

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 15, 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 Vice Mayor Arnold.

Roll Call: Councilmembers Present: Will Arnold, Dan Carson, Josh Chapman, Gloria Partida, Lucas Frerichs (teleconference, arrived 6:40)

Councilmembers Absent: None

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

Approval of Agenda D. Carson, seconded by G. Partida, to approve the agenda. Motion passed by the following vote:
AYES: Arnold, Carson, Chapman, Partida
NOES: None
ABSENT: Frerichs

Continuation of June 28, 2022 Joint Discussion of the City Council and Planning Commission Planning Commission members attending: S. Streeter, G. Valencia, M. Weiss, G. Rowe, E. Shandy, D. Rutherford, C. Essex

Commission comments included:

- Commission interested in resolving conflicts and developing parameters to evaluate projects as a whole and in context rather than individually.
- Affordable housing issues need to be resolved: first time homebuyer definition, in lieu fee amount.
- Need to resolve internal consistency conflict between code requirements and procedures such as solar panels vs shade trees.
- Need more community engagement into developing plans and policies.
- Need clear guidance and policy with clearly stated objectives. Need defensibility to make decisions.

Council comments included:

- For peripheral development projects, will need to consider fiscal impacts of projects and how to maximize benefits to residents. Housing affordability and agricultural mitigation is important.
- Not every project will meet every type of housing need, keep big picture in mind.

- Support idea of developing a vision and guidelines in the interim before General Plan is updated. Define what the city wants to see in a project. Consider grading or ranking system.
- During long range calendar item, will agendaize first time home buyer definition and creation of Council Subcommittee on upcoming development proposals.

City Council recessed at 6:30 p.m. and reconvened at 6:40 p.m.

City Manager & City Council Brief Announcements City Manager Mike Webb: November 24 and 25—City Offices closed. December 1—Candle Light Parade on G Street and Holiday Tree Lighting at E Street Plaza. November 26—Small Business Saturday. November 27—Artists Sunday.

Public Comments

- Connor Gorman: Ongoing UC workers strike and picket line. Encourage council and public to support.
- John Whitehead: Climate Action & Adaptation Plan can be improved by including education for electric meters.

Consent Calendar

Supervisory Control and Data Acquisition (SCADA) Phase 2 Master Plan Implementations, CIP No. 8310 – Change Order for Emergency Repairs and Upgrades to the MCC 20/60 Electronic Control Systems Approve Resolution No. 22-164 - Authorizing a Change Order to an Existing Contract with Bockman & Woody Electric Co., Inc., to Perform Repairs and Upgrades to the City’s Wastewater Treatment Plant’s MCC 20/60 Electronic Control Systems on an Emergency Basis Pursuant to Public Contract Code §§ 22035 and 22050, in the amount of \$1,575,615 with a \$157,562 contingency

Design of Water Well 30 Manganese Treatment Infrastructure

1. Authorize creation of a Capital Improvement Program Project for design of manganese treatment infrastructure for Water Well 30.
2. Approve Resolution No. 22-165 - Authorizing the City Manager to Execute Task Order 12 with Kennedy Jenks for Services Related to Water Well 30 Manganese Treatment Improvements and Amend Fiscal Year 2022/23 Water Fund Capital Improvement Program Budget By Appropriating \$1,000,000 From Available Fund Balance Reserves.

Additional Construction Contingency for Wastewater Treatment Plant Biofilter Installation

Approve Resolution No. 22-166 - Approving Additional Construction Contingency Funds for WWTP Biofilter Installation, CIP No. ET8291

Solid Waste Annual Fund Review / Rate Adjustment

1. Receive informational summary report on the status of the City's Solid Waste Fund (520) at the close of almost 5 years of rate adjustments.
2. Approve Resolution No. 22-167 - Enacting Modification to City of Davis Customer Rates for Solid Waste Service Fees Effective March 1, 2019 to Implement Fifth-Year Rate Adjustment at 1.5% on January 1, 2023.

Summary Vacation of a Portion of Public Access Easement at Cannery Marketplace, 2550 Cannery Loop

Approve Resolution No. 22-168 - Approving the Summary Vacation of a Portion of Public Access Easement at Cannery Marketplace

License Agreement for City Welcome Sign Management on Richards Boulevard Near Olive Drive

Approve Resolution No. 22-169 - Authorizing the City Manager to Execute a License Agreement with the Independent Order of Odd Fellows to Allow the Non-Profit Organization to Maintain, Manage, and, Possibly Replace, the Large Wood Sign Located on City Property Along Richards Boulevard Near Olive Drive

J. Chapman recused from the following item due to business interest:

Amendment to Varsity Theater Lease; Purchase of New Projectors

Approve Resolution No. 22-170 - Authorizing the City Manager to (1) Execute a Fifth Amendment to the City's Lease with Fenske/Novakovic, Inc. for the Varsity Theater, which (I) Gives the Tenant 12 Additional Months to Exercise Tenant's Second Option Under the Lease and (II) Clarifies the Ownership of Two New Digital Movie Projectors, and (2) Authorize the Purchase of Two New Digital Movie Projectors at a Cost of Approximately \$108,000 Using Previously Allocated Funding From General Fund Revenue Replacement, by the following vote:

AYES: Arnold, Carson, Chapman, Partida

NOES: None

ABSENT: Chapman (recuse)

J. Chapman recused from the following item due to business interest and member of DBID:

Downtown Business Improvement District (DBID) 2022 Report; Proposed FY 2023-24 Budget; and Intention to Levy and Collect an Assessment for FY 2023-24

1. Accept the 2022 DBID Annual Report including the FY 2023-24 proposed budget and programs from the Davis Downtown (DD) business association, subject to any changes or modifications that may be made subsequent to a public hearing on the request to increase,

levy and collect an annual assessment, which will be held on December 6, 2022.

2. Approve Resolution No. 22-171 - Intention to Levy and Collect the BID Annual Assessment Fee for the Core Area and Periphery Core Benefit Zones Pursuant to the Parking and Business Improvement Area Law of 1989 for the DBID for FY 2023-24.

By the following vote:

AYES: Arnold, Carson, Chapman, Partida

NOES: None

ABSENT: Chapman (recuse)

Revised Fiscal Year 2022-2023 Authorized Position Listing and Salary Table

1. Approve Resolution No. 22-172 - Approving Citywide Salary Table (effective November 15, 2022)
2. Approve Resolution No. 22-173 - Amending the Position Allocation Authorization Listing for Fiscal Year 2022-2023

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 October 3, 2022
2. Police Accountability Commission Meetings of June 6, July 11, August 29, and October 3, 2022
3. Planning Commission Meetings of July 13 and August 10, 2022

Informational

L. Frerichs moved, seconded by J. Chapman, to approve the consent calendar as listed above. Motion passed unanimously.

Appointments
to Advisory
Commissions

City Manager Mike Webb: Overview of recommendation on appointments.

G. Partida and D. Carson: Served as Council Subcommittee to conduct interviews and provide recommendations. Diversity of applicants and talent. Thank everyone for putting their names forward for consideration.

Public comments:

- Ann Daniel: Tree Commission applicant.
- Andy Furillo: Current Unitrans Advisory Committee member. Bicycling, Transportation, and Street Safety Commission applicant.

D. Carson moved, seconded by G. Partida, to modify commission term ending dates as follows: December even year ending dates shall be extended to June odd year ending dates. (December 2022 to June 2023, December 2024 to June 2025, etc.). Motion passed unanimously.

City Council submitted voting charts. Staff will tally and report out.

City Council recessed at 7:05 p.m. and reconvened at 7:08 p.m.

Public Hearing: Adoption of the 2022 California Building Standards Code

Community Development Director Sherri Metzker: Overview of code adoption process.

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

J. Chapman moved, seconded by W. Arnold, as follows:

1. Adopt Ordinance No. 2635 - Repealing and Re-Enacting Article 8.01 of Chapter 8 of the Davis Municipal Code, and Adopt By Reference Certain Parts, Including Related Appendices, as Identified, of the California Code of Regulations Title 24, 2022 Edition of the California Building Standards Code (Introduced 10/18/2022)
2. Adopt Ordinance No. 2636 - Repealing and Re-Enacting Article 13.01 of Chapter 13 of the Davis Municipal Code, and Adopting by Reference Certain Parts, Including Related Appendices, as Identified, of the California Code of Regulations Title 24, 2022 edition of the California Fire Code (Introduced 10/18/2022)

Motion passed unanimously.

Appeal of March 17, 2022 Tree Commission Decision to Retain the Tree at 814 Radcliffe Drive

Urban Forestry Manager Charles Murphy: Summarized commission action, staff evaluation of tree and site, and recommendation to uphold the Tree Commission decision to retain the tree at 814 Radcliffe Drive due to its fair health and vigor. City records show that the tree is approximately 50 years old. The lifespan of a honey locust can range between 100-120 years.

Mook-Lan, Property Owner: In July 2020, large tree limb fell overnight and landed on car. Repair estimate was \$2,500. Tree has cankers developing, multiple signs of recurring disease, and systemic problems. Happy to have replacement tree.

John Whyn, Property Owner: Primary concern is safety.

Public comments:

- Colin Walsh: Tree Commission understanding is that authority is limited to removing trees that are unhealthy or present hazard. Commission would welcome Council input on matter.
- Ron Glick: Should grant appeal.

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

1. Grant the appeal and approve the removal of the London Planetree.
2. Tree mitigation fee charged will include only the cost of tree removal, \$2,100.
3. Direct staff to make a professional determination of whether and what type of tree to plant as replacement at this location.

Motion passed unanimously.

Continued Appointments to Advisory Commissions

City Council voted through the use of a grid system. Staff tallied the votes and read them into the record:

Bicycling, Transportation, and Street Safety Commission							
1 Regular (4 year term); 1 Regular (2 year term); 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Campbell, Schuyler	R ²	R ²	R ²	A	R ²	4 R ² 1 A	Regular (2 year term)
Furillo, Andrew	A	A	A	R ²	A	4 A 1 R ²	Alternate
Lee, Brett	R ⁴	R ⁴	R ⁴	R ⁴	R ⁴	5 R ⁴	Regular (4 year term)
Ma, Fei						0	

Human Relations Commission							
1 Regular (2 year term); 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Baker, Kevin	R	R	R	R	R	5 R	Regular
Muhammad, Robin	A	A	A	A	A	5 A	Alternate

Planning Commission 1 Regular (4 year term); 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Bennett, Alan						0	
Campbell, Schuyler						0	
Deos, Linda	A	A	A	A	A	5 A	Alternate
Muhammad, Robin						0	
Neville, Donna	R	R	R	R	R	5 R	Regular

Police Accountability Commission 2 Regular (2 year term); 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Baker, Kevin			R			1 R	
Legg, Logan	R	R	R	R	A	4 R 1 A	Regular

Recreation and Park Commission 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Alder, Scott						0	
Redmann, Georgene	A	A	A	A	A	5 A	Alternate

Senior Citizen Commission 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Bahadorani, Nasim						0	
Hoeber, Thomas	A	A	A	A	A	5 A	Alternate

Shack, Kathryn							0
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Tree Commission 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Daniel, Ann Trump Muhammad, Robin	R	R	R A	R	R	4 R 1 A 1 A	Regular

Utilities Commission 1 Alternate (2 year term)							
Commission Applicants	WA	DC	JC	LF	GP	TOTAL	APPOINT
Knudsen, Julie (Diane)	A	A	A	A	A	5 A	Alternate

Appeal of March 17, 2022 Tree Commission Decision to Retain the Tree at 3209 Grosbeak Court

Urban Forestry Manager Charles Murphy: Summarized commission action, staff evaluation of tree and site, and recommendation to uphold the Tree Commission decision to retain the tree at 3209 Grosbeak Court due to its good health and vigor. The tree appears to be 35-40 years old. The lifespan of a London planetree can be hundreds of years.

Public comment:

Colin Walsh: Should retain tree if it can be determined that location is appropriate for tree to mature in place.

L. Frerichs moved to uphold Tree Commission decision and deny appeal. No second to motion.

J. Chapman moved, seconded by D. Carson, to grant the appeal and permit the London Planetree to be removed.

W. Arnold proposed a Friendly Amendment: Tree mitigation fee charged will include only the cost of removal, \$2,925. Accepted by mover and second.

Motion passed by the following vote:

AYES: Arnold, Carson, Chapman

NOES: Frerichs, Partida

City Council recessed at 8:37 p.m. and reconvened at 8:45 p.m.

Public Hearing: Appeal of October 12, 2022 Planning Commission Action on the Bretton Woods Tentative Map Conditions, 39660 West Covell Boulevard

Community Development Director Sherri Metzker: Overview of proposed amendments to Conditions of Approval, Planning Commission review, and process. Staff recommendation is to uphold the Planning Commission's action on Planning Application #22-37 for the applicant's request to amend several conditions of approval of the Bretton Woods Phase 1, 2, and 3A Small Lot Tentative Map (related to wildlife ledges and box culverts, pavement surfaces, path widths, and transfer of ownership and maintenance responsibility). The Planning Commission approved amendments to conditions of approval related to wildlife ledges and box culverts, and rejected all other requested amendments.

Matt Keasling, representing applicant: Overview of requested amendments. Believe consistent with Development Agreement and Planned Development Zoning Ordinance, and what was promised to voters in 2016-2018. First major request is to install asphalt rather than concrete. Propose language related to maintenance assurance for pathway material: Association shall apply slurry seal to asphalt pathways and repair any cracks or lifts no less than every five year unless a longer duration is authorized in writing by the city. Request reduction in pathway widths and roadway maintenance obligation.

Vice Mayor Arnold opened the public hearing.

- John Derond, Robert Smith, Douglas Fowler, Ida Collins, Michael Covin and Eileen Brown: Support asphalt instead of concrete and smaller path widths. Asphalt is more comfortable for seniors. Smaller widths are more than enough for pedestrians and bicyclists.
- Patrick Huber: Bretton Woods connects Putah Creek with Willow Slough. Need to focus on corridor for wildlife.

Vice Mayor Arnold closed the public hearing.

W. Arnold moved, seconded by L. Frerichs, to uphold the Planning Commission's action on Planning Application #22-37 for the applicant's request to amend several conditions of approval of the Bretton Woods Phase 1, 2, and 3A Small Lot Tentative Map (related to wildlife ledges and box culverts, pavement surfaces, path widths, and transfer of ownership and maintenance responsibility). The Planning Commission approved amendments to conditions of approval related to wildlife ledges and box culverts, and rejected all other requested amendments.

Council made the following amendments:

1. Material used on greenway is allowed to be asphalt.

2. Add Condition of Approval related to maintenance obligations. Association shall apply slurry seal to asphalt pathways and repair any cracks or lifts no less than every five year unless a longer duration is authorize in writing by the city. Language to be mirrored in Home Owners Association CC&RS, subject to attorney review.
Motion passed unanimously.

City Manager Appointment and Employment Agreement

Human Resources Director Janet Emmett: Summarize contract provisions and fiscal impact.

L. Frerichs moved, seconded by D. Carson, to approve Resolution No. 22-174 - Approving the Continued Appointment of and Employment Agreement with City Manager and Authorizing Mayor to Execute Same Motion passed unanimously.

Long Range Calendar

M. Webb: Next meeting is November 30 town-gown meeting.

W. Arnold: Definition of first time home buyer.

M. Webb: Intent was to incorporate definition in affordable housing ordinance update. If council wants to advance that provision, can do on faster timeline.

W. Arnold: Suggest moving forward quickly without waiting for full ordinance.

W. Arnold: Planning Commission suggestion to draft a framework for vision/guidelines for development prior to General Plan update. Subcommittee on upcoming housing development could develop interim guidance. Staff to return with options for Council consideration.

M. Webb: Staff could come back with options. Understand interest in accelerated timeline.

J. Chapman: Affordable housing options on city owned property. Narrow down possibilities.

Public comment:

- Connor Gorman: Should consider ways to use ranked choice voting for council and other elected positions. If not possible, should conduct runoff elections.
- Richard: Request City support on UC Davis workers strike. Support equal pay and benefits.

Adjournment

Meeting was adjourned at 10:37 p.m.

Zoe Mirabile
City Clerk