

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL  
MARCH 15, 2005

The City Council of the City of Davis met in regular and closed session at 4:30 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, City Clerk Bette E. Racki.

Approval of Agenda S. Souza moved, seconded by T. Puntillo, 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 issues:

- A. Conference with Labor Negotiator. Agency Designated Representatives: City Manager Jim Antonen, Finance Director Paul Navazio. Employee Organizations: Davis City Employee Association, Professional and Support Employee Association, Management Unit and Department Heads, Davis Police Officers Association, Firefighters Local 3494.
- B. Conference with Real Property Negotiator. Property APN's: 110-09-05, 06, 07, 08, 09, 10, and 110-17-01. Agency Negotiator: Open Space Resource Coordinator Mitch Sears. Negotiating Parties: McConeghy. Under Negotiations: Purchase and Resale of Property.
- C. Conference with Legal Counsel - Existing Litigation. Elmwood v. City of Davis, Cal Aggie Christian Association, PT05-54.

Council moved into closed session and upon returning to open session, Mayor Asmundson announced no reportable actions were taken in closed session.

Ceremonial Presentation Mayor Asmundson presented a Proclamation Declaring March 21, 2005 as the 40<sup>th</sup> Anniversary of the Davis Bus Trip to Montgomery, Alabama for the Civic Rights Movement to members of the Community who made the trip, John Pamperin, Dick Holdstock and Terry Turner. Also Council recognized individuals who were unable to be present. Pamperin recognized Tansey Thomas for during the research on this historic event.

Report on West Nile Virus. Dr. Bette Hinton, Yolo County Health Department Director, stated it is important that the members of the community be warned early that West Nile Virus is in the region and in fact a dead bird with West Nile virus was found in the Davis region. She explained that due to wet weather followed by warm weather has resulted in an early mosquito breeding season.

David Brown from Sacramento/Yolo Mosquito Vector District stated this summer Northern California may have a serious problem with West Nile Virus. He explained how it is transmitted and explained the precautions that citizens should take for them-

selves and their animals, particularly having their horses inoculated.

City Council, City  
Manager and City  
Attorney Communi-  
cations

- A. Yolo Transporta-  
tion Board. Councilmember Puntillo attended the Yolo Transit Board meeting wherein the Board announced that the allocation for the parking structure downtown has passed the house vote and is now on the way to the Senate.
- B. City/UC Student  
Liaison Commis-  
sion Meeting. Councilmember Souza reported the City/UCD Student Liaison Commission discussed safe celebrations and received a report regarding information received from surveys conducted by the UC system as to activities on campus and the consumption of alcohol by students.
- Councilmember Saylor stated at the City/UCD Student Liaison Commission meeting they received a brochure entitled *Integrated Intervention Strategic for Off-Campus Parties* funded through a UC grant focused on problem areas involving alcohol use in the community. The survey points out that the problem areas are from off-campus parties. The brochure was distributed to students at Student Housing Day.
- C. Telecommunica-  
tions 2X2X2  
Meeting. Mayor Pro Tem Greenwald attended the Telecommunications 2X2X2 meeting which consist of the School District, City of Davis and Davis Cable Television. They are wrapping up discussion of the allocation of franchise fees for the three amenities and governance issues involving the franchise fees.
- D. Senior Citizens  
Commission. Greenwald reported the Senior Citizens Commission received a report on elder finan-  
cial abuse and voted to send a letter of support for Assemblywoman Wolk's bill on elder financial abuse.
- E. Budget & Finance  
Commission. She also reported on the Budget & Finance Commission meeting wherein they dis-  
cussed the Covell Village fiscal analysis and fiscal 2004/05 budget.
- F. Constitutional  
Amendment No.  
5. Councilmember Saylor spoke about Assembly Constitutional Amendment No. 5 that  
was proposed by Assembly member Richmond. This amendment would change pub-  
lic employee retirement system from a defined benefit to a defined contribution. He  
asked that city staff review this measure, similar measures and prepare a resolution in  
opposition to the amendment.
- G. Human Relations  
Commission  
Meeting. Saylor reported the Human Relations Commission discussed vandalism acts that had  
occurred in the community by two youths. He commented on the stand taken by  
Davis High School students to not tolerate this type of behavior.
- Mayor Asmundson said the high school students are working on the problem of race  
relations and gave suggestions about what the community could do to stop types of  
bad behavior against places and people.
- Public Comment Michael Chordas and Julie Silvis, applicants for the Bicycle Advisory Commission,  
introduced themselves and explained their desire to be appointed to this commission.
- Joe Otto spoke about the affordable housing ordinance and the need to identify the  
individuals that will be using affordable housing. He suggested a survey that will pin  
point what the City is trying to do in the way of affordable housing.
- Consent Calendar Ordinance No. 2199 of the City of Davis Amending Section 18.05.010 Through  
18.05.070 and Adding Section 18.05.080 of the Davis Municipal Code to Update and

Modify Affordable Housing Requirements.  
Adopted (introduced March 1, 2005).

Plans, Specifications and Estimate Approval for Traffic Signal Installation, Cowell Boulevard and Drew Avenue, CIP No. 8147.  
Approved plans and specifications; authorized bid advertisement.

Resolution No. 05- 28- Authorizing the City Manager to Execute Amendment No. 1 to the Consultant Agreement with Winzler & Kelly Consulting Engineers for Well 29 Quality Investigation, Phase 2, Program 7522.  
Approved.

Plans, Specifications and Estimate for Traffic Signal Installation, Covell Boulevard and John Jones Road, CIP NO. 8150.  
Approved plans and specifications; authorized bid advertisement.

Plans and Specifications Approval for Corporation Yard Bins, CIP No. 8512.  
Approved plans and specifications; authorized bid advertisement.

Remove Second Reading of 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).  
Directed staff not to proceed with installation of stop signs.

Update on Red Light Photo Enforcement.  
This item was removed by S. Greenwald for further discussion.

Resolution No. 05-29 - Authorizing the City Manager to Sign Agreement with Maze & Associates for Independent Annual Audit Service.  
Approved.

Planning Options Summary Report for B and 3rd Streets Visioning Process.  
Informational.

Proposed Extension of Covenant Performance Period for Affordable Housing Development - 1220 Olive Drive/Cesar Chavez Plaza.  
Approved extension.

Commission Minutes:  
Business and Economic Development Commission Regular Meeting of January 24, 2005.  
Informational.

Tree Commission Regular Meeting of February 17, 2005.  
Approved commission recommendations relative to tree removal requests. Appeal to Tree Commission decision (3034 Boulder Place) heard as Item #8 on this agenda.

Resolution No. 05-30 - Amending Resolution No. 05-07 - Appointment of an Alternate Member to the Bicycle Advisory Commission.  
Approved.

Proposed Letter in Opposition to AB 194 – Legislation to Eliminate a Local Agency's Opportunity to Cure or Correct Any Alleged Brown Act Violations Prior to Initiation of Judicial Action.  
Approved.

Resolution No. 05-31 - Authorizing the City Manager to Execute Agreement Between County of Yolo and City of Davis for Animal Control Services.

Approved.

D. Saylor moved, seconded by S. Souza, approval of the Consent Calendar as amended. The motion passed by the following vote:

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

Update on Red Light Photo Enforcement.

Police Captain Steve Pierce responded to question from Council regarding privacy, stated the camera photos everyone and unless there is a violation the system will delete photos that reflect no violation.

D. Saylor moved, seconded by T. Puntillo, authorized staff to proceed with the red light photo enforcement system. The motion passed by the following vote:

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

Public Hearing: Annexation to Sacramento Municipal Utility District (SMUD)

Public Works Director Bob Weir stated City Council received on January 18, 2005, the R.W. Beck entitled "*SMUD Annexation Feasibility Study*". The report presents a detailed analysis of the economic and technical feasibility of annexing the cities of West Sacramento, Davis, Woodland and portion of Yolo County into the Sacramento Municipal Utility District.

Natural Resource Commission reviewed the study and they moved to accept the report. He said the recommendation in the staff report is to accept the report, make a formal request to the SMUD Board and approve the joint resolution. He clarified there was an error in the figures and corrected the numbers.

Weir gave the background on the process of the determination to annex to SMUD. He said the lower electric costs and the ability for local control points out that SMUD rates are lower than Pacific Gas & Electric. By annexing to SMUD this would allow community members the availability to attend a board meeting 15 miles away. He outlined the next steps that need to be taken.

Mike Bell, R. W. Beck, gave an overview of the findings stating the study area was West Sacramento, Woodland and Davis with exception of UC Davis. They identified customers in the cities and the county. He spoke about the methodology used to estimate cost to serve annexed areas.

Staff and consultant responded to questions from the City Council.

Ken Cooper, Project Manager Pacific Gas and Electric Company, responded to R.W. Beck SMUD Study. He outlined the difference of opinions with the Beck Study and outlined the fiscal changes insisting that the customers in Yolo County will see a increase in their rates. He stated that all facilities reflected in Beck study was not reflected in the report submitted to Council and are understated. He said PG&E also hired a consulting firm to make sure their numbers and assumptions are correct. He spoke about capital assessments. He indicated that a change over to SMUD would require the City to institute a utility tax. If annexation goes to vote in 2006 the voter will not know what the actual utility costs will be. The figures will be determined in a court of law after the vote. ]

Mike Bell responded to the comments made by PG&E stating that the City asked for backup data from PG&E which has not been submitted after a formal request. PG&E is not a willing seller and is now planning on a court fight over the figures. He spoke about there being extensive records that the study reviewed pointing out that PG&E

will pour over the same records. Yolo Council customers would not share existing SMUD low cost resources. SMUD would develop a resource plan to benefit both the existing and new customers. Changes in market prices affect PG& E and SMUD in the same fashion. He responded to questions from the City Council

John Stacho, Assistant General Manager for SMUD, stated they are proceeding with the fiscal analysis and will present it to the SMUD Board. The Board will review the portfolio holistic and realistically. The Board could also request the legislature to allow two more elected members on the board.

Mayor Asmundson opened the public hearing.

Phil Marler, Woodland Assistant City Manager, said Woodland City Council recently voted to annex to SMUD and encouraged the City of Davis to sign a joint resolution as the strongest resource is that all three cities join SMUD.

Bill Knox chaired the Citizens Energy Task Force for the City, said in terms of valuation of PG&E resources in Yolo County is the stock value of PG&E. He said that it is his understanding that it is 2 to 2 ½ of the book value whereas what they are claiming for the value of the Yolo County resources is about 9 times its book value. He said there is a risk in any decision that is made and it is clear what kind of risk is being faced as a PG&E customer. There have been rate increases and huge investments in nuclear plants.

Dan Berman and Dean Newberry encouraged the city to annex to SMUD commending the process.

Pam Nieberg, Yolo Sierra Club, stated that that the Yolo Sierra Club has voted in support of annexing to SMUD.

Bruce Chapman said he wish that the city was sharing in the hydroelectric and wish there was a guarantee that the rates would not go up but understand that is not possible. PG&G has been a good friend of the community and supports community projects.

Peter Debett urge the Council to look at the numbers because historically government have moved forward without accessing the costs and gave samples of cost overruns by government. True leadership is to stop and access all costs involved.

Bruce Gallaudet stated there is a legacy in Davis of being energy conscious and wants to remind the Council that a lot of that legacy has come from the work that PG&E has done within this community. Regardless of statewide reputation of some of the power suppliers and PG&E has its ups and downs over the years, it has been his perception that we are blessed in Yolo County by the course that PG&E has taken over the years.

Jerry Adler presented a letter from the Chamber of Commerce which states that the Board of Directors on behalf of the Davis Chamber of Commerce opposes the staff recommendation to accept the conclusions presented in the R.W. Beck study. The Chamber believes that further analysis by both the Business & Economic Development and Finance & Budget Commissions is required of all the information provided by Beck and PG&E, none of which has been considered by either of those commissions and partially considered by the Natural Resources Commission. Therefore the remaining staff recommendation should be rejected.

The report assumes that the revenue shortfall resulting from the loss of PG&E property tax and franchise fees will have to be made up by a voter-approved utility user tax or come from other general fund revenues. The Chamber believes that there has

been a rush to judgment based on a hurried response to the Beck study.

Mayor Asmundson closed the public hearing.

Following discussion, D. Saylor moved, seconded by S. Greenwald, approval of staff recommendation as follows:

- 1) Accept the R.W. Beck Report titled *SMUD Feasibility Study, January, 2005* and conclusions presented in the report.
- 2) Make a formal request to the SMUD Board to be annexed into the SMUD service area for the provision of electrical services.
- 3) Approve the joint resolution and authorize the Mayor to sign a joint resolution together with the Cities of West Sacramento, Woodland and Yolo County requesting the SMUD Board undertake such annexation.

The motion passed by the following vote:

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

Public Hearing:  
Draft Environmental  
Impact Report for  
Replacement of  
Deep Aquifer Wells

Senior Utility Resource Specialist Jacques DeBra stated that age and water quality issues required the City to retire wells and drill replacement to make up the lost capacity. The Draft Environmental Report (DEIR) was reviewed by the Natural Resources Commission. The project DEIR includes priority locations for the needed replacement wells, identifies potential impacts and mitigation measures where required and evaluates project alternatives. The project would result in the development of needed deep water wells located primarily in the central and eastern portions of the city service area.

Staff and consultant responded to questions from the City Council.

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

Staff stated that the public comment period will close within the next few weeks and final environmental impact report will come back to Council for certification during the month of May.

Appeal of Tree  
Commission Denial  
of Request to Re-  
move Tree at 3034  
Boulder Place

Arborist Rob Cain stated this is an appeal from the property owner of 3034 Boulder Place of Tree Commission's deny for removal. He said the tree is messy but that is not a good reason for removing the tree. He said neighbors requested the tree remain for shade.

Eduardo Eusebio stated the tree is a problem and the roots are a problem. He is asking to replace the tree and would bear the expense of removing and replacing. The tree is not trimmed regularly. He said it is a hazard as it is damaging the roof.

Following discussion, T. Pontillo moved, seconded by Don Saylor, to replace the tree at owner's expense with replacement from list of city trees.

S. Greenwald moved substitute motion, seconded by R. Asmundson, to uphold the Tree Commission ruling.

Councilmember Saylor requested amendment to the motion to include directing staff to prune the tree. Accepted by mover and second.

The motion as amended passed by the following vote:

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

Staff Response to  
Citizen Concerns  
Regarding Mini  
Dorms

Community Development Director Bill Emlen stated this staff report is in response to correspondence received from the neighborhood regarding the conversion of a four bedroom house to a six-bedroom house. This is an ongoing occurrence in the city and staff has worked to resolve the issue of single family homes in a residential neighborhood turning into mini dorms. Staff is suggesting looking at additional standards such as a certain amount of living space and changing of the physical characteristics. He asked that Council authorize staff to bring back an urgency ordinance which would give staff time to review the situation and look for remedies.

S. Souza moved, seconded by S. Greenwald, authorize staff to prepare an urgency ordinance establishing a moratorium on any and all new requests for building permits for any additions of bedrooms and/or conversions of interior spaces. The motion passed by the following vote:

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

Appointment to Bi-  
cycle Advisory  
Commission

Dan Kehew and Kenneth Gaines introduced themselves and expressed their desires for being appointed to the Bicycle Advisory Commission.

Following discussion, S. Souza moved, seconded by D. Saylor, to appoint nine members to the commission including an ex-officio member. Appointment of David Takemoto-Weerts as ex-officio member. The motion passed by the following vote:

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

City Council voted using a grid system and appointed members to the Bicycle Advisory Commission as follows:

Greenwald: John Berg, Earl Bossard, James Dirks, Kenneth Gaines, Richard Haggstrom, Daniel Kehew, John Kenward, Anthony Palmere, Julia Silvis, Lise Smidth.

Puntillo: John Ber, Earl Bossard, Theodore Buehler, James Dirks, Kenneth Gaines, Richard Haggstrom, Daniel Kehew, Anthony Palmere, Lise Smidth and Michael Chordas as alternate.

Saylor: Raychel Adler, John Berg, Richard Haggstrom, John Hess, Daniel Kehew, John Kenward, Anthony Palmere, Julia Silvis, Lise Smidth and Robyn Krock as alternate.

Souza: John Berg, Earl Bossard, Theodore Buehler, Charles Chordas, Kenneth Gaines, Richard Haggstrom, Daniel Kehew, Anthony Palmere, Julia Silvis and Lise Smidth as alternate.

Asmundson: Raychel K. Adler, John Berg, Kenneth Gaines, Paul Guttenberg, Richard Haggstrom, Daniel Kehew, John Kenward, Anthony Palmere, Julia Silvis, Lise Smidth.

As result of the votes cast, the following were appointed to the Bicycle Advisory Commission: John Berg, Earl Bossard, Kenneth Gaines, Richard Haggstrom, Daniel Kehew, John Kenward, Anthony Palmere, Julia Silvis, Lise Smidth and Michael Chordas as alternate.

Written Communica- Response from staff to Judith Dresher regarding H Street Apartment Complex.  
tions. Informational.

Correspondence from Joe Sherman regarding dangerous drivers.  
Informational.

Correspondence from Dong Lee, Hanlees Automotive Group, regarding Development  
Impact Fees.  
Referred to Finance Department.

Long Range Calen- Councilmember Saylor requested consideration of agendizing a resolution in opposi-  
dar. tion to ACA 5 – pension reform.

Mayor Asmundson requested from the Council permission to write a letter in support  
of AB 1328 – designate portions of Cache Creek as California Wild and Scenic River.  
Council consented.

Adjournment The meeting adjourned at 10:50 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI  
City Clerk