

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of September 20, 2022

The City Council of the City of Davis met in regular meeting session beginning at 6:36 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Frerichs.

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

Councilmembers Absent: None

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

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

Ceremonial Presentations State Assemblymember Aguiar-Curry: Presented Resolution from California State Assembly to former Mayor 2020-2022 Gloria Partida.

Proclamations Recognizing:

- A. September as Prostate Cancer Awareness Month. Presented by D. Carson.
- B. September 15 – October 15 as National Hispanic Heritage Month. Presented by G. Partida.
- C. October as Hindu American Awareness and Appreciation Month. Presented by J. Chapman.
- D. October as National Bullying Prevention Month. Presented by W. Arnold.
- E. Second Monday in October as Indigenous People’s Day. Presented by L. Frerichs.
- F. Leadership of Erin Donley Marineau with Tree Davis. Presented by L. Frerichs.

City Manager & City Council Brief Announcements City Manager Mike Webb: September 23—Central Park community workshop to discuss ideas to commemorate Officer Natalie Corona as part of Central Park Splash Pad Project. Davis Children’s Nutcracker application deadline for casting is September 23. City awarded \$300,000 in California Park & Recreation Society/Healthy Play Grant funds to enhance eight parks. October 14—Chamber of Commerce event Discover Davis at Sudwerk, 2001 Second St. Upstander Carnival October 15.

Public Comments

- Brent Hawkins, Heart of Davis: Previously operated congregate homeless facility for many years as Interfaith Rotating Winter Shelter. In the process of defining new role—only focus is homelessness. Interested in being part of city's response. Concerned that shelter program for upcoming season will be insufficient for the need. Ready, willing, and able to help with resources financial and personnel. Look forward to robust discussion.
- Janet Krovoza: Oppose Council decision to keep the skytrack in Arroyo Park. Councilmembers misunderstood noise ordinance and noticing requirements, and made comments of comparison that were incorrect.
- Keith Searn: Concerned about new skytrack location. Will look bad if skytrack continues to violate noise ordinance after spending thousands to relocate. Also will lose significant amount of space in park. Should agendize public review of final plans at Arroyo Park with visual renderings and noise study at exact location.
- Joe Krovoza: New location is not compliant with city's nighttime ordinance limitations. Will still need staff to lock up at night. Will cost \$170,000 for entire project and location will still violate noise ordinance and nuisance standard as well as consent provision. Ask council to stop action.
- Colin Walsh: Use of city email for politics is inappropriate. Received emails from Public Records Act request that indicated Councilmember used email for campaign purposes. Need ethics investigation of what happened. Should refer to Fair Political Practices Commission, as well as payment of litigation cost and whether that creates a conflict of interest.
- John Whitehead: Davis is considering potential requirement to replace gas appliances with electric. Should be cautious about buying electricity that is not all renewable. Will require lots of energy storage.
- Russell Tengren: Consent calendar item related to Unitrans Zero Emissions Bus Transition—should not have projects with large dollar amounts on consent. City should not bear the total burden of costs.
- Connor Gorman: Policing and incarceration does not reduce crime or harmful behavior. Need to provide housing and other social services. Should defund police in order to invest in community programs and services. Also, random police patrols should be reduced. Should eliminate patrols on Olive Drive and elsewhere.
- Marianne Kursch: Many are concerned about emergency winter shelter for the upcoming season. Will be limited space available at Fifth Street location. Need to serve more people. Council should allocate funds to expand coverage of emergency shelter.
- JT: Council should go back to electronic meetings. More accessible. Should not have deadline to leave remote public comments.

Consent Calendar

Additional Contingency for Service Lateral Cured-in-Place Pipe (CIPP) Liner and Connection Seal, CIP No. ET166

Approve Resolution No. 22-142 - Approving Additional Construction Contingency for the Service Lateral CIPP Liner and Connection Seal

Maintenance Services Agreement for Automated Parking Guidance System Services

Approve Resolution No. 22-143 - Authorizing the City Manager to Execute a Service Maintenance Agreement with ParksolUSA, LLC, for the Downtown Automatic Parking Guidance System

Renew Redundant Network and Internet Services Contract

Approve Resolution No. 22-144 - Authorizing the City Manager to Enter Into a Five Year Agreement with Consolidated Communications Inc for Redundant Network and Internet Services

Amendment to Extend P25 Radio Audio Logger Memorandum of Understanding

Approve Resolution No. 22-145 - Authorizing the City Manager to Renew the MOU Between the Yolo Emergency Communications Agency, the City of Elk Grove, the City of Folsom, County of Sacramento, the City of Davis and the University of California, Davis for an Audio Logger System

Second Extension for Approval of Small Lot Final Maps and Subdivision Agreements for Bretton Woods Phase 1, Lot 3 (Final Map No. 5199), and Phase 1, Lot 4 (Final Map No. 5180) for DeNova Homes

Approve Resolution No. 22-146 - Second Extension of Small Lot Final Maps for Bretton Woods Phase 1, Lot 3 (Final Map No. 5199), and Phase 1, Lot 4 (Final Map No. 5180) and Authorizing the City Manager to Execute the Subdivision Agreement with DeNova Homes, Inc.

Unitrans Zero Emission Bus Transition Plan

Approve Resolution No. 22-147 - Approving the Unitrans Zero Emission Transition Plan

Federal Transit Administration (FTA) Program of Projects and Grant Application for FTA Section 5307/5339 Formula Funding

Approve Resolution No. 22-148 - Approving the FTA Program of Projects, Authorizing the City Manager to Submit an FTA Grant Application, and Execute a Subrecipient Agreement with the University of California-Davis for Operations and Capital Assistance of Unitrans

Development Impact Fee Annual AB1600 Report for Fiscal Year Ending June 30, 2021

Receive the Annual Development Impact Fee Report which has been prepared for the public and City Council review, pursuant to the requirements of Government Code Section 66006(b) and Government Code Section 66001(d), as amended by Assembly Bill (AB) 518 and Senate Bill 1693

City Manager Purchasing and Approval Authorization During Council Recess – Summary of Actions

Receive accounting of actions taken by City Manager with additional approval authority granted via Resolution 22-129 during summer 2022 Council recess

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 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. Open Space and Habitat Commission Meeting of June 6, 2022
2. Planning Commission Meetings of June 8 and 22, 2022

Informational

Proclamation Recognizing October 2022 as Fire Prevention Month
Informational

D. Carson moved, seconded by J. Chapman, to approve the consent calendar. Motion passed unanimously.

Presentation:
SACOG 2024
Blueprint Pro-
ject

SACOG Deputy Executive Director of Planning and Programs Kacey Lizon

SACOG: 22 cities and every county in region meet at least twice a month. Metropolitan Transportation Plan Sustainable Communities Strategy Blueprint Project will coordinate public resources for regional growth. Goals of equity, economy, and environment are equally important in development of the plan. Will develop pathways to compare implications of different levels of growth. Outreach and engagement to communities about values will focus on popup workshops. Will reach out to existing community groups and community leaders for participation. Anticipate plan to be adopted in 2024.

Public comment:

- Connor Gorman: Should make all public transit free. Need to improve connections in region, especially between Yolo services and Sacramento Metro.

City Council expressed support for participation in Blueprint Project.

City Council recessed at 7:57 p.m. and reconvened at 8:04 p.m.

Appeal of June 17, 2021 Tree Commission Decision to Retain Tree at 1112 Radcliffe Drive

Urban Forestry Manager Charlie Murphy: Overview of resident request, staff evaluation and recommendation, and Tree Commission deliberation and action.

Public comment:

- Steve Li, home owner: Tree has shown deterioration in condition since 2019. Main concern is safety. Neighbor had same tree species in front yard; major tree branch fell during storm. Concerned about water usage—want to be resource conscious. Interested in climate ready tree species.

W. Arnold moved, seconded by L. Frerichs, to grant the appeal and lessen the Tree Mitigation Fee to only the cost of tree removal, namely \$1,080. Motion passed unanimously.

City Council recessed at 8:34 p.m. and reconvened at 8:36 p.m.

Affordable Housing Ordinance — Extend Sunset Date for Inclusionary Requirements for Rental Development Projects

Community Development Director Sherri Metzker: Background history of Affordable Housing Ordinance. Temporary ordinance has been extended several times in order to conduct analysis and update ordinance to comply with state law. Current interim ordinance expires November 30; request extension through June 2023.

Public comment:

- Connor Gorman: Hope this is the last time the temporary ordinance is extended. Look forward to having robust ordinance as a way to mitigate housing issues.

W. Arnold moved, seconded by G. Partida, to introduce Ordinance Amending Davis Municipal Code Article 18.05 to Extend the Sunset Date for Affordable Alternative Rental Housing Requirements. Motion passed unanimously.

Public Hearing: Adding CUP Requirement for Dwellings with

Community Development Director Sherri Metzker: Conversion of single family homes into dormitory style housing lead to city ordinance to require a Conditional Use Permit for six bedrooms.

Six or More Bathrooms in Residential Zoning Districts and Similar Planned Development Districts

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

W. Arnold moved, seconded by D. Carson, to introduce Ordinance Amending Sections 40.03.040, 40.04.040, 40.04A.040, 40.06.040 of Articles 40.03 (R-1 District), 40.04 (R-2 District), 40.04A (R-2-CD District), 40.06 (R-R District) and Similar Planned Development Districts of Article 40 of the Davis Municipal Code to Require a Conditional Use Permit for Additions, Conversions, or New Construction That Result in Six or More Bathrooms in a Dwelling Unit. Motion passed unanimously.

Public Hearing: Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2021

Assistant City Manager Kelly Stachowicz: Summarized report process and project highlights utilizing CDBG, CARES Act (CDBG-CV1 and CDBG-CV2/3) and HOME funding. All projects met at least one of the city-defined critical needs.

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

G. Partida moved, seconded by J. Chapman, to Approve Resolution No. 22-149 - Authorizing the City Manager to Submit Program Year 2021 CAPER to the U.S. Department of Housing and Urban Development (HUD) to Fulfill Required Reporting on City Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Funds. Motion passed unanimously.

Long Range Calendar

D. Carson: Learned from public commenter that emails were sent from city email account that were related to campaign purposes. Law exempts incidental and minimal use. Does unintentional use of city email account meet definition of incidental and minimal use of public resources?

I. Khalsa: Believe inadvertent use is exactly what was intended by law.

M. Webb: Next regular meetings October 18 and 25, November 1. Winter shelter is currently scheduled for October 18. Staff is working through options and will be meeting and working with council subcommittee. No recommendations have been reached as of yet. Police Auditor will provide annual report on October 18.

W. Arnold: May have closed session regarding labor over next 3 weeks

Public comment:

- Connor Gorman: Support starting conversation around winter shelter. Should be broader conversations about shelters—warm

weather, cold weather, rainy weather. Also, would like city to consider ranked choice voting for city council or runoff system that is currently used by county.

Adjournment Meeting was adjourned at 9:16 p.m.

Zoe Mirabile
City Clerk