

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of March 20, 2007

The City Council of the City of Davis met in regular session beginning at 5:00 p.m. in the Community Chambers, 23 Russell Boulevard, 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, Deputy City Clerk Zoe Mirabile

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

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

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:

A. Existing Litigation pursuant to subdivision (a) of Government Code §54956.9:

1. City of Davis v. City of Dixon, Solano County Superior Court Case No. 028771
2. William Ackerman v. City of Davis, Yolo County Superior Court Case No. P004-914
3. Halema Buzayan v. City of Davis Police Department, et al,; Eastern District 2:06 CV-01576 MCE-DAD
4. Ivy Anderson, et al v. City of Davis, et al, Eastern District 2:05 CV-02321 LKK-GGH
5. Timothy C Nelson v. City of Davis et al, Northern District CV-05-1192
6. Lasonja Porter, et al v. City of Davis Police Department, et al, Eastern District 2:06 CV-2099 MCE GGH
7. Glen Rice v. Davis Food Cooperative, et al, Yolo County Superior Court Case No. CV-03-1987
8. Joe Sherman v. City of Davis, Eastern District CV.S 04-2320 LKK-PAN

B. Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9 (9 cases)

City Council returned from closed session and Mayor Greenwald announced there was no reportable action.

Ceremonial Presentations Proclamation Recognizing March 31, 2007 as Cesar E. Chavez Day was presented.

D. Saylor distributed a sample resolution from the City of Fresno opposing immigration raids. By consensus, Council directed the Human Relations Commission to consider the resolution and return to Council with recommendations.

Proclamation in Appreciation of Richard Jett Upon His Retirement as Firefighter II for the City of Davis was presented.

Public Comment

Comments and concerns expressed by citizens:

- John Troidl spoke regarding lighting issues, proposed organizing a walk-about in the city and on the UC Davis campus to identify problems, and requested staff develop a website to report and track lighting issues.
- Elaine Musser stated she has concerns over the pricing of units, lack of transportation options, and project location next to student housing for the Eleanor Roosevelt affordable housing project. She proposed hosting social events on weekends to promote interaction between students and seniors.
- David Greenwald stated he attended the County Board of Supervisors meeting and announced they will be scheduling a joint meeting with all Yolo County cities sometime in the fall.
- Cecilia Escamilia-Greenwald spoke regarding police issues and provided details on incidents of citizen concern.

Brief Communications

Members of the City Council made various announcements.

Long Range Calendar:

- L. Heystek requested Council agendaize an update on use of city facilities by non-profit groups
- S. Souza requested Council agendaize discussion of possible re-appointment of the Charter City Council Subcommittee with direction to follow-up on Measure L/Choice Voting

D. Saylor moved, seconded by S. Greenwald, approval of the long range calendar as amended. Motion passed by the following vote:

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

AB1234 Reporting: None

Consent Calendar

Plans, Specifications and Estimate Approval for Traffic Calming Measures, Southwest Corner of Cowell Boulevard and Valdora Street, CIP No. 8783  
(1) Approved plans and specifications; (2) Authorized bid advertisement

Revised Job Specification – Technical Services Manager  
Approved

Explorit Science Center Annual Review  
Directed staff to explore options for the reuse of the property that Explorit previously considered for a new building on Second Street, with staff prioritizing internal city needs and then considering options to generate revenue, and return to City Council for direction

Commission Minutes:

1. City / UCD Student Liaison Commission Regular Meeting of January 10 2007  
Informational
2. Safety Advisory Commission Regular Meetings of January 4 and February 1, 2007  
Informational

City Council Minutes from the Regular Meeting of March 6, 2007  
Approved

Biennial Update of the City of Davis Conflict of Interest Code  
Continued to April 17, 2007

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

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

Public Hearing: Proposal to Subdivide and Develop a 31 Unit Subdivision in the Willowbank Unit #10 Area Located Northwest of the Intersection of Montgomery Avenue and Mace Boulevard – Rezone; Final Planned Development; Tentative Map; Affordable Housing Plan; Development Agreement

Assistant Planner Rhys Rowland provided an overview of the proposed project.

City Council recessed at 8:56 p.m. and reconvened at 9:12 p.m.

Mayor Greenwald opened the public hearing.

Kemble Pope spoke in support of the agricultural buffer and transition zone and stated the Open Space and Habitat Commission recommends approval of fee title for the transition zone.

Tim Ruff, applicant, spoke in support of a 65 foot setback easement for the agricultural transition zone, instead of fee title, and requested modifications to the setbacks on corner lot #9, namely, 15 foot on the south side and 20 foot on north side.

Don Fouts requested Council designate the street width and spoke in support of a setback easement instead of fee title.

Barry Stromberg spoke in support of the proposed subdivision that residents, developer, and council subcommittee compromised on.

D. Saylor moved, seconded by S. Souza, the following:

1. Find that the project is exempt from further environmental review;
2. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code Amending Planned Development #4-92, to Planned Development #4-92A for the Property Consisting of Approximately 24.3 Acres Located on the North Side of Montgomery Avenue, East of Rosario Street, West of Mace Boulevard, and South of Putah Creek;
3. Approve requested entitlements with modifications recommended by the Planning Commission based upon the findings and subject to the conditions for Planning Application #46-06;
4. Introduce Ordinance Approving a Development Agreement (#06-06) with Tim Ruff and H. Ogden Lilly et al, Regarding the Project Commonly Known as Willowbank 10;
5. Define street width as 44 feet;
6. Require builders to wire market rate units to accept photovoltaic panel installations;
7. Approve lot #9 setbacks as proposed by applicant.

S. Greenwald moved substitute motion, seconded by L. Heystek, to place house size limitations on market rate units; half shall be limited to 2,400 square feet and under and the other half shall be limited to 3,000 square feet and under. Substitute motion failed by the following vote:

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

L. Heystek proposed a friendly amendment to the main motion to require market rate units be built with photovoltaic components. Not accepted by mover and second.

L. Heystek moved substitute motion, seconded by R. Asmundson, the following:

1. Find that the project is exempt from further environmental review;
2. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code Amending Planned Development #4-92, to Planned Development #4-92A for the Property Consisting of Approximately 24.3 Acres Located on the North Side of Montgomery Avenue, East of Rosario Street, West of Mace Boulevard, and South of Putah Creek;
3. Approve requested entitlements with modifications recommended by the Planning Commission based upon the findings and subject to the conditions for Planning Application #46-06;
4. Introduce Ordinance Approving a Development Agreement (#06-06) with Tim Ruff and H. Ogden Lilly et al, Regarding the Project Commonly Known as Willowbank 10;
5. Define street width as 44 feet;
6. Direct staff to amend the Development Agreement to require, when feasible, installation of photovoltaic components to each market rate unit;
7. Approve lot #9 setbacks as proposed by applicant.

S. Greenwald proposed a friendly amendment to the substitute motion to require installation of 2.4 kilowatt photovoltaic panels on market rate units. Not accepted by mover and second.

R. Asmundson proposed a friendly amendment to the substitute motion to require installation of photovoltaic panels on 12 of the 23 market rate units. Accepted by L. Heystek.

S. Greenwald proposed a friendly amendment to the substitute motion to require installation of 1 kilowatt photovoltaic panels on all market rate units or installation of 2 kilowatt photovoltaic panels on half of the market rate units. Not accepted by mover and second.

L. Heystek proposed a friendly amendment to the substitute motion to require installation of 1.2 kilowatt photovoltaic panels on all market rate units. Accepted by R. Asmundson.

L. Heystek proposed a friendly amendment to the substitute motion to accept the 65 foot agricultural buffer adjacent to lot #31 in fee title. Accepted by R. Asmundson.

D. Saylor requested a division of the motion in order to address energy efficiency standards first. Council concurred and substitute motion withdrawn.

L. Heystek moved substitute motion, seconded by R. Asmundson, to direct staff to amend the Development Agreement to include language to require installation of 1.2 kilowatt photovoltaic panels on all market rate units.

S Greenwald proposed a friendly amendment to require the average of 1 kilowatt per unit throughout development. Not accepted by mover and second.

R. Asmundson proposed a friendly amendment to require at least 12 market rate units to have installation of 1.2 kilowatt photovoltaic panels, and the remaining market rate units to achieve equivalent energy efficiency through other green building measures, with direction to staff to work out the administrative details. Accepted by L. Heystek.

S. Souza moved substitute substitute motion, seconded by D. Saylor, to modify the Title 24 requirements within Planned Development #10-06 as follows: The building(s) shall exceed by a minimum of 20% the Title 24 requirements in effect at the time of building permit issuance. Motion withdrawn.

S. Souza moved substitute substitute motion as follows:

1. Find that the project is exempt from further environmental review;
  2. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code Amending Planned Development #4-92, to Planned Development #4-92A for the Property Consisting of Approximately 24.3 Acres Located on the North Side of Montgomery Avenue, East of Rosario Street, West of Mace Boulevard, and South of Putah Creek;
  3. Approve requested entitlements with modifications recommended by the Planning Commission based upon the findings and subject to the conditions for Planning Application #46-06;
  4. Introduce Ordinance Approving a Development Agreement (#06-06) with Tim Ruff and H. Ogden Lilly et al, Regarding the Project Commonly Known as Wil-lowbank 10;
  5. Accept 65 foot agricultural buffer adjacent to lot #31 in fee title.
- No second.

Substitute motion as amended by R. Asmundson passed by the following vote:

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

The main motion, excluding the requirement to wire market rate units to accept photovoltaic panel installations (#6), passed by the following vote:

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

City Council recessed at 10:40 p.m. and reconvened at 10:49 p.m.

Davis Joint Unified School District's K-12 Program Measure Renewal (Parcel Tax)

Gina Daleiden and Sheila Allen, DJUSD Board Subcommittee, provided background on the renewal of the parcel tax and outlined the benefits the schools will receive from the funds.

Davis Business Improvement District Annual Assessment Process: Amendments to Business Improvement District (BID) Core Area Plan and Davis Downtown Business Association (DDBA) FY2007-08 Budget

Economic Development Specialist Sarah Worley summarized the progress to date on the Downtown Business Improvement District renewal process and the efforts of the DDBA Special Task Force, which was formed to respond to concerns raised by retail members that their interests were not adequately represented.

Maria Ogrydziak, DDBA President, provided information on the proposed DDBA Task Force recommendations for the stream-lined outlook the DDBA wishes to pursue in the future. She explained that DDBA will seek out other partnerships to enable them to pursue their goals with the focus on improving downtown business on a daily basis.

David Greenwald questioned whether the city will step in if the volunteer efforts proposed by DDBA do not pan out.

R. Asmundson moved, seconded by D. Saylor, the following:

1. Consider DDBA Task Force recommendations resulting from re-examining the DDBA's form, funding and action priorities;

2. Approve proposed amendments to the 2006 Core Area BID (Business Improvement District) Report and DDBA FY 2007-2008 Summary Budget by incorporation of the revised DDBA budget and DBID program activities as submitted;
3. Approve Resolution No. 07-031 – Confirming Approval of the 2006 Core Area BID Report as Amended and Authorizing the Remainder of the Annual Assessment Known as 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;
4. Adopt Urgency Ordinance No. 2279 – Amending Section 15.10.100 of Chapter 15 of the Municipal Code of the City of Davis to Change Until January 1, 2008, the Collection of the Davis Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone for the Davis Business Improvement District for the Immediate Preservation of the Public Peace, Health, and Safety;
5. Introduce Ordinance Amending Section 15.10.100 of Chapter 15 of the Municipal Code of the City of Davis to Change Until January 1, 2008, the Collection of the DBID Annual Assessment Fee;
6. Approve Resolution No. 07-032 – Authorizing the City Manager to Execute an Amendment to the Davis Business Improvement District Administration Agreement Core Area and Periphery Benefit Zones;
7. Request DDBA to proceed to re-examine the DBID annual assessment formula and submit with its 2006-2007 BID report in September, a budget and correlating funding strategy that will support a viable and effective organization that strives to enhance the downtown for the betterment of its members and the community as a whole.

D. Saylor proposed a friendly amendment to authorize the city to absorb the \$15,000 assessment billing cost out of funds that would otherwise be anticipated to be directed to DDBA supplemental funding for fiscal year 2007/08, with the remainder of the \$66,000 anticipated budget request to be used for downtown oriented partnerships. Accepted by R. Asmundson. Motion passed by the following vote:

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

By consensus, staff was directed to write a Proclamation of Appreciation in recognition of Laura Cole-Rowe.

L. Heystek moved, seconded by S. Souza, to continue the City Council meeting past 11:30 p.m. Motion passed by the following vote:

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

Item Removed from Consent Calendar:

Update on Davis Area Cooperative Housing Association (DACHA)

Item removed from consent calendar by S. Greenwald.

Parks and Community Services Deputy Director Jerilyn Cochran provided information on the pending lawsuit between the Davis Area Cooperative Housing Association (DACHA) and Neighborhood Partners, LLP, and explained that Council direction to develop a long term funding plan for DACHA will remain unfinished until the lawsuit is settled.

By consensus, Council accepted this item as informational.

Resolution Authorizing Use of Project-Based Section 8 Vouchers in the Eleanor Roosevelt Circle and Homestead Affordable Housing Projects

Parks and Community Services Deputy Director Jerilyn Cochran outlined the proposal for use of Section 8 vouchers at city affordable housing projects.

David Thompson stated Section 8 was not available when the Eleanor Roosevelt project was initially completed, and provided information on the problems associated with filling vacancies which has resulted in an income loss to the project partners. He requested the city pursue a modification to the Davis Model Lease to provide for a contingency of release from a lease in the case of qualifying for an affordable unit through the city.

D. Saylor moved, seconded by S. Souza, approval of Resolution No. 07-033 – Authorizing Use of Project-Based Section 8 Vouchers in the Eleanor Roosevelt Circle and Homestead Affordable Housing Projects, with an additional condition that should number of vouchers reach 20% of total units of project, the City Council be advised and consider whether or not to pursue. Motion passed by the following vote:

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

Adjournment

The meeting was adjourned at 1:23 a.m.

Zoe S. Mirabile  
Deputy City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY  
Meeting of March 20, 2007

The Redevelopment 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 Chair 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, Agency Attorney Harriet Steiner, Agency Clerk Zoe Mirabile

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

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

Public Comments None

Consent Calendar Redevelopment Agency Minutes from the Regular Meeting of March 6, 2007  
Approved

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

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

Item Removed from Consent Calendar: Item removed from consent calendar by S. Greenwald.

Update on Davis Area Cooperative Housing Association (DACHA)

Parks and Community Services Deputy Director Jerilyn Cochran provided information on the pending lawsuit between the Davis Area Cooperative Housing Association (DACHA) and Neighborhood Partners, LLP, and explained that Council direction to develop a long term funding plan for DACHA will remain unfinished until the lawsuit is settled.

By consensus, Council accepted this item as informational.

Resolution Authorizing Use of Project-Based Section 8 Vouchers in the Eleanor Roosevelt Circle and Homestead Affordable Housing Projects

Parks and Community Services Deputy Director Jerilyn Cochran outlined the proposal for use of Section 8 vouchers at city affordable housing projects.

David Thompson stated Section 8 was not available when the Eleanor Roosevelt project was initially completed, and provided information on the problems associated with filling vacancies which has resulted in an income loss to the project partners. He requested the city pursue a modification to the Davis Model Lease to provide for a contingency of release from a lease in the case of qualifying for an affordable unit through the city.

D. Saylor moved, seconded by S. Souza, approval of RDA Resolution No. 1196 – Authorizing Use of Project-Based Section 8 Vouchers in the Eleanor Roosevelt Circle and Homestead Affordable Housing Projects, with an additional condition that should number of vouchers reach 20% of total units of project, the Redevel-



opment Agency be advised and consider whether or not to pursue. Motion passed by the following vote:

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

Adjournment

The meeting was adjourned at 1:23 a.m.

Zoe S. Mirabile  
Agency Clerk