

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 1, 2010

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. This meeting included teleconference participation by one Councilmember (Gov. Code Section 11125.4(c)). The teleconference location, in addition to the address above, is: 161 Georgia Way, San Leandro, CA 94577.

The meeting was called to order by Mayor Asmundson.

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

Councilmembers Absent: None

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

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 for the following: Conference with Legal Counsel – Existing Litigation:
A. Newpath Networks, LLC v. City of Davis, Federal District Court, Eastern District Case No. 2:10 CV-00236-GEB-KJM
B. City of Davis v. Newpath Networks, LLC, California Public Utilities Commission Case No. C. 10-03-011

Council returned to open session at 6:34 p.m. Mayor Asmundson announced there was no reportable action.

Approval of Agenda S. Greenwald moved, seconded by D. Saylor, to approve the agenda. Motion passed by the following vote:
AYES: Greenwald, Saylor, Souza, Asmundson
NOES: None
ABSENT: Heystek

Mayor Pro Tem D. Saylor read an excerpt from the Council Ground Rules into the record.

Ceremonial Presentation Mayor Asmundson presented a Proclamation Recognizing June 23, 2010 as Olympic Day.

Public Comments Joseph Richardson spoke about the reduction of greenhouse gases by utilizing human power.

Ashley Thomas, CalPIRG, advocated for a community-wide ban on styrofoam containers.

Richard Sieman spoke regarding the Verona project proposal to reduce fees to developer for infill. He stated a reduction in fees should result in more afford-

able housing, reduce greenhouse gasses, etc.

Consent Calendar

Resolution No. 10-071 - Authorizing the Interlocal Agreement Between the City of Davis and the County of Yolo to Reallocate the 2010 Byrne Justice Assistance Grant ("JAG") Toward the Continuation of the Yolo Narcotics Team Unit Administered by the Yolo County District Attorney
Approved

Contract Award for Second Street Corridor Improvements, CIP No. 8163 [ESPL 5238 (052)]

1. Rejected the low bid from Lister Construction, Inc. and the bid from Teichert Construction due to their non-responsive bids
2. Approved Budget Adjustment #103 (\$98,030) – Allocating Road Impact and Storm Sewer/Drainage Funds to the project
3. Approved Resolution No. 10-072 - Awarding Contract of \$830,933.50 to North Bay Construction, Inc., and approving a contingency amount of \$83,093

Second Reading of Ordinances Setting Utility Rates Effective August 1, 2010:

1. Ordinance No. 2363 - Amending Chapter 33.04.050 (a) and (b) of the Davis Municipal Code Relating to Sewer Rates
2. Ordinance No. 2364 - Amending Chapter 39 of the Davis Municipal Code Related to Water Rates

Adopted (Introduced 5/25/2010)

Budget Adjustment #97 (\$83,286) – Allocating Funds for the City / UC Davis Water Intertie Project, CIP No. 8193

Approved

Budget Adjustment #98 (\$58,047) – Allocating Funds for the Purchase of a Para-Transit Bus

Approved

Commission Minutes:

1. Recreation and Park Commission Meeting of April 15, 2010

Informational

2. Senior Citizens Commission Meeting of April 8, 2010

Received minutes as informational and approved the Fiscal Year 2010/2011 Commission Work Plan

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

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: None

ABSENT: Heystek

Removed from
Consent Calendar:

Item removed by R. Asmundson.

City Council
Minutes

R. Asmundson moved, seconded by D. Saylor, to approve City Council Minutes from the Meetings of January 27, February 10 and September 8, 2009, and May 11 and 18, 2010. Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: None

ABSENT: Heystek

Davis Climate
Action and Ad-
aptation Plan

City Manager Bill Emlen stated the Climate Action and Adaptation Plan (CAAP) was prepared through a community based public input process utilizing the Davis Climate Action Team, the Natural Resources Commission, and staff. The CAAP identifies objectives/actions for the next five years to reverse local greenhouse gas (GHG) emission growth and establishes a foundation for longer term reductions beyond 2015.

Sustainability Program Manager Mitch Sears presented an overview of the CAAP including priorities and workplan. He explained the plan includes objectives and actions in nine sectors: (1) Mobility, (2) Energy, (3) Land use and buildings, (4) Consumption and waste, (5) Food and agriculture, (6) Community engagement, (7) Government operations, (8) Advocacy, and (9) Climate change preparation (adaptation).

L. Heystek joined via teleconference participation at 7:20 p.m.

7:34 public comments

Kemble Pope and Stacey Frerichs, Climate Action Team; Shula Shoop, Lynne Nittler and Dorothy Petersen, Cool Davis Initiative; Judy Moores; Carolyn Kopper; Ashley speaking on behalf of Will Kline; Carolyn Hinshaw; and Lisa Mercatroy spoke in support of the CAAP. Comments included: request Council authorize making the Sustainability Coordinator a full time position (in addition to Open Space Coordinator) and more resources be invested into sustainability and climate change issues; realistic plan with the ability to scale up as financial resources become available; plan should be a living document; broad based community process with representation from diverse groups in community; plan will re-establish community as leader in this area and empower citizens to use tools available to reduce their own greenhouse gas; plan should be a top priority for implementation; and suggest looking at personal comfort level and see where changes can be made.

Saylor moved, seconded by S. Souza, to approve Resolution No. 10-072 - Adopting the Davis Climate Action and Adaptation Plan with the following addition after the Now Therefore Be It Resolved clause:

Be It Further Resolved, there will be quarterly reports or such other timeframes as Council may direct, to the City Council on status and

necessary implementation measures.

Be It Further Resolved, that the first quarterly update shall include identification of resources necessary to update the plan.

Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

S. Greenwald moved, seconded by S. Souza, to direct staff to process a General Plan amendment establishing local greenhouse gas reduction targets and the development and implementation of a local plan to achieve the targets and prepare the community for a transitioning climate. Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

City Council recessed at 9:19 p.m. and reconvened at 9:30 p.m.

Removed from
Consent Calendar:

Resolution No.
10-073 - Authorizing the
Interlocal Agreement Between the City of Davis and the County of Yolo to Reallocate the 2010 Byrne Justice Assistance Grant ("JAG") Toward the Continuation of the Yolo Narcotics Team Unit Administered by the Yolo County District Attorney

Item removed by B. Emlen.

Police Chief Landy Black explained that the grant funds will be reallocated by the city, along with all other participating/allocated Yolo County law enforcement agencies, to the Yolo County District Attorney's Office in support of narcotics enforcement.

David Greenwald spoke in opposition reallocating the grant funds. He stated a tremendous amount of resources are spent to put people into jail for offenses better treated as health issues; funding should be put towards counseling programs.

L. Black explained the grant closing period is June 30, 2010.

R. Asmundson suggested staff return with analysis and alternatives to finding solutions. L. Black stated he will collect data and return to Council with full scope of the issue.

D. Saylor moved, seconded by S. Souza, as follows:

1. Approve Resolution No. 10-073 - Authorizing the Interlocal Agreement Between the City of Davis and the County of Yolo to Reallocate the 2010 Byrne Justice Assistance Grant ("JAG") Toward the Continuation of the Yolo Narcotics Team Unit Administered by the Yolo County District Attorney
2. Direct staff to return to Council with details regarding operations of the Yolo Narcotics Enforcement Team (YONET) and crime statistics

Motion passed unanimously.

Fiscal Year 2010/11 Pro- posed Budget – Continued Dis- cussion and Council Direc- tion	<p>Assistant City Manager Paul Navazio provided an overview of the recommenda- tions included in the City Manager's FY2010/11 Proposed Budget.</p> <p>Council provided direction to staff on potential amendments to the proposed budget, including police staffing, RDA support for street rehabilitation, water and wastewater operations and maintenance and General Fund support for staff- ing in Community Development and Sustainability.</p> <p>City Manager Bill Emlen stated that based on direction, staff will come forward with a final budget proposal on June 15, 2010.</p> <p>L. Heystek left the meeting at 11:11 p.m.</p>
Public Hearing: Verona Subdi- vision Project Amendments – Revised Afford- able Housing Plan, Final Planned Devel- opment and Supplement and Amendment to Development Agreement	<p>B. Emlen recommended Council open and continue the public hearing to June 15, 2010.</p> <p>Mayor Asmundson opened the public hearing.</p> <p>Mark Siegler requested Council direct the Finance and Budget Commission to review the proposed amendments. Also, suggested the project should be fewer than 83 units and have no fee reductions.</p> <p>Bill Hartman, Regis Homes, stated the company started on the project in 2002, and it took until 2008 to get to 83 units approved. A modified supplemental fee is consistent with the last three projects approved and Regis is simply asking for parity of recent projects approved. Regis is ready to move forward this year if Council agrees to the proposed project modifications</p> <p>Mayor Asmundson closed the public hearing and continued it to June 15, 2010.</p>
Brief Commu- nications	<p>S. Souza spoke regarding pedestrian safety on bike paths, specifically seniors who have been hurt by bicyclists. Implored individuals to be courteous when biking.</p>
Long Range Calendar	<p>S. Greenwald requested staff bring back to Council a discussion on proposed regulations for bicyclists as related to pedestrian safety. Council concurred.</p>
Adjournment	<p>The meeting was adjourned at 11:24 p.m.</p>

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 15, 2010

The City Council of the City of Davis met in regular session beginning at 5:00 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, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

Councilmembers Absent: None

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

Closed Session City Council convened closed sessions pursuant to Government Code §54954.5 for the following:

A. Conference with Labor Negotiators:

Agency Designated Representatives: City Manager Bill Emlen, Assistant City Manager Paul Navazio, Human Resources Administrator Melissa Chaney, City Attorney Harriet Steiner

Employee Organization: Davis City Employees Association (DCEA) and Davis Police Officers Association (DPOA)

B. Conference with Legal Counsel – Existing Litigation:

1. In re: Davis Area Cooperative Housing Association, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Case No. 10-30314-E-11
2. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424
3. Unfair Practice Charge, California Public Employment Relations Board, Case No. SA-CE-672-M

C. Conference with Real Property Negotiators:

1. Property: 1752 Drew Circle
Negotiating Parties: Davis Campus Cooperatives, a Subsidiary of North American Students of Cooperation (NASCO)
Agency Negotiators: City Attorney Harriet Steiner, City Manager Bill Emlen, Housing & Human Services Superintendent Danielle Foster
Under Negotiation: Price and terms of payment

2. Property: Koontz Easement; APN 041-100-23
Negotiating Parties: Wallis Koontz
Agency Negotiators: City Attorney Harriet Steiner and Sustainability Program Manager Mitch Sears
Under Negotiation: Price and terms of payment

3. Property: Kerr Easement; APN 041-100-24

Negotiating Parties: Lorraine Kerr Trust
Agency Negotiators: City Attorney Harriet Steiner and Sustainability
Program Manager Mitch Sears
Under Negotiation: Price and terms of payment

City Council returned to open session at 6:33 p.m.

City Attorney Steiner provided an update on Davis Area Cooperative Housing Association (DACHA): United States Bankruptcy Court held that it was improper to file an involuntary bankruptcy against a non-profit corporation and ordered the bankruptcy action be dismissed. The Court retained jurisdiction to hear a motion from DACHA regarding attorney fees, costs and damages; once order is issued by the Court, foreclosure may proceed thereafter.

Approval of Agenda D. Saylor moved, seconded by S. Souza, to approve the agenda. Motion passed unanimously.

Public Comments Dave Owen, Davis City Employees Association (DCEA) President, spoke regarding labor negotiations. He stated DCEA prefers layoffs rather than benefit cuts because the jobs that remain would support a livable lifestyle. Also, DCEA has concerns over the results from the compensation survey.

Elaine Roberts-Musser, Senior Citizens Commission (SSC), explained she was speaking on behalf of the SSC and spoke in support of the Senior Housing Guidelines which encompass accessibility, location, affordability, and housing suitable for seniors.

Dave Owen spoke regarding online communication between a Councilmember and a citizen during Council meetings; disturbed that someone would have unlimited access to a Councilmember during a meeting via a wireless connection when members of the public who attend the meeting in person only have 3 minutes of time during public comment sessions. He requested Council halt activity of this nature.

Consent Calendar City Manger Bill Emlen removed Resolution Adopting Guidelines for Housing that Serves Seniors and Persons with Disabilities from the consent calendar and agendized it as a regular discussion item on June 29, 2010.

Resolution No. 10-074 - Authorizing the City Manager to Enter Into a Field Use Agreement Between the City of Davis and the Davis Cricket Club Regarding the Use of City Fields
Approved

Resolution No. 10-075 - Awarding Contract of \$712,435.12 to International Surfacing Systems for 3/8" Polymer Modified Asphalt Rubber / 1/8" Rubberized Asphalt Binder Double Chip Seal, Program No. 7252, with a contingency amount of \$20,000
Approved

Resolution No. 10-076 - Intention to Levy and Collect the Business Improvement District Annual Assessment Fee for the Visitor Attraction District Pursuant to the Parking and Business Improvement Area Law of 1989

1. Accepted the 2009-2010 Visitor Attraction BID Report and Budget from Yolo County Visitors Bureau, including the proposed 2010-2011 budget, subject to any changes or modifications that may be made subsequent to a public hearing
2. Approved Resolution (public hearing to be held on July 13, 2010 to levy the assessment)

Plans, Specifications and Estimate for 2010 Road Rehabilitation, Program No. 7252 [STPL 5238(054)]

Approved plans, specifications and estimate; authorized bid advertisement

Budget Adjustment #111 (\$512,623) – Allocating Economic Stimulus Grant Funds for Second Street Corridor Improvements, CIP No. 8163 [ESPL 5238(052)]

Approved

Committee/Commission Minutes:

- a. City / Chamber of Commerce 2x2 Committee Meetings of January 21, February 18 and March 18, 2010
- b. City / Davis Joint Unified School District 2x2 Committee Meetings of December 7, 2009, and January 1 and March 25, 2010
- c. City / UCD Student Liaison Commission Meeting of May 12, 2010
- d. City / Yolo County 2x2 Committee Meetings of January 8, February 5 and March 5, 2010
- e. Human Relations Commission Meeting of April 22, 2010
- f. Planning Commission Meetings of February 10 and 24, and March 24, 2010

Informational

City Council Minutes from the Meetings of February 17 and 24, and March 3 and 10, 2009

Approved

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

Removed from
Consent Calendar:

Item removed by S. Souza and S. Greenwald.

Water Distribution System Optimization

R. Asmundson moved, seconded by D. Saylor, as follows:

1. Approve Budget Adjustment #112 (\$229,905) – transferring unexpended funds from CIP No. 8205 – Well 35; and
2. Approve Resolution 10-076A - Authorizing the City Manager to Execute Consultant Agreement with Brown & Caldwell for a Water Distribution System Optimization

S. Greenwald moved substitute motion, seconded by L. Heystek, to agendize the item as a regular discussion item, and to inform the Davis Enterprise and water experts in town to allow for review and citizen feedback. Motion failed by the following vote:

AYES: Greenwald, Heystek
NOES: Saylor, Souza, Asmundson

Main motion passed by the following vote:

AYES: Saylor, Souza, Asmundson
NOES: Greenwald, Heystek

Continued Public Hearing Mayor Asmundson opened the following public hearing and continued it to June 29, 2010: Verona Subdivision Project Amendments – Revised Affordable Housing Plan, Final Planned Development and Supplement and Amendment to Development Agreement.

Public Hearing: Development of Parcel C of the Willowbank Park Subdivision No. 4955 Principal Planner Michael Webb explained the proposed project involves the development of the remaining portion, Parcel C, from the recently approved Willowbank Park Subdivision. He summarized previous City Council direction and action, and outlined staff recommendations.

Public comments:

- Joe Sherman: civil rights
- Kim Lutkinhouse and Tim Randstrom: Opposed infringement on open space along Putah Creek.
- Jason Taormino, developer: Council requested developer redesign the neighborhood with 9 or 10 townhouses, increase open space, provide a greater variety of housing prices. Worked hard to achieve those goals. At issue still are unit height and open space.
- Beth Kafka, Margaret Adams, Steve Kafka, Debra Laird and Bob Serratto opposed 3-story townhouses.
- Dave Taormino, developer: Requested changes to in-lieu fees.

S. Souza moved, seconded by L. Heystek, that the maximum height of buildings will be 32 feet; and direct staff to modify documents as needed (tentative map, Final Planned Development, etc.).

L. Heystek withdrew second to motion. R. Asmundson seconded motion. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson
NOES: Greenwald
ABSTAIN: Heystek

D. Saylor moved, seconded by R. Asmundson, as follows:

1. Determine that Mitigated Negative Declaration #05-08 adequately addresses the environmental impacts associated with the proposed project.
2. Approve the following implementing entitlement applications, based on find-

ings and conditions:

- a. Tentative Map #03-09, subdividing approximately 1.09 gross-acres (including Parcel C, lots 15-16, and 23-27) into 15 single family residential lots and two greenbelt lots
 - b. Revised Final Planned Development #03-09, establishing final zoning standards for the residential lots noted above
 - c. Design Review #20-09, establishing the site plan and architectural features for the nine single-family attached units and the four affordable units
 - d. Revised Affordable Housing Plan #02-09, establishing the affordable housing plan for the residential development, to include provision of four affordable for sale units (two first floor accessible) and payment of in-lieu fees for two additional units
3. Introduce Ordinance Approving the First Supplement and Amendment to the Development Agreement Regarding the Willowbank Park Subdivision Project
 4. Project proposal and authorizing documents to be modified to allow 6 lots to have lofts.

S. Greenwald moved substitute motion, seconded by L. Heystek, to limit townhouses to 2-stories and to not allot any additional buffer space to the backyards.

S. Souza moved substitute, substitute motion, seconded by D. Saylor, as follows:

1. Determine that Mitigated Negative Declaration #05-08 adequately addresses the environmental impacts associated with the proposed project.
2. Approve the following implementing entitlement applications, based on findings and conditions:
 - a. Tentative Map #03-09, subdividing approximately 1.09 gross-acres (including Parcel C, lots 15-16, and 23-27) into 15 single family residential lots and two greenbelt lots
 - b. Revised Final Planned Development #03-09, establishing final zoning standards for the residential lots noted above
 - c. Design Review #20-09, establishing the site plan and architectural features for the nine single-family attached units and the four affordable units
 - d. Revised Affordable Housing Plan #02-09, establishing the affordable housing plan for the residential development, to include provision of four affordable for sale units (two first floor accessible) and payment of in-lieu fees for two additional units
3. Introduce Ordinance Approving the First Supplement and Amendment to the Development Agreement Regarding the Willowbank Park Subdivision Project
4. Project proposal and authorizing documents to be modified as follows:
 - a. Allow lofts on lots 18, 19, 21 and 25
 - b. Authorize the movement of lot 18 forward with reduction to driveway accordingly
 - c. Do not authorize reduction of buffer

R. Asmundson proposed a friendly amendment to allow lofts on lots 18, 19, 20 and 21. Accepted by mover and second. Substitute, substitute motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, to incorporate in the Covenants, Conditions and Regulations that the greenspace between townhouse units to be a viewable area through the use of proper fencing. Motion passed unanimously.

S. Souza moved, seconded by R. Asmundson, that any lighting on habitat corridor be restricted to low LED lighting. Motion passed unanimously.

City Council recessed at 9:00 p.m. and reconvened at 9:12 p.m.

Fiscal Year
2010/2011
Budget

Assistant City Manager Paul Navazio presented the final proposed budget; he explained staff received Council direction to present a plan to balance the structural gap, restore the general fund reserve, and refine the proposed reduction list to provide restoration to de-funded police officer positions.

City Manager Bill Emlen stated staff anticipates returning to Council later this summer on ways to integrate specific sustainability initiatives and to include a new organizational chart. Also, staff will return in the fall with an updated organizational chart for Public Works.

L. Heystek moved, seconded by D. Saylor, as follows:

1. Introduce Ordinance Approving and Adopting the Final Budget of the City of Davis for Fiscal Year 2010/2011, Providing for the Post-Auditing of Paid Demand Certified or Approved as Conforming to Such Approved Budget and Determining the Appropriations Limit of the City of Davis Pursuant to Article XIII-B of the State Constitution
 2. Approve Resolution No 10-077 - Authorizing a Temporary Appropriation for Payroll and Other Expenses from July 1, 2010 Until the Effective Date of the Fiscal Year 2010/2011 Annual Appropriations Ordinance
 3. Approve Resolutions Requesting Collection of Charges on Tax Rolls and authorize Mayor to sign Certification of Special Taxes:
 - a. Resolution No. 10-078 – Parks Maintenance Tax
 - b. Resolution No. 10-079 - Open Space Protection
 4. Approve Resolution No. 10-080 – Adopting City of Davis Investment Policy
- Motion passed unanimously.

City Council recessed at 9:40 p.m. R. Asmundson left the meeting at this time. City Council reconvened at 9:43 p.m.

Yolo Solano Air
Quality Man-
agement District
and UC Davis

Senior Utility Resource Specialist Richard Tsai explained this is an informational item and summarized the highlights of the monitoring reports. Assistant Public Works Director Sue Gedestad stated the Natural Resources Commission (NRC) is currently analyzing the reports, and their comments/recommendations

DELTA Group Aerosol Monitoring Reports – November 2009 through February 2010 will be forthcoming. Matt Ehrhardt, Yolo Solano Air Quality Management District (YSAQMD), presented the YSAQMD report. The data shows that our district attains the federal PM2.5 standard, even though this is not attained regionally; district staff will continue to work with city staff to evaluate data and determine the next steps.

Dr. David Barnes presented the DELTA Group report. He outlined conclusions, including data on nature and extent of smoke impacts.

Public comments:

- Wayne Hollisand and Francis Resta: Supported allowance of wood burning
- Alan Pryor, Yolo Clean Air: Opposed wood burning

Brief Communications D. Saylor reported that members of City Council contributed individually to support fee subsidy program for recreation activities.

Adjournment The meeting was adjourned at 10:43 p.m.

Zoe S. Mirabile, CMC
City Clerk