, Dan Carson, Josh Chapman,
Lucas Frerichs, Gloria Partida

Councilmembers Absent: None

Other Officers Present: City Manager Mike Webb, City Attorney Inder
Khalsa, City Clerk Zoe Mirabile

Approval of Agenda W. Arnold moved, seconded by L. Frerichs, to approve the agenda.
Motion passed unanimously.

City Manager & City Council Brief Announcements M. Webb: Introduce new staff members: Dana Bailey, Social Services &
Housing Director and Ryan Chapman, Assistant Director of Public
Works—Transportation.

Second Street Improvements: Construction May through August, will include lane closures. Grand openings: Pole Line/Olive Drive Connection May 16 and South Fork Preserve accessible walkway and overlook. Putah Creek Wetlands Workshops: May 11, 14 and 18. Elmwood Street Mural has been completed. City volunteer opportunities: Adopt a Park mulch and Community Garden workdays. Other volunteer events posted on city website.

Public Comments

- Heather Eckels: Fox tails in park in east Davis, next to Korematsu. Dogs are getting injured from foxtails that are getting cut down and left behind. Issue is getting progressively worse each season.
- Julie Sontag: Consent calendar item regarding firework authorization—Oppose. Fireworks are terrifying to animals. Should instead provide laser lightshows or other options that don't make noise.
- Holly Mowen: City is in decline. Roads are deteriorating. Weeds and foxtails are everywhere. Trees need to be trimmed, large amount of dead branches. Need to provide services community needs.
- Connor Gorman: Capitalism is inefficient and unethical. Primary reason for the housing crisis. Capitalism requires there to be scarcity and a lower class. Need democracy in all aspects of our lives. Need more housing that is affordable and accessible.

- Tracy DeWit: Consent calendar item—Yolo County Homelessness Coordination Agreement. Item should be a regular item for discussion. Current process neglects to include an audit to make sure that city and county meet their goals.
- Rik Keller: Councilmembers need to conduct their roles with ethics. Question motives and competence. Are they looking out for what is best for city?
- Todd Edelman: Consent calendar—fireworks. Chamber of Commerce will no longer use fireworks displays after this year. Would prefer there be no fireworks for city events. Lasers and drones instead. Should either not have them for 4th of July this year, or make sure this is the last year that fireworks are displayed.

Consent
Calendar

G. Partida recused from the following item due to residing within 500 feet of the project:

Construction Contract for Ponteverde Lane and Tulip Lane Bikeway Project, CIP No. 8323

Approve Resolution No. 22-050 - Awarding the Construction Contract to Lister Construction Inc. for the Ponteverde Lane and Tulip Lane Bikeway Project and Revising the 21/22 Budget, by the following vote:

AYES: Arnold, Carson, Chapman, Frerichs

NOES: None

ABSENT: Partida (recuse)

Construction Contract for Rosecreek Park Greenbelt Enhancements, CIP No. 8295

Approve Resolution No. 22-051 - Awarding the Construction Contract to Olympic-Land Construction Inc. for the Rosecreek Park Greenbelt Enhancements and Revising the 21/22 Budget

On-Call Engineering Services Task Order for Design Services for the El Macero Sewer Lift Station #1 Force Main Replacement Project, CIP No. 8166

Approve Resolution No. 22-052 - Approving and Authorizing the City Manager to Execute a Design Task Order for the El Macero Sewer Lift Station #1 Force Main Replacement Design

Amendment to On-Call Engineering Services Task Order for the Howatt Ranch Recycled Water Pipeline Preliminary Design Report, CIP No. 7313

Approve Resolution No. 22-053 - Authorizing City Manager to Execute Task Order No.5, Amendment No. 2 for On-Call Engineering Services with Brown and Caldwell Associated with Howatt Ranch Recycled Water Pipeline

Amendment to On-Call Engineering Services Task Order for Continued Inspection Services for Projects

Approve Resolution No. 22-054 - Authorizing City Manager to Execute Task Order No. 16 for On-Call Engineering Services with WSP Associated with Continued Inspection Services

Amendment to On-Call Engineering Services Task Order for Pavement Design and Construct Support for Transportation Infrastructure Rehabilitation, CIP No. 8250

Approve Resolution No. 22-055 - Approving Amendment 2 to Task Order 16 Under the Professional Services Agreement with Wood Rodgers for Pavement Design and Construction Support

Arroyo Park - Shade Structure for the Aquatics Complex

Approve Resolution No. 22-056 - Authorizing the City Manager to Execute a Contract with Park Planet for the Purchase and Installation of Shade Structures at Arroyo Park

Arroyo Park - Proposed Cricket Field Improvements

1. Approve the proposed donation of materials and labor from the Davis Cricket League for Phase 1 field improvements at Arroyo Park
2. Approve Resolution No. 22-057 - Authorizing the City Manager Enter to an Agreement with Davis Cricket League to Allow Field Improvements

Purchase of Para-Transit Bus Utilizing a Cooperative Purchase Agreement

Approve Resolution 22-058 - Approving Purchase of One Para-Transit Bus and Acceptance of FTA Grant Funding for Fiscal Year 2021/22

Davis Live Fair Share Contribution, and UC Davis Reimbursement Agreement for the Wake Forest and Oxford Circle Pavement Rehabilitation Improvements

Approve Resolution No. 22-059 - Accepting the Davis Live Fair Share Contribution and Authorizing the City Manager to Execute the UC Davis Reimbursement Agreement for the Wake Forest and Oxford Circle Pavement Rehabilitation Improvements

Summary Vacation of Public Service Easements at Hyatt House and Acceptance of Public Service Easements

Approve Resolution No. 22-060 - Approving the Summary Vacation of Public Service Easements at Hyatt House and Acceptance of Public Service Easements

Yolo County Homelessness Coordination Agreement

Approve Resolution No. 22-061 - Authorizing the City Manager to Execute a Contract with Yolo County for Homelessness Coordination

City and Chamber of Commerce Memorandum of Understanding
Approve Resolution No. 22-062 - Approving a Memorandum of Understanding Between the City of Davis and the Davis Chamber of Commerce

Authorizing 2022 Pyrotechnic Displays
Approve Resolution No. 22-063 - Approving Pyrotechnic Displays for the Purpose of Celebrate Davis and Fourth of July Celebrations

Revised Salary Table Effective May 10, 2022
Approve Resolution No. 22-064 - Approving Citywide Salary Table

Updates to Chapter 30 of the Davis Municipal Code Updating Stormwater Rates

1. Receive report on the revisions to Chapter 30 of the City's Municipal Code (Stormwater Management and Discharge Control)
2. Introduce Ordinance Amending Chapter 30 of the City of Davis Municipal Code Related to the Stormwater Rates (as approved by City Council, July 2021)

Second Reading: Ordinance Repealing Section 22.08.210 of the Davis Municipal Code Regarding Peddler's, etc., Vehicles, Carts, etc.
Adopt Ordinance No. 2620 (Introduced 04/19/2022)

Ratification of 2022 Annual Golden Heart Award Selection
Ratify the recommendations from the selection committee for the recipients of the 2022 Golden Heart Awards: Rohan Baxi, Yanni Lowry, and Erin McAllister. The award ceremony will be held prior to the City Council meeting on May 24, 2022.

Re-Authorize Continuation of Remote Public Meetings

1. Consider the circumstances of the state of emergency and determine to re-authorize continuation of remote (Zoom/teleconference) public meetings for all legislative bodies pursuant to Assembly Bill 361.
2. Make the following finding: There continues to be a proclaimed state of emergency and meeting in person would present imminent risks to the health or safety of attendees.

Commission Minutes:

1. Historical Resources Management Commission Meeting of March 21, 2022
2. Open Space and Habitat Commission Meeting of March 7, 2022

3. Social Services Commission Meetings of February 28 and March 28, 2022

Informational

Ceremonial Proclamations Recognizing:

1. Asian American and Pacific Islander Heritage Month
2. Older Americans Month
3. May is Bike Month
4. National Public Works Week – May 15 through 21

Ceremonial

D. Carson moved, seconded by W. Arnold, to approve the Consent Calendar as listed above. Motion passed unanimously.

Sacramento-Yolo Mosquito & Vector Control District Presentation: 2022 Update – Current Issues and Challenges

Sacramento Yolo Mosquito & Vector Control District, District Manager Gary Goodman: Overview of integrated mosquito management approach to control, West Nile Virus activity, invasive mosquitoes concerns, outreach by district. Will continue to explore use of innovative control methods, surveillance and control efforts, outreach and response.

Yolo County Animal Services Presentation: Yolo Animal Services Planning Agency (JPA) and Yolo County Animal Services

Yolo County Administrator's Office Management Analyst Joanne Van Hoosear: Overview of the current Animal Services JPA work plan: establish understanding of current state, develop strategic plan, create a plan for moving forward. Outlined annual expenses and contract cost methodology. Calls for service have been consistent over last 5 years and intakes of live animals has decreased. Cost reduction options: require cat owners to pay licensing fees, city-specific licensing rates, make licensing easier and more convenient. Summarized ways to decrease demand for service: education—outreach, increased spay and neuter availability, address causes of animal relinquishments such as loss of pet-friendly housing, lack of veterinary care, etc.

Public comments:

- Shelly Bailes: Cats should be kept indoors or outdoors on a leash.
- Sally Ozonoff; Stacy Ollwear; Lea Rosenberg, Yolo County SPCA & Unleashing the Possibilities, Inc. (UTP); Julie Ho; Audrey Saberstein; Megan Miller; Martha Ozonoff; Julie Lani Chang; Laurie Ruebens, UTP member; and Evelyn Dale: Expressed concerns about current state of animal shelter. Not a good environment for animals or volunteers. Outdated shelter. Support JPA efforts. UTP is committed to raising funds.

Mayor closed the public comment period. Remaining voicemail comments will be forwarded to City Council or heard at the end of the meeting.

City Council recessed at 8:24 p.m. and reconvened at 8:34 p.m.

W. Arnold moved, seconded by L. Frerichs, to reschedule the Russell Blvd Corridor Vision Plan item to a future meeting date. Motion passed unanimously.

Public Hearing: 2022 Weed Abatement Proceedings –

Fire Marshall Patrick Sandholdt: Summarized process and next steps.

Mayor Partida opened the public hearing to allow property owners the opportunity to protest the abatement of weeds on their property, and after no comments, closed the public hearing.

Removal of Weeds and Grasses to Eliminate Potential Fire Hazards

Public Hearing: Olive Drive Mixed Use Project at 1031, 1037, 1041 & 1047 Olive Drive

Planner Ike Njoku: Summarized project and review process to date.

Jim Stevens, applicant representative: Provided an overview of the project—mixed use, workforce oriented housing, 47 units, providing 5 parking spaces. Project is consistent with Sacramento Area Council Of Governments' (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy. Project will rezone to mixed use. Overview of site plan.

Consisting of Apartment Buildings, Office Space, and Ground Floor Commercial Space;

Alan Hirsch, project appellant: Should address project issues before it is approved. Biggest issue is environmental justice and social equity when comparing the applicants' other apartment complexes. Key issues: (1) tree conditions of approval and violations, (2) standard for parking-lot free housing, (3) retrofit older apartment complexes with trees, electric vehicle chargers.

Mayor Partida opened the public hearing.

Appeal of March 23, 2022 Planning Commission Recommendation

- David Brown: Davis Mobile Estates residents oppose project. Traffic is already terrible in area. People will be coming into Davis Mobile Estates and taking any available parking.
- [No name given]: Affordable housing requirements—ordinance target of 5% low, 5% very low, and 5% extremely low is not being met.

ation for Ap-
approval of Plan-
ning Applica-
tion

General Plan
Amendment,
Gateway/Olive
Drive Specific
Plan Amend-
ment, Afforda-
ble Housing
Plan; Lot Mer-
ger/Lot Line
Adjustment,
and Design
Review

- Connor Gorman: Olive Drive resident. Support density and low amount of parking. Support Mr. Hirsch's ideas around trees. Project should contribute to overpass between Olive Drive and Amtrak Station. Suggest parking spaces at Lexington Apartments be made available to residents of this project. Suggest removing commercial space and provide additional housing including affordable units.

Mayor Partida closed the public hearing.

City Council discussed the possibility of project providing additional bicycle parking including micro-mobility stations (such as Jump Bike), explored the possibility of establishing a parking district on Olive Drive; and the potential for negotiating shared driveway access with either Davis Mobile Estates and/or Design House properties.

City Manager Mike Webb: Feasible to have a parking district in place prior to occupancy of project.

L. Frerichs moved, seconded by W. Arnold, as follows:

1. Deny Appeal Application #1-22, for reasons that include:
 - a. the City Council is required by code to conduct a public hearing on the proposed project that has not occurred;
 - b. the City Council is not obligated to accept the Planning Commission recommendation on the proposed project,
 - c. the appellant has the opportunity to make the same comments stated as grounds for the appeal during the City Council public hearing on the proposed project; and
 - d. the appellant's claim that the appeal will accord him equal access to the City Council hearing on issues raised as grounds for the appeal appears to acknowledge that a public hearing by the City Council is required, but inaccurately assumes that the appellant's comments may not be allowed during deliberation on the proposed project.

And separately,

1. Determine that the project is statutorily exempt from CEQA pursuant to Sections 21094.5 (Infill Project) and 21155.1 (Transit Priority Project) of the Public Resources Code (PRC), based upon findings of fact as set forth in the Resolution No. 22-065 - Finding the Olive Drive Mixed Use Project Exempt from CEQA) Pursuant To Public Resources Code Sections 21094.5 And 21155.1 and CEQA Guidelines Section 15183.3, and direct staff to file a Notice of Exemption
2. Approve Planning Application #19-48 (Olive Drive Mixed Use Project), which includes the entitlements listed below, subject to the findings and conditions of approval:
 - a. Resolution No. 22-066 - Amend the General Plan of the City of Davis to Change the Land Use Designations of Four Properties

(Approximately 0.56-Acre) Located at 1031, 1037, 1041, and 1047 Olive Drive (APNS: 070-260-004, -005, -006, and -007), from “Residential Medium Density” and “Commercial Service” to “Mixed Use” (GP Amendment #19-48)

- b. Resolution No. 22-067 - Amend Gateway / Olive Drive Specific Plan by Adding the General Plan Land Use Category of “Mixed Use” to Change the Land Use Designations of Four Properties (APNS: 070-260-004, -005, -006, and -007), from “Residential Medium Density” and “Commercial Service” to “Mixed Use” Land Use, Including Updating Applicable Tables and Adding Texts to Establish Uses, Development Standards and Design Guidelines’ to Ensure Internal Consistency and Accommodate the Proposed Olive Drive Mixed Use Project (GODSP Amendment #2-19)
- c. Affordable Housing Plan #1-19, establishing the affordable housing plan for the project
- d. Lot Merger/Lot Line Adjustment #3-19, to combine the four parcels into one parcel to accommodate the project
- e. Design Review #17-19, for the site plan and architectural review of the project

Motion passed unanimously.

W. Arnold moved, seconded by J. Chapman, to direct staff to initiate a process to establish a parking district on Olive Drive. Motion passed unanimously.

City Council recessed at 10:14 and reconvened at 10:21 pm.

Authorization to Enter Tax Exchange Agreement and Traffic Improvements MOU between the City of Davis, Yolo County, and Developer Relating to the Davis Innovation and Sustainability Campus (DiSC 2022) Project

City Manager Mike Webb: Summarized annexation process, next steps, and contents of proposed agreement and Memorandum Of Understanding (MOU).

Public comments:

- Elaine Roberts-Musser; Eric; Matt Keasling; and Dan Ramos: Support DiSC 2022 project and negotiated tax agreement. Project stands to bring in \$3.6 million per year to city in tax dollars, need revenue to maintain city infrastructure. Developer is committed to providing much needed transportation improvements to the area.
- Roberta Millstein; Alan Pryor; Matt Williams; Colin Walsh; and Alan Hirsch: Oppose DiSC 2022 project and tax share agreement. City and County negotiated a tax share agreement of 50/50, city should have a bigger percentage. Councilmember Carson should recuse himself from all Disc 2022 related items for his involvement in the Yes on Measure H committee.

City Attorney Inder Khalsa: Councilmembers have First Amendment rights as private citizens relating to campaign activities. There is no conflict of interest.

D. Carson moved, seconded by J. Chapman, to Approve Resolution No. 22-068 - Approving Property Tax Exchange Agreement for the DiSC 2022 Property Annexation to the City of Davis and Authorizing Memorandum of Understanding between City, County, and the Project Developer on Implementation of the Developer's Obligations on Transportation Infrastructure. Motion passed unanimously.

Second Reading: Ordinance Adopting a Military Equipment Use Policy and Approving the Use, Acquisition, and Seeking of Funding for Military Equipment; and Police Accountability Commission Input from Their Meeting of May 2

Assistant City Manager Kelly Stachowicz: Proposed ordinance was discussed by Police Accountability Commission (PAC)—they requested Council to direct staff to collect data on prior usage of equipment prior to adoption. Staff recommendation is to continue on existing path to adopt ordinance. Past usage does not predict need for equipment in the future.

Public comment:

- Connor Gorman: PAC should be able to individually review any future proposals to purchase additional equipment in addition to their annual review. Support PAC recommendation that Council postpone adoption of ordinance until PAC and Council review prior use of equipment. Should be considering whether we need certain types of military equipment.

L. Frerichs moved, seconded by W. Arnold, as follows:

1. Direct staff to include past usage information in the annual review process to begin next year.
2. Adopt Ordinance No. 2621 – Adopting a Military Equipment Use Policy and Approving the Use, Acquisition, and Seeking of Funding for Military Equipment (Introduced 04/16/2022)

Motion passed unanimously.

Long Range Calendar

D. Carson, J. Chapman, and L. Frerichs, AB1234 reporting: Attended Cap to Cap at the city's expense.

City Manager Mike Webb: Tentatively reschedule Russell Boulevard Corridor Vision Plan, May 24.

J. Chapman: Request discussion of waste management/trash management downtown. Increase in food service and what is visible in alleyways, trash containers. Maintenance of structures, capacity. Management of public and private spaces.

Public comment:

- Connor Gorman: Support parking district on Olive Drive. Should consider revisiting and revising Olive Drive Specific Plan to address roadway and traffic, driveways, trees, connection to Pole Line, underpass or overpass into Amtrak Station, freeway off-ramp, and question of gentrification.

Adjournment Meeting was adjourned at 11:22 p.m.

Zoe Mirabile
City Clerk