

**MINUTES OF THE DAVIS CITY COUNCIL**  
**Meeting of December 18, 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:      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 (Gov't Code §54956.9(a)) on C & C Construction, Inc. v. City of Davis et al., Yolo County Superior Court Case No. CV07-120

The Council returned to open session at 6:34 with the following action:

Approval of a settlement agreement in the above litigation in the amount of \$121,000 with releases in both sides passed by the following votes:

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

Approval of Agenda      L. Heystek moved, second by S. Souza, to approve the agenda.

Substitute motion by S. Souza, second by D. Saylor to approve the agenda with the removal of the campaign contributions portion of item 11. The motion passed unanimously.

Ceremonial Presentation      Proclamation in appreciation of Sherry Kaufman was presented to her family for the outstanding work she did while serving on the Social Services Commission.

Public Comments      Comments and concerns expressed by citizens:

- M. Walker, L. Heller, B. Mellander, C. Donnelly, D. Murphy, J. Jackman, R. Levine, L. Rodman, E. Roberts-Musser, Supervisor M. Yamada and M. Reardon spoke regarding a proposed rent increase of 8-11% at Covell Gardens Assisted Living Facility owned by Atria Senior Living Group. They asked that the city Council
- T. Cross spoke against political sign issue as it will not bring the community owners and the community to a harmonious partnership. He does not believe that neither side is happy on the issue.

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:

- Regarding Covell Gardens:
  - B. Emlen advised that a letter was provided to Atria and the city is attempting to put together a strategy to the issue.
  - H. Steiner advised that it is almost impossible to do rent control. The city can contact the state licensing agencies, but a lot of regulations for this facility is on the state level.
  - S. Souza would like rent stabilization / control to be put on an agenda in the near future.
  - D. Saylor stated that he would like the Senior Citizen and Social Services Commissions to provide input on this item. The situation is out of the control of the

City Council to act.

- S. Greenwald would like a legislative update on assisted living.
- D. Saylor would like the Iran resolution come to the Council at a January meeting.
- L. Heystek would like the issue on cell tower issue be on a January meeting. – B. Emlen advised that it will most likely be the January 22, 2008 meeting.
- S. Greenwald would like to see funding priorities for future grant applications related to transportation funds.

S. Souza moved, second by L. Heystek to approve the long range calendar with the above additions. The motion passed unanimously.

AB1234 Reporting: None

Consent Calendar

Resolution 07-196 appending the UC Davis Bicycle Plan to the City of Davis Comprehensive Bicycle Plan as a supplement

Approved

Budget Adjustment #52 (\$81,000) for the Third Street Construction Mediation process

Approved

Resolution 07-197 authorizing the City Manager to execute a consultant agreement with National Water Research Institute for the Independent Advisory Panel for Municipal Drinking Water Supply and Wastewater Source Contaminant Permit Compliance CIP No. 8543

Approved

Revised job specification – Department Systems Analyst

Approved

Historical Resources Management Commission regular meeting minutes of November 5, 2007

Informational

Business and Economic Development Commission regular meeting minutes of October 22, 2007

Informational

Yolo County Focal Point Coordinating Council meeting minutes of October 30, 2007

Informational

Bicycle Advisory Commission regular meeting minutes of October 15, 2007

Informational

Senior Citizens Commission regular meeting minutes of October 11, 2007

Informational

Human Relations Commission regular meeting minutes of October 25, 2007

Informational

Planning Commission regular meeting minutes of May 9, 2007 and September 12, 2007

Informational

Annual development impact fee report – Schedule of revenues, expenditures and beginning and ending unexpended balances of collected fees (

Accepted

Resolution 07-198 directing staff to complete the necessary documents related to the assignment of an existing \$407,000 loan to the Twin Pines Affordable Housing Project cur-

rently held by Yolo Mutual Housing Association (YMHA) to the city of Davis  
Approved

D. Saylor moved, second by L. Heystek to approve the consent calendar as listed above.  
The motion passed by the following votes:

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

Items removed from  
Consent:

- Resolution Reaffirming the Use of the Davis Greenway Plan by the City of Davis as a Tool to Guide Future Open Space and Land Use Decisions:

S. Souza moved, second by L. Heystek to Resolution 07-199 reaffirming the use of the Davis Greenway Plan by the city of Davis as a tool to guide open space and land use decisions. The motion passed by the following votes:

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

- Human Relations Commission Regular Meeting of September 27, 2007 Including a Request for adoption of a Resolution Regarding the Matter Known as the Jena 6:

M. Faberson brought the issue before the Human Relations Commission and he believes it is important for white people to stand up for injustice.

L. Heystek moved, second by S. Souza to approve Resolution 107-200 regarding the matter known as the Jena 6 and accepting the remainder of the minutes of the September 27, 2007 as informational. The motion passed by the following votes:

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

- Review of City Council Pilot Program to Permit Discussions Prior to Motions:

Main motion by S. Greenwald, second by L. Heystek to establish a policy in which an attempt to honor the request of the chair to have a round of discussion before the motions when the chair deems it to be appropriate.

Substitute motion by D. Saylor to allow for discussions prior to motions but also retain the right of Council Members to make a motion as soon as they feel it is appropriate. There was no second for the motion.

The main motion passed by the following votes:

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

Public Hearing:  
Consideration of the  
Request for Pro-  
posals for the 2008-  
2009 Community  
Block Development  
Grant (CDBG) and

E. Garcia and K. Comes provided information on the critical needs list as in the staff report.

The public hearing was opened.

E. Roberts-Musser advised that at the county level they are working on filling the gap between low income and high income. Another program is a fee for service program

Housing Investment Partnerships Program (HOME) Funds, Including the Critical Needs List

through the county.

With no further comments the public hearing was closed.

D. Saylor would like to see the following items to the critical needs list:

Under Programs to support Independent Living and prevent institutionalization: Elder care coordination and adult daycare programs

Under prevention and other social services: Life skills development for low income adolescents

D. Saylor moved, second by L. Heystek to approve the Request for Proposals for the 2008-2009 Community Block Grant (CDBG) and Housing Investment Partnerships Program (HOME) funds including the critical needs list with the above mentioned additions and to distribute the RFP. The motion passed unanimously.

Public Hearing: Development Impact Fees and Resolution Setting the Amount of the Development Impact Fees Established by Ordinance No. 1549 to Become Effective February 25, 2008

P. Navazio provided the changes to the impact fees from the previous year. B. Blyth explained the importance of creating a nexus for the fees.

The public hearing was opened.

D. Fouts ask for clarification on some of the fees and are they based on new development paying for the complete increases. How they effect the affordability of housing to future development? He would like to see the per unit cost be broke down more which would assist in the affordability issue. If the fees are raised; what happens to the business model that people decide to shelf their projects?

With no further comments the public hearing was closed.

D. Saylor moved, second by S. Souza approval of Resolution 07-201 setting the amount of the development impact fees established by Ordinance No. 1549 to become effective February 25, 2008. The motion passed unanimously.

S. Greenwald moved, second by L. Heystek to move to a rolling methodology. The motion passed unanimously.

Main motion by S. Greenwald, second by L. Heystek to hire a consultant who specializes in creating legally defensible methodology (and analysis) that allow slow growth cities to collect fairer, higher development fees.

Substitute motion by D. Saylor, second by S. Souza to direct staff to work toward a work plan as part of the mid year budget update, to develop the scope that they need to update the development impact fees with appropriate, reasonable, and balanced fees to generate the revenue to cover the costs. The motion failed by the following votes:

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

The main motion failed by the following votes:

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

Secondary Treatment Process Replacement Project for the Wastewater

K. Smith went through the requirements for the wastewater discharge permit.

D. Saylor moved, second by S. Souza approval to proceed with the Secondary Process Treatment Replacement Project, determine that the Secondary Process Replacement

Treatment Facilities and Determine that the Project is Categorical Exempt under CEQA – CIP No. 8119

Treatment Project is categorically exempt under CEQA as a replacement and rehabilitation project and authorization to staff to file a Notice of Exemption from CEQA with Yolo County. The motion passed unanimously.

Public Hearing: Ordinance Amending Chapters 3 and 40 of the Davis Municipal Code Removing Political Campaign Sign Regulations

M. Roberts presented the changes being proposed. H. Steiner provided possible language to be added regarding leased dwellings. The language proposed is as follows:

Notwithstanding any lease to the contrary, no landlord or lessor shall prohibit a tenant lawfully in possession from posting political or non-commercial signs as otherwise allowed in this code.

The public hearing was opened.

Public Hearing: Ordinance of the City of Davis Amending Chapter 12, Elections, of the Davis Municipal Code Related to Maximum Campaign Contributions and Political Sign Regulations

A UC Davis student urged the Council to adopt the language as amended. Important to have his voice heard in both the primary and local elections.

With no further comments the public hearing was closed.

L. Heystek moved, second by S. Souza to approve staff recommendations with the language proposed by the City Attorney as stated above regarding the right for non-advertising and political signs and to bring back an urgency ordinance to the January 8, 2008 meeting. The motion passed unanimously.

Staff was directed to notify all interested parties of the language change and to bring back information from other jurisdictions on how they handle signage for lessees. Bring to the Council SB540 by Kehoe as well.

Status Report on the Housing Element and Steering Committee

Public comment on the housing element item that was postponed to January 8, 2008.

M. Williams advised that the committee was doing superb work and asked that the City Council provide clarity on the one percent growth guidelines versus REHNA mandates and if the sites being looked at should go beyond the 2013 timeline.

Resolution Forming the Ad Hoc Davis Climate Action Team and Adopting the Purpose, Scope and Membership Structure

M. Sears advised what each ad hoc committee would be charged with doing.

S. Souza moved, second by D. Saylor to approve Resolution 07-202 forming the ad hoc Science Advisory Team and to change the membership to consist of at least 9 persons. The motion passed unanimously.

Main motion by S. Souza, second by D. Saylor to approve the resolution forming the ad hoc Davis Climate Action Team and adopting the purpose, scope and membership structure.

Resolution Forming the Davis Science Advisory Team Ad Hoc Committee and Adopting the Purpose, Scope and Membership Structure

Substitute motion by S. Greenwald, second by L. Heystek to approve the resolution with the change in membership to be one member of the NRC, Open Space & Habitat Commission and the Planning Commission and each Council Member appoint three members at large.

Substitute, Substitute motion by S. Souza, second by L. Heystek to amend the composition to be as follows:

To constitute a small group of individuals from the community with no elected officials and who have expertise on the subject of climate change, the CAT shall consist of not more than 18 persons, as designated by the City Council, including representatives from:

- One member of the Natural Resources, Open Space, and Planning Commissions;
- The Davis Energy Group;
- The University of California at Davis Sustainability Committee;
- Pacific Gas and Electric;
- The Davis Joint Unified School District;
- The Sierra Club, Yolo Chapter;
- The Chamber of Commerce;
- The Interfaith Group "Care for God's Creation";
- Yolo County;
- Associated Students of UC Davis;
- Davis High School Student Government;
- Two local environmental organizations;
- Five public at large members.

The substitute, substitute motion passed unanimously.

By consensus the City Council approved a proclamation recognizing January 31, 2008 as focus the nation day and endorsing the activities of the UC Davis focus the nation planning committee.

Adjournment

The meeting was adjourned at 12:40 a.m.

Margaret Roberts, MMC  
City Clerk