

**MINUTES OF THE DAVIS CITY COUNCIL**  
**Meeting of November 13, 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: Lamar Heystek, Don Saylor, Stephen Souza, Sue Greenwald  
Councilmembers Absent: Ruth Asmundson  
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 6:45 with no reportable action.

The meeting was opened with a pledge to the flag and a moment of silence for those who lost their lives in war.

Youth in government shadows were introduced.

Approval of Agenda L. Heystek moved, second by S. Souza, to approve the agenda moving some of the items earlier in the meeting. 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.

S. Souza asked that the meeting be closed in memory of Roz Pasco.

H. Steiner reported that the Amicus Brief was refilled and the California Supreme Court accepted the brief and therefore Davis will be listed.

Long Range Calendar: S. Souza moved, second by L. Heystek, to accept the Long Range Calendar. The motion passed unanimously.

AB1234 Reporting: S. Greenwald attended the Mayors Conference on Global Warming in Seattle.

Public Comments Comments and concerns expressed by citizens:

- J. Sherman spoke about the Davis Police Department
- S. Lee is the new ASUCD student affairs position
- E. Eni is on the external affairs members and is a freshman at UCD
- M. Lecter, representative for students for agriculture at UCD and urged the Council to take a stand on the Farm Bill

Consent Calendar Resolution 07-178 authorizing application to State of California for 2007/2008 Multi-Family Beverage Container Recycling Grant and Beverage Container Recycling Grant  
Approved

Resolution 07-179 authorizing the City Manager to execute second amendment to Agricultural Lease with Steven E. Snyder for use of the Clayton Ranch (198 acres) to provide an extension for calendar year 2008  
Approved

Resolutions 07-180 authorizing the City Manager to execute second amendment to Agricultural Lease with Dick Dettling for use of the Howat Ranch (521 acres) to provide an extensions for calendar year 2008

Approved

Resolution 07-181 approving third extension of time for performance of certain acts required by Resolution No. 07-074, Series 2007, which approved the Final Map for Zelkova Court, Subdivision No. 4569 (Barker)

Approved

Bicycle Advisory Commission regular meeting minutes of September 17, 2007

Informational

Business and Economic Development Commission regular meeting minutes of September 24, 2007

Informational

Historical Resources Management Commission regular meeting minutes of August 20, 2007

Informational

Natural Resources Commission regular meeting minutes of July 23, 2007

Informational

City Council minutes from the regular meetings of October 16 and 23, 2007

Approved

Revised job specifications – Child Care Manager; Child Care Supervisor; Child Care Program Coordinator; Child Care Program Assistant (Resource and Referral); Lead Eligibility Worker; Eligibility Worker I/II; Child Care Financial Associate; Child Care Financial Assistant I/II

Approved

Resolution 07-182 approving a sole source contract with L3 Communications Mobile-Vision in the not-to-exceed amount of \$138,000 for replacement/upgrade of the Police Department mobile computer system

Approved

Budget Adjustment #39 (\$150,000) – allocation of funds to upgrade computer systems

Approved

Budget Adjustment #40 (\$332,840) – allocation of current fiscal year Home Investment Partnership Program (HOME) award to funded activities and transfer of past year savings into the current fiscal year budget

Approved

Budget Adjustment #41 (\$386,553) – allocation of current year Community Development Block Grant (CDBG) award to funded activities and transfer of past years savings in CDBG program funds into the current fiscal year budget

Approved

Resolution 07-183 of Intention to levy and collect the Business Improvement District (BID) 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 fiscal year 2008-2009

Approved 2007 Core Area BID Report including FY 2008-2009 proposed budget and programs from Davis Downtown Business Association (DDBA) subject to any changes or modifications that may be made subsequent to a public hearing on the request to in-

crease, levy and collect an annual assessment to be held on 12/04/2007

Approved Resolution of Intention

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

Moved by L. Heystek, second by D. Saylor for removal of Human Relations Commissioner Anne Evans due to lack of attendance. The motion passed unanimously.

Items pulled from the Consent Calendar

Resolution 07-184 authorizing the City Manager to execute an interim change in use of 512 Fifth Street property by Davis Community Meals (DCM) as a cold weather shelter during the 2007-2008 cold weather season, with automatic renewals for one year cold weather season

Approved

Directed Davis Community Meals (DCM) to work with the Davis Police Department and Davis Community Church to continue enforcement of a no loitering policy in the area surrounding the house at 512 Fifth Street and the east side of the church closest to the shelter, and to coordinate a referral system for the shelter each year to include an annual renewal of a Memorandum of Understanding between DCM and Davis Community Church

Directed staff and DCM to notice the surrounding neighborhood in advance of the shelter opening each year to include details of the shelter and emergency contact information for Davis Community Meals, and to hold neighborhood meetings as staff deems necessary

D. Saylor moved, second by S. Greenwald to approve the above. Motion passed unanimously.

Public Hearing: Ordinance Repealing and Re-enacting Chapter 8, Article 8.01, of the Davis Municipal Code

Public hearing was opened and with no comments was closed.

S. Souza moved, second by D. Saylor introduction of the ordinance repealing and re-enacting Chapter 8, Article 8.01, of the Davis Municipal Code and adopting by reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code including the Administrative Code, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Code, Existing Building Code and Referenced Standards Code including Appendix Chapters, and Amending Those California Building Standards as Identified Herein, Through Express Findings of Local Necessity. The motion passed unanimously.

Public Hearing: Amendments to the Davis Municipal Code regarding Fire Codes

Amendment to the Davis Municipal Code to Adopt the 2007 Fire Code and to Remove the Fireworks Prohibition from Chapter 26 and Add to Chapter 13 and Ordinance Repealing Article 26.01.050, 26.01.060 and 26.01.070 of the Municipal Code and Adding Chapter 13 Article 13.002 Regarding Fireworks

Public hearing was opened and with no comments was closed.

D. Saylor moved, second by S. Souza to introduce the ordinances moving the fireworks prohibition from Chapter 26 to Chapter 13 and to adopt Part 9 – the California Fire Code and for the City Attorney to make the necessary technical changes to the ordinance. The motion passed unanimously.

Public Hearing: Mace Ranch Industrial General Plan Amendment and Rezone

The public hearing was opened.

Mr. Nishikawa, the applicant, thanked staff for their due diligence on the project and spoke to the application.

A resident spoke in favor of the project. The rezone would allow more flexible utilization of the property.

With no further comments, the public hearing was closed.

D. Saylor moved, second by S. Souza to take the following action:

Adopted the Initial Study/Negative Declaration prepared for the project which determined that potential environmental impacts would be less than significant

Approved Resolution 07-185 Amending the General Plan to Redesignate Ten Parcels (16.9 Acres) Located in Mace Ranch Between Second Street and Fifth Street Along Pena Drive from Industrial to Business Park

Introduced Ordinance Amending Chapter 40 of the Davis Municipal Code for Planned Development (PD) #4-88 to Rezone Ten Parcels From Industrial to Light Industrial/Business Park; to Add Commercial Recreation to the List of Conditional Uses and to Modify the Landscaping Coverage Requirement for the Light Industrial/Business Park Zone

Introduced Ordinance Approving the Eighth Supplement and Amendment to the Development Agreement Regarding the Mace Ranch Development

Approved Resolution 07-186 Repealing the East Davis Specific Plan

The motion passed unanimously.

Community Sustainability Project Update and Second Set of Initial City Actions to Reduce Green House Gas Emissions

S. Souza moved, second by L. Heystek to approve Resolution 07-187 adopting the second set of initial green house gas reduction measures – city operations. The motion passed unanimously.

L. Heystek moved, second by D. Saylor to direct staff to continue to analyze

Consider additional sets of initial actions identified in Attachments 2 and 3 of the staff report and direct staff to continue to analyze these actions and return for Council action at a future meeting

Intersection Review of Pole Line Road Overcrossing at Oakshade Town Shopping Center

D. Saylor moved, second by S. Souza to shave the median island, lengthen the pocket of the merge lane and to post a sign for vehicles coming over the overcrossing. The motion passed unanimously.

Fiscal Year 2007/2008 First Quarter Budget Update

A summary of the first quarter budget was provided.

Adjournment

The meeting was adjourned at 10:23 p.m. in memory of Roz Pasco.

Margaret Roberts, CMC  
City Clerk