

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of October 17, 2017

The City Council of the City of Davis met in regular session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California and teleconference location at 7479 Westcliff Drive, West Hills, CA 91307. The meeting was called to order by Mayor Davis.

Roll Call:

Councilmembers Present: Will Arnold, Lucas Frerichs (via teleconference), Brett Lee, Rochelle Swanson, Robb Davis

Councilmembers Absent: None

Other Officers Present: City Manager Dirk Brazil, Assistant City Attorney Ethan Walsh, City Clerk Zoe Mirabile

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

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following: Conference with Real Property Negotiators: Conference with Real Property Negotiators:  
Property: 2727 Second Street (APN 071-404-011)  
Agency Negotiators: City Attorney Ethan Walsh, City Manager Dirk Brazil, Assistant City Manager Mike Webb, Public Works Director Robert Clarke, Community Development Administrator Katherine Hess, Property Management Coordinator Tracie Reynolds  
Negotiating Parties: Davis Waste Removal Company Inc.  
Under Negotiation: Price and Terms of Payment

City Council returned to open session at 6:40 p.m. with no reportable action.

Ceremonial Presentations

- Proclamation Recognizing Recipients of the 2017 Constitution Day Essay Contest. Presented by B. Lee.
- Proclamation Recognizing Outgoing City Beat Reporter Felicia Alvarez. Presented by R. Davis.
- Proclamation Recognizing October 24, 2017 as United Nations Day and Week of October 24-31, 2017 as Support UNICEF Week. Presented by R. Swanson.

City Manager Announcements City Manager Dirk Brazil: Received grant from Urban Rivers Program, transform landscaping on Russell Blvd. side of City Hall. Urban forestry program: Arbor Day Tree essay contest for kindergarten-9 grades.

City Council Announcements R. Swanson: Air District discussion regarding wildfires, looking at ways to spare the air during extraordinary events. Able to track air quality via website.

B. Lee: B. Lee and R. Davis attended Chancellor Strategic Visioning at UCD.  
R. Davis: Similar issues—need for student housing, regional initiatives.

L. Frerichs: Valley Clean Energy Alliance Joint Powers Authority—approved implementation plan to be sent to California Public Utility Commission for certification. On track to launch June 2018. Also approved contract with Sacramento Municipal Utility District for program launch and initiation.

R. Swanson: Fundraiser at Sudwerks to support individuals affected by Napa area fires.

Public Comments

- Alan Hirsch: Consent item—H Street tunnel. Not enough information in staff report. Festival of Abraham on October 24—opportunity to meet people and connect with community.
- Norbie Kumagai: People losing homes due to wildfires. Grateful to Davis firefighters and police dispatchers and officers who aided during tragedy. Davis Police Officers Association gathered donations and sent them to the affected zones.
- Michael Harrington: Thank staff for assisting youth groups with tour of public safety facilities. Oppose Nishi—residential project in close proximity to pollution from the freeway. Suggest looking at Lincoln40 for same reason. West Davis Active Adult Community should be on ballot before Nishi.
- Sheila Allen, Yolo Healthy Aging Alliance: Consent item-Social Services Strategic Plan. Thank staff for including topic of need for adult day program in the Plan. Closest place to go is in Woodland, waiting list of 40-80 people.
- Eileen Samitz: Plaza 2555 apartment proposal is student oriented, should be designed for everybody. Site is zoned for commercial use, should be retained for revenue generation. City needs to address the units versus bedrooms development impact fee and affordable housing equivalencies.
- Raine Watson: Opposed to Nishi project. H Street improvement project is unnecessary. Tunnel under tracks is the only way to get across town without exposure to LED lights.

Consent Calendar

H Street Pathway and Parking Improvements, Phase 1 of CIP No. 8251  
Approved Resolution No. 17-130 - Awarding Contract to Abide Builders for Construction of the H Street Pathway and Parking Improvements Project, Phase 1, CIP 8251 and Authorizing City Manager to Execute Contract

Contract Amendment for Additional Services for Pavement Design and Construction Services, CIP 8250  
Approved Resolution No. 17-131 - Authorizing the City Manager to Execute Amendment 1 to the Professional Services Agreement with Nichols Consulting Engineers (NCE) for the Pavement Management Project

Rejection of Miles Treaster & Associates Bid Protest for Wastewater Treatment Plant Furniture Procurement, Program No. 7313

Approved Resolution No. 17-132 - Re-Affirming Award of Contract to Esplanade Office for the Wastewater Treatment Plant Furniture Procurement Project, Program No. 7313, Rejecting the Bid Protest, and Re-Affirming Rejection of Miles Treaster and Associates Original Bid

Purchase and Installation of Loose Fill Playground Surfacing Material  
Approved Resolution No. 17-133 - Awarding Contract to JetMulch, Inc. for Loose Fill Playground Surfacing Material

W. Arnold: Recused from the following item due to business ownership status within the DBID:

Downtown Business Improvement District (DBID) 2017 Report; Proposed Fiscal Year 2018-2019 Budget; and Intention to Levy and Collect an Assessment

1. Accepted the 2017 DBID Annual Report including the FY 2018-19 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 November, 7, 2017
2. Approved Resolution No. 17-134 - of Intention to Levy and Collect the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the DBID for Fiscal Year 2018-19

AYES: Frerichs, Lee, Swanson, Davis

NOES: None

ABSENT: Arnold (recuse)

Cal Trans Master Agreement for Grant Funded Projects and Specific Program Supplement for 14th and Villanova, CIP No. 8282

1. Approved Resolution No. 17-135 - Authorizing the City Manager to Execute the Master Agreement for Administering Agency-State Agreement for Federal-Aid Projects, Agreement No. 03-5238115
2. Approved Resolution No. 17-136 - Authorizing the City Manager to Execute Program Supplement No. N035 to Administering Agency-State Agreement for Federal-Aid Projects No. 03-5238F15; 14th and Villanova Improvements, CIP No. 8282

Transportation Development Act (TDA) Funding Claims Fiscal Year 2016-17  
Approved Resolution No. 17-137 - Approving the City of Davis' Claim for TDA Funding for Local Transportation Funds (LTF) for Fiscal Year 2016-17

Approved Resolution No. 17-138 - Approving the City of Davis' Claim for TDA Funding for State Transit Assistance Funds (STA) for Fiscal Year 2016-17

Side Letter Between the City of Davis and the Davis Police Officers Association to Comply with California Public Employee Retirement System (PERS) Regulations

Approved Resolution No. 17-139 - Approving Side Letter Amending the Memorandum of Understanding with Davis Police Officers Association

Extension of Time to Record Final Maps and Subdivision Agreements for Chiles Ranch Subdivision

Approved Resolution No. 17-140 - Approving Extension of Time for Performance of Certain Acts Required by Resolution Nos. 17-099, Series 2017, Which Approved the Final Map and Subdivision Agreement for Chiles Ranch Phase 1A, Subdivision Map No. 4953

Approved Resolution No. 17-141 - Approving Extension of Time for Performance of Certain Acts Required by Resolution No. 17-100, Series 2017, Which Approved the Final Map and Subdivision Agreement for Chiles Ranch Phase 1B, Subdivision Map No. 5011

Purchase of Para-Transit Bus Utilizing a Cooperative Purchase Agreement with Morongo Basin Transit Authority

1. Approved the Purchase of One Glaval Para-Transit bus at a cost of \$70,554.62, utilizing a cooperative purchase agreement with Cal-ACT/MBTA (Morongo Basin Transit Authority)
2. Approved Budget Adjustment #42 (\$70,555) – allocating PTMISEA (Public Transportation Modernization, Improvement, and Service Enhancement Account Program) and FTA (Federal Transit Administration) grant funds to purchase the Para-Transit bus

Second Reading: Ordinance Increasing City Councilmember Salaries Pursuant to California Government Code Section 36516 to Take Effect Upon the Beginning Terms of Office of the City Council Members Elected at the June 2018 Election  
Adopted Ordinance No. 2516 (Introduced 10/3/2017)

Social Services Strategic Plan

Approved the Social Services Strategic Plan for three priorities: 1) house the homeless and keep them housed; 2) improve affordable housing policies; and 3) develop an adult day care program and caregiver resource center in Davis

Yolo County Referral – 1412 Morris Way – HK Park, Planning Application #17-19, Yolo County Referral #01-17

1. Determined that the proposed project for a 10-unit apartment complex is “urban development” under the Pass-Through Agreement, but that the City Council does not object to Yolo County approval of the applications for the project
2. Made the above determination contingent upon provisions relating to city utility, fire, and roadway operations

Yolo Local Government Accountability and Transparency Program Statement  
Adopted the Yolo Local Government Accountability and Transparency Program

Treasurer’s Report for the Quarter Ended June 30, 2017

Accepted the report

Council Goals 2016-2018 – Update  
Informational

Commission Minutes:

1. Open Space & Habitat Commission Meeting of September 11, 2017
2. Social Services Commission Meetings of June 19 and July 17, 2017

Informational

R. Swanson moved, seconded by L. Frerichs, to approve consent calendar as listed above. Motion passed unanimously.

Removed from  
Consent Calendar:

Item removed by R. Swanson.

Revised Salary  
Table to Com-  
ply with  
CalPERS Regu-  
lations

R. Swanson moved, seconded by W. Arnold, to approve Resolution No. 17-142 - Approving Citywide Salary Table for All Positions 12-23-2013. Motion passed unanimously.

City-Owned  
Land at the Cor-  
ner of F Street  
and Anderson  
Road

Item Removed by R. Davis.

Public comments:

- David Thompson: Need to consider land for affordable housing, ideal location.
- Jean Jackman, Matt Whistler, Carole Moore-O’Leary, Alan Jackman, and Gadita Rajadan, Friends of North Davis Ponds; Matt Williams; and Eileen Samitz: Support restoration of habitat on the vacant parcel. Open Space & Habitat Commission established procedures for rehabilitation of property. Location not appropriate for housing.

B. Lee moved, seconded by L. Frerichs, to direct staff to proceed with habitat restoration on the vacant three-acre parcel of land the city owns at the intersection of F Street and Anderson Road as part of the City’s Open Space Program.

R. Swanson proposed friendly amendment: Design should specifically include future landing space or overcrossing for bikepath. Not accepted by mover.

B. Lee amended the motion to include that design will anticipate the possible location of a bicycle/pedestrian overcrossing landing at some date in the future. Accepted by second. Motion passed by the following vote:

AYES: Arnold, Frerichs, Lee, Swanson

NOES: Davis

City Council recessed at 8:21 p.m. and reconvened at 8:31 p.m.

Update on Consideration of Future Revenue Measures

Assistant City Manager Kelly Stachowicz: Parks tax set to expire June 2018. Consider type and amount, duration, inflator, oversight structure. Final decision on tax measure must occur by February 2018.

Public comments:

- Dan Carson: Finance and Budget Commission recommendations—Increase accountability and comprehensive plan to address long term funding gap. Consider tax based on square footage versus parcel.
- Connor Gorman: Tax should be as regressive as possible.
- Alan Pryor: Need to address employee compensation, especially in light of increasing pension costs. Study of staffing and compensation levels needs to be completed before any more tax measures.
- Alan Hirsch: Parcel tax treats apartments the same as single family home. Fees based on parking spaces per unit may address more equitably.
- Elaine Roberts-Musser: Caution against making any poll too complicated. Should eliminate consideration of UUT. Special taxes are more transparent. Measures should be accompanied by strong support for economic development.
- Matt Williams: In December 2015, FBC made recommendation to Council that no tax measures be placed on ballot until complete detailed scope of deferred infrastructure and new services. If going to poll, need to make citizens aware of what exactly they are paying for.

K. Stachowicz: City parks tax is fee per unit, not parcel

Assistant City Attorney Ethan Walsh: Tax based on square footage should be allowed as special tax. Will return to Council with clarification.

B. Lee: Interested in indoor square footage, and not just lot size

B. Lee: Reluctant to try new method of assessing parcel taxes. Adds extra layer of complexity. Need to understand budget shortfall. Run financial model with anticipated revenues from increased Transient Occupancy Tax and cannabis industry.

R. Swanson: Should be transparent and ask for what we need. Allow voters to make decision.

W. Arnold: 2014 poll already revealed a ranking of what people are willing to pay for in additional taxes. Economic development—we have worked on cost containment and implemented the Leland financial model. We know we need to renew the parks tax and need more funding for roads. Suggest separate \$99 tax each for parks and roads.

L. Frerichs: Think there is wisdom in pursuing poll. Missed opportunity in 2012—didn't increase tax from \$49 to more fully fund parks. Should renew and increase parks tax. Could possibly go higher than \$100 for parks, but not full cost amount

of \$275. If increase parks tax, could allocate current general fund dollars spent on parks to other infrastructure needs.

B. Lee: Open to idea of social services tax. Interested in public input on priorities for spending funds.

R. Davis: Suggest parks tax and street tax be set at \$125 each, have inflators built in, and sunset of 10 years. Consider an additional small social services related tax of \$50.

Council Consensus: Oppose polling. Oppose UUT. Interested in distinct ballot measures for distinct needs. Educate community on budget shortfall. Need to be transparent about needs.

D. Brazil: Staff will return to Council with refinement of dollar amounts based on needs.

R. Davis: Bring back by end of year. Options for amounts.

City Council recessed at 9:41 p.m. and reconvened at 9:48 p.m.

Nishi Student  
Housing Appli-  
cation: Pro-  
cessing Direc-  
tions

Community Development Administrator Katherine Hess: Proposal is primarily student housing, parking, open space and drainage. Next steps: commission reviews November/December, Planning Commission/Council hearings January, action related to June ballot in February.

Public comments:

- Alan Pryor: Oppose vehicle access from Richards/Olive. Should impose same parking ratios as on Sterling and Lincoln40 projects and enforce compliance with affordable housing ordinance. Should impose LEED Gold, maximum amount of solar. Applicant should agree to purchase excess energy at 100% renewable through VCEA.
- Connor Gorman: Need to address student housing needs.
- Eileen Samitz: Concerned about process—no defined project yet. Issues to address—Should be flexible to house students as well as non-students. Address impacts on wastewater treatment and water. Access under railroad tracks? County-city tax sharing? Developer has refused to provide air quality studies; significant impact determined in EIR. Will residents be charged by usage for water and electricity? What will control affordability long term? Biggest concern is more housing needed on campus.
- Matt Williams: Need to consider how to maximize site for best use for community. Important for university to commit financially. Work with university to build parking garage for people who live on Nishi to park on campus. Need to think more ambitiously for site.
- Alan Hirsch: 2,600 new units in community will go a long way toward addressing supply and demand. Make sure transportation works, meets highest

level of environmental standards, helps school systems. June ballot aggressive, but doable.

- Elaine Roberts-Musser: Disappointed that research and development component is no longer included in project. Location is logical place for student housing. Want to know what fiscal impact to city is.

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

1. Direct staff to process the application through environmental and commission review with the goal of providing the City Council the ability to place the proposal on the June 2018 ballot, should the Council so choose
3. Direct staff to solicit an agreement from UC Davis regarding vehicular access to the Nishi property, should the application be approved by the City Council and the voters
4. Authorize the City Manager to enter into a contract with Ascent Environmental to prepare an Addendum, if necessary, to the previously-certified Environmental Impact Report

Council comments included:

- Consider access for buses as well as emergency vehicles and bikes.
- Consider access for differently abled.
- Address affordability for students that do not qualify for state and federal funding.
- Support LEED Gold, parking restrictions, water metering, and other similar requirements to those imposed on Sterling project.
- Development Agreement discussion should include equitable impact fees for 4-5 bedroom apartments.
- Want differences from previous proposal clearly defined.
- Need commitment from university on undercrossing.

Motion passed unanimously.

L. Frerichs moved, seconded by W. Arnold, to appoint R. Davis and R. Swanson as a Council Subcommittee to provide guidance to staff in review of the Development Agreement and Baseline Project Features. Motion passed unanimously.

Appointment to an Ad Hoc Council Subcommittee on West Davis Active Adult Community Proposal

Assistant City Manager Mike Webb: Project timeline targeting November election

Public comments:

- Alan Pryor: Project needs to be denser. Applicant should improve their proposal. Need to make prime use of land.
- Matt Williams: Proposal is 1950s mentality, not the best use of the land. If expecting other projects to densify, should expect the same from WDAAC.

By consensus, R. Davis appointed to work with city staff and serve as a representative for the city in review of the West Davis Active Adult Community proposal in the area of Development Agreement and Baseline Project Feature discussions.



City Manager  
Appointment  
and Employ-  
ment Agree-  
ment

Public comments:

- Alan Pryor: Compensation level is excessive.
- Jason Taormino, Alan Hirsch, and Matt Williams: Support selection. Familiar with city system and culture, good continuity.

L. Frerichs moved, seconded by R. Swanson, to approve resolution No. 17-143 - Approving the Appointment of and Employment Agreement with City Manager and Authorizing Mayor to Execute Same. Motion passed unanimously.

City Council  
Brief Commu-  
nications

None

Tentative Meet-  
ing Schedule

City Manager Dirk Brazil: Moving Downtown parking item to November 7.

W. Arnold: Will have to recuse on Downtown Business Improvement District and downtown parking items.

Public comment:

- Matt Williams: No report out from closed session on Davis Waste Removal item? Deadline day after tomorrow. Useful for community to know status.
- Assistant City Attorney Ethan Walsh: Deadline extended to November 8.

D. Brazil: Description of solid waste services item on November 7 meeting will be amended to read DWR Right of First Refusal.

R. Davis: Housing Element update—look at which city properties are options for affordable developments.

W. Arnold: Request update on UC Davis Long Range Development Plan.

D. Brazil: Hopefully schedule 2x2x2 meeting with County and University soon.

Adjournment

Meeting was adjourned at 11:01 p.m.

Zoe Mirabile  
City Clerk