

**MINUTES OF THE DAVIS CITY COUNCIL
MEETING OF OCTOBER 24, 2006**

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

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

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Closed Session The City Council went into closed session for the purpose of discussing and, if necessary, taking action on the following issues:

Conference with Real Property Negotiator – regarding property APNs 068-300-02; 068-300-03; 068-300-04; 068-300-05; 068-300-06; 068-300-07; 068-300-08; 068-300-01; 071-241-01; 068-282-49; 069-210-50; 069-210-51; 069-210-52; 069-210-53; 069-210-54; 036-701-13; 036-701-14; 036-701-15; 036-701-16; 036-701-17; 036-701-18. The Agency Negotiators: City Attorney Harriet Steiner; City Manager Bill Emlen; Deputy Parks & Community Services Director Jerilyn Cochran; Housing Programs Manager Danielle Foster and the other negotiating parties: DA-CHA; David Thompson; Neighborhood Partners; Twin Pines Cooperative Foundation. Under negotiation: Price and terms of payment

Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to subdivision (c) of §54956.9: one case

The Council returned to open session with the following action:

The City Council gave direction to City Attorney to prepare the court papers necessary to challenge the Dixon Downs Racetrack project. The City Council's main concerns are compliance with CEQA and whether the potential impacts on Davis were adequately analyzed and whether these impacts were mitigated.

Approval of Agenda S. Greenwald brought up the issue of the city logo being used in political literature. H. Steiner advised that since the city had knowledge prior to the posting of the agenda, it cannot be added to the agenda. Staff can be given direction to take action.

R. Asmundson moved, seconded L. Heystek, approval of the City Council agenda as submitted. The motion passed by a unanimous vote.

Candice Chen, Mia Tsui , Di Di, I-Yah Chen and Ian Rothman will be shadowing Council members tonight as part of the Youth in Government program. There are about 40 students participating. They will shadow people in the city, the school district, the county and other community organizations on Student Shadow Day (November 7). They will then hold a mock Council meeting and a mock School Board meeting.

There were other students that are participating in the Youth in Government that introduced themselves.

Ceremonial Presentations California Department of Housing and Community Development Workforce Housing Program Award of \$112,674 was presented to Mayor Greenwald.

Proclamation of Appreciation was presented to Tim Bustos for his service to the city of Davis as the Bicycle & Pedestrian Coordinator.

Public Comments

Comments and concerns expressed by citizens:

- Two citizens spoke out in opposition of merging the Senior Citizens commission and the Social Services Commission. One citizen stated that the city would be violating Title 2 related to ADA issues if the commissions were merged.
- Thanks were given to the Davis Police Department for their response to a request for information. Appreciation for the Youth in Government was extended.
- Four citizens spoke out with outrage with the use of the city logo and the "No on X" lawn sign in PG&E's mailer. This is misleading the public to believe that the city of Davis supports PG&E as well as those on the "No on X" measure.

Brief Communications

L. Heystek advised that he was outraged as a Councilmember, a rate payer to PG&E and a citizen of this community against the misuse of the logo by PG&E. He would like any legal recourse possible to be done to remove this misrepresentation of the city.

D. Saylor advised that any time there is a violation regarding elections that the City Clerk is responsible for investigating and taking appropriate action. He requested that the City Clerk do so on this matter.

S. Souza advised the distortion of the facts by PG&E should be evident to everybody in the community. The inference that the 29 elected officials in the county are divided on his issue is false. He would like to know who, what and how the city logo be used.

R. Asmundson is outraged with the use of the city logo in the PG&E brochure. She would like the City Attorney directed to do anything legally possible to address this issue. This is a concern that the city needs to follow up on. The city needs to look at how this can be avoided in the future. She would like a report on the readiness of the

S. Greenwald advised that it appears there is a consensus that it cannot allow PG&E to use their logo. The city clearly put SMUD on the ballot because the city unanimously voted in favor of this. This is unacceptable and there is consensus for H. Steiner to take any legal action possible to see that PG&E cease and desist and to take any other action to seek remedies and damages.

AB1234 Reporting:

D. Saylor: Tech Core Bio on October 18 and Partners Who Prosper on October 19.

Consent Calendar

Resolution 06-195 Authorizing the City Manager or His Designee to Enter Into an Agreement with Harris-Moran Seed Company to Amend the Agricultural Lease for the South Fork Preserve, Farm Unit A (17AC) to Allow Additional Time to Negotiate a Lease Extension
Approved

Resolution 06-196 Fixing the Employer's Contribution Under the Meyer-Geddes State Employee's Medical and Hospital Care Act for Employees and Annuitants
Approved

City-UCD Student Liaison Commission regular meeting minutes of September 13, 2006
Informational

Historical Resources Management Commission regular meeting minutes of August 21 and September 18, 2006
Informational

Planning Commission regular meeting minutes of September 13, 2006

Informational

Second Reading: Ordinance 2273 Amending Ordinance 1935, to Amend Preliminary Planned Development Amending Permitted, Accessory and Conditional Uses and Revising General Requirements from Planned Development #2-97 to #2-97B
Adopted (Introduced 10/17/06)

L. Heystek moved, seconded by R. Asmundson, approval of the consent calendar as listed above and passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Items removed from
Consent Calendar:

S. Souza moved, seconded by D. Saylor to approve the following:
Plans and Specifications for Community Park Bike Path Project, CIP No. 8167
Approved

Budget Adjustment #33 (\$197,500) – Allocation of Funding for Base Bid Project
Approved

Budget Adjustment #34 (\$105,500) – Allocation of Funding for Bid Alternative
Approved

Authorized City Manager to award base bid and bid alternative scope of work if within limits of estimated project costs

L. Heystek moved, seconded by S. Greenwald to hold over the City Council Minutes from the regular meeting of October 3, 2006 because he feels the votes are inaccurate, motion passed unanimously.

D. Saylor moved, seconded by S. Greenwald to approve a resolution supporting Propositions 1B, 1C, 1D, 1E and 84 and Oppose Proposition 1A, motion carried unanimously.

D. Saylor moved, seconded by S. Greenwald to rescind the previous motion approving the resolution and to approve resolution as presented in the packet with the exception of all reference to 1A, motion passed unanimously.

D. Saylor moved, seconded by S. Souza to have the City Attorney to draft a resolution and to consider it adopted opposing Proposition 1A and that the City Council encourages the voters to vote no on 1A because it restricts government funding that will have long term effects on the city of Davis, the motion passed unanimously.

Resolution supporting Proposition 87, the Clean Energy Initiative, on the November ballot
S. Souza advised that this is similar to a resolution passed taking a position on this issue.

D. Saylor moved, seconded by R. Asmundson to approve Resolution 06-197 supporting Proposition 87, the motion passed unanimously.

The Council took a recess at 7:51 p.m. and reconvened at 8:04 p.m.

S. Greenwald moved, seconded by L. Heystek to reconsider the resolutions regarding opposition of Proposition 1A, motion carried unanimously.

S. Souza moved, seconded by R. Asmundson to approve Resolution 06-198, as originally presented in the packet supporting Propositions 1A, 1B, 1C, 1D, 1E and 84 on the November ballot, motion carried unanimously.

Update on Implementation of Recommendations Related to Methodology and Approach Used to Establish Development Impact Fees

B. Blythe presented the background on the item before the Council. Staff requested the council to direct staff to develop new land use categories for senior/studio housing, and institutional commercial development for possible inclusion in the next impact fee update and to direct staff to continue to work with staff and the Finance and Budget Commission on the remaining recommendations proposed by staff, including infrastructure needs analysis, application of growth assumptions, and other policy related recommendations.

S. Souza moved, seconded by D. Saylor to direct staff to develop new land use categories for senior/studio housing and institutional commercial development for possible inclusion in the next impact fee update.

Substitute motion by S. Greenwald, seconded by L. Heystek to direct staff to explore land use which takes into account the number of bedrooms with single-family, multi-family, senior/studio housing and commercial development or square footage, if feasible.

S. Greenwald amended her substitute motion, seconded by L. Heystek to approve staff recommendations 1 and 2 and direct staff to work as soon as possible to explore the possibility of basing fees either on number of bedrooms or square footage, motion passed unanimously.

Council Subcommittee Update on Possible Creation of Commission on Aging and Social Services

R. Asmundson advised that at the joint meeting, the Social Services Commission did not rescind their vote supporting the merger, but requested a delay in the merger in order to understand the work plan of the Senior Citizen Commission.

S. Souza stated that as this was looked at, the two commissions were not looked at as one being subservient to the other but to merge the two in order to make them stronger. Davis is unique to have two commissions; while the other communities in the county have only a Senior Citizen Commission and they do not meet on a regular basis. The subcommittee proposed this merger to have the power to do more than programming and to have recommendations on issues that they have never weighed on. As the process has moved forward, the documents have evolved taking into account the input that was received during the process.

H. Steiner advised that she does not know of any ADA issue that would prevent the merger of the two commissions.

J. Cochran advised that there must be a group designated to deal with aging issues. Both commissions will be taking up their work plans at their next meetings. The Social Services Commission is eager to look at the approved work plan and to make a recommendation to the Council as they determine after they obtain the information. There will not be a savings in staff time, but there would be a higher quality of staff time. The time of the meetings would be worked out in an effort to accommodate all members of a merged commission. Staff is exploring assisting in transportation and the possibility of having some hearings during the day.

S. Souza moved, seconded by D. Saylor to approve recommendations one, two and three as presented in the staff report, which are:

- (1) Authorize continued deliberation regarding the creation of the commission until the December 12, 2006 Council meeting
- (2) Direct staff to provide the Social Services and Senior Citizens Commissions summaries of work plans currently approved by Council and recent accomplishments of both commissions to aid in deliberation
- (3) Direct staff to provide a list of all of commissions and committees to which either commission currently sends a representative (ex. County Commission on Aging and Adult Services).

Substitute motion by S. Greenwald, seconded by L. Heystek to keep the two commissions sepa-

rate.

It was pointed out that comments made at the meeting that the process was corrupt when the Council is only discussing an item and no action has taken place is disturbing. There will be benefit to doing the work in the upcoming weeks as proposed in the staff report.

It was suggested that the roles of the Senior Citizens Commission be expanded rather than merge the two commissions. The fact that appointments have not been made to the Senior Citizen Commission has hurt that commission in being able to have a valuable discussion.

The sub-committee stated that their charge was to make a recommendation on how to strengthen the commissions. It was found that these two commissions have an overlap and that if they were to merge, it would be a stronger commission. What needs to be looked at is the issue rather than making insults and threats. At the joint meeting the commissions asked for two months to review, and they would like to see the commissions have that time. It is possible that after both commissions look at the goals of the other commission, the sub-committee recommendation could change. It should be evaluated how representatives sent to outside agencies are selected and if they are members of the commission or a staff member.

The substitute motion failed by the following vote:

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

This is balance and a reasonable effort to allow the work of the sub-committee to continue and the policy decision to take place on December 12, 2006..

The main motion passed by the following vote:

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

The Council took a recess at 9:13 and reconvened at 9:19 p.m.

Next Steps for Long Range Community Planning – Focus on Questions and Method of Obtaining Input

B. Emlen asked that staff be given additional time to continue to do some research to look at experiences in other jurisdictions. Request that preliminary comments be made by the Council and have staff bring it back at a later date.

B. Wolcott gave a brief presentation on the important planning that will need to address including what the process will look like. Staff would like to bring back additional choices for the Council to consider.

Staff answered numerous questions the Council had on the item.

S. Souza moved, seconded by R. Asmundson to continue this item to the November 14, 2006 Council meeting, motion passed unanimously.

Long Range Calendar

B. Emlen stated that the goal setting session has been scheduled for December 13, 2006. Staff would like to begin this meeting at around Noon and work 6-8 hours.

Adjournment

The meeting adjourned at 9:45 p.m.

Margaret Roberts, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
MEETING OF OCTOBER 24, 2006

The City Council of the City of Davis met in regular session beginning at 6:30 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Greenwald.

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

Board members Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts,

Approval of Agenda R. Asmundson moved, seconded by L. Heystek, approval of the Redevelopment Agency agenda as submitted. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Public Comments There were none.

Consent Calendar Resolution of the Davis Redevelopment Agency Authorizing the Submittal of an Application to the California Housing Finance Agency (CalHFA) and Execution of the Necessary Loan Agreement and Documentation to Incur an Indebtedness Under the CalHFA Residential Development Loan Program (RDLP)
Approved

Redevelopment Agency Minutes from the Regular Meetings of July 25 and August 1, 2006
Approved

R. Asmundson moved, seconded by S. Souza, approval of the consent calendar as listed. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Adjournment The meeting adjourned at 7:51 p.m.

Margaret Roberts, CMC
Clerk of the Board