



**DAVIS CITY COUNCIL MEETING  
COMMUNITY CHAMBERS  
23 RUSSELL BOULEVARD, DAVIS, CA 95616  
TUESDAY, MARCH 2, 2010  
5:30 P.M.  
AGENDA**

*Members of the City Council:  
Ruth Uy Asmundson, Mayor  
Don Saylor, Mayor Pro Tempore  
Sue Greenwald  
Lamar Heystek  
Stephen Souza*

*Bill Emlen, City Manager  
Harriet Steiner, City Attorney*

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PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers.

Roll Call

Approval of Agenda

Item 1

City Council / Open Space and Habitat Commission Joint Discussion: Community Farms Concept (*Parks & General Services Director Donna Silva/Sustainability Program Manager Mitch Sears*)

Recommendation:

1. Direct staff to process a General Plan amendment to provide guidance on the development of community farms consistent with the June 2009 recommendations of the Open Space and Habitat Commission
2. Direct the Open Space and Habitat Commission to consider and recommend revisions to the City's Farmland Preservation Ordinance to encourage community farms and explore other mechanisms to create incentives for establishing community farms around the City
3. Direct the Open Space and Habitat Commission and staff to develop a proposal for a community farms demonstration project for future consideration by the City Council

Item 2 (may begin as early as 6:30 p.m.)

Ceremonial Presentations:

- A. Proclamation in Recognition of March 2010 as Red Cross Awareness Month
- B. Proclamation Declaring Allegra Jostad Silberstein as the City of Davis Poet Laureate

Item 3

**Public Comments**

At this time, any member of the public may address the City Council on matters which are not listed on this agenda. Speakers will be asked to state their name for the record. Citizens should reserve their comments for matters listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda.

City Council may not take action on any item not explicitly listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

Item 4

**Consent Calendar**

All matters listed under the Consent Calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items; however, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Item(s) removed will be discussed later in the meeting as time permits.

A. Acquisition of Conservation Easements on the Kerr and Koontz Farms (*Parks & General Services Director Donna Silva/Open Space Planner Mitch Sears*)

Recommendation:

1. Approve Resolutions Approving the Purchase and Sale Agreements for Acquisition of Conservation Easements on the Kerr and Koontz Farms and Authorizing the City Manager to Complete the Acquisition for the Purposes of Permanently Protecting the Swainsons Hawk Foraging and Nesting Values, the Agricultural Values and Open Space Characters of the Properties
2. Approve Budget Adjustments #60 (\$340,000-Kerr property) and #59 (\$340,000-Koontz property)

B. Fee Title Acquisition of the Staib 72 Property (*Parks & General Services Director Donna Silva/Open Space Planner Mitch Sears*)

Recommendation:

1. Approve Resolution Approving the Fee Title Acquisition of the Staib 72 Property and Authorizing the City Manager to Complete the Acquisition for the Purposes of Permanently Protecting the Agricultural Values and Open Space Character of the Property
2. Approve Budget Adjustment #61 (\$840,000)

C. Proposed Resolution from the Social Services Commission: Resolution Opposing Budget Policies of the State of California Amounting to a Disinvestment in Our Future (action item from February 8, 2010 commission meeting) (*Community Services Director Elvia Garcia-Ayala/Housing & Human Services Superintendent Danielle Foster*)

Recommendation: Review proposed resolution (According to City Council policy, this resolution will return on the next City Council Agenda for action)

D. Resolution Opposing the “New Two-Thirds Vote Requirement for Public Electricity Providers” Initiative (Proposition 16) (*Deputy City Manager Kelly Stachowicz*)

Recommendation: Review resolution (According to City Council policy, this resolution will return on the next City Council Agenda for action)

- E. Resolution in Support of Google's Pilot Ultra High Speed Broadband Program and Directing City to Respond to a Request for Information (*Information Technology Administrator Rick Guidara*)

Recommendation: Approve

- F. Commission Minutes:

1. City-UCD Student Liaison Commission Meeting of January 13, 2010
2. Finance and Budget Commission Meeting of January 11, 2010
3. Senior Citizens Commission Meeting of January 14, 2010
4. Social Services Commission Meetings of November 16, 2009 and January 11, 2010
5. Tree Commission Meeting of January 21, 2010

Recommendation: Informational

### Regular Calendar

Item 5

Continued from February 16, 2010: Appeal of November 19, 2009 Tree Commission Decision to Retain the River She-Oak Located at 1624 Tamarack Lane (*Urban Forest Manager Rob Cain*)

Recommendation: Uphold Tree Commission decision

Item 6

Public Hearing: Resolution Ordering the Vacation of a Portion of Easement Along Rowe Place - Midtown Veterinary Clinic / 525 Rowe Place (*Interim Public Works Director Robert Clarke/Assistant City Engineer William Marshall*)

Recommendation:

1. Find that the portion of 5-foot easement adjacent to Rowe Place will be unnecessary for present or prospective public use
2. Approve resolution

Item 7

Public Hearing: Resolution to Adopt the Updated Housing Element and Direct Staff to Submit the Updated Housing Element to the State Department of Housing And Community Development for Final State Certification (*Community Development Director Katherine Hess/Housing & Human Services Superintendent Danielle Foster*)

Recommendation:

1. Approve resolution, taking the following actions:
  - a. Find that Negative Declaration #05-07 that was originally prepared and approved for this update to the City's Housing Element continues to serve as the environmental review for this final version of the Housing Element, as no substantial changes have been made that affect the document's environmental review
  - b. Adopt the updated Housing Element, that includes changes in response to the State Department of Housing and Community Development (HCD)'s review of the document in accordance with state law
2. Direct staff to submit the updated Housing Element document for final certification by HCD

Item 8

Public Hearing: Willowbank Park Residential Subdivision Proposal (27 dwelling units)  
(Community Development Director Katherine Hess/Principal Planner Michael Webb/Planner Xzandrea Fowler)

Recommendation:

1. Determine that Mitigated Negative Declaration #5-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project
2. Approve Resolution to Amend the City of Davis General Plan Land Use Map to Re-designate the Vacant Parcel Located on the West Side of Mace Boulevard (APN #069-490-35) Between San Marino Drive and Redbud Drive, from Public/Semi-public to Residential Medium Density, based on the findings in the resolution
3. Approve Resolution to Amend the South Davis Specific Plan Land Use Map to Re-designate the Subject Parcel (APN #069-490-35), from Public/Semi-public to Residential Cluster Homes
4. Introduce Rezone/Preliminary Planned Development Ordinance Amending Section 40.01.090 of Chapter 40 of the City of Davis Municipal Code Rezoning the Subject Parcel (APN #069-490-35) to Planned Development (P-D) #2-08 (Residential Use) – Willowbank Park Subdivision, permitting the proposed residential subdivision and uses, based on the findings and conditions in the Planned Development
5. Approve the following implementing entitlement applications, based on the findings and conditions for each application attached to this report:
  - A. Final Planned Development to establish development standards for the residential lots in the new Planned Development
  - B. Tentative Subdivision Map to subdivide the approximately 4.48 gross-acre parcel for single family residential lots, city greenbelt, public streets, private drives and common open space.
  - C. Affordable Housing Plan to govern the affordable housing component of the development.
  - D. Design Review for site plan and architectural review of proposed building elevations.
6. Introduce Ordinance Approving a Development Agreement Regarding the Willowbank Park Subdivision Project

Item 9

Wastewater Management Plan (Interim Public Works Director Robert Clarke/Utilities Engineer Keith Smith)

Recommendation: Accept the Wastewater Management Plan, prepared by the Wastewater Planning Charrette panel assembled and facilitated by Dr. Schroeder and Dr. Tchobanoglous, to be used as a guiding document in advancing further development of wastewater compliance options

Item 10

Proposition 218 Mail Notification of Utility Rate Increases – Notice of Public Hearing Scheduled for May 4, 2010 (Interim Public Works Director Robert Clarke/Assistant Public Works Director Sue Gedestad)

Recommendation:

1. Approve mailing of the notification that reflects the following proposed rates:

- A. Water: 5% water rate increase which for average water use would equate to an approximate \$1.73 monthly increase. The new rates would be effective for water used beginning September 1, 2010.
  - B. Sewer: 6% rate increase equating to a \$2.45 monthly increase for customers with average winter water consumption. As with the water rate, actual rates vary customer to customer based on actual water usage.
2. Support staff's recommendation to continue with the current flat rate structure for residential sanitation charges

Item 11

Item Submitted by Councilmember (*Saylor/Souza*): Proposed Additions to the Council Meeting Ground Rules and Procedures

Recommendation: Add language to the "Council Meeting Ground Rules" and the "Procedures Manual for Council Members" to address 1) circumstances when Ground Rules and Procedures are not adhered to and 2) the range of possible sanctions that may be applied in the event of violation

Item 12

City Council, City Manager and City Attorney Brief Communications:

- A. This item includes brief announcements, questions to be referred to staff and reports on various 2x2 meetings with other agencies
- B. City Council/Redevelopment Agency Long Range Calendar. The calendar is a fluid, working document used by the Mayor and City Manager to support efficient and effective Council meetings. The calendar is subject to change to best fit items into the time schedule of the Council meetings. At this time, Council may request items be placed on a future meeting agenda.
- C. AB 1234 Reporting of Meetings Attended at City Expense

Item 13

Closed Session pursuant to Government Code §54954.5: Conference with Legal Counsel – Existing Litigation: Newpath Networks, LLC v. City of Davis, Federal District Court, Eastern District 2:10 CV-00236-GEB-KJM

Adjournment

I declare under penalty of perjury that the foregoing agenda for the March 2, 2010 regular meeting of the Davis City Council was personally delivered to each Councilmember and posted on the outside public bulletin board at City Hall, 23 Russell Boulevard on February 25, 2010 and made available to the public during normal business hours. Zoe S. Mirabile, CMC, City Clerk

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Review: Davis Branch Library, 315 E 14th Street; Peter Shields Library, Government Documents Section, UC Davis; City Hall, main hallway, 23 Russell Boulevard; During Council meetings: rear of Community Chambers  
Copying: Kinko's Copy – 313 F Street (corner of F & Third Streets); Navin's Copy Shop – 231 Third Street (corner of Third Street & University Avenue); Postmark's - 417 Mace Boulevard (in the El Macero Shopping Center)

*Davis City Council Agenda  
March 2, 2010*

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- Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at City Hall, 23 Russell Blvd., Davis in the City Clerk's Office. These writings will also be available for review at the City Council meeting in the public access binder in the rear of the Community Chambers.
- Staff recommendations are guidelines to the City Council. On any item, the Council may take action which varies from that recommended by staff.
- The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.
- Questions about this agenda – Please call the City Clerk's Office (530) 757-5648.