

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of October 7, 2008

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. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Ruth Asmundson, Lamar Heystek, Don Saylor, Stephen Souza, Sue Greenwald

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, Deputy City Clerk Zoe Mirabile

Approval of Agenda S. Greenwald moved, second by S. Souza, approval of the agenda. Motion passed unanimously.

UC Davis Institute of Sustainable Transportation Presentation and Demonstration of Alternative Fuel Vehicles Pete Dempster, UC Davis Institute of Transportation Studies, provided information on current outreach and educational efforts and future objectives for their Plug-In Hybrid (PHEV) and Fuel Cell Hybrid (FCHV) vehicle programs. Dempster conducted a demonstration of the vehicles outside the Community Chambers where they were on display.

City Council left the Chambers at 5:46 p.m. to participate in the demonstration and returned to the dais at 6:12 p.m.

Council recessed at 6:15 p.m. and reconvened at 6:30 p.m.

Ceremonial Presentation Mayor Asmundson presented a Proclamation in Recognition of HopeWalks Davis.

Public Comments Joe Sherman spoke regarding an incident at a downtown restaurant that resulted in Police Department response.

Kimble Pope, Chamber of Commerce, outlined the scheduled events for the Celebrate UC Davis Centennial Celebration to be held October 12, 2008 on Third Street.

Suzanne Munich spoke in opposition to a potential ban on wood burning. Reasons included: increased fuel prices creates hardship for residents on fixed incomes and wood can be burned cleanly with EPA certified fireplaces/stoves.

Doug Fetterly introduced himself as an applicant for the Natural Resources Commission.

Catherine Kilduff introduced herself as a non-resident (UC Davis campus resident) applicant for the Historical Resources Management Commission, and requested City Council consider waiving the residency requirement.

Update on the Adopted State Budget and Projected City Impacts Assistant City Manager provided estimates of the potential impacts of the final State Budget on the city's FY2008/09 budget, totaling approximately \$760,000 including Redevelopment Agency funds, COP Grant allocation and booking fee charges, and a revision to previously allocated Proposition 42 transportation funding.

Commission Appointments By consensus, City Council decided to not waive the residency requirement for commission appointment and submitted voting charts for staff to tabulate the initial vote count and prepare any necessary runoff voting charts.

Consent Calendar

Resolution No. 08-147 – Authorizing the City Manager to Execute Agreement NO. UCD09-00615 with the University of California-Davis, California Transportation Development Act (CTDA) Pass Through for Partial Funding of Unitrans
Approved

Resolution No. 08-148 – Authorizing the City Manager to Execute Agreement No. UCD09-00937 with the University of California-Davis, Federal Transit Administration (FTA) Pass Through for Partial Funding of Unitrans
Approved

Resolution No. 08-149 – Adopting an Amendment to the Memorandum of Understanding with Davis Police Officers Association
Approved

Resolution No. 08-150 – Establishing the Employer’s Contribution Under the Public Employee’s Medical and Hospital Care Act
Approved

Ordinance No. 2326 – Amending Ordinance No. 1808, to Amend the Boundaries of the “Small Office” and “Light Industrial, R&D, and Contractor/Artisan” Subareas in the Fifth Street Commerce Center Planned Development (PD) #5-94C Generally Located on the Southeast Corner of Fifth Street and Pena Drive, Consisting of 12.0 Gross Acres, and to Rename the Planned Development to PD #5-94D (Spafford Street Office Project)
Adopted (Introduced 09/23/2008)

Civic Arts Commission Minutes from the Regular Meeting of July 14, 2008
Informational

Proposed Process/Timeline for Development of FY2009/10 Budget
Approved

Budget Adjustments #137 (FY07/08) and #1 (FY08/09) – Allocating Carry-Over from FY2007/08 to FY2008/09 of Unencumbered Appropriations totaling \$26,079,109
Approved

Plans and Specifications for Playfields All Weather Field, CIP No. 8201
Approved plans and specifications, and authorized bid advertisement

D. Saylor moved, seconded by S. Souza, to approve the consent calendar as listed above. Motion passed unanimously.

Public Hearing:
New Harmony Affordable Apartments – Planning Commission Appeal; General Plan & Specific Plan Amendments; Rezone; Final Planned Development; Design Review; Tentative Map; Minor Modification; Negative Declaration

Community Development Director Katherine Hess explained that the Planning Commission considered the proposed 69-unit New Harmony Affordable Apartment Community project and voted 4-2 to deny the project. The applicant filed an appeal of this denial citing inconsistency with applicable City policies and standards and State regulations, inadequate findings for denial, and failure of the Planning Commission to proceed in a manner required by law.

Assistant Planner Eric Lee summarized the proposed project; outlined neighborhood concerns relating to crime, parking, traffic and project design; and relayed information on the reasoning cited by the Planning Commission for denial, namely, the potential health impacts of exposure to freeway traffic on residents.

City Attorney Harriet Steiner stated State law regarding affordable housing projects constrains the ability of the city to deny projects unless City Council makes specific

designated findings based on substantial evidence. The New Harmony site is assumed as a housing site in the current Housing Element, and to deny the project, City Council must find that the site is not needed to meet fair share requirements and would have significant adverse impact on health and safety which is unable to be mitigated.

Ron Brugger, LSA Associates, Inc., firm retained by Sacramento Mutual Housing Association to conduct an air quality and health risk assessment, summarized his report on the evaluated emissions and health effects due to exhaust from Interstate-80, and outlined potential risk levels.

Council recessed at 8:34 p.m. and reconvened at 8:39 p.m.

Mayor Asmundson opened the public hearing.

Tori Bavarr; Don Emlay; Alan Gendron; Linda Casillas; Kermit Kruse; Michelle Kendall; Heidi Angleheart; Chris Fortenbach; Andreas Toupadakis and Kris Kordana, Planning Commission spoke in opposition to the proposed project. Reasons included: project would result in a large concentration of low income properties within the neighborhood, concern regarding increased crime at other affordable complexes, possible effect of high percentage of low-income students on the school system; increased traffic flow and concern over air quality due to proximity to freeway. Further, K. Kordana relayed information from a study published in 2007 in the British medical journal, *The Lancet*, which found that in 12 Southern California communities, children living within 500 meters of a freeway have measurable impaired lung development.

Lelaini Hinks, Mindy Ramarro and Jallice Johanssa, Yolo Mutual Housing Association; Greg Chou, Sacramento Mutual Housing Association; Nancy Honk, Bank of America Community Lending Project; Alysa Meyer, Legal Services of Northern California; Larry Falazzo and Marta Vallejas spoke in support of the proposed project. Reasons included: project addresses challenges of site; lending opportunities already developed; developer has a good track record with affordable projects; increased crime not attributable to low income residents; site chosen to meet the goals of both the city regarding infill and YMHA regarding proximity to transportation routes; mitigation efforts proposed to combat air quality issues include landscape screening and inside air filters, and other single family home properties adjacent to the site were already approved with the same proximity to the freeway.

Mayor Asmundson closed the public hearing.

H. Steiner explained that if City Council decides to deny the project based on a lack of information with respect to air quality in conjunction with the *Lancet* study, then they should direct staff to return to City Council with appropriate written findings.

L. Heystek moved, seconded by S. Souza, to direct staff to return to City Council with appropriate written findings regarding the insufficiency of the Negative Declaration based on health issues. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

City Council recessed at 10:25 p.m. and reconvened at 10:27 p.m.

Presentation of
Proposed Yolo
County General
Plan Update

David Morrison, Yolo County Planning & Public Works Assistant Director, explained the Draft 2030 Yolo County General Plan was released on September 10, 2008, written comments are due by November 20, 2008, and adoption is scheduled for September 2009. D. Morrison summarized the vision of Yolo County to provide a buffer of farmland and open space between the Bay Area and Sacramento featuring both

traditional and innovative agricultural practices, to include an economic development plan emphasizing agricultural and ecological tourism, and residential growth directed to cities and towns. Additionally, within the land use plan no additional development is proposed within the Davis planning area; however, there are land use changes proposed, primarily consisting of modifying agricultural designations to open space or public facilities designations.

Community Sustainability Program Update

Item deferred.

Downtown and Citywide Sign Design Guidelines

Item deferred.

Appeal of December 21, 2007 Tree Commission Decision to Retain a Tree at 652 Bianco Court

Urban Forest Manager Rob Cain stated the tree in question is a Grecian Laurel growing in the greenbelt next to 652 Bianco Court. The resident requested two Grecian Laurel trees be removed, and the Tree Commission voted to remove the western most tree and retain the tree closest to Bianco Court. R. Cain outlined staff recommendation to consider removal of the tree due to the placement of the tree directly adjacent to the resident's fence; said tree has a multi-stem base which will continue to sprout leaders underneath the fence.

L. Heystek moved, seconded by D. Saylor, to approve removal of the Grecian Laurel tree at 652 Bianco Court recognizing that the Tree Commission was correct in not recommending removal of the tree based on the mess that the tree produced, but that the City Council in this instance recognizes the nature of the tree and the future condition of the fence as a result. Motion passed unanimously.

Ordinance Adding Chapter 15.20 to the Davis Municipal Code Establishing a Living Wage Requirement for Specified City Funded Contracts and City Employees

Assistant City Manager Paul Navazio explained the proposed Ordinance reflects the preliminary staff recommendations presented to City Council on September 23, 2009 and specific City Council direction regarding inclusion of statement of intention, exemptions for businesses who receive financial assistance from the city and to address situations where prevailing wages exceed the living wage. He distributed an updated version of the proposed ordinance reflecting technical changes and a modification within the waiver provision to address total compensation packages equivalent to a living wage.

Bobby Weis, Davis Firefighters Local 3494, requested City Council consider limiting contract employees to short duration projects with regular city employees performing all ongoing day-to-day projects and maintenance.

Bill Camp, Sacramento Labor Council, stated a living wage ordinance provides a sense of security in uncertain economic times and establishes a value and vision for the community.

L. Heystek moved, seconded by S. Greenwald to introduce Ordinance Adding Chapter 15.20 to the Municipal Code of the City of Davis, Establishing a Living Wage Requirement for Specified City Funded Contracts and City Employees, as amended.

D. Saylor moved substitute motion, seconded by R. Asmundson, to delete item 15.20.060(d) (setting forth annual increases in accordance with Consumer price index) from the Ordinance and replace with the following: The initial rate set forth in (a) above shall be reviewed and adjustments considered at the same time employee contracts for related positions are updated. Motion failed by the following vote:

AYES: Saylor

NOES: Greenwald, Heystek, Souza, Asmundson

Main motion passed by the following vote:
 AYES: Greenwald, Heystek, Souza
 NOES: Saylor, Asmundson

Appointments to City Council voted to appoint advisory commissioners through use of a grid system.
 Advisory Commis- After votes were tallied, applicants were appointed as follows:
 sions

COMMISSION/ APPLICANT		RA	SG	LH	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name							
Bicycle Advisory Commission -- Vote for 6: 4 Regular (4-year term) & 2 Regular (2 year term)								
Reapplying Commissioners								
Berg	John	X	X	X	X	X	5	Regular 4-yr term
Bossard	Earl	X	X	X	X	X	5	Regular 4-yr term
New Applicants								
Jackman	Alan	X	X	X	X	X	5	Regular 4-yr term
Matzek	Virginia		X	X	X		3	Regular 2-yr term
York	Angela	X (2-yr)	X	X	X (2-yr)	X	5	Regular 4-yr term
New Applicant / NON-RESIDENT								
Justice	Greg		X				1	NOT ELIGIBLE
Business & Economic Development Commission -- Vote for 4: 4 Regular (4-year term)								
Reapplying Commissioners								
Nachman	Anissa	X	X	X		X	4	Regular 4-yr term
Richardson	Tobin	X		X	X	X	4	Regular 4-yr term
Vergis	Sydney	X		X	X	X	4	Regular 4-yr term
New Applicants								
De Anda-Scaia	Nico						0	Appointed to HRC
Hruban	Joe	X			X	X	3	Regular 4-yr term
Palm	Donald		X	X	X		3	Appointed to FBC
City / UCD Student Liaison Commission -- Vote for 2: 2 Regular (4-year term)								
Reapplying Commissioner								
Bonilla	Christine	X	X	X	X	X	5	Regular 4-yr term
New Applicants								
Howard	Jonathon		X	X	X		3	Runoff Vote to be conducted 10-14-08
Sharp	Ryan	X	X- ERROR	X- ERROR		X	4	
New Applicant / NON-RESIDENT								
Justice	Greg							NOT ELIGIBLE
Civic Arts Commission -- Vote for 4: 3 Regular (4-year term) & 1 Alternate (4-year term)								
Reapplying Commissioners								
Hutchins	Casey	X	X	X	X	X	5	Regular 4-yr term
Jackson	Erin	X	X	X	X	X	5	Regular 4-yr term
Ryland	Rebecca	X	X	X	X	X	5	Regular 4-yr term
New Applicants								
Bonnel	Steve	X (alt)				X (alt)	2	Runoff Vote Required
Howard	Jonathon						0	
Joshi	Nikhil		X	X			2	Runoff Vote Required
Sikes	Aaron				X		1	
Finance & Budget Commission -- Vote for 5: 3 Regular (4-yr term) & 1 Regular (2-yr term) & 1 Alternate (4-yr term)								

Reapplying Commissioners								
Beavers	Jerry	X	X	X	X (4-yr)	X	5	Regular 4-yr term
Katir	Easan	X	X	X	X (4-yr)	X	5	Regular 4-yr term
Troost	Johannes	X	X	X	X (4-yr)	X	5	Regular 4-yr term
New Applicants								
Hoang	Daniel	X (2-yr)	X	X	X (alt)	X (2-yr)	5	Regular 2-yr term
Palm	Donald	X (alt)	X	X	X (2-yr)		4	Alternate
Historical Resources Management Commission -- Vote for 6: 4 Regular (4-yr term) & 1 Regular (2-yr term) & 1 Alternate (2-yr term)								
Reapplying Commissioners								
Herbert	Rand	X	X	X	X	X	5	Regular 4-yr term
Rifkin	Richard	X	X	X	X	X	5	Regular 4-yr term
Sosnick	Gale	X	X	X	X	X	5	Regular 4-yr term
New Applicant / NON-RESIDENT								
Kilduff	Catherine							NOT ELIGIBLE
Human Relations Commission -- Vote for 5: 3 Regular (4-yr term) & 1 Regular (2-yr term) & 1 Alternate (4-yr term)								
Reapplying Commissioners								
Clinton	Arthur	X	X	X	X	X	5	Regular 4-yr term
Minhaj	Najme	X	X	X	X	X	5	Regular 4-yr term
New Applicants								
Blomberg	Craig	X	X	X	X	X (2-yr)	5	Regular 4-yr term
De Anda-Scaia	Nico	X (2-yr)	X	X	X (alt)		4	Regular 2-yr term
Leyva	J Jesus	X (alt)					1	Runoff Vote Required
Kudo	Justin				X (2-yr)	X	2	
Parnell	Albert			X		X (alt)	2	
New Applicant / NON-RESIDENT								
Manning	Russell							NOT ELIGIBLE
Natural Resources Commission -- Vote for 4: 3 Regular (4-year term) & 1 Alternate (4-year term)								
Reapplying Commissioners								
Ehrlich	Charles	X	X	X	X	X	5	Regular 4-yr term
Holman	Jennifer	X	X	X	X	X	5	Regular 4-yr term
New Applicants								
De Anda-Scaia	Nico						0	Appointed to HRC
Fetterly	Doug	X	X			X (alt)	3	Regular 4-yr term
Hinshaw	Carolyn		X	X			2	Runoff Vote to be conducted 10-14-08
Lubell	Mark	X (alt)					1	
Madison	Charles				X (alt)		1	
Matzek	Virginia					X	1	Appointed to BAC
Mitchell	John				X		1	Runoff Vote to be conducted 10-14-08
Pryor	Alan		X- ERROR	X			2	
Open Space & Habitat Commission -- Vote for 4: 4 Regular (4-year term)								
Reapplying Commissioners								
Chung	Helena			X		X	2	Regular 4-yr term
House	Gregory	X		X	X	X	4	Regular 4-yr term
New Applicants								
Davis	Eric	X		X	X	X	4	Regular 4-yr term
Matzek	Virginia	X			X		2	Appointed to BAC
Yeung	Danny	X		X	X	X	4	Regular 4-yr term
Planning Commission -- Vote for 4: 4 Regular (4-year term)								

Reapplying Commissioners								
Clumpner	Greg	X	X	X	X	X	5	Regular 4-yr term
de la Pena	David	X				X	2	
Levy	Michael	X			X	X	3	Regular 4-yr term
Choudhuri	Ananya		X	X			2	Remains alternate
Whittier	Terry	X	X	X		X	4	Regular 4-yr term
New Applicants								
Frerichs	Lucas		X	X	X		3	Regular 4-yr term
Hague	George						0	
Howard	Jonathon						0	
Vergis	Sydney				X		1	Appointed to BEDC
Recreation & Park Commission -- Vote for 4: 3 Regular (4-year term) & 1 Alternate (4-year term)								
Reapplying Commissioners								
Bartolic	Michael	X	X	X	X	X	5	Regular 4-yr term
Glassburner	Robert		X	X	X	X	4	Runoff Vote Required
Slaton	Nicole	X	X	X	X	X	5	Regular 4-yr term
New Applicants								
Bray	Ira	X (alt)				X (alt)	2	
Clarke	Merle						0	
Davis	Eric						0	Appointed to OSHC
Gambatese	Roger	X	X	X	X (alt)		4	Runoff Vote Required
Safety & Parking Advisory Commission -- Vote for 4: 3 Regular (4-year term) & 1 Alternate (4-year term)								
Reapplying Commissioners								
Qi	Xiaopei (Chad)	X	X	X	X	X	5	Regular 4-yr term
Senior Citizens Commission -- Vote for 6: 4 Regular (4-yr term) & 1 Regular (2-yr term) & 1 Alternate (4-yr term)								
Reapplying Commissioners								
Blumenthal	Shula	X	X	X	X	X	5	Regular 4-yr term
Favreau	Romeo	X	X	X	X	X	5	Regular 4-yr term
Liebhardt	Kathleen (Kitty)	X	X	X	X	X (2-yr)	5	Regular 4-yr term
Musser	Elaine		X	X	X (2-yr)	X	4	Runoff Vote Required
Thomas	Tansey	X		X	X	X	4	
New Applicant								
Hayes	Stephen	X (2-yr)	X	X	X (alt)	X (alt)	5	Regular 4-yr term
Reapplying Commissioner / NON-RESIDENT								
Hinkle	George		X					NOT ELIGIBLE
Social Services Commission -- Vote for 5: 4 Regular (4-year term) & 1 Regular (2-year term)								
Reapplying Commissioners								
Biberstein	Hannah		X	X		X	3	Regular 4-yr term
Gelber	Eric		X	X	X	X	4	Regular 4-yr term
Frerichs	Lucas	X				X	2	Appointed to PC
New Applicants								
Adler	Dawn				X		1	
De Anda-Scaia	Nico			X			1	Appointed to HRC
Delaini	Larenda						0	
Hague	George		X				1	
Huff	Cathy	X	X	X	X		4	Regular 4-yr term

Lee	Steven	X		X			2	Runoff Vote Required
Palm	Donald	X (2-yr)				X	2	Appointed to FBC
Parnell	Albert	X			X		2	Runoff Vote Required
Solorzano	Janice				X (2-yr)	X (2-yr)	2	
Yeh	Elizabeth						0	
New Applicant / NON-RESIDENT								
Manning	Russell							NOT ELIGIBLE
Tree Commission -- Vote for 4: 3 Regular (4-year term) & 1 Alternate (4-year term)								
Reapplying Commissioners								
Robinson	David	X	X	X	X	X	5	Regular 4-yr term
Rooks	George	X	X	X	X	X	5	Regular 4-yr term
Rooks	Hila	X	X	X	X	X	5	Regular 4-yr term
RUNOFF VOTES								
Civic Arts Commission -- Vote for 1: Alternate (4-year term)								
Bonnel	Steve	X			X	X	3	Alternate
Joshi	Nikhil		X	X			2	
Human Relations Commission -- Vote for 2: 1 Regular (2-yr term-vacancy from Steven Lee) & 1 Alternate (4-yr term)								
Leyva	J Jesus	X					1	Alternate
Kudo	Justin				X	X	2	Regular 2-yr term
Parnell	Albert		X	X			2	Appointed to SSC
Natural Resources Commission -- Vote for 1: Alternate (4-year term)								
Hinshaw	Carolyn		X	X				Error from initial votes; Runoff vote to be conducted 10-14-08
Pryor	Alan	X			X	X		
Recreation & Park Commission -- Vote for 2: 1 Regular (4-year term) & 1 Alternate (4-year term)								
indicate choice by using "R" or "A"								
Glassburner	Robert	A		R	R	R	3 (R); 1 (A)	Regular 4-yr term
Gambatese	Roger	R	X	A	A	A	2 (R); 3 (A)	Alternate
Senior Citizens Commission -- Vote for 2: 1 Regular (2-year term) & 1 Alternate (4-year term)								
indicate choice by using "2" or "A"								
Musser	Elaine	A	2	2	A	2	3 (2); 2 (A)	Regular 2-yr term
Thomas	Tansy	2	A	A	2	A	3 (A); 2 (2)	Alternate
Social Services Commission -- Vote for 2: 1 Regular (4-year term) & 1 Regular (2-year term)								
indicate choice by using "4" or "2"								
Lee	Steven	4	X	4			3 (4)	Regular 4-yr term
Parnell	Albert	2		2	4	2	3 (2); 1 (4)	Regular 2-yr term
Solorzano	Janice				2	4	1 (2); 1 (4)	

D. Saylor moved, seconded by L. Heystek, to confirm commission appointments as outlined above. Motion passed unanimously.

Brief Communications

S. Souza requested City Council agenda discussion of a possible Community Financing District for photovoltaic installations. Council concurred.

AB1234: All five City Councilmembers attended the League of California Cities Annual Conference in Long Beach.

Adjournment

The meeting was adjourned at 11:48 in memory of Al Royvall and Kathleen Murphy.

Zoe S. Mirabile, CMC
Deputy City Clerk