

**MINUTES OF THE DAVIS CITY COUNCIL
MEETING OF JUNE 27, 2006**

The City Council of the City of Davis met in regular session beginning 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: Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson
Councilmembers Absent: Sue Greenwald
Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Closed Session The Council went into closed session pursuant for a conference with labor negotiations. They returned to open session with no reportable action.

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

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

Ceremonial presentation Presentations of the 2006 Thong Hy Huynh Memorial Awards with the following receiving awards:

Arun and Mimi Sen	Humanitarian
Yvonne Marsh	Lifetime Achievement
Shelly Bailes and Ellen Pontac	Lifetime Achievement
Carlos Matos	Civil Rights Advocacy
Jasmine Jane Cho	Community Education and Awareness
Ingrid Hogle	Community Education and Awareness
Rev. Sarah Motley	Community Education and Awareness
Youth in Focus/Catalysts for Social Justice	Community Education and Awareness
International Parent-Child Learning Center	Excellence in Community Involvement
KDRT Radio, 101.5 FM	Excellence in Community Involvement
All Things Right and Relevant	Excellence in Community Involvement
John Gomez	Peace Officer of the Year

Consent Calendar Resolution 06-117 Ordering a Special Election Concerning Annexation Into the Sacramento Municipal Utility District, and Requesting Yolo County Board of Supervisors Consolidate the Special Election and Allow the County Clerk-Recorder to Provide Services Related to the Conduct of the Election
Approved

Resolution 06-118 Authorizing the City Manager to Amend Consultant Agreement with Larry Walker Associates for NPDES Permit Renewal, Program No. 7313
Approved

Resolution 06-119 Rejecting the bid for Elevated Tank Controls Replacement, CIP No. 8157 and authorize City Manager to award contract after rebid if within proposed budget
Approved

Resolution 06-120 Authorizing the City Manager to Enter Into a Ground Lease and License Agreement with Davis Farmers Market Association for Use of Portions of Central Park
Approved

Budget Adjustment #98 (\$91,406) – Allocating Prior Years Savings in First Five Yolo Child Care Funds to Current Fiscal Year
approved

Budget Adjustment #103 (\$4,441) – Allocating Donations for Purchase and Installation of Memorial Benches
Approved

Commission Minutes:
Bicycle Advisory Commission Regular Meeting of April 17, 2006
Informational

Civic Arts Commission Regular Meetings of April 10 and May 8, 2006
Informational

Social Services Commission Regular Meetings of September 19 and October 17, 2005
Informational

Tree Commission Regular Meetings of May 18 and June 15, 2006
Informational with the following exception: Approve commission recommendations relative to tree removal requests

Second Reading: Ordinance Amending Section 22.07.030 of the Municipal Code of the City of Davis Adding a Stop Sign on Third Street and D Street
Adopted (Introduced 06/20/06)

Development Impact Fee Waiver Request from Hanlees Nissan and Chevrolet Authorized a partial development impact fee repayment of approximately \$79,000 to Hanlees Nissan/Chevrolet based on the revised Development Impact Fee schedule that went into effect in February 2006 creating a new fee category for auto dealerships

Authorized a partial development impact fee refund of \$77,000 to Hanlees Nissan/Chevrolet based on a “de-minimus” cost evaluation of the overall project

S. Souza moved, seconded by D. Saylor, approval of the consent calendar as submitted. The motion passed by the following vote:

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

Designation of Voting Delegate and Alternate for 2006 League Annual Conference to be held in San Diego, September 6 through 9

D. Saylor moved, seconded by S. Souza to have S. Greenwald be the voting delegate and that the alternate be D. Saylor for the League Annual Conference and directed staff to bring back a resolution. The motion passed by the following vote:

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

City Council Communications

Council requested that a resolution for an advisory vote on choice voting be agendaized for the meeting.

Public Comment

A citizen reported that Davis' green space needed to be preserved and urged the Council to put an orchard on the proposed Target site.

Three citizens spoke on behalf of the Human Relations Commission and asked the Council to keep the commission in tact.

K. James introduced himself as an employee of Yolo County in the Government Affairs division. A common interest to the County and City are in his arena.

Supervisor Yamada thanked the Council for their continued support in the SMUD issue. She was in Southern California and a number of attendees came to her and asked what was happening in Davis. This was related to the dialogue happening in the community. She urged the end of the feud that is taking place in the Davis community.

K. Kline spoke regarding an item on the agenda for the Recreation Commission related to youth playing on fields. He would like to see no parks rented out during the week so that the youth could use the neighborhood parks for sports practice.

H. Ameda spoke out against the case regarding Halema Buzayan. She is a strong supporter of Amnesty International. It is not a coincident that a majority of these incidents have occurred between minorities and the Davis Police Department.

It was stated that the Yolo County Supervisors declared June as Gay Pride Month in Yolo County, with a 4-1 vote.

There were four people that spoke on issues surrounding the police department.

S. Sokolol would like to see the City get transportation funding from the state to see potholes around the city repaired.

K. Stachowicz gave the background on this item, which comes to the Council on an annual basis.

The public hearing was opened and with no comments was closed.

T. Puntillo moved, seconded by S. Souza, approval of Resolution 06-121, confirming the assessment report and approving the levy of an assessment for the Visitor Attraction District pursuant to the Parking and Business Improvement Area Law of 1989. The motion passed by the following vote:

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

Public Hearing:
Resolution Confirming the Assessment Report and Approving the Levy of an Assessment for the Visitor Attraction District

K. Hess provided information on the item and the action being requested and answered questions from the Council.

The public hearing was opened.

B. Hartman and D. Ramos, applicants for the site, agree with the staff recommendations.

With no further comments the public hearing was closed.

T. Puntillo moved, seconded by D. Saylor, approval of staff recommendations as follows:

Determine that Negative Declaration #1-04 adequately assesses potential environmental impacts
Approve project entitlements

Continued Public Hearing: SW Corner of Fifth Street and Alhambra Drive (Verona Site) and NW Corner of Mace Boulevard and Alhambra Drive

Approve resolution 06-122, amending the General Plan Land Use Map to Redesignate the parcel at the northwest corner of Mace Boulevard and Alhambra Drive from office to neighborhood retail and redesignate the parcel at the southwest corner of Fifth Street and Alhambra Drive from neighborhood retail to residential medium density, park and greenbelt and make changes to the General Plan text regarding food stores.

Approve resolution 06-123, amending the East Davis Specific Plan Land Use Map to Redesignate the parcel at the northwest corner of Mace Boulevard and Alhambra Drive from office to neighborhood retail and to Redesignate the parcel at the southwest corner of Fifth Street and Alhambra Drive from neighborhood retail to residential medium density, park and greenbelt and make changes to the East Davis Specific Plan text regarding the neighborhood shopping center.

Introduced Ordinances

The motion passed by the following vote:

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

Yolo County Referral Regarding Re-requested Use Permit for Parking Lot on Russell Boulevard

K. Hess gave the background for the item. Staff suggests that the Council voice concern before the County Planning Commission on this item due to the safety issue of crossing Russell Boulevard.

Three members of the church community spoke in favor of the item and urged the Council to allow this item to go to the next level of approval with Yolo County Planning Commission.

T. Puntillo moved, seconded by S. Souza that this constitutes "Urban Development" under the provisions of the Pass-Through Agreement however; the Council has no objection to the use. Council further requests that the County consider including a condition to their approval that the applicant or land owner should provide a crossing guard of some type during their peach crossing time to ensure safe crossing for pedestrians and motorists. The motion passed by the following vote:

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

Update on Open Container Ordinance Related to Effects Within Parks System

K. Stachowicz provided background information on the item.

D. Saylor moved, seconded by T. Puntillo, to have a sub-committee of incoming Councilmember Heystek and S. Souza and that if L. Heystek is unwilling to be on the sub-committee that D. Saylor will step into that roll. The motion passed by the following vote:

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

S. Greenwald arrived to the meeting at 8:23 p.m.

Target Store/Second Street Crossing Application – Proposed Location at Eastern Intersection of Fara-

M. Webb provided a description of actions before the Council.

Questions were raised as to the size of the allowable groceries and also the garden center.

day Avenue and
Second Street

D. Saylor moved, seconded by T. Puntillo to approve the second reading of Ordinance 2259 and approving the General Plan Amendment, Specific Plan Amendment, Rezone/Preliminary Planned Development, and Development Agreement with effective date subject to the ordinance being ratified by an affirmative vote of the majority of the voters of the city voting on the ordinance at an election called for that purpose on November 7, 2006. The motion carried by the following vote:

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

S. Souza moved, seconded by S. Greenwald to limit the non-taxable food floor area of the store to ten percent and a maximum of ten percent of total floor space for pharmacy items. The motion passed by the following vote:

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

D. Saylor moved, seconded by S. Souza to add a new Design Review Condition #30 and CUP condition #8 to read as follows:

The "possible connection to existing park" indicated on the site plan to the north of pad buildings A and B shall be eliminated and no connection shall be made consistent with the proposed landscape plan. The proposed bike path connection directly to the north of the Target building shall be installed by the developer. Should the presence of this bike path connection create a chronic nuisance condition, the City may require the connection to be reconfigured, relocated or removed at the sole expense of the property owner.

The motion passed by the following vote:

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

D. Saylor moved, seconded by S. Souza the insertion of a new condition between Design Review Conditions #13 and #14 to read as follows:

Tree Plan Consultation. Prior to landscape installation, a copy of the revised landscape tree planting plan shall be provided to each of the homes immediately to the north of the project site *3308 and 4246 Arroyo Drive) for a ten day review and comment period. The intent of this comment period is to provide an opportunity for neighbors to review the proposed tree plantings and comment or make suggestions on tree selection and placement within the landscape buffer between the Target building and the northern project line. Final landscape plan approval shall be at the discretion of the City Community Development Director.

The motion passed by the following vote:

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

D. Saylor moved, seconded by T. Puntillo to reword Design Review Condition #13d to read as follows:

d. trees in the landscape buffer north of the Target building shall be predominantly evergreens. Per design review #15, trees shall be a minimum size of fifteen gallons. Additionally, a minimum of fifty percent of the trees in the buffer area shall be twenty-four inch box trees or larger. The City Arborist shall review the proposed plan and determine which tree species are best suited to twenty-four inch box plantings. The intent is to maximize the initial and long-term visual screening of the project.

The motion passed by the following vote:

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

D. Saylor moved, seconded by T. Puntillo approval of the project entitlements with the previous four amendments on the project entitlements. The motion passed by the following vote:

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

There were no comments from the public comments on the ballot measure portion of the item.

S. Souza moved, seconded by T. Puntillo, approval of Resolution 06-124, calling for a special election to be held in the city on November 7, 2006 for the purpose of submitting a ballot measure to the voters to ratify or reject the City Council Approval of the Second Street Crossing Project (Target Store Project) and specifically the General Plan Amendments, specific Plan Amendment, Rezoning and Preliminary Planned Development and Development Agreement as set forth in Ordinance 2259. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor approval of Resolution 06-125 requesting the Board of Supervisors of the County of Yolo to consolidate a special Municipal Election to be held on November 7, 2006, with the Statewide General Election to be held on that date pursuant to §10403 of the Election Code. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor, approval of staff recommendation to secure funds from the applicant of \$80,000 to cover the preliminary estimated costs of the ballot measure to be submitted to the City of Davis by mid-July. The motion passed by the following vote:

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

T. Puntillo moved, seconded by D. Saylor to appoint a ballot measure sub-committee of S. Souza and D. Saylor. The motion passed by the following vote:

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

Auditor's Report of
Davis Area Coopera-
tive Housing Asso-
ciation (DACHA)

Gilbert and Associates provided a report on the audit that they performed. J. Cochran explained the staff recommendations and answered a multitude of Council questions.

J. Crispen speaking on behalf of the residents of DACHA pointed out that one of the biggest issues with this co-op project is that they were told they would have home ownership within three to five years of moving in. Why would they have agreed to pay this amount without home-ownership? The homes are not in their names and they have no say in how they can improve or upgrade them. None of the residents anticipated the time and effort that will need to be put into fixing DACHA.

S. Ingle, President of the DACHA Board, pointed out that this co-op is not working. They want what is best for DACHA and the City's Affordable Housing Program. Although Neighborhood Partners disagree with the price paid for the units, the DACHA Board does not support their findings. The DACHA board support staff recommendations. Mediation has been proposed, which was tried in the past with no success. Neighborhood Partners has retained an attorney and therefore, they too have retained an attorney. They were told that the water, garbage and sewer would be paid for them; they have now been told that they have to pay for those services.

K. Kline, chair of the Social Services Commission provided the Council with the commission's reasoning for their recommendation.

S. McElroy advised that his company's role is of operational accounting and will be included in the financials. They have attempted to provide documents and they have produced general ledger reports upon request.

D. Thompson of Neighborhood Partners advised that he feels the audit is incomplete and that they have provided information that could fill the gaps in the current document. They provided extensive information to the auditor and very little has been used or referred to. Co-ops work well and this can work just as well as Dos Ulpinos, which is the first affordable housing project in Davis. He has received over 50 calls who want to live in an equitable co-op since the weekend op-ed piece in the paper. One of the underlying thrusts is that people get one kind of a house and they want out of the deal to get another type of deal. There are plenty of people that want to live in these homes. The DACHA president talked about the interest only loan and is without fact. It has no relationship to the equity of the house. DACHA members have refused to meet with the Neighborhood Partners and they have refused. Their goal is to destroy DACHA and to be able to own those homes. There are laws that do not allow profit to be made from affordable housing. He tried to explain that membership in a co-op provides the benefits of home ownership. During the period when they were looking into the land trust, people were told that they could own their homes within 3-5 years.

Luke discussed his opinions on the audit report. He does not feel that the audit is complete enough to make a determination. The most egregious comment is that there are other models better than DACHA. With Parque Santiago recommendation there has been no financial analysis done.

S. Souza moved, seconded by D. Saylor to receive the audit report, directed staff to work with Davis Area Cooperative Housing Association (DACHA) to make corrections to management, fiscal systems, and accountability, as defined in the audit report and directed staff to return to the Social Services Commission and City Council with an

analysis about the sustainability of DACHA and to make recommendations about corrective actions or alternative models for sustaining its affordable units. The motion passed by the following vote:

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

S. Greenwald moved, seconded by R. Asmundson to direct the Parque Santiago affordable units to be sold by the project developers to low and moderate income buyers as resale-restricted units in accordance with the requirements of the city's Affordable Housing Ordinance.

The motion by the following vote:

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

Discussion, Review and Determination of Current Function, Operation and Membership of the Human Relations Commission

B. Emlen provided information on the charge and a roster of the commission. This commission deals with very important items and it is critical that this commission operates with a high level of integrity. Staff generally has concluded that the commission could be put on suspension while the review of the commission is investigated.

There were eight citizens that stated there is a need to do something regarding this commission although they did not have the answer on how to accomplish this task. Twenty-three citizens spoke in favor of leaving the commission in tact with the current membership pointing out that there is a communication problem that needs to be addressed. There were six citizens in favor of taking a hiatus until the fall.

C. Greenwald, chairperson for the commission read a statement on equality. She would like to see mediators intercede and work with the Council, staff and the commission to improve relationships.

T. Puntillo moved, seconded by D. Saylor to focus discussion staff recommendations 3 (putting the commission on hiatus. Review and potentially revise commission's authorizing resolution) and 5 (alter membership).

S. Greenwald made a substitute motion to hold over the item until L. Heystek takes his seat on the Council. Motion died for lack of a second.

The Council does not want to abolish the commission; however there is a need for better communications. The scope and number of members needs to be reviewed due to the commission is not functional as it currently is.

Amendment to the original motion to include having an independent person come in and assist with the facilitation of the situation.

The motion by the following vote:

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

Adjournment

The meeting adjourned at 1:02 a.m.

Margaret Roberts, CMC

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
MEETING OF JUNE 27, 2006

The Redevelopment Agency of the City of Davis met in regular session beginning at 6:00 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. All meetings were called to order by Mayor Asmundson.

Roll Call: Board members Present: Don Saylor, Stephen Souza, Ted Puntillo, Ruth Asmundson
Board members Absent: Sue Greenwald
Other Officers Present: Interim City Manager Bill Emlen, RDA Counsel Harriet Steiner, City Clerk Margaret Roberts

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

YES: Greenwald, Puntillo, Saylor, Souza, Asmundson
NOES: None

Minutes from the Meeting of June 13, 2006 S. Souza moved, seconded by D. Saylor approving the Agency minutes for the June 13, 2006 meeting, motion carried.

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

Yolo County Referral Regarding Requested Use Permit for Parking Lot on Russell Boulevard K. Hess gave the background on the item. Staff suggests that the Agency voice concern before the County Planning Commission on this item due to the safety issue of crossing Russell Boulevard.

T. Puntillo moved, seconded by S. Souza, determining that the project is "Urban Development" under the Pass-Through Agreement but not objecting to the issuance of a Conditional Use Permit. The motion passed by the following vote:

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

Adjournment The meeting was adjourned at 1:02 a.m.

Margaret Roberts, CMC
Clerk of the Board