

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 28, 2022

The City Council of the City of Davis met in regular meeting session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California and via teleconference. The meeting was called to order by Mayor Partida.

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

Councilmembers Absent: None

Other Officers Present: City Manager Michael 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.

Joint Discussion of the City Council and Planning Commissioners present: Greg Rowe, Emily Shandy, Cheryl Essex, David Robertson, Darryl Rutherford, Stephen Streeter, Georgina Valencia

E. Shandy: Outlined Planning Commission's challenges when considering projects for approval while using outdated zoning and city policies. Topics include Tree Ordinance; Urban Forest Management Plan (UFMP); city's climate resiliency efforts; housing policies such as Housing Element (HE), Affordable Housing Ordinance, and Housing Trust Fund (HTF); multi-modal transportation; project applicant outreach; Downtown Plan (DP); General Plan (GP); and diminished city staff.

Commissioners comments included:

- Seek Council direction on how the commission should evaluate projects while policies are in the process of being updated.
- Consider updating the tree removal mitigation fee and enforcement of project shading requirements.
- Need to implement programs and policies from the HE and establish funding source for the HTF.
- Support more sustainable multi-modal transportation.
- Interested in more consistency when applying the inclusionary affordable housing requirements.

Council comments included:

- Updates to Affordable Housing Ordinance, UFMP, Parking lot shade / Photovoltaic issue, and DP are underway.
- HE is waiting certification by the California Department of Housing and Community Development (HCD).

- Climate Action and Adaptation Plan (CAAP) is moving into Environmental Impact Report (EIR) phase.
- Updating policies will lay the framework to updating the GP.

Public comments:

- Conner Gorman: Think commissions should have a greater role at council meetings for regular agenda items that are relevant to the commission.
- Michelle Van Eyken, Eileen Hamilton, and Jan Bower, League of Women Voters General Plan Vision Committee: Existing GP adopted in 2001 and implementation ended in 2015. Significant challenge in generating consistency on projects. Need to explain planning to community. Willing to provide non-partisan outreach activities.

City Council recessed at 6:39 p.m. and reconvened at 6:44 p.m.

City Manager & City Council Brief Announcements

City Manager Mike Webb: City hosting 4th of July festivities at Community Park. Richards Blvd/I-80 project community meeting on July 7.

G. Partida: Made a statement on current Supreme Court decision and impact of decision on women and marginalized groups. Assure residents that we will not criminalize or assist in criminalizing women's reproductive rights. Ask if entire Council would like to put forward.

M. Webb: Council can direct staff to issue a statement on behalf of full Council if concurrence among all members or ask staff to bring back a resolution with statement.

Council consensus to support statement.

Public Comments

- Connor Gorman: Olive Drive project advertises itself as workforce housing. Question whether units are affordable for service workers. Units are meant for single occupancy; rents should be calculated as such.
- Lara Justine, Dianne Schaufenbuel, and Juliette Beck: Consent calendar item RFP for Northstar Pond Renovation—Support. Need long term management and maintenance plan. Pond is valuable community resource.
- Alan Hirsch: Public does not have the same platform as commissioner, developers, and staff to provide input into projects. Inequity in process.
- Robert Canning: Consent calendar item Call November 2022 Election. District 3 will have a vacant Council seat L. Frerichs transitions to Board of Supervisor position. Request Council amend the Davis Municipal Code to specify that Council can call election to fill anticipated vacancy. If can't conduct election, suggest Council form a

group of individuals from District 3 to advise on appointment to vacancy.

- Colin Walsh: Should pass resolution that Davis is a pro-choice city. Should have an election to fill Council District 3 seat from anticipated vacancy. Request November 2022 Election consent calendar item be pulled to discuss possibility. Chiles Ranch—standards that city had when project initially approved have changed. Should evaluate Chiles Ranch and apply current standards.
- Tia Will: Support statement in support of women’s autonomy. Suggest elected officials consider recusing themselves from an ethical perspective if they have been engaged in an issue.

Consent Calendar

L. Frerichs: Ask City Attorney to address the November 2022 Election item. Some community members are suggesting that Council can have L. Frerichs resign to allow for election to be called, then appoint L. Frerichs to vacancy in the interim.

City Attorney Inder Khalsa: Government Code does not allow Council to appoint an elected member to a vacancy on the same seat during their existing term.

2021/22 Street Light Capital Work Project, Program No. 7258
Approve Resolution No. 22-088 - Awarding the Construction Contract to St. Francis Electric, LLC for the 2021/22 Street Light Capital Work Project, and Amending the Fiscal Year 2021/22 Budget

2021/22 Pavement Rehabilitation Slurry Seal Project, CIP No. 8250
Approve Resolution No. 22-089 - Awarding Contract to McGuire & Hester for Construction of the 2021/22 Pavement Rehabilitation Slurry Seal Project, and Authorizing City Manager to Execute Contract and Task Order 20 for WSP for Construction Management, Inspection and Materials Testing

Professional Services Agreement to Perform Analytical Testing of Wastewater and Pretreatment Samples in Compliance with NPDES Monitoring Program
Approve Resolution No. 22-090 - Authorizing the City Manager to Execute an Agreement with Caltest Analytical Laboratory for Analytical Testing of Wastewater and Pretreatment Samples

Extension of Professional Services Agreement for Southeast Landscape Maintenance Services
Approve Resolution No. 22-091 - Authorizing the City Manager or His Designee to Extend the Professional Services Agreement with Brightview Landscape Services for Landscape Maintenance Services in the Southeast Area of the City

J. Chapman recused from the following item due to residence within 500 feet of project:

Subdivision Agreement for Sillman Subdivision Located at 1140 Los Robles Street and Subdivision Map No. 5209

Approve Resolution No. 22-092 - Approving Subdivision Agreement for Sillman Subdivision, and Final Map No. 5209

AYES: Arnold, Carson, Frerichs, Partida

NOES: None

ABSENT: Chapman (recuse)

Plaza 2555 Parcel Map, and Intent to Quitclaim Right of Way

Approve Resolution No. 22-093 - Intent to Approve Plaza 2555 Parcel Map and to Quitclaim Right of Way

Heating, Ventilation and Air Conditioning (HVAC) Preventative Maintenance Services Agreement

Approve Resolution No. 22-094 - Authorizing the City Manager to Execute an Agreement Between ACCO Engineered Systems, Inc. and City of Davis for HVAC Preventative Maintenance Services for Various City Facilities

Electric Vehicle Charging Infrastructure Phase I Final Report; Amendment to Professional Services Agreement to Complete Fleet Electrification Study, CIP ET8341

1. Receive the EV Infrastructure Phase 1 Final Report for the City of Davis Phase 1 component of the project. Approve recommendations of site locations for Phase 1 Implementation.
2. Approve Resolution No. 22-095 - Authorizing the City Manager to Negotiate and Execute Amendment No. 1 to Professional Services Agreement with Frontier Energy, Inc. for Completion of the Fleet Electrification Study

Sewer System Management Plan Update and Recertification

Approve Resolution No. 22-096 - Approving Updates to the Sewer System Management Plan for the City of Davis

Amendment to Professional Services Agreement for Financial Consulting Services from Robert Leland

Approve Resolution No. 22-097 - Authorizing the City Manager to Execute Amendment #5 with Management Partners to Extend the Contract with Robert Leland for Financial Consulting Services

Fiscal Year 2022-23 Mello-Roos Community Facilities Districts Tax Assessments

1. Approve Resolution Nos. 22-098 through 22-105 - Fixing Fiscal Year 2022-23 Tax Rates for the following:
 - A. Community Facilities District 1990-1 (East Davis)
 - B. Community Facilities District 1990-2 (East Davis/Mace)
 - C. Community Facilities District 1990-3 (North Central Davis)
 - D. Community Facilities District 1990-4 (South Davis)
 - E. Community Facilities District 1990-5 (West Davis)
 - F. Community Facilities District 1991-2 (East Davis/Mace)
 - G. Community Facilities District 2007-2 (East Davis/Mace Ranch II)
 - H. Community Facilities District 2015-1 (Cannery)
2. Approve Resolution Nos. 22-106 through 22-109 - Requesting Collection of Charges on Tax Rolls for Fiscal Year 2022-23 for the following:
 - A. Community Facilities District 2009
 - B. Community Facilities District 1991-2 (East Davis-Mace Ranch Area)
 - C. Community Facilities District 2007-2 (East Davis Mace Ranch Area II)
 - D. Community Facilities District 2015-1 (Cannery)
3. Authorize Mayor to sign Certifications of Special Tax

Fiscal Year 2022-23 Park Maintenance and Open Space Protection Special Taxes

1. Approve Resolution Nos. 22-110 and 22-111 - Requesting Collection of Charges on Tax Roll for (1) Park Maintenance and (2) Open Space Protection Special Taxes for FY 2022-23
2. Authorize Mayor to sign Certifications of Special Tax

Actions to Call and Consolidate a General Municipal Election on November 8, 2022 with the Statewide General Election—Election of Two City Council Members in Districts 1 and 4

1. Approve Resolution No. 22-112 - Calling for the Holding of a General Municipal Election on Tuesday, November 8, 2022, for the Election of Two City Council Members as Required by the Provisions of the Laws of the State of California Relating to General Law Cities
2. Approve Resolution No. 22-113 - Requesting the Board of Supervisors of the County of Yolo to Consolidate a General Municipal Election to be Held on November 8, 2022, with the Statewide General Election to be Held on that Date Pursuant to §10403 of the Election Code

Authorization to Issue Purchase Orders Over \$50,000 for Chemicals Used at the Wastewater Treatment Plant

- Approve Resolution No. 22-114 - Authorizing the City Manager to Purchase Chemicals for the Wastewater Treatment Plant

Second Reading: Ordinance Amending Section 22.08 of the Davis Municipal Code Adding Section 22.08.335 Relating to Stopping, Standing and Parking Prohibitions (Marina Circle)

Adopt Ordinance No. 2625 (Introduced 06/14/2022)

Second Reading: Ordinance Amending Section 22.08 of the Davis Municipal Code Adding Section 22.08.317 and Amending Section 22.08.330 Relating to Stopping, Standing and Parking Prohibitions (Oxford Circle)

Adopt Ordinance No. 2626 (Introduced 06/14/2022)

Second Reading: Ordinance Amending Chapter 40 of the Davis Municipal Code Rezoning Approximately 37.5 Acres Located at 316 L Street from Industrial (I) to Preliminary Planned Development (PD) #02-22

Adopt Ordinance No. 2627 (Introduced 06/14/2022)

AB 2404 Gender Equity – Fair Play in Community Sports Act; Gender Equity Policies and Procedures

1. Approve the policy regarding Gender Equity in competitive youth sports
2. Approve the policy regarding Gender Equity Grievance Procedures for competitive youth sports
3. Approve the policy regarding Gender Equity Anti-Discrimination Notification in competitive youth sports

Request for Proposals for the Renovation of the Upper NorthStar Pond
Authorize the City Manager or his designee to release an RFP for the renovation and management plan for the NorthStar Upper Pond

Modification to City Council Liaison Assignment to Yolo County LAFCo
Approve modification to the Yolo County LAFCo membership: designated council member shall be Gloria Partida

Commission Minutes:

1. Civic Arts Commission Meeting of May 9, 2022
2. Open Space and Habitat Commission Meeting of May 2, 2022

Informational

Ceremonial Proclamations Recognizing:

1. June 28 as Monarch Butterfly Day
2. July as National Parks and Recreation Month

Ceremonial

L. Frerichs moved, seconded by W. Arnold, to approve consent calendar. Motion passed unanimously

Public Hearing: Second Amendment to the Development Agreement Regarding the Chiles Ranch Subdivision Project (Planning Application #22-26)

Mayor Partida recused herself from the item due to residence within 500 feet of project and left the room.

Interim Community Development Director Sherri Metzker: Current Development Agreement is set to expire in July. Planning Commission reviewed project and recommended that the amendment to the Development Agreement (DA) be denied unless certain conditions were updated. Summarized staff recommendation on amended conditions of approval.

Don Fouts, Fouts Homes: Project is for 96 homes with a variety of price points, 19 floor plans, multiple elevations, 20 affordable units. At this time asking for extension of DA. No other changes to project. Committed to start project in fall/winter. Designs for first 17 homes are engineered and ready for plan check submittal. Every home will meet or exceed solar requirement. 22% open space. Do not agree with proposed increase to in-lieu fees.

Vice Mayor Lucas Frerichs opened the public hearing.

- Connor Gorman: Project has not been built in timely fashion. Should require improvements to meet needs and conditions of current situation. Support renegotiating for a new DA.
- Steven Hall: Proposed construction of second floor ADUs is in conflict with an agreement the developer made with neighbors that they will not build second story units that back up to current residences.
- Greg Rowe: Council should address issue of outdated in-lieu fees and direct staff to undertake update to in-lieu fee as part of affordable housing update currently underway. Should add annual escalator to fee.
- Alan Hirsch: Developer has other projects with failed tree plantings. Need documented tree planting standards.
- Joanne Foley: Power lines run behind houses on Regent Drive. Would like them to be placed underground, dangerous condition. Concerned that street parking will impact neighborhood, especially along 8th Street and Mesquite.
- Theresa Francis: Concerned about increase in ADU units and converting garages. Impact to neighborhood traffic.
- Georgina Valencia: In-lieu fees out of date. Gap between market rate and affordable property. Need higher than \$75,000 fee with an escalator. Support adding first time home buyer definition.
- Ken Murray, Sunrise Neighborhood Association: Need parking district to address future parking issues. During construction, all parking should be on site and not on street. Some neighbors have been without a fence for 13 years; request that be a priority for the perimeter. Power lines on ground is a safety issue.

Vice Mayor Frerichs closed the public hearing.

D. Fouts: Power lines on northern boundary—will go away when project is built. Perimeter fence on east side—fence has dilapidated over time. Will install portion of fence during the first half of improvements. Won't be able to install second phase of fence until grading is finished.

S. Metzker: Utility undergrounding is a PG&E issue. Project is not required to underground. Project will provide an open space buffer of 50 feet on each side.

W. Arnold moved, seconded by D. Carson, to introduce Ordinance Approving the Second Amendment to the Development Agreement Regarding the Chiles Ranch Subdivision Project.

J. Chapman proposed a Friendly Amendment: Direct staff to allocate half of the per unit community enhancement funds to the Housing Trust Fund. Accepted by mover and second.

L. Frerichs proposed a Friendly Amendment: Direct staff to monitor traffic conditions after project is built. Staff to return to Council if a parking district should be considered in the future. Accepted by mover and second.

W. Arnold proposed a Friendly Amendment: Incorporate Street Tree Ordinance into the DA.

S. Metzker clarification: Amend DA, Section 5, Tree maintenance on single family lots: Eliminate second paragraph. 1st paragraph to be less specific to root barriers, staff to use best practices and science based solutions. Accepted by second.

L. Frerichs proposed a Friendly Amendment. Lot 17 will continue to be restricted to one story. Accepted by mover and second.

D. Fouts: Developer agrees to amendments to DA.

Motion passed by the following vote:

AYES: Arnold, Carson, Chapman, Frerichs

NOES: None

ABSENT: Partida (recused)

City Council recessed at 9:09 p.m. and reconvened at 9:17 p.m. G. Partida returned to the dais.

Public Hearing: Surveillance Technology Renewals

Police Chief Darren Pytel: Annual reauthorization process; there are no new surveillance items. Overview of each item and use.

- A. Accurint Virtual Crime Center (AVCC)
- B. Body-Worn Cameras/In-car Cameras
- C. Care Trak System
- D. Cellebrite Universal Forensic Extraction Device
- E. Covert Personal Recording Devices
- F. Crisis Negotiating Equipment
- G. Explosive Ordnance Disposal (EOD) Robot
- H. GeoTime Computer Program
- I. Global Positioning System (GPS) Trackers
- J. Automated License Plate Readers (ALPR)
- K. Remote Public Safety Cameras
- L. Trail Cameras
- M. 1818 Fifth Street Corporation Yard Security Cameras
- N. Davis Community Transit Cameras
- O. Wildlife Trail Cameras
- P. Wildlife Video Cameras
- Q. Public Works Security Cameras

Mayor Partida opened the public hearing.

- Connor Gorman: Disagreement around nature and operations of police body-worn and vehicle cameras. Care Trak system—may be better housed in different department other than the Police Department (PD). Question whether all items are needed especially those that have not been used recently.
- Robert Canning: Accurint virtual crime center—investigations aren't tracked in any categories. Urge tracking so PD can report. Care Trak program—City ought to inform the public of the service. Not certain which department it belongs to, but good service.

Mayor Partida closed the public hearing.

D. Carson moved, seconded by L. Frerichs, as follows:

1. Determine that the continued use of the technologies is balanced with the need to investigate and prevent crimes; protect crime victims and society from those who commit crimes; protect civil rights and civil liberties, including privacy and free expression; and the costs to the city
2. Approve the continued use of each technology and the respective use policies

Motion passed unanimously.

Potable
(Drinking) Water Supplies Update

Public Works Utilities & Operations Director Stan Gryczko: City has conjunctive use water system—groundwater and surface water. Order of use: surface water, deep aquifer, intermediate aquifer. Summarized water supply outlook. Drought conditions persist for third year. Surface water supplies—primary water right is subject to Term 91 and when that is in effect we are no longer able to draw on that water right. Term 91 began June 3, 2022. Current allocation of supplemental water right is 18%, necessitated additional \$2 million purchase of water. Water conservation update.

Water Conservation Coordinator Dawn Calciano: Outreach efforts planned throughout the summer.

Fiscal Year 2022/23 Mid-Cycle Budget Update

City Council will also act in its role as the Redevelopment Successor Agency.

Finance Director Elena Adair: Overview of City budget by fund type, revenues and expenditures by source, authorized staff positions, updates to budget since introduction. General Fund summary and forecast. Mid-cycle updates focus on one-time expenditures addressing immediate needs, improve efficiencies through acquisition of equipment and technology, maintenance of existing infrastructure assets. FY2022/23 appropriations limit and appropriations subject to the limit.

Fiscal Year 2022/23 Appropriations Limit

Public comment:

- Connor Gorman: Need to fund public safety as opposed to police. Fund services and programs that meet community needs as opposed to punishment and violence. Make sure new Social Services and Housing Department has strong and long-term funding.

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

1. Approve Resolution No. 22-115 - Adopting the Fiscal Year 2022/23 Mid-Cycle Operating and Capital Improvement Program Budget, As amended to include additional authorized positions:
 - 1.0 FTE for Urban Forest Technician
 - .75 FTE for VMT Theater Manager
 - \$25,000 to contract with Tree Davis for drought response—watering trees downtown and upgrades to irrigation downtown
 2. Approve RDA Resolution No. 1278 - Adopting the Davis Redevelopment Successor Agency Budget for Fiscal Year 2022/23.
 3. Approve Resolution No. 22-116 - Authorizing a Loan in an Amount Not to Exceed \$6,000,000 from the Water Fund (Fund 511) to the Stormwater Fund (Fund 542) as a Long-Term Obligation
- Motion passed unanimously.

L. Frerichs moved, seconded by W. Arnold, to approve Resolution No. 22-117 - Establishing Appropriations Limit for Fiscal Year 2022/23. Motion passed unanimously.

Designation of Mayor City Manager Mike Webb: Summarized timeline and process to designate a member of City Council to serve as Mayor beginning July 1, 2022. If needed, designate a member of City Council to serve as Vice Mayor beginning July 1, 2022.

Public comment:

- Connor Gorman: Only two councilmembers are guaranteed to be serving through 2023. W. Arnold should be Mayor and J. Chapman should be Vice Mayor.

G. Partida moved, seconded by J. Chapman to nominate L. Frerichs for Mayor and W. Arnold for Vice Mayor. Motion passed unanimously.

Long Range Calendar M. Webb: Adjustment to upcoming items: July 5—Mayor transition, EMC community survey results. July 19—Process options for Council to fill a vacant City Council seat; Firearm Locking Ordinance.

Public comment:

- Connor Gorman: L. Frerichs elected to Board of Supervisor creates vacancy in District 3. Voters should be able to vote for next representative. Should make arrangements now to hold election in November.

D. Carson: Ask staff to look into whether American Rescue Plan Act funding allocated to technology surveillance programs would be subject to the city's surveillance ordinance. If so, agendaize item so program can go forward.

M. Webb: Staff believes it would be subject to surveillance technology ordinance. Will bring forward item in future.

Adjournment Meeting was adjourned at 11:18 p.m.

Zoe Mirabile
City Clerk