

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 10, 2007

The City Council of the City of Davis met in regular session beginning at 6:30 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 S. Greenwald asked that the following item be pulled from the Council agenda:
Public Hearing: 403 G Street/The Suites Mixed Use Building and Discussion of Downtown Development

R. Asmundson moved, seconded by S. Souza to approve the agenda with the removal of above mentioned item. Motion passed unanimously.

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

Long Range Calendar:

D. Saylor – add consideration of a resolution to urge state leg to adopt health care reform prior to the August recess.

R. Asmundson – proclamation for the three outgoing BEDC commissioners prior to the recess

R. Asmundson moved, seconded by D. Saylor to accept the long range calendar adding the two above mentioned items.

AB1234 Reporting:

D. Saylor – Legislative Hearing on Senate Bill 303

Public Comment Comments and concerns expressed by citizens:

- Matt Williams delivered a letter and petition regarding the development of the southeast quadrant (as in the pass through agreement with Yolo County) of Davis.
- Four speakers asked that the city attend to the bike paths dressed up and signage to be in place for the national bike planning conference in September.
 - It was Council consensus that this work be done and for staff to work with the all interested parties to make this happen as soon as possible.

Consent Calendar Resolution 07-117 authorizing the City Manager to enter into agreement #71-01-57-08 with the Area 4 Agency on Aging for Yolo County Information & Assistance Services Contract Renewal for fiscal year 2007/2008 in the amount of \$34,614 and authorize the partial Subcontract to the Cities of West Sacramento and Woodland for information & assistance services

Approved

Resolution 07-118 authorizing the City Manager to enter into an agreement with First Five Yolo to administer the Access to Quality Child Care and Early Education Services Program for fiscal year 2007-2008

Approved

Resolution 07-119 authorizing the City Manager to enter into an agreement with First Five Yolo to administer the Universal Preschool for West Sacramento Program for fiscal year 2007-2007

Approved

Budget Adjustment #2 (-\$14,963) – reducing revenue to reflect actual grant funds

Approved

Resolution 07-120 authorizing the City Manager to enter into an agreement with First Five Yolo to administer the Comprehensive Approaches to Raising Educational Standards (CARES) Program for fiscal year 2007-2008

Approved

Budget Adjustment #3 (-\$4,126) – reducing revenue to reflect actual grant funds

Approved

Resolution 07-121 authorizing the City Manager to execute a contract with Robert Aaronson to provide Police Ombudsman Services for fiscal year 2007/2008

Approved

Resolution 07-122 approving the first amendment to the employment agreement with City Manager William F. Emlen

Approved

City/UCD Student Liaison Commission regular meeting minutes of May 16, 2007

Informational

Planning Commission regular meeting minutes of March 14, 2007

Informational

Senior Citizens Commission regular meeting minutes of November 30, 2006; and January 11, February 8, and March 1, 2007

Informational

Natural Resources Commission regular meeting minutes of April 23, 2007

Informational

City Council minutes from the joint meeting with Recreation and Park Commission of January 18, 2007; joint meeting with the Planning Commission of January 24, 2007; joint meeting with City-UCD Student Liaison Commission of March 14, 2007; regular meetings of June 19 and 26, 2007; and special meeting of June 26, 2007

Approved

Proclamation commemorating July as Parks and Recreation Month

Ceremonial

Second Reading Ordinance 2295 levying a special tax within Community Facilities District No. 2007-2 (East Davis Mace Ranch Area II)

Adopted (Introduced June 26, 2007)

Second Reading Ordinance 2296 containing a description of the Davis Redevelopment Agency's Program to acquire real property by eminent domain in the Davis Redevelopment Project Area

Adopted (Introduced June 26, 2007)

L. Heystek moved, seconded by S. Souza, approval of the consent calendar as listed above. Motion passed by the following votes:

AYES: Asmundson, Heystek Saylor, Souza, Greenwald

NOES: None

Items removed from consent Calendar

Human Relations Commission regular meeting minutes of May 24, 2007
Informational with the exception of the following Commission approvals:

Directed staff to include statement dealing with school climate issues as part of the agenda packet for the City/School Joint Meeting, to be scheduled in the fall.

By consensus of the Council staff is to have the Human Relations Commission look into a broader resolution to bring back that encompasses all immigrants.

D. Saylor moved, seconded by L. Heystek to approve Resolution 07-123 Opposing Human Rights Violations Caused by Immigration Raids Conducted by the US Government and directing staff to send the letter to the Davis Joint Unified School District. The motion passed by the following votes:

AYES: Asmundson, Heystek Saylor, Souza, Greenwald

NOES: None

Update on universal waste / household hazardous waste management

Informational

R. Asmundson moved, seconded by S. Souza to accept the item. The motion passed unanimously.

Update on organic waste management

Informational

S. Greenwald moved, seconded by L. Heystek to accept the item. The motion passed unanimously.

Public Hearing: Agricultural Land Mitigation – Known as the Right to Farm and Farmland Preservation Program

M. Sears presented the amendments being proposed.

The public hearing was opened.

Mr. Spenser has been part of the process for ten years thanked many people for their hard work. Option B for the exception for adjacency provides for the most flexibility where Option A opens the window to wide allowing exceptions to adjacency. He does not see the need for the sunset clause.

M. Skinner stated that the intent with the previous agricultural mitigation as well as now is to allow flexibility. He agrees that property under 40 should be given the break as presented by staff.

E. Samitz is concerned with the .5 ratio for on-site mitigation. The city has not had less than a 1:1 and it should not go lower than that.

With no further comments the public hearing was closed.

D. Saylor moved to require adjacent mitigation with a sunset date of 2013, consistent with General Plan Policy and previous City Council direction. There was no second to the motion.

L. Heystek moved, seconded by S. Souza to require adjacent mitigation with no sunset date, consistent with General Plan Policy and previous City Council direction. The motion passed by the following votes:

YES: Asmundson, Heystek, Souza, Greenwald

NOES: Saylor

Main motion by L. Heystek, seconded by S. Greenwald to impose mitigation requirements would be imposed for development on any site currently designated for agricultural use.

This includes the Wildhorse horse ranch, but not Con-Agra (Lewis) or Simmons Estates and not to allow additional amendment 2.

Substitute motion by D. Saylor, seconded by R. Asmundson to impose mitigation requirements would be imposed for development on any site currently designated for agricultural use. This includes the Wildhorse horse ranch, but not Con-Agra (Lewis) or Simmons Estates. The motion passed unanimously.

L. Heystek moved, seconded by S. Souza to establish a minimum adjacent area of ¼ mile; grant credit for remainder mitigation but not such that the mitigation be less than 2:1 on the location of the mitigation land. Grant exemption from adjacency requirements for affordable housing, public uses, lands adjacent to a freeway, or lands already protected. Directed staff to bring back more information. The motion passed unanimously.

S. Souza moved, seconded by D. Saylor additional amendment 2 as follows:

(m) **small project**. A development project that is less than 40 acres in size. A small project does not include one phase or portion of a larger project greater than 40 acres that is subject to master, specific, or overall development plan.

Add to exemptions sections 40A.03.030(e)

(4) Small projects less than 40 acres in size.

The motion passed by the following votes:

YES: Asmundson, Saylor, Souza

NOES: Heystek, Greenwald

Main motion by S. Souza, seconded by L. Heystek the following findings regarding an alternative mitigation proposal:

Option B – Alternative findings to provide greater certainty.

- a. The alternative mitigation is threatened by demonstrated growth pressure equal to or greater than that faced by areas adjacent to the project site. Demonstrated growth pressure shall be established by a comparison of current land value of the alternative site and the adjacent site. Valuation analysis shall be prepared by an independent certified appraiser.
- b. The alternative mitigation is strategically located and provides one or more of the following: (1) protects a locally unique resource, (2) provides connectivity between existing protected lands and/or (3) due to its location provides protection of other lands and resources in the Davis Planning Area.
- c. The alternative mitigation is of a size that facilitates protection of the targeted resource and its long term management.

Substitute motion by D. Saylor, seconded by R. Asmundson the following findings regarding an alternative mitigation proposal:

Option B – Alternative findings to provide greater certainty.

- a. The alternative mitigation is threatened by demonstrated growth pressure equal to or greater than that faced by areas adjacent to the project site. Demonstrated growth pressure shall be established by a comparison of current land value of the alternative site and the adjacent site. Valuation analysis shall be prepared by an independent certified appraiser.
- b. The alternative mitigation is strategically located and provides one or more of the following: (1) protects a locally unique resource, (2) provides connectivity between existing protected lands and/or (3) due to its location provides protection of other lands and resources in the Davis Planning Area (4) located within a City identified priority open space area.

- c. The alternative mitigation is of a size that facilitates protection of the targeted resource and its long term management.

The substitute motion passed unanimously.

R. Asmundson moved, seconded by S. Souza to allow in-lieu fees for remainder mitigation equivalent to the cost of purchasing an adjacent easement based on fair market value, with an inflator fee to cover the time it takes for the City to purchase an easement and a maximum proportion of the required mitigation that can be satisfied through in lieu fees. The motion passed by the following vote:

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

Main motion by S. Souza, seconded by L. Heystek to not allow stacking, in order to prevent conflicts between agricultural and habitat conservation easements.

Substitute motion by D. Saylor, seconded by R. Asmundson Additional Amendment 3 as follows:

40A.03.035 Agricultural land mitigation requirements; remainder mitigation.

(d) It is the intent of this program to work in a coordinated fashion with the habitat conservation objectives of the Yolo Natural Heritage (NCCP/HCP) program. The intent is to not allow stacking of easements, except for riparian corridors which may be subject to agricultural and habitat easements that do not generally exceed 5% of the total area on any particular easement of agricultural mitigation land.

The motion passed unanimously.

D. Saylor moved, seconded by R. Asmundson to exclude grossly irregular or contaminated lands from being considered as mitigation lands. Do not allow homesites on mitigation land and to have the Open Space and Habitat Commission look at possibilities. The motion passed unanimously.

Main motion by R. Asmundson, seconded by D. Saylor to initiate a long range, 20 to 50 year urban growth and mitigation plan, beginning in 2008.

Substitute motion by S. Greenwald, seconded by L. Heystek not to initiate the long range urban growth and mitigation plan.

The substitute motion failed by the following votes:

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

Friendly amendment to the main motion by D. Saylor and agreed upon by the maker to direct staff to develop a scope of work for a long range (20 to 50 year) study of urban limits and agricultural mitigation priorities for the city of Davis. The main motion passed by the following votes:

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

S. Souza moved, seconded by R. Asmundson to approve additional definitions; establish requirements for monitoring plans and endowment for costs; replace references to the "Planning Commission" and "Natural Resources Commission" with "Open Space and Habitat Commission;" and clarify provisions for ownership of agricultural buffers. Staff also recommends creation of a conservation easement template. Additional issues for future consideration include easement stacking flexibility, density bonuses, and a bonus for dedication of Urban/Agricultural Transition Area land. The motion passed unanimously.

Facility Fee Waiver Policy

K. Stachowicz provided information on the item. The Council was advised that the Parks and Community Services Department is working on a comprehensive review of all facility fees and categories and is scheduled to go to the Recreation & Parks Commission in July.

H. Steiner gave information on how the courts view fee waivers and how fee waivers are applied to different organizations.

K. Williams with SHARE thanked the Council once again for reviewing the policy. She provided information on what their fundraiser was for; the Martin Luther King Jr. School in New Orleans.

D. Saylor moved, seconded by R. Asmundson that the current city facility fee policy remain in place and reconsider this when the comprehensive facility fees and categories as part of the overall cost recovery process comes to the Council. The motion passed by the following votes:

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

Yolo County General Plan Update

P. Navazio gave a brief overview of the Yolo County General Plan Update scheduled at the Yolo County Board of Supervisor's meeting on July 17, 2007. K. Hess reviewed the county staff's recommendations to the Board.

M. Williams advised the Council to not just deal with this at the highest level. Looking into the innovation corridor would be important due to the size of the corridor. The thirteen acres at Mace and I-80 is currently not being used as agriculture; there is a Park and Ride at that location. Strongly encouraged the city to be proactive on this issue.

By unanimous Council consensus, the City Council will send a letter to the Board of Supervisors. It will be drafted for the Council to sign later today.

Adjournment

The meeting was adjourned at 12:28 a.m.

Margaret Roberts, CMC
City Clerk