

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
MARCH 1, 2005

The City Council of the City of Davis met in regular and closed session at 5:30 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson.

Councilmembers Absent: None.

Other Officers Present: City Manager James Antonen, City Attorney Harriet Steiner, Deputy City Clerk Zoe Mirabile.

Approval of Agenda T. Puntillo moved, seconded by S. Souza, approval of the agenda as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Closed Session The City Council ordered a closed session of the City Council be held for the purpose of discussing and, if necessary, taking action on the following issue:

A. Conference with Labor Negotiator. Agency Designated Representatives: City Manager Jim Antonen, Human Resources Administrator Melissa Chaney, Finance Director Paul Navazio, Consultant Bruce Lawson. Employee Organizations: Davis City Employee Association, Professional and Support Employee Association, Management Unit, and Department Heads, Davis Police Officers Association, Firefighters Local 3494.

Council moved into closed session and upon returning to open session, Mayor Asmundson announced there was no reportable action.

Police Chief Report on Vandalism Acts Police Chief Jim Hyde reported that four community facilities, two churches and two schools, were the target of hate crime vandalism acts. The Davis Police Department and Yolo County Sheriff's Department are working together to investigate the crimes; the Sheriff's Department has arrested two Davis juveniles in response to the ongoing investigation. Hyde also reported on an increase in gang activity at the high school level and within the community including \$10,000 of graffiti vandalism.

Consent Calendar Request Mailing of Proposition 218 Notices for Storm Sewer Water Quality and Sanitary Sewer Rates.

Approved.

Budget Adjustment #50 - Allocation to Purchase Fleet Vehicle for Electrician (\$28,000).

Approved.

Resolution No. 05-21 - Reauthorizing the City Clerk to Execute Quit-Claim Deeds to Effectuate a Vacation of Public Utility Easement - 1047 Miller Drive (1101 B Street).

Approved.

Letter Requesting the Mayor Send a Letter to Congressman Mike Thompson Requesting Support for Inclusion of Productivity Criteria in the 2005 Legislation Reauthorizing Transportation Equity Act for the 21st Century.

Approved.

Resolution Accepting Bid of \$41,100 from Crossroads Software for a Computerized Handheld Traffic Citation System.
Item removed by T. Puntillo for further discussion and separate vote.

Resolution No. 05-23 - Authorizing the Execution of a Standard Agreement and any Amendments Thereto; and Any Other Documents Necessary to Secure a Workforce Housing Reward Grant from the State of California Department of Housing and Community Development Department – Manor Pool Renovation.
Approved.

Ordinance Amending Section 22.07.030 of the Municipal Code of the City of Davis Relating to Stop Intersection Designation (Del Valle Place at Oceano Way, eastbound and westbound)
Item removed by T. Puntillo and S. Souza for further discussion and separate vote.

Commission Minutes:
City/UCD Student Liaison Commission Regular Meeting of January 12, 2005.
Informational.

Planning Commission Regular Meeting of September 15, 2004.
Informational.

Safety Advisory Commission Regular Meeting of January 6, and Special Meeting of January 19, 2005.
Informational.

City Council Minutes of the Regular and Special Meeting of February 15, 2005.
Approved.

S. Greenwald moved, seconded by T. Puntillo, approval of the Consent Calendar as amended. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Resolution Accepting Bid from Crossroads Software for a Computerized Handheld Traffic Citation System

T. Puntillo moved, seconded by S. Souza, approval of Resolution No. 05-22 - Accepting Bid of \$41,100 from Crossroads Software for a Computerized Handheld Traffic Citation System. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Ordinance Amending Section 22.07.030 of the Municipal Code Relating to Stop Intersection Designation (Del Valle Place at Oceano Way)

Ann Thomas stated that she collected signatures from nearly all households in the neighborhood who oppose the stop sign installation, and requested reconsideration of the sign placement.

By consensus, Council directed staff to gather input from the neighborhood regarding the sign placement and return to Council at a later date.

Public Comment

Cecilia Escamillia-Greenwald, Human Relations Commission Chair, requested Council authorize the Commission to hold a special community meeting in response to hate crime vandalism acts.

City Attorney stated the request for a special meeting may be added to this agenda for consideration because these acts were brought to the Council's attention subsequent to the posting of the agenda and this matter calls for urgency; Council must approve the addition to the agenda by a four-fifths vote.

Authorization for the Human Relations Commission to Hold a Special Meeting Regarding Hate Crimes

S. Souza moved, seconded by T. Puntillo, approval of adding to the agenda consideration of authorizing the Human Relations Commission to hold a special community meeting for the purpose of discussing hate crimes. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

T. Puntillo moved, seconded by S. Souza, approval of holding a special meeting of the Human Relations Commission on March 10, 2005 to be convened at 6:30 p.m. in the Community Chambers. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Continued Public Comment

BJ Kline, School Board President, read a statement from the School Board which stated that the hate crimes incidents are disturbing and contrary to all they believe and teach, and although unfortunate, such incidents provide an opportunity to teach about racism and hate crimes. Teachers will take the time to make clear to students that these acts are unacceptable within both the school and community.

Reverend Tim Malone stated the community needs to engage in an ongoing effort to fight against hatred between all groups.

Claudia Kritch spoke regarding the Alternative Recreation Building in Redwood Park, stating that previous Councils have supported removing the building and the dismantling would be simple.

Eleven individuals spoke regarding the School District's vacant site at Grande Avenue. Statements included requests for an open and transparent process regarding the possible sale of the site to include full discussion and input from the public, and preference of mutually beneficial usage incorporating open space that is compatible with the existing neighborhood.

BJ Kline, School Board President, stated the School Board has halted discussion on disposition of the Grande site and read a statement jointly authored with Mayor Asmundson wherein they reported that efforts are underway to resolve the issue and an agreement has been made not to agendize any open or closed session discussion at any School Board, City Council or City-School 2x2 meeting until after the School Board has had the opportunity to discuss all legal options surrounding the sale, lease or trade of the property. The School District has decided to obtain independently researched legal opinions from two separate law firms to ensure they are operating according to all legal requirements; legal opinions will be reviewed and discussed in open session before further closed session discussion of disposition of Grande site.

Marcello Compos, President Yolo County Association of Realtors, spoke regarding the affordable housing ordinance and requested postponement of any decision to thoroughly study the impacts of the proposed ordinance and consider an additional provision to allow for real estate commissions to be paid from the proceeds of sale of affordable units, with a portion of such commission funds be directed to a trust account earmarked for future development of affordable homes.

Les Portello spoke regarding the industrial zoning on the Hunt-Wesson site and requested a vision that allows for projects to preserve the unique location and specific land use.

Written Communications

Correspondence from Sacramento Police Chief in response to Davis Police Chief request to participate in the Urban Area Security Initiative (UASI).
Informational.

Correspondence from Judith Drescher regarding apartment complex at 9th and H Streets and concern regarding traffic light at 3rd and F Streets.
Referred to Public Works Department

Correspondence regarding Day of Remembrance of the Victims of the Holocaust.
Referred to Human Relations Commission to draft resolution in support of Day of Remembrance.

Informal petition from residents surrounding property at 1025 Alice Street.
Referred to Community Development Department.

Alternative Recreation Building in Redwood Park

Parks and Community Services Director Donna Silva explained that the Alternative Recreation Building was originally intended for temporary purposes; however, the Masterplan at the time provided for two additional community buildings which never materialized. The Alternative Recreation Building houses the Alternative Recreation Program and functions as a facility for city programs and community needs. Council directed staff to survey property owners and residents within 1,000 feet of Redwood Park to solicit their opinion regarding whether the Alternative Recreation Building should remain in its current location or be removed.

Community Partnership Coordinator Anne Brunette reported on the survey results; out of a 35% response rate, 77% of the respondents voted to retain the building in its current location, with 13% voting to remove the building and 9% listing no opinion.

Zola Deffas spoke in support of retaining the building.

S. Souza moved, seconded by D. Saylor, approval of retaining the Alternative Recreation Building at its current location in Redwood Park and authorizing the expenditure of funds previously set aside for relocation of the building on miscellaneous improvements to the park such as the placement of a bench.

S. Greenwald proposed an amendment to the motion to direct staff to consult with the neighborhood in order to determine consensus regarding desired park improvements. Mover and second accepted amendment.

The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Public Hearing: General Plan Amendments

Mayor Asmundson announced the public hearing has been deferred until March 8, 2005.

Public Hearing: Dissolution of Municipal Sewer Facilities District No. 1

Public Works Director Bob Weir provided background on the Davis Municipal Sewer Facilities District No. 1, which was formed in 1969 to construct sewer improvements. The District bonds were issued, improvements constructed and debt repaid.

Mayor Asmundson opened the public hearing and hearing no comments, closed the public hearing.

S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-24 - Dissolving the Davis Municipal Sewer Facilities District No. 1. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Continued Public
Hearing: Affordable
Housing Ordinance
Update

Housing Coordinator Danielle Foster explained that Council created a Subcommittee to review aspects of the proposed affordable housing ordinance and summarized the issues discussed regarding overall language of the ordinance and methods of calculating assets in qualifying household income, as well as the proposed recommendations.

Mayor Asmundson opened the public hearing and hearing no comments, closed the public hearing.

Council made the following motions regarding the Subcommittee recommendations, to be incorporated into the final Affordable Housing Ordinance:

D. Saylor moved, seconded by T. Puntillo, approval of resale restriction for affordable ownership units with a 5% annual appreciation.

S. Souza moved substitute motion, seconded by R. Asmundon, approval of resale restriction for affordable ownership units with a 3.75% total annual appreciation to consist of 3% appreciation and 0.75% maintenance credit.

S. Greenwald moved substitute motion to separate maintenance credit from annual appreciation and peg appreciation to the increase in regional salary index. No second.

S. Greenwald moved substitute motion to separate maintenance credit from annual appreciation to be set at a 3% annual rate. No second.

Substitute motion for resale restriction with 3.75% total annual appreciation passed by the following vote:

AYES: Saylor, Souza, Asmundson.
NOES: Greenwald, Puntillo.

T. Puntillo moved, seconded by S. Souza, inclusion of the following language in the affordable housing ordinance: "Resale Report. The owners of all affordable for-sale units that include a resale restriction or were constructed after January 1, 2005 shall be required to clear all resale reports completed on these units prior to the close of escrow on the resale of each unit. The findings of the resale inspection that are required to be addressed cannot be transferred to the household purchasing the affordable unit." The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

T. Puntillo moved, seconded by S. Souza, clarification of the definition "Target Income Level" as follows: income levels based on standards for very low, low and moderate income levels within Yolo County derived from the U.S. Department of Housing and

Urban Development and adjusted for family size. These figures will be provided to the city on a yearly basis. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

S. Greenwald moved, seconded by S. Souza, separation of the details of the *Buyer/Tenant Selection and Screening* section of the ordinance into a guidelines document referenced by the ordinance in lieu of including the entirety of the language within the ordinance itself. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

S. Greenwald moved, seconded by S. Souza, adoption of the definition of “assets” as used by both the Federal Department of Housing and Urban Development (HUD) and the State Department of Housing and Community Development (HCD) under Part 5 in the 24th Chapter of the Code of Federal Regulation (CFR) with the exclusion of residential real estate fee ownership. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

S. Souza moved, seconded by T. Puntillo, percentage of assets included in the income calculation shall be based on the equity cap placed on the affordable unit, namely, 3.75% for low-moderate units. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

T. Puntillo moved, seconded by D. Saylor, total value of a household’s assets shall not exceed an amount to be set by the City Council on an annual basis; the current limit on assets for households applying for the low to moderate ownership units is \$250,000. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

T. Puntillo moved, seconded by S. Souza, adoption of language that requires households to declare all assets over \$1,000 at the time of pre-application for the lottery. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

S. Souza moved, seconded by T. Puntillo, establishment of \$5,000 as the point where a percentage of household assets become included in the income calculations based on the state and federal guidelines under Part 5 in the 24th Chapter of the Code of Federal Regulations (CFR). The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

D. Saylor moved, seconded by S. Souza, addition of a clause to the affordable housing ordinance requiring an evaluation of the program after 5 years of operation. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

D. Saylor moved, seconded by S. Souza, direction to the Social Services Commission to review the issues of density and land dedication, and return to Council with potential amendments to the affordable housing ordinance. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

S. Souza moved, seconded by R. Asmundson, introduction of the Affordable Housing Ordinance as amended. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Adjournment The meeting adjourned at 10:30 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

ZOE S. MIRABILE
Deputy City Clerk