

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 12, 2007

The City Council of the City of Davis met in regular session beginning at 6:31 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, City Clerk Margaret Roberts

Approval of Agenda R. Asmundson moved, seconded by S. Souza to approve the agenda. Motion passed unani- mously.

Ceremonial Proclamation recognizing SHARE was presented.

Brief Commu- nications Members of the City Council made various announcements including local and regional events, and various meetings with other agencies that they attended.

It was the consensus of the Council to bring forward an item to discuss traffic problems throughout Davis.

Long Range Calendar:
Fee Waiver is scheduled for July 10, 2007
Tobacco Ordinance is scheduled for July 24, 2007

L. Heystek moved, seconded by D. Saylor to accept the long range calendar. The motion passed unanimously.

AB1234 Reporting: None

Consent Cal- endar Resolution 07-090 authorizing the City Manager to execute consultant agreement with Thomas Garner Company for construction support services of Manor Pool Complex Rehabilitation, CIP No. 8796
Approved

Human Relations Commission regular meeting minutes of April 26, 2007
Informational

Planning Commission / Historical Resources Management Commission joint meeting minutes of May 16, 2007
Informational

Recreation and Park Commission regular meeting minutes of April 19 and May 23, 2007
Informational

Removal of Recreation and Park Commissioner Matt Houck due to lack of attendance
Approved

Request for Qualifications for contract art services for the civic arts program
Authorized release of Request for Qualifications to local arts organizations for possible con- tracting of services for civic arts contracts and the annual Juried Arts Show

Ordinance 2291 Amending Chapter 40 of the Davis Municipal Code to rezone the property from Residential Garden Apartment (R-3-M) to Preliminary Planned Development (PD) #08-06 – Shepherds Close

Approved (Introduced 06/05/07)

Planning Commission Liaison Appointment to the Natural Resources Commission
Ratified Kris Kordana as Inter-Commission Liaison

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

Ordinance Amending Article 26.04 of the Davis Municipal Code Relating to the Prohibition of the Possession of Open Containers, and the Consumption of, Alcoholic Beverages in Specified Public Places

K. Stachowicz gave the background on the ordinance, which has been in place since 2002. The subcommittee which was made up of two Council members, 2 Park and Recreation Commissioners and staff. The first recommendation is to add N Street, which is currently in effect through an urgency ordinance which does not expire. The second recommendation, which is a change, is to add greenbelts/bike paths to the ordinance.

There were three citizens who spoke out against a blanket ordinance covering all parks, but rather address the problems as they arise with those causing the problems.

There were three citizens who spoke in favor of the ordinance.

Main motion by D. Saylor, seconded by S. Souza to introduce the ordinance as submitted.

Substitute motion by L. Heystek, seconded by S. Greenwald to introduce the ordinance with the following change to item F to read ""Greenbelt" means the segment of a citywide complex of parks and transportation corridors that provide off-street transportation". The motion failed by the following votes:

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

The main motion passed by the following votes:

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

Public Comment

Comments and concerns expressed by citizens:

D. Greenwald witnessed some protests in front of the Chancellor's home and UCD Police were taking pictures. The protest was for the university food workers. He requested that the Council take formal action to encourage the Chancellor to work with the food workers to reach a resolution.

2007-2008 Field Use Fees and Charges

J. Cochran and M. Wierschem provided the background for the following two items. The Recreation and Park Commission has worked hard on these items.

The public hearing was opened.

Approving the Field Cost Recovery Policy for the City's Athletic Fields

C. Palmer, DYSL soccer league rep, and S. Sabatier, Chair of Recreation and Park Commission spoke in favor of the item.

With no further comments, the public hearing was closed.

Establishing Field Reservation and Use Policy for the City's Athletic Fields

D. Saylor moved, seconded by L. Heystek approval of Resolution 07-091 establishing 2007-2008 field use fees and charges and approving the field cost recovery policy for the city's athletic fields scheduled by the Parks & Community Services Department and that a further marketing study be completed to help the city meet the goals for Playfields Park. The motion passed by the following votes:

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

R. Asmundson moved, seconded S. Souza approval of Resolution 07-092 establishing field reservation and use policy for the city's athletic fields scheduled by the Parks & Community Services Department. The motion passed by the following votes:

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

Mayor Greenwald stated she has a conflict due the location of her residence and recused herself from and left the meeting.

Public Hearing: B and Third Street Visioning Process Final Environmental Impact Report and Project Amendments PA #36-06

B. Emlen, K. Hess and S. Worley provided information on the item.

The public hearing was opened.

The following spoke in favor of the item:

Lynn Schimmel, Jeff Adamsky, John Youngerman, Donna Elridge, Alzeda Knickerbocker, Janis Lott, Maria Ogrydziak, Mark Rutheiser, Marshall Hunt, Bob Gunther, Penny Gunther, Chuck Roe, Nancy Aikin, and Bob Lindley

The following spoke against the item:

Mike Sylvanen, Dennis Dingemans, Alan Miller, Tedda Oldknow, Sue Greenwald, Jim Leonard, Sabrina O'Hanley Esther Polito, Nancy Price, Carey Shoemaker, Sheryl Gerety, Cathy Greedy, and Karen Kane

General Plan Amendment #1-06

The following spoke on specific elements of the project or urged the Council to consider the project carefully:

Rich Rifkin, Jim Zanetto, John Hall, Rand Herbert, Tim Allis, and Hahn Lin

Specific Plan Amendment #2-06

Main motion by S. Saylor, seconded R. Asmundson to certify that the Final EIR (SCH #2006012026) adequately addresses the impacts of the proposed project; Environmental Assessment (EIR) #5-06.

Rezone #1-06

Final Planned Development #8-06

Substitute motion by L. Heystek not to certify the Final EIR as it does not adequately address the impacts of the proposed project. There was no second to the substitute motion.

Environmental Assessment (EIR) #5-06

The main motion passed by the following votes:

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

Mitigation Plan:

S. Saylor moved, seconded R. Asmundson approval of Resolution adopting CEQA Findings of Fact; adopting a Statement of Overriding Considerations; adopting a Mitigation Monitoring Plan; and certifying the Final Environmental Impact Report for the B and 3rd Visioning Process. The motion was withdrawn.

Main motion by D. Saylor, second by S. Souza that 311 B Street be required to be relocated or retained and if no other location is found and it is the desire to relocate, the city's old east lot will be made available and that all language throughout the document be consistent with that. Staff pointed out that the use of the city's parcel is not part of the mitigating documents and would be better to discuss later.

Substitute motion by L. Heystek, second by R. Asmundson to reject the statement of overriding considerations for 311 B Street. Motion passed unanimously.

S. Souza moved, seconded by D. Saylor (Mitigation Measure 4.2-5:7) to require provision of required parking on-site for all commercial, unless an alternative plan is developed as part of an individual project review that provides equivalent parking mitigation that may include but not

be limited to such elements as mechanically supported stacked parking, tandem parking, and electric car vehicle spaces/hookups through the design review. The motion passed unanimously.

L. Heystek moved, seconded by S. Souza to require provisions of required parking for all on-site residential uses. The motion passed unanimously.

D. Saylor moved, seconded by S. Souza approval of Resolution 07-093 adopting CEQA Findings of Fact, adopting a Statement of Overriding Considerations; adopting a Mitigation Monitoring Plan and Certifying the Final Environmental Impact Report as amended by the previous three motions for the B and Third Street Visioning Process. Motion passed by the following votes:

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

D. Saylor moved, seconded by S. Souza approval of Resolution 07-094 adopting General Plan Amendment #1-06 and Specific Plan Amendment #2-06. The motion passed by the following votes:

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

Main Motion by D. Saylor moved, seconded by L. Heystek to have a maximum height of 38 feet for retail with an allowance with a conditional use permit up to a maximum of 45 feet.

Substitute motion by L. Heystek, second by S. Souza to impose a 38 foot restriction on the entire retail zone with the exception of 233 and 241 B Street that would have 38 foot restriction with a conditional use permit allowance to 45 foot. The substitute motion passes by the following votes:

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

D. Saylor moved, seconded by L. Heystek to approve required provisions for parking unless an alternative plan is developed as part of an individual project review that provides equivalent parking mitigation that may include but not be limited to such elements as mechanically supported stacked parking, tandem parking, and electric car vehicle spaces/hookups through the design review. The motion passes unanimously.

L. Heystek moved, seconded by S. Souza under general conditions Section 10.A.1 will have language added at the beginning of the sentence "Except as provided in Section 3,". Motion passed unanimously.

L. Heystek moved, seconded by S. Souza to amend the proposed ordinance section 9.G regarding open space to be 150 square feet per dwelling unit. The motion failed by the following votes:

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

L. Heystek moved to adopt language to modify the ordinance 9.E.5 regarding rear yard setback with a 30 foot setback for 3rd stories, and the alley 9.B.2. There was no second to the motion.

L. Heystek moved to add language to the building height to include a 2 story 30 foot limit for a

portion on 301 B Street. There was no second to the motion.

D. Saylor moved, second by S. Souza approval of the ordinance as amended and Resolution 07-139 amending the Downtown and Traditional Residential Neighborhood Design Guidelines . The motion passed by the following votes:

AYES: Asmundson, Saylor, Souza

NOES: Heystek

ABSENT: Greenwald

S. Souza moved, second by D. Saylor to conduct a traffic circulation study from 5th to 1st and A and B Streets including bicycles, pedestrian and parking. Motion passed unanimously.

Adjournment

The meeting was adjourned at 1:30 a.m.

Margaret Roberts, CMC
City Clerk