

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 4, 2023

The City Council of the City of Davis met in regular meeting session beginning at 6:43 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Will Arnold.

Roll Call: Councilmembers Present: Josh Chapman, Gloria Partida, Babu Vaitla, Will Arnold

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 B. Vaitla, to approve the agenda. Motion passed unanimously.

Ceremonial Presentations

- A. Proclamation Recognizing April as Autism Awareness and Acceptance Month, presented by W. Arnold
- B. Proclamation Recognizing April as Child Abuse Prevention Month, presented by J. Chapman
- C. Proclamation Recognizing April as Donate Life Month, presented by B. Vaitla
- D. Proclamation Recognizing the 100th Anniversary of Shriners Children's Northern California, presented by G. Partida
- E. Letter from Mayor of Uman, Ukraine to Mayor of Davis. Presented by Sister City Committee and Former Mayor Brett Lee.

City Council recessed at 7:09 p.m. and reconvened at 7:19 p.m.

City Manager & City Council Brief Announcements City Manager Mike Webb: City providing a University of You program for 12-18 years old students. April 27 at Veterans Memorial Center—public meeting on revised designs for 14th/Villanova corridor. April 22—Cesar Chavez event at Central Park. April 15—Picnic day event on UC Davis campus.

Public Comments

- Beth Bourne; Mimi McMahon; and Tracy DeWit: Request city break ties with and investigate Davis Phoenix Coalition (DPC) activities. Oppose DPC drag queen workshop and activity on school campuses. Child Protective Services and Yolo District Attorney will be notified of child endangerment if DPC's workshop proceeds.
- Mina Locker: Large growth in gender medical treatment of children. Opposition from parents and professionals, majority of children are not recommended for treatment.

- Alan Miller: Downtown Plan zoning for Hibbert Lumber site went from 4, to 5, to 7 stories. Oppose increased height. Consensus on proposed building height was determined during Downtown Plan Committee public meeting process.
- Alan Hirsch: Currently there is no plan to have public discussion on I-80 freeway widening. Expansion will induce travel demand. Climate change impacts.
- Mason Harry: City should consider adopting something similar San Francisco's CAREN act. Adds extra layer of penalty to frivolous calls to the police.
- Mike Harrington: Council should focus effort on Shriner's property development proposal instead of Covell Village 2.0 proposal.
- Connor Gorman: Good schools drive up the cost of housing. Need more publicly owned housing. City and school district should use available land for public housing.
- John Whitehead: California independent system operator is tracking how much renewable energy is produced versus how much is used. Some renewal resources produce more energy than is needed.
- Colin Walsh: General Plan update is overdue. Must start community driven process immediately.

I. Khalsa: Davis does not have a statute such as San Francisco's CAREN Act with additional penalties besides what is prohibited in state law. If Council is interested in additional penalties, consider agendizing during long range calendar.

Community Development Director Sherri Metzker: Hibbert Lumber site has been zoned Main Street Medium; up to 5 stories allowed.

Consent Calendar

Well 30 Pipeline Connection to Surface Water Transmission Main, Phase 1 Project, CIP No. ET0013
Approve Resolution No. 23-034 - Awarding Construction Contract to R.J. Gordon Construction for the Well 30 Pipeline Connection to Surface Water Transmission Main, Phase 1

Authorization for 2023 Pyrotechnic Displays
Approve Resolution No. 23-035 - Approving Pyrotechnic Displays for the Purpose of Celebrate Davis and Fourth of July Celebrations

Revised Fiscal Year (FY) 2022/23 Authorized Position Listing and Revised Salary Table

1. Approve Resolution No. 23-036 - Approving Citywide Salary Table Effective April 4, 2023
2. Approve Resolution No. 23-037 - Amending the Position Allocation Authorization Listing for FY 2022/23

2023 Weed Abatement – Setting a Public Hearing on May 16, 2023 for Owners to Object to Proposed Removal of Weeds
Approve Resolution No. 23-038 - Declaring Weeds Growing Upon Private Property Within the City of Davis to be a Public Nuisance: Directing the Chief of the Fire Department to Post or Mail Notice to Destroy Weeds, and Providing Notice of Hearing on Objections Thereto Pursuant to California Government Code, Article 2, Section 39560 Through 39588

2023 Environmental Recognition Awards (ERA)
Approve nominations from the Natural Resources Commission for the 2023 ERA. The ERA awards will be presented at City Council during Earth Week on April 18, 2023.

J. Chapman moved, seconded by B. Vaitla, to approve consent calendar as listed above. Motion passed unanimously.

Public Hearing: Vacation of Right-of-Way (ROW) at 3808 Faraday Avenue

Principal Civil Engineer Kevin Fong: Overview of proposed vacation of right-of-way and public process. Planning Commission reviewed project and found vacation consistent with General Plan, Council adopted resolution of intent and set public hearing, notices were sent out as required, easement widths verified with public utilities.

Mayor Arnold opened the public hearing.

Alan Hirsch: City is giving developer significant amount of value added for a parking lot. Should require developer to put in trees with suspended pavement and impose the highest possible maintenance standards.

Mayor Arnold closed the public hearing.

J. Chapman moved, seconded by B. Vaitla, to approve Resolution No. 23-039 - Vacate Right-of-Way and Retain a Public Utility Easement, and Reciprocal Access Easement Over Approximately 0.52 Acres Located By 3808 Faraday Avenue. Motion passed unanimously.

Public Hearing: Establishing a Trench Cut Fee

Principal Civil Engineer Melissa Marshall: Trench cuts damage streets by increasing water access, reducing lateral support, and increasing surface roughness. Summarized proposed regulations and fees.

Mayor Arnold opened the public hearing.

- Alan Hirsch: Suggest increase duration of moratorium and increase fee amounts.
- Mason Harry: Need to make sure there are exceptions for emergency repairs.

- Dave Taormino: Emphasis should be on proper repair, and not on the fee. Shouldn't spend so much time and resources to just make sure people do the job correctly.

Mayor Arnold closed the public hearing.

City Attorney Inder Khalsa: Ordinance has specific exceptions and public utility work is included.

B. Vaitla moved, seconded by G. Partida, as follows:

1. Introduce Ordinance Amending Article 35.03 and 35.07, and Adding Article 35.8 to Chapter 35 of the Davis Municipal Code Relating to Trench Cut Fees
2. Approve Resolution No. 23-040 - Establishing the Trench Cut Fee Amount

Motion passed unanimously.

Appeal of Planning Commission Decision to Approve The Davis Collection - University Mall Redevelopment: Planning Application #22-50: Final Planned Development #07-22, Design Review #18-22

B. Vaitla recused himself and left the room.

City Attorney Inder Khalsa: Appeal was brought by Councilmember Vaitla, therefore, he is recusing himself from discussion and decision.

Community Development Director Sherri Metzker: Summarized project and Planning Commission action to approve the project.

I. Khalsa: Overview of appeal process and direction to Council, specifically that the merits of the project should not be discussed but only whether or not to take up the appeal at a future meeting. Since Vaitla is recused, the remaining three Councilmembers must all vote in the affirmative for the appeal to proceed.

Public comments:

- Bill Brown, Brixmore Property Group; John Keller; Katherine Keller; Ron Glick; Dave McGlocklin; Eileen Samitz; Joan Sallee; Timothy Hobin; Nancy Fleet; Loretta Villanueva; Lorna Berman; and Greg Rowe: Support Planning Commission's approval of the Davis Collection – University Mall Redevelopment project and oppose appeal. Site has been declining and vacant for years. Davis needs retail and generated sales tax dollars. Project will modernize the site and provide transit enhancements to the area. Delaying project will have financial impacts to the developer. Appeal enforces the appearance that Davis is anti-business. Mixed use project does not work out financially for developers. Developer has been unable to find a housing developer to move forward with a mixed use project.
- Alan Hirsch; Alan Miller; Francesca Wright; Norbie Kumagai; Alex Aguire; Johannes Troost; Connor Gorman; Robin Dattel; Martha

Teeter; Judy Ennis; Terry Munch; Ellen Kallorick; Vera Sandronsky; Kevin Baker; Steve Richte; Kevin Wolfe; Megan Merkey; Maryl Lottika; Paul Philley; and Bapu Vaitla: Support appeal process and moving forward with a public hearing to consider overturning Planning Commission decision to approve project. Location is ideal for infill housing. Support mixed use project on the site that includes housing. Need to exhaust all possibilities to increase housing. Project does not conform to vision of the General Plan—compact design, prioritizing pedestrians and bicyclists. Site is critical to long term growth plans.

W. Arnold moved, seconded by J. Chapman, to entertain and schedule a public hearing for a Councilmember initiated appeal of the Planning Commission approval of the Davis Collection - University Mall Redevelopment project. Motion failed by the following vote:

AYES: Chapman, Arnold

NOES: Partida

ABSENT: Vaitla (recuse)

City Council recessed at 9:46 p.m. and reconvened at 9:55 p.m.

FY 2022/23
Mid-Year
Budget Update and Mid-Year Budget Amendments

Finance Director Elena Adair: Overview of revenue and expenditure results through the second quarter of Fiscal Year (FY) 2022/23. In most cases, General Fund revenues are tracking as anticipated. Citywide expenditures by department are within acceptable ranges. Overtime expenses are above projections due to staff vacancies.

Public comment:

Alan Hirsch: Vehicle License Fees are revenue. Residents with out of state license plates do not contribute to this revenue source. Should not issue parking permits until vehicle is registered in California.

G. Partida moved, seconded by J. Chapman, to approve Resolution No. 23-041 - Amending the FY 2022/23 Budget. Motion passed unanimously.

Council Subcommittee Update: City Revenue Options

Assistant City Manager Kelly Stachowicz: Summarized revenue options, including the following:

- a. Parcel tax: Calculated using square footage, number of units, or a flat rate. Approximately \$28,000 per \$1 of parcel tax generated.
- b. Transactions and Use (Sales) Tax: City increase up to 1% more with voter approval. Approximately \$1.25 million for every .125% increase in tax.
- c. Utility Users Tax: Phones, gas, electric, water, sewer, solid waste. Current rates in other jurisdictions range from 1% to 11%, most typical rate is 5%. Amount of revenue variable.

- d. Transient Occupancy Tax: Current rate is 12%. Every 1% is approximately \$230,000.

Public comments:

- Alan Hirsch: Need robust community engagement and collaboration.
- Francesca Wright: Consider bonds in addition to taxes. Public wants a simple and clear budget in order to understanding the issues.
- Mason Harry: Should look into taxing Kratom, a botanical substance that bonds to opioid receptors in the brain. Use funds for treatment programs.
- Alan Miller: Oppose tax measures.
- Alan Pryor: Should discuss cost containment.
- Connor Gorman: Should make measures as progressive as possible. Reduce impact to low income households.
- Ellen Kallorick: Need funding for affordable housing programs.

B. Vaitla moved, seconded by G. Partida, as follows:

1. Council believes a revenue measure is a priority for the November 2024 ballot.
 2. Direct the City Council Subcommittee and staff to return to City Council with the following, pursuant to a possible November 2024 ballot measure:
 - A. Additional information on unmet fiscal needs to help fine tune necessary annual revenue generation amounts
 - B. Additional information on select revenue options, including specific estimates on fiscal needs, detail on what different revenue tax options will produce, information on excise taxes on specific goods, and legal ability/authority of city
 - C. A draft timeline for community engagement efforts and next steps
- Motion passed unanimously.

City Council recessed at 11:14 p.m. and reconvened at 11:18 p.m.

Council Subcommittee Update: Long Range Growth Status Report

Community Development Director Sherri Metzker: Summarized peripheral development projects that have submitted or will be submitting applications. Subcommittee developed proposed guiding principles for review of peripheral developments:

- a. Peripheral development should provide significant amounts of low-income affordable housing.
- b. Peripheral development should have minimal traffic impact and emphasize non-fossil fuel transport.
- c. Peripheral development should further the City's habitat, agricultural, and open space conservation goals.
- d. Peripheral development should accelerate the City's goal of achieving carbon neutrality by 2040.

City Manager Mike Webb: Housing needs are great, specifically affordable and missing middle housing. However, staff bandwidth is limited and activity must commence immediately in order to complete an application review process in time for a possible November 2024 election.

Public comments:

- Alan Pryor: Oppose peripheral development.
- Alan Miller: Davis needs an urban limit line instead of Measure J. Measure J has a lot of negative unintended consequences.
- Rochelle Swanson: Represent new Covell site project. Parcel includes agricultural mitigation land to the north. Have been conducting targeted outreach with county and bankers in order to provide affordable housing.
- Eileen Samitz, Laura McLively, Mara Ruth, and Nancy Price: Oppose Covell Blvd/Poleline Rd site housing project. Site has multiple issues such as traffic impacts, toxic chemicals deposits, and high infrastructure costs. Should not fast track ahead of other projects.
- George Phillips: Represent Shriners property. None of the projects will make the November 2024 ballot unless shortcuts are taken. Support transparent process. Developers can make last best offer to city, public can make a fair comparison of projects. Request Council move forward with the best available project at this time.
- Timothy Hogan: Oppose high density development and accompanying problems for residents.
- Darcy Kerry and Christina Buff: Need a transparent and inclusive process for consideration of long term growth.

W. Arnold moved, seconded by B. Vaitla, to direct the Council Subcommittee and staff to undertake next steps as follows:

1. Focus staff efforts on implementation of the Housing Element (including zoning amendments and infill housing enhancement mechanisms), the Downtown Plan, and other approved projects such as Nishi, Bretton Woods, Chiles Ranch; 715 Poleline, Plaza 2555, Research Park Mixed Use, Olive Drive Mixed Use
2. Complete an analysis of City owned properties for potential affordable/workforce housing opportunities and other infill housing opportunities, and return to City Council with recommendations
3. Develop housing type and price point desired targets, working with Davis Joint Unified School District and other stakeholders
4. Develop a proposed framework to engage the community in visioning for future housing needs and peripheral growth expectations as a second stage (Downtown Plan was the first stage) of the General Plan update
5. Create a Council Subcommittee comprised of B. Vaitla and J. Chapman to investigate infill opportunities with goal of achieving Regional Housing Needs Allocation (RHNA) obligations

Motion passed unanimously.

AB1234

None

Long Range
Calendar

W. Arnold moved, seconded by G. Partida, to take up the long range calendar after 11:30 p.m. Motion passed unanimously.

B. Vaitla: Request resolution in support of Executive Order N-82-20, Nature Based Solutions (Pathways to 30x30) which commits the state to goal of conserving 30 percent of its lands and coastal water by 2030. Council consensus.

W. Arnold: (1) Explore additional penalties for racially biased law enforcement calls. (2) Consider mandated mixed use zoning for shopping centers.

W. Arnold: Request scoping report of legal options related to Council member filing an appeal of a development project. Council consensus.

G. Partida: Explore options to impose local fines for theft of catalytic converters.

Public comments:

- Connor Gorman: Request Council advocate for a legislative bill—promoting universal health care. Suggest Council agendaize discussion of proposed freeway widening.
- Alan Hirsch: Staff is restricting ability of commissions to meet as subcommittees. Should re-agendaize discussion of commission governance

M. Webb: Council has adopted a policy that council subcommittees take the lead on tasks, and commissions should not form subcommittees for the same topic during the same time.

Adjournment

Meeting was adjourned at 12:48 a.m.

Zoe Mirabile
City Clerk