

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 14, 2006

The City Council of the City of Davis met in regular session beginning at 5:00 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 Legal Counsel – Existing Litigation pursuant to subdivision (a) of §54956.9: Union Pacific v. City of Davis, CV05-903
- 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 no reportable action.

Pledge to the flag was done and a moment of silence in honor of veterans who died in the line of duty.

Approval of Agenda R. Asmundson moved, seconded S. Souza, approval of the City Council agenda as submitted and passed unanimously.

Ceremonial Presentations The Madrigals sang two songs in honor of the citizens who served on Davis commissions whose terms expired in 2006.

S. Greenwald read the forty-nine names of outgoing commissioners receiving proclamations and stated what each commission has accomplished in the past two years. A reception followed in the Community Chambers Conference Room. The Council took a short recess.

Public Comments Comments and concerns expressed by citizens:

- Request to pull 5B3 – Recreation Commission minutes from the Consent Calendar.
- Anne Evans asked that regardless of the Target outcome, that the City Council write a letter or some type of resolution or proclamation regarding their discriminatory behavior. The Eleanor Roosevelt Housing is set up that you cannot apply if you are over 55 and disabled; she asked Council to review this policy.
- David Johnson presented a letter to the Council regarding a policy incident on October 25, 2006 where he feels he was a victim of racial profiling.
- Ms. Ivy Anderson advised she was involved in the same incident discussed by Mr. Johnson.
- Guy Fisher discussed a vehicle arson fire that took place in his driveway. He was asked to meet with the City Manager regarding the incident.

Consent Calendar Resolution 06-199 accepting the bid of \$23,990.97 from Cummins West, Inc., for the purchase of a 15kW stationary generator
Approved

Social Services Commission regular meeting minutes of September 18 and October 10, 2006
Informational

Open Space Commission regular meeting minutes of July 17, 2006
Informational

Tree Commission Regular Meeting of October 19, 2006
Informational with the following exception:

- Approved commission recommendations relative to tree removal requests

Safety Advisory Commission regular meeting minutes of September 7 and October 5, 2006
Informational

Natural Resources Commission regular meeting minutes of July 24, 2006
Informational

City Council Minutes from the regular meeting minutes of October 3, 17 and 24, 2006
Approved

Resolution 06-200 ratifying Resolution 05-06, Series 2005, approving an agreement between A. Teichert & Son, Inc. and the city of Davis for sewer services via out-of-agency service contract
Approved

Resolution 06-201 authorizing the City Manager to execute Amendment No. 1 to the Agricultural Lease with Dick Dettling for use of the Howat Ranch and Resolution 06-202 authorizing the City Manager to execute Amendment No. 1 to the Agricultural Lease with Steven E. Snyder for use of the Clayton Ranch
Approved

Davis Business Improvement District 2006 Core Area Business Improvement District Report and Resolution 06-203 a Resolution of Intention to levy and collect the Business Improvement District annual assessment fee for the Core Area Benefit Zone and Periphery Core Benefit Zone pursuant to the Parking and Business Improvement Area Law of 1989 for the Davis Business Improvement District for Fiscal Year 2007/2008
Approved

Budget Adjustment #35 (\$11,900) – Appropriating Grant Funds and Matching Funds from the Fire Departments of Dixon, West Sacramento, Woodland and UCD
Approved

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

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

City Council, City Manager and City Attorney Brief Communications

S. Souza spoke about the election regarding Measures H and I (SMUD), which passed in Davis by an overwhelming margin. He asked about the ramifications of the passage of Measure I relating to the franchise agreement. Can the franchise agreement be renegotiated? Is the City getting their fair share of property taxes? He also asked what now needs to happen with the passage of Measure L (Choice Voting).

L. Heystek stated that there needs to be follow-up with the Target website accessibility. The city should send a message that they will not tolerate discrimination against the disabled. He would like to schedule an event to honor International House for 25 years of use. He would like to have citizens participate in crime prevention and to have a crime tip rewards.

S. Greenwald stated that the Eleanor Roosevelt is now open but there have not been many Da-

vis seniors applying for the project.

B. Emlen advised that there has been a meeting regarding the issues at King High. There are issues that still need to be worked out and progress is being made. A letter was sent regarding West Village to the UC Regents and their need to mitigate the impacts of the city.

Long Range Calendar

S. Souza requested for debriefing on Measures H and I be done by B. Weir, and his earlier questions addressed; Measure L and what the next steps should be.

L. Heystek requested for a joint meeting with the ASUCD Senate before Spring break; and a discussion to take place on the accessibility of the Target website. It was also requested that the other businesses in the community as well as the city's websites be looked at to see if they are accessibility.

D. Saylor requested for an update on the 3rd/4th – E/F Street projects.

S. Greenwald requested an update regarding the movement of Highway 113 out of Dixon.

Items removed from Consent Calendar:

Recreation and Park Commission regular meeting minutes of September 21, 2006
Informational with the following exceptions:

- Approve commission recommendations relative to the Davis Tennis Club Use of Walnut Community Park Tennis Courts
- Approve the Dog Park Master Plan
- Approve the Athletic Field Guiding Principles for Allocation and Cost Recovery

J. Cochran discussed the proposal from the Davis Tennis Club use of Walnut Community Part Tennis Courts for twelve hour blocks. They would need them for tournaments.

S. Streeter is concerned with the every day use but understands tournament use. Weekend days and holidays are peak periods. Another factor is that 1-2 courts get flooded by a nearby irrigation problem on a daily basis. The larger policy issue has to do with is at what point can the residents reserve a court to play. The Reservation Policy needs to be looked at and possibly revised. The option is to see if the UCD tennis courts could be used for tournaments.

M. Mitchell uses the courts on Saturdays and since the Tennis Club uses the courts two or three times per year. He would like to see the courts reserved using the procedure that is already put in place for reserving a ball field.

M. Blashkey uses the courts extensively and stated that on any given night there are no courts available. He is against the principle of using a public court for the private tennis club.

D. Saylor moved to approve the recommendation of the RPC. Motion died for lack of a second.

S. Greenwald moved, seconded by L. Heystek that this be on the next meeting agenda for further discussion to allow others in the community to come forward to discuss the item. The motion passed by the following vote:

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

R. Asmundson moved, second by S. Souza to approve the Dog Park Master Plan and the Athletic Field Guiding Principles for allocation and cost recovery, motion passed unanimously.

Fiscal Year 2006/2007 First Quarter Budget Update
Informational

P. Navazio reviewed the first quarter budget report with the City Council.

A. Evans asked if the Eleanor Roosevelt housing project is not filled, will it have a negative impact on the budget. It was noted that it would not have a negative impact on the General Fund.

D. Greenwald stated that he is concerned that parking fines are budgeting as revenue.

S. Souza moved, seconded by R. Asmundson to accept the report as informational, motion passed unanimously.

Public Hearing: Review of Recreation Activities Cost Recovery Policy, Implementation Plan and Proposed Fees for Fiscal Year 2007/08

J. Cochran gave a brief review of the recommendations being made by staff on the recreation fee increases.

The public hearing was opened and with no public comment the public hearing was closed.

S. Souza moved, seconded by D. Saylor, approval of Resolution 06-204 establishing 2007/08 fees for recreation activities for the Parks & Community Services Department; approval of the combination of four smaller recreation activities with larger related activities, directed staff to revisit the Recreation Scholarship Program to determine if 50% subsidy of recreation program fees is still meeting the needs of applicants; and directed staff to research and propose a refund policy and fee to help offset administrative costs in 2007. Motion passed by the following vote:

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

Davis Tennis Club Conceptual Proposal to Construct a Clubhouse Adjacent to the Community Pool Bathhouse

P. Schultz made comments on what they are proposing for the clubhouse.

L. Heystek moved, seconded by S. Souza, approval of conceptual plans with finalized construction plans and agreements to return to Council and to direct staff to give special care of bicycle and pedestrian traffic flow and approve the following:

- Preference for removing the sheds on the deck of the pool to open up the viewscape.
- Requirement that the structure or landscaping be constructed to enhance the flow of traffic; no impediment to traffic flow should be approved.
- Retention of the tree inside the fence line near the proposed construction.
- Support for the idea of having a clubhouse near the tennis courts
- Support for a carefully negotiated agreement coinciding with the construction approval process to ensure all stakeholders are appropriately accommodated at the clubhouse.

The motion passed by the following vote:

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

Quarterly Updates: Davis-Woodland Water Supply Project and the Wastewater Treatment Plant Upgrade

B. Weir introduced the item and proposed a full-blown workshop in January on these two important projects. K. Smith gave a PowerPoint presentation on the wastewater treatment plant project. J. DeBra gave a PowerPoint on the Davis-Woodland Water Supply Project.

The issue of fines for violations for discharge violations, water quality, and importing surface water were discussed. In 1994 an application was filed with the state regarding obtaining river water.

In 2007 for the wastewater side will have a design decision to make. The city still has the ability to not move forward with importing surface water.

Wildhorse Ranch Project

B. Emlen advised that this project will cause a Measure J vote and a General Plan amendment. Hess and M. Webb introduced the item and reviewed the items needing Council action. The

current zoning is specified as "horse ranch".

The applicant gave some background on the property and what he has done with the property since he purchased it. He had approximately five neighborhood meetings and received their input on what they would like to see on the property. He asked the Council to allow the project to move forward with the EIR process.

- D. Saylor moved, seconded by R. Asmundson to approve the following staff recommendations:
- Direct staff to proceed with project application review, processing, and community-wide public outreach concurrently with the EIR preparation
 - Adopt Resolution 06-205 authorizing the City Manager to enter into a contract with Raney Planning & Management, Inc. for the preparation of an Environmental Impact Report (EIR) for the Wildhorse Ranch proposal
 - Approve the Budget Adjustment #29 (\$267,215) for the EIR
 - Acknowledge that the proposed review timeline would likely result in presentation of the project and EIR to the City Council in Fall of 2007, and that meeting a November 2007 Measure J ballot will not be feasible

The motion passed by the following vote:

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

Staff following recommendations will be discussed at a later meeting.

- Confirm that the four project alternatives to be evaluated in the EIR, as outlined in the staff report, are appropriate
- Confirm that the six city project objectives for the EIR are appropriate
- Authorize staff to enter into Development Agreement negotiations with the applicant.

AB1234 Reporting There were none to report.

Adjournment The meeting adjourned at 12:48 a.m.

Margaret Roberts, CMC
City Clerk