

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 24, 2007

The City Council of the City of Davis met in regular session beginning at 5:30 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

Closed Sessions pursuant to Government Code §54954.5

- The Council went into closed session on the following items:
- A. Conference with Legal Counsel – Existing Litigation
 - 1. Davis Enterprise v. Fairfield Republic, et al, Yolo County Superior Court Case No. CV06-68
 - 2. Lewis v. Russell, Federal District Court Civ.S – 032646 WBSKJM
 - B. Conference with Real Property Negotiator
 - Property: APN 071-262-23
 - Agency Negotiator: City Attorney Harriet Steiner
 - Negotiating Parties: Mark Rutheiser, Steve Boschken, Brad Lawson
 - Under negotiation: Price and terms of payment

The Council returned to open session at 6:35 with the following reportable action in the Lewis v. Russell litigation:
In a 5-0 vote, the Council agreed to include three new litigants; Vic Manufacturing, Marten Franchises Inc. dba Martenizing Dry Cleaning and Jenson Manufacturing Company.

There was no reportable action on the other closed session items.

Approval of Agenda L. Heystek moved, seconded by R. Asmundson to approve the agenda. Motion passed unanimously.

Ceremonial Proclamation Recognizing the American Cancer Society's Relay for Life Event in Davis and Declaring the City of Davis a Relay for Life Community.

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:
- S. Souza advised that he would be bringing forward Mace Covell LLC (Shriner Property) will be an item submitted by the Council for the next meeting.
 - D. Saylor – goals update and follow -up on the workshop need to be shown on the long-range.
 - R. Asmundson; from the County meeting and in good faith to
- R. Asmundson moved to have the working meetings that the re-organization of the assignment to the County 2X2 be agendized, there was no second.
- D. Saylor moved, seconded by S. Greenwald to accept the long range calendar. The motion passed unanimously.

AB1234 Reporting: None

Public Comment	None.
Consent Calendar	<p>Resolution 07-130 approving final map for Willowbank 10, Subdivision No. 4880, and authorizing the City Manager to execute the subdivision agreement (Community Property Trust Agreement and Declaration of Trust, Consisting of Survivor's Trust, Bypass Trust, and Disclaimer Trust) <u>Approved</u></p> <p>Resolution 07-131 authorizing the City Manager to enter into contract with Yolo County Visitors Bureau to provide visitor attraction services <u>Approved</u></p> <p>Plans, specifications, and estimate for Covell Boulevard Bicycle/Pedestrian Undercrossing, CIP No. 8121 <u>Approved Plans and Authorized bid advertisement</u></p> <p>Resolution 07-132 authorizing the City Manager to award construction contract estimate for Covell Boulevard Bicycle/Pedestrian Undercrossing, CIP No. 8121 <u>Approved</u></p> <p>Ordinance 2297 Amending the Subdivision Ordinance, Chapter 13, Condominium Conversions, to Establish Parking Standards for Central Commercial (C-C) and Mixed Use (M-U) Districts; Amending Requirements Related to Required Reports and Information; Conversion Standards; and Findings <u>Adopted (Introduced 07/17/2007)</u></p> <p>Finance and Budget Commission regular meetings minutes of April 9 and May 14, 2007 <u>Informational</u></p> <p>Removal of Senior Citizens Commissioner Hector Contreras due to lack of attendance <u>Approved</u></p> <p>Carry-over of FY2006/07 unencumbered appropriations <u>Authorized carry-over appropriations totaling \$7,903,203 for specific projects in support of departmental programs and capital improvements projects that were not completed last fiscal year</u></p> <p>FY2006/07 fourth quarter administratively approved budget adjustments <u>Informational</u></p> <p>City Council minutes from the special meeting/workshop of July 13, 2007 <u>Approved</u></p> <p>L. Heystek moved, seconded by D. Saylor, approval of the consent calendar as listed above. Motion passed by the following votes:</p> <p>AYES: Asmundson, Heystek, Saylor, Souza, Greenwald NOES: None</p> <p>L. Heystek moved, seconded by D. Saylor, approval of Resolution 07-133 authorizing the City Manager to execute Amendment No. 1 to consultant agreement with Environmental Science Associates, Inc., (ESA) for the Davis-Woodland Water Supply Project, CIP No. 8543. Motion passed by the following votes:</p> <p>AYES: Asmundson, Saylor, Souza NOES: Heystek, Greenwald</p>
Items Removed from Consent:	A revised resolution was provided by Councilmember Saylor which added language to be incorporate into the resolution.

Health Care Reform There were six speakers who spoke in support of the resolution. One suggestion was to add language to include public health.

In addition to the revisions previously submitted, the following will be included after the third inducement clause:
WHEREAS, meaningful and comprehensive health care reform will make health care more financially accessible to the population of consumers at large enhancing our efforts in the arenas of public health and prevention.

S. Greenwald moved, seconded by D. Saylor approval of Resolution 07-134 as amended, in support of meaningful and comprehensive health care reform. The motion passed unanimously.

Oakshade East Land Dedication Site Mitigation of freeway noise and health impacts will be addressed during the planning process. Yolo Mutual Housing Association spoke on the issue and discussed steps that will be taken towards the mitigation.

T. Lott spoke to building the affordable housing separate from development can be an increase in cost to complete the affordable housing construction.

L. Heystek moved, seconded by R. Asmundson Resolution 07-135 awarding the Oakshade East land dedication site to Yolo Mutual Housing Association and Sacramento Mutual Housing Association to be developed in conjunction with the neighboring corner parcel as a permanently affordable housing project. The motion passed unanimously.

Community Sustainability Project S. Greenwald moved, seconded by R. Asmundson to accept the Community sustainability project update as informational. The motion passed unanimously.

Public Hearing: Ordinance Amending Chapter 34 of the Davis Municipal Code to Add Article 34.06 and to Adopt and Incorporate by Reference Chapter 15 of Title 6 of the Yolo County Code Concerning Tobacco Retail Permits K. Stachowicz provided information on the ordinance and two resolutions.

The public hearing was opened.

T. Lott (a tobacco retailer) stated his concerns from the previous version of the ordinance have been addressed. He suggested that information to the clerks be provided what is being looked for during the enforcement. There is a potential for confusion among the clerks making the transactions. A checklist would be a successful method for corrective action. It would be beneficial to have the stakeholders involved in the review process.

S. Kumar the private enforcement of the ordinance should be removed. Business owners are concerned with the private enforcement part of the ordinance. He is not clear with the punishment, which is harsher than a violation for the sale of alcohol. Five years to do without a license to sell tobacco is unfair.

C. Listeco urged the Council to move forward with this ordinance.

B. King pointed out that a private citizen can currently bring correction for smoking too close to public facilities. She is supportive of the ordinance. Keep the merchants from selling to minors.

M. Chako spoke out in favor of the item. The intent of the license because youth use of tobacco is extremely high. The percentages of merchants that sell to minors are amazing. There are very specific protocols when the minor decoys go in to purchase tobacco.

D. Mundi CA Small Business Association spoke about the burden of the cashier. They do not sell on purpose, but mistakes do happen. The penalties are very strong. Last year in the November election there was a proposition that failed to increase the cost of cigarettes. The youth need to be educated as well. Let the state laws handle the issue.

J. Lott thanked the Council for the amendments made so far. They are in favor of youth

not smoking. The concern is the accountability in making sure that the fines are being spent how they are supposed to be spent. It would be helpful if they received feedback on how they could improve from how things were handled during a sting operation. With no further comments the public hearing was closed.

Every site would be visited prior to enforcement and be provided with literature and information on any potential violations that the County sees during the visit. The issue of private enforcement was explained by H. Steiner.

D. Saylor moved, seconded by L. Heystek to introduce the ordinance and approval of Resolution 07-136 authorizing the City Manager to execute agreement between the city of Davis and the county of Yolo for tobacco retail licensing services and approval of Resolution 07-137 to set the fee to obtain a tobacco retail license in the city of Davis at \$348.00 through June 30, 2008 with the addition to review the processes at the end of one year for processes and another review the effectiveness at the end of two years. The motion passed by the following votes:

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

S. Souza moved, seconded by D. Saylor to have staff obtain a copy of the literature that the County provides for education and to modify it as appropriate for the City of Davis and to mail it to the 32 vendors in Davis. The motion passed unanimously.

Resolution Amending the Davis General Plan Housing Element to Create a New Policy with Visitability and Accessibility Targets and Standards

D. Foster provided background information on the item.

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

Main motion by S. Souza, seconded by R. Asmundson to approve Resolution 07-138 amending the Housing Element of the Davis General Plan to create a new policy with visitability and accessibility targets and standards to be used in the development of new single-family units, and to delete the previously adopted action related to local consideration of visitability and accessibility standards.

Substitute motion by L. Heystek, seconded by S. Greenwald to approve Resolution 07-138 amending the Housing Element of the Davis General Plan to create a new policy with visitability and accessibility targets and standards to be used in the development of new single-family units, and to delete the previously adopted action related to local consideration of visitability and accessibility standards with a modification to the **waivers and modifications section** to read as follows:

- e. **Waivers and modifications.** The Planning Commission or City Council can waive or modify the requirements of this policy to the extent required based on topographical characteristics of a project or based on undue financial hardship of a project that result due to the enforcement of this policy. The requirements of this policy will only be waived or modified to the extent necessary for the project to no longer meet one of the findings above. If a project seeks a waiver or modification on the basis of proven fiscal infeasibility or topographical characteristics, the Developer of the project has the burden of providing evidence of such infeasibility.

The substitute motion failed by the following votes:

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

The main motion passed by the following votes:

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

Public Safety Staffing Study – Police Department

B. Emlen introduced the item and M. Chaney, K. Stachowicz, Chief Black and P. Navazio provided information and staff recommendations for police staffing.

R. Rifredi, DPOA president, support the philosophy of the report presented. They also support accelerating the process. I-80 crime is increasing due to the officers being stretched thin.

D. Greenwald concerned that some of the fiscal decisions made in the past by the Council have left the Council in a position of vulnerability. The Council should look at the budget and reevaluate priorities. There is a need for at least six additional officers.

S. Souza moved, seconded by R. Asmundson approval of the phased implementation of incremental staffing augmentations for the Police Department. The motion passed unanimously.

D. Saylor, seconded by L. Heystek to authorize funding of approximately \$150,000, to be spent during 07-08 and 08-09 to implement Phase I of Police Department staffing recommendations, as described in the police staffing study. The motion passed unanimously.

D. Saylor, seconded by L. Heystek directed staff to continue assessing overall staffing levels for Fire and Police departments, including discussion of community standards and expectations and funding options to inform long-term staffing plan. Staff will return to Council in September with a report specific to Fire Staffing. The motion passed unanimously.

Adjournment

The meeting was adjourned at 11:35 p.m.

Margaret Roberts, CMC
City Clerk