

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 16, 2007

The City Council of the City of Davis met in regular session beginning at 6:00 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 Council went into closed session at 6:00 p.m. for Public Employee Performance Evaluation – City Manager. The Council returned to open session with no reportable action.

Approval of Agenda L. Heystek moved, seconded by R. Asmundson, approval of the City Council agenda as submitted. Motion passed unanimously.

Presentations: Annual report and update provided by Shirley German, Board Chair for International House.

Brief Communications Members of the City Council made various announcements.

Staff was directed to add to the next Consent Calendar consideration of allowing two alternates for the Senior Citizen Commission.

Public Comment Comments and concerns expressed by citizens:

- S. Tan introduced herself to the City Council. She will be doing work for L. Heystek.
- S. Lee, V. Robinson, M. Henwood and A. Choudhuri, applicants for Commissions, introduced themselves.
- E. Musser spoke in favor of having two alternates for the Senior Citizens Commission.
- C. Greenwald has concerns regarding Cigna Behavioral Health as the Employee Assistance Program for the city. She stated that the program requires a referral from the employee's manager. She suggested that the Council look into the Cigna program further before making a decision.

Consent Calendar Resolution 07-004 Approving Sole Source Rehabilitation of Well #EM3 to Layne Christensen Company
Approved

City of Davis-Chamber of Commerce 2x2 Regular Meeting of July 20, 2006
Informational

City of Davis-Yolo County 2x2 Regular Meeting of October 10, 2006
Informational

Finance and Budget Commission Regular Meeting of November 13, 2006
Informational

City Council Minutes from the Regular Meeting of December 12, 2006
Approved

2006/07 Second Quarter Administratively Approved Budget Adjustments
Informational

Development Impact Fee Annual AB1600 Report – Schedule of Revenues, Expenditures and Beginning and Ending Unexpended Balances of Collected Fees
Approved

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

Brief Communica-
tions (continued)

Long Range Calendar:

L. Heystek provided a copy of a resolution regarding website accessibility that he would like agendized for a future meeting.

AB1234 Reporting:

D. Saylor drove a city vehicle to Sacramento last week to a League of California Cities event.

Reconsideration of
the Parks and Rec-
reation Facilities
Master Plan Update
Request for Pro-
posals

A. Brunette gave the background information and answered questions of the Council.

Main motion by D. Saylor, seconded by S. Souza, approval to circulate the RFP and to return to the Council with a recommended consultant and approval of Budget Adjustment #36 transferring the funds to the appropriate account should the Council approve a contract.

Substitute motion by S. Greenwald, seconded by L. Heystek to take no action on this item.

Budget Adjustment
#36 (\$65,000) –
Transferring Funds
from Parks and
Community Services
Department Admin-
istration, Public Edu-
cation and Park Im-
pact Fees Accounts

Substitute motion failed by the following vote:

AYES: Heystek, Greenwald

NOES: Asmundson, Saylor, Souza

Main motion passed by the following vote:

AYES: Asmundson, Saylor, Souza

NOES: Heystek, Greenwald

The Council took a short break.

Continued Public
Hearing: Wildhorse
Golf Course Club-
house at 2323
Rockwell Drive –

S. Souza advised that he resides within 500 feet of the Clubhouse, recused himself and therefore left the Community Chambers.

M. Webb provided an update to the information since the previous meeting on this item. E. Lee highlighted the main changes to the recommendations.

Zoning Amendment

The public hearing was opened.

Conditional Use
Permit

J. Hopp stated that the agreement that was reached this morning between the neighbors and the applicant are beneficial to all involved.

Negative Declaration

E. Manzanilla stated that the compromise reached was due to 30 Wildhorse neighbors getting together. This is a win/win for all involved and a balanced compromise.

With no further comments, the public hearing was closed.

R. Asmundson moved, seconded by L. Heystek, approval of the Conditional Use Permit #06-06 as amended and presented tonight. Motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Greenwald

NOES: None

ABSENT: Souza

Continued Discussion of the Wildhorse Ranch Project

I. Njoku updated the Council with the information on the proposed project originally presented at the November 14, 2006 meeting.

The applicant spoke to the project and the outreach they have done to date and the differences between the three plans.

Main motion by D. Saylor, seconded by S. Souza directing staff to proceed with the EIR and project processing with Site Plan Option #2 as a starting point.

Substitute motion by L. Heystek, seconded by S. Greenwald directing staff to proceed with the EIR and processing with Site Plan Option #2 as shown on table 1 with modification to the agriculture buffer increased to 65 feet in width on the eastern side to be a total of 200 feet agriculture buffer.

Second substitute motion by R. Asmundson, seconded by S. Greenwald to study Site Plan Option #3 in the EIR study. The second substitute motion passed by the following vote:

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

L. Heystek moved, seconded by D. Saylor to confirm that the six city project objectives for the EIR are appropriate with the following modifications:

- Hand written page 6, number 3, sub-item iii to add the language "to ensure appropriate public and emergency access."
- Hand written page 6, number 3, sub-item iv to add the language "including a consistent agriculture buffer."

The motion passed by a unanimous vote.

Main motion by S. Souza, seconded by R. Asmundson, authorizing staff to enter into development agreement negotiations with the applicant.

Substitute motion by S. Greenwald, second by L. Heystek to wait until a fiscal report is available prior to development agreement negotiations.

It was agreed by consensus of the Council to withdraw the motions related to staff recommendation 4 (authorize staff to enter into Development Agreement negotiations with the applicant) and to have workshops.

D. Saylor moved, seconded by R. Asmundson, confirming that the four project alternatives to be evaluated in the EIR are appropriate.

Motion to amend the main motion by L. Heystek, seconded by S. Greenwald to include in a reduced number of units and to include a community garden/urban farm concept. The amended motion passed by the following vote:

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

Appointments to Advisory Commissions

I was agreed by consensus to bring back the Telecommunications Commission.

D. De la Pena, S. Smith and M. Kemmerle, applicants for various commissions, introduced themselves.

The following votes were taken and appointments were made:

APPLICANT	Asmundson	Greenwald	Heystek	Saylor	Souza	TOTAL	APPOINTMENT
Business & Economic Development Commission							
1 Alternate (term ending 09/30/2010)							
Robert Agee	X			X	X		Alternate - 2010
Matthew Kemmerle*							
Alzada Knickerbocker		X	X				
Civic Arts Commission							
1 Alternate (term ending 09/30/2008)							
Rebecca Ryland	X	X	X	X	X		Alternate - 2008
Finance & Budget Commission							
1 Alternate (term ending 09/30/2008)							
Matthew Kemmerle*	X	X	X	X	X		Alternate - 2008
Open Space and Habitat Commission							
1 Alternate (term ending 09/30/2010)							
Eric Davis		X					
Kevin Takei	X		X	X	X		Alternate - 2008
Planning Commission							
1 Regular (term ending 09/30/2008)							
Margaret Ahern							
Ananya Choudhuri							
David de la Pena	Alternate	Regular	Regular				
Sheri Smith					Alternate		
Terry Whittier**	Regular			Regular	Regular		Regular - 2008
Senior Citizens Commission							
1 Alternate & 3 Regular (terms ending 09/30/2010); 1 Regular (term ending 09/30/2008)							
Dorothy Arighi	2008	Regular	X	X	Alternate		
Hector Contreras	2010	2008	X	X	X		
Mariana Henwood	2010	Regular	X	X	X		
George Hinkle	2010	Alternate	X	X	X		
Social Services Commission							
1 Alternate & 2 Regular (terms ending 09/30/2010)							
Hannah Biberstein		Regular	X		Regular		
Maria Clayton							
Xavjeir GdFaith							
Cathy Huff	Regular	Regular	X	Regular	Regular		Regular - 2010
Steven Lee			X				
Vanessa Robinson	Regular	Alternate		Regular	Regular		Regular - 2008
Derrick Wydick	Alternate			Alternate			

Tree Commission							
1 Alternate & 1 Regular (terms ending 09/30/2008)							
George Rooks	X	Alternate	X	Regular	X		
Hila Rooks	X	Regular	X	Alternate	X		

Secondary vote:

APPLICANT	Asmundson	Greenwald	Heystek	Saylor	Souza	TOTAL	APPOINTMENT
Planning Commission							
1 Alternate (term ending 09/30/2010)							
Margaret Ahern							
Ananya Choudhuri							
David de la Pena	Alternate	Alternate	Alternate	Alternate			Alternate - 2010
Sheri Smith					Alternate		
Senior Citizens Commission							
1 Alternate & 3 Regular (terms ending 09/30/2010); 1 Regular (term ending 09/30/2008)							
Dorothy Arighi	Alternate	2008	2008	2008	Alternate		Regular - 2008
Hector Contreras	Regular	Alternate	Alternate	Alternate	Regular		Regular - 2010
Mariana Henwood	Regular	Regular	Regular - 10	2010	Regular		Regular - 2010
George Hinkle	Regular	Regular	Regular - 10	2010	Regular		Regular -2010
Social Services Commission							
1 Alternate(terms ending 09/30/2010)							
Hannah Biberstein		Alternate	Alternate	Alternate			Alternate - 2010
Maria Clayton							
Xavjeir GdFaith							
Steven Lee							
Derrick Wydick	Alternate				Alternate		
Tree Commission							
1 Alternate & 1 Regular (terms ending 09/30/2008)							
George Rooks	Alternate	Regular	Regular	Alternate	Alternate		Alternate - 2008
Hila Rooks	Regular	Alternate	Alternate	Regular	Regular		Regular - 2008

The following are the appointments only:

COMMISSIONER APPOINTMENT TALLY SHEET - UPDATED 01/16/07

APPLICANT	Asmundson	Greenwald	Heystek	Saylor	Souza	APPOINTMENT
Business & Economic Development Commission						
1 Alternate (term ending 09/30/2010)						
Robert Agee	X			X	X	Alternate - 2010

Civic Arts Commission						
1 Alternate (term ending 09/30/2008)						
Rebecca Ryland	X	X	X	X	X	Alternate - 2008
Finance & Budget Commission						
1 Alternate (term ending 09/30/2008)						
Matthew Kemmerle*	X	X	X	X	X	Alternate - 2008
Open Space and Habitat Commission						
1 Alternate (term ending 09/30/2010)						
Kevin Takei	X		X	X	X	Alternate - 2008
Planning Commission						
1 Regular (term ending 09/30/2008)						
David de la Pena	Alternate	Alternate	Alternate	Alternate		Alternate - 2010
Terry Whittier**	Regular			Regular	Regular	Regular - 2008
Senior Citizens Commission						
1 Alternate & 3 Regular (terms ending 09/30/2010); 1 Regular (term ending 09/30/2008)						
Dorothy Arighi	Alternate	2008	2008	2008	Alternate	Regular - 2008
Hector Contreras	Regular	Alternate	Alternate	Alternate	Regular	Regular - 2010
Mariana Henwood	Regular	Regular	Regular - 10	2010	Regular	Regular - 2010
George Hinkle	Regular	Regular	Regular - 10	2010	Regular	Regular - 2010
Social Services Commission						
1 Alternate & 2 Regular (terms ending 09/30/2010)						
Hannah Biberstein		Alternate	Alternate	Alternate		Alternate - 2010
Cathy Huff	Regular	Regular	X	Regular	Regular	Regular - 2010
Vanessa Robinson	Regular	Alternate		Regular	Regular	Regular - 2008
Tree Commission						
1 Alternate & 1 Regular (terms ending 09/30/2008)						
George Rooks	Alternate	Regular	Regular	Alternate	Alternate	Alternate - 2008
Hila Rooks	Regular	Alternate	Alternate	Regular	Regular	Regular - 2008

By consensus of the Council, the earlier direction to staff regarding consideration of allowing two alternates for the Senior Citizen Commission is to be brought back with the next round of appointments.

Resolution Approving the Adoption of Cigna Behavioral Health as the Vendor for the City of Davis Employee Assistance Program and Authorizing the

M. Chaney provided information on the item.

D. Greenwald spoke against making the change to Cigna.

Main motion by S. Souza, seconded by D. Saylor, approval of Resolution 07-005, approving Cigna Behavioral Health as the vendor for the city of Davis Employee Assistance Program effective February 1, 2007.

City Manager to Execute Contractual Documents

Substitute motion L. Heystek, seconded by S. Greenwald, to reject the Cigna bid and to renegotiate with the current vendor. The substitute motion failed by the following vote:

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

The main motion passed by the following vote:

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

2013 General Plan/Housing Element Update Steering Committee – Appointments and Direction

Appointments to the Steering Committee were made as follows:
Asmundson: Jeff Adamski, Donna Lott, Maynard Skinner, A – Kevin Wolf
Heystek: Mike Harrington, Eileen Samitz, Pam Neiberg, A – Mark Spenser
Saylor: Kristin Stoneking, Jay Gerber, Ellen Shields, A – Pedro Reyes
Souza: Luke Watkins, Brenda Little, Bob Traverso, A – Lucas Frerichs
Greenwald: Mark Siegler, Pam Gunnell, Norma Turner, A – Bob Hagedorn

S. Souza moved, seconded by R. Asmundson, approval of the disclosure form as submitted in the agenda packet to include disclosure a business relationship with entities in the building and construction industry and to include interests in real property, within the Davis Planning Area. The motion passed by the following vote:

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

Main motion by D. Saylor, seconded by R. Asmundson, approving the initial policy direction and assumptions for the General Plan Update attached to these minutes; changing #5 to read “Consider both infill and targeted peripheral development” and deleting the references to percentages.

Substitute motion by S. Greenwald, seconded by L. Heystek to adopt staff recommendation approving the statement of Council direction and assumptions for the General Plan Update. The substitute motion failed by the following vote:

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

The main motion passed by the following vote:

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

S. Souza moved, seconded by R. Asmundson to approve staff recommendation #4, directing staff to return with more detailed aspect of the following:

- Process components, including community involvement and details of workshops and input techniques
- Consulting services options
- Funding options

Motion carried by the following vote:

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

Follow Up on Discussions with Davis Joint Unified School District Relating to King High School/ Approval of Conceptual Agreement

S. Greenwald has rental property within 500 feet of King High and therefore left the Community Chambers. R. Asmundson took over as the chair for the remainder of the meeting.

B. Emlen explained the progress on the agreement language since the last meeting. He went through all of the changes made.

L. Heystek moved, seconded by S. Souza to approve Option 1 with the retention of a straight land exchange of 4,000 square feet. The motion passed by the following vote:

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

D. Saylor moved, seconded by L. Heystek to change paragraph on page 3 to read “tree mitigation will go before the Tree Commission and adopted by both parties prior to the land swap and to replace 1.5 – 2 trees of 5 gallon containers for each one inch in diameter of tree loss.”

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

D. Saylor moved, seconded by S. Souza to adopt the remainder of the document with the language on page 3 to be clarified regarding shop access. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor to change the language in the first paragraph on page 3 to add the following language:

“A mechanism will be put in place that would allow a basketball hoop to be locked down or a moveable hoop if nighttime problems arise” and to change the second paragraph last sentence to change the buffer to be a 5-8’ landscape buffer.

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

Adjournment

The meeting adjourned at 2:00 a.m.

Margaret Roberts, CMC
City Clerk

Initial Policy Direction and Assumptions for the General Plan Update

City Council provides the following policy direction and assumptions to the Steering Committee:

1. An update, not a whole new plan. This is an update of the existing General Plan and not a creation of a new General Plan. The existing General Plan will remain intact with regard to structure and most policies. Future phases may be more comprehensive and long range.
2. Focus on Housing Element. It is not possible to complete a full update of the General Plan within the time frame needed to fulfill the schedule prescribed by state law for update of the Housing Element. Therefore, the current update process will focus on meeting House Element requirements through 2013. The Housing Element requires a major re-write. Other elements to be addressed include, but are not limited to, Housing, Land Use and Circulation. After the current update is complete, the City could undertake a second, additional update to extend the General Plan beyond 2013 and/or to address other General Plan Elements.
3. Accommodate fair share allocation. The General Plan update will make every reasonable attempt to accommodate the City's new Regional Housing Needs Plan (RHNP) allocation for the period of January 2006 through June 2013. Although those numbers have not yet been received, it is expected that the RHNP allocation numbers will be consistent with the one percent growth parameter resolution adopted by Council.
4. Accommodate required Housing Element schedule. The General Plan update process will be designed and make every reasonable attempt to comply with the required schedule for Housing Element updates in the region. By March 2008, the Housing Element update is expected to be submitted to the State Housing and Community Development Department (HCD) to allow for certification within 90 days, or June 30, 2008. Preliminary RHNP numbers are expected from SACOG early in 2007, with final numbers expected to be adopted in June 2007.
5. Focus on development within the city to meet allocation. Development within the current city limits could accommodate at 70 to 80 percent, or perhaps all, of the future housing need through June 2013. However, the update process would allow consideration of some limited peripheral development if needed to accommodate a part of the RHNP allocation.
6. Consider SACOG Blueprint project "smart growth" principles. The Steering Committee shall consider the promotion of SACOG Blueprint project "smart growth" principles in developing, evaluating and recommending alternatives for the General Plan update. These include:
 - Transportation choices
 - Housing diversity
 - Compact development
 - Use of existing assets
 - Mixed land uses (including a mixture of land uses and not only residential land uses)
 - Quality design
 - Natural resources conservation