

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of October 23, 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 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 Session The Council went into Closed Session regarding conference with legal counsel – Existing Litigation pursuant to subdivision (a) of Government Code §54956.9: Neighborhood Partners, LLC v. Davis Area Cooperative Housing Association, Superior Court of California, County of Yolo, Case No. CV06-218.

The Council returned to open session at 6:42 with no reportable action.

Approval of Agenda R. Asmundson moved, seconded by S. Souza, to approve the agenda moving some of the items earlier in the meeting. Motion passed unanimously.

Ceremonial Presentations Proclamation for Hopewalks Davis was read.

Proclamation recognizing the Y-Me National Breast Cancer Organization and declaring October as Breast Cancer Awareness Month was removed from the consent calendar and presented.

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

Two strike teams have been sent to Southern California to help with the fire fighting efforts. There is a police team on standby for the incident.

The Amicus Brief filed by the city of Davis to join the marriage suit filed by the City and County of San Francisco may not be accepted due to the date submitted.

R. Asmundson and S. Greenwald will be the representatives to the ASUCD task force on creating the principles of one community.

Long Range Calendar:

D. Saylor asked that the possibility of postponing the joint meeting with the school district be discussed.

R. Asmundson moved, seconded by S. Souza, to accept the Long Range Calendar with the two sustainability items moving forward. The motion passed unanimously.

AB1234 Reporting: None

Public Comments Comments and concerns expressed by citizens:

- S. O'Brien thanked the Council for the proclamation for the Hopewalks event.
- J. Pamperin spoke regarding the 2007 safety neighborhood walk last night.
- R. Williams regarding item 6 (Cannery Park Application); the housing in Davis is not in her price range and she would like the Council to consider affordable housing for this location.

Consent Calendar

Resolution 07-170 authorizing the City Manager to enter into an amendment (UCD #C89-07171 v, Amendment 21 for \$373, 404) with the University of California, Davis, to provide a Care Subsidy Program and other child care support services for fiscal year 2007-2008 and submit all reporting requirements for the amendment
Approved

Resolution 07-171 adopting the city of Davis Sanitary Sewer Management Plan (SSMP)
Approved

Resolution 07-172 approving the Facilities Cost Recovery Policy for developing facility use fees including the following for implementation during 2007-2008:

Groups	Basis for Fees
Co-sponsored Youth	A per hour charge based on 25% of 2007-2008 individual hourly rate.
Co-sponsored Adult and Community Group	A per hour charge based on 50% of the 2007-2008 individual hourly rate.
Ongoing Users (groups renting one or more of the city facilities in excess of ten times per year and performing groups renting the theatre in excess of one week at least annually.)	A per hour charge based on 50% of normal, appropriate charge for the event based on 2007-2008 rates, with a "floor" of no less than 25 % of the individual hourly cost. The Ongoing User groups will be charged the Monday through Thursday rate for all facilities on all days.

Approved

Resolution 07-173 approving the Senior Volunteer Groups Policy
Approved

Resolution 07-174 approving the facilities use and reservation policy
Approved

City / UCD Student Liaison Commission Regular Meetings of June 20 and September 12, 2007
Informational

Finance and Budget Commission Regular Meeting of September 10, 2007
Recommendation: Informational

Safety and Parking Advisory Commission Regular Meeting of September 6, 2007
Informational

City Council Minutes from the Regular Meeting of October 2, 2007
Approved

Proclamation Declaring October 21-27, 2007 Davis Neighborhood Safety Walk Week
Ceremonial

Resolution 07-175 Approving a Contract with the Pence Gallery for Administration of Specified Civic Arts Programs
Approved

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

Resolution Ratifying Land Use Approvals for Cal Aggie Christian Associa-

H. Steiner advised that this item was in litigation for the past two years and with that complete, the item is now back before the Council. The action being requested of the Council is to ratify that the time frames for the project start now.

tion Project, 433 and 435 Russell Boulevard And Establishment of Effective Date of the Land Use Approvals

H. Fowler advised that the neighborhood association would like to have some stipulations on the project. The project is adjacent on three sides by single-family homes. They are asking for some considerations: prior to any work being done on the site, a 7 foot masonry wall be built on the boundaries on East, North and West; the wood fences currently on those sides be retained; and all exterior lighting be brought into compliance with current city codes; no noise prior to 8 a.m. or after 5 p.m. and no noise on the weekends.

W. Manley, the attorney for Cal Aggie, advised that the courts sided with his client. Under the existing conditions the masonry wall is required and will be done on the two sides.

C. Snowking stated that a lot of progress has been made for the construction and ground breaking took place last weekend with over 100 people in attendance. The work has been planned with the Conditions of Approval adopted by the Council in 2004.

D. Saylor moved, seconded by R. Asmundson, approval of Resolution 07-176 confirming the city's intention that approvals for the Cal Aggie Christian Association Project were tolled while the approvals were in litigation, and establishing the date of August 28, 2007 as the effective date for the lot line adjustment, final planned development, conditional use permit, and design review approvals. The motion passed by the following votes:

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

Main motion by S. Greenwald, seconded by L. Heystek to bring the conditions brought forward tonight by H. Fowler to a future Council meeting and notice it appropriately as a public hearing.

Substitute motion by D. Saylor, seconded by S. Souza to direct staff to work with the applicant and neighbor to address concerns during construction, including those brought forward tonight. The substitute motion passed by the following votes:

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

Community Sustainability Project – Update and Initial City Actions to Reduce Green House Gas Emissions Including Resolution Adopting the Davis Bottled Water Purchase Policy

A group of four sang a song in support of the bottled water resolution.

M. Sears gave a presentation on sustainability and climate change including an update and initial proposed green house gas (GHG) reduction measures.

J. Mott-Smith referenced an article in the Sacramento Bee which reflected the average rate of CO2 into the atmosphere has increased.

C. Henshaw of the Sierra Club is excited about the Climate Action Team (CAT).

S. Souza stated he would like to look into hard plastic water bottles that speak to recycling, reduction and use it as a marketing tool.

Have the language added to the resolution that it will be effective Nov 15, 2007 and that a general expression of the exceptions be added.

D. Saylor moved, seconded by R. Asmundson to approve Resolution 07-177 the Davis Bottled Water Resolution with 2 amendments; specify the effective date of November 15, 2007 and an additional exception that says "or hot weather events that the staff feels appropriate". The motion passed unanimously.

S. Souza moved, seconded by D. Saylor to direct staff to complete a proposal for the formation of a community climate action team and return for final Council action in December. The motion passed unanimously.

S. Greenwald moved, seconded by R. Asmundson to direct staff to come back with a proposal forming a scientific technical advisory committee. The motion passed unanimously.

Proposed Revisions to the "Community Group" User Group Classification Used in Various Fee Policies

J. Cochran and M. Wierschem provided information on the new definition for a community group to be used for rates for facility use.

L. Heystek moved, seconded by R. Asmundson to approve the community group user classification. The motion passed unanimously.

Processing of the Cannery Park Application

M. Webb and Katherine Hess provided information on the Cannery Park application.

W. Miller with Lewis Properties spoke regarding their redevelopment efforts for the project. They are supportive of the staff recommendations and understand that this is a starting point.

C. Lomberg supported community outreach for this project.

J. Sherman spoke to the need for housing for homeownership.

M. Rutheiser read a letter from the Chamber of Commerce in support of moving forward with the process.

R. Vallou spoke to housing supplies for Davis and surrounding communities. The current inventory of homes in Davis is a 3-4 month supply while neighboring communities have close to a year's supply. This does not allow pricing in Davis to come down to an affordable rate.

C. Harris attended the outreach meetings that Lewis Properties did last year and he would like to see this project move forward.

L. Heystek moved, seconded by S. Souza to contract with a consultant to work with staff on determining current and future viability of either all or a portion of the 100 acre site for non-residential uses. The motion passed unanimously.

Main motion by S. Souza, seconded by R. Asmundson to embark upon a community outreach process to solicit input on the site.

Substitute motion by S. Greenwald to postpone community outreach until the 2013 General Plan. There was no second to the motion.

Substitute, substitute motion by L. Heystek to strike "whether the remainder of the north central area should be assumed as agricultural through (and possibly beyond) 2013 and if not, what uses should be assumed?" as listed in the community outreach section of the staff report. There was no second to the motion.

The main motion passed by the following votes:

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

R. Asmundson moved, seconded by D. Saylor to begin preliminary staff review of the proposal. The motion passed by the following votes:

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

D. Saylor moved, seconded by S. Souza not to initiate the EIR process until technical review and evaluation of non-residential viability is complete. The motion passed unanimously.

Staff was asked to bring back a reasonable timeline for the community outreach.

Public Hearing: Agricultural Mitigation – City Code Amendments

M. Sears walked through the changes to the agricultural mitigation ordinance.

The public hearing was opened.

Agricultural Mitigation - City Code amendments: First Reading

M. Spencer stated that during the General Plan Housing Element Committee meeting adjacency was a major part of the discussion. He complimented the Council and city staff for their work in this area.

With no further comments, the public hearing was closed.

Amendments to the Right to Farm and Farmland Preservation program

S. Souza moved, seconded by S. Greenwald to adopt the amendments to the City Code sections known as the Right to Farm and Farmland Preservation Program. The motion passed unanimously.

Adjournment

The meeting was adjourned at 12:09 a.m. with a moment of silence for those who are suffering in the fires in Southern California and that our firefighters return safely.

Margaret Roberts, CMC
City Clerk