

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 8, 2008

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 Session The Council went into Closed Session regarding the following:

Conference with Real Property Negotiators pursuant to subdivision (b) of Government Code § 54954.5:

A. Property: 604 Second Street (APN #s 070-243-01-01 and 070-243-02-01)
Agency Negotiator: City Manager Bill Emlen
Negotiating Party: Armisi, Inc.
Under Negotiation: Price and terms of payment

This item was also be discussed by the Redevelopment Agency Board

B. 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

Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of Government Code §54956.9: Union Pacific v. City of Davis, CV05-903

The Council returned to open session at 6:40 with the following action:

By a unanimous vote, the City Council authorized the initiation of law suit against Union Pacific for damages to the city's bike path.

Approval of Agenda S. Souza moved, second by R. Asmundson to approve the agenda. The motion passed unanimously.

Ceremonial Presentation Proclamation in recognition of January 21, 2008 as Martin Luther King Jr. Day was read.

Public Comments Comments and concerns expressed by citizens:

- R. MacNear, manager of the Farmers Market thanked the City Council for their support of the Market.
- A. Pryor spoke to the wood burning smoke in Davis.
- J. Sherman regarding a lack of good churches in Davis and the kangaroo trials that he was subjected to.
- M. Matson spoke to the tank house and the orange trees and that they should be preserved as a unit.
- Autumn with Labbe-Renault with Davis Media Access discussed how they can work with the city for future help with future emergency assistance.

- L. Hakmafula UCD Senator, spoke in support of the ordinances before the Council later in the meeting.
- R. MacDonald spoke regarding the Hunt Boyer Mansion and his feeling that this item is moving much too fast.

Brief Communications

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

- Emlen reported on the recent storm; what staff and the community went through as well as what was learned and improvements can be made and what worked well.

Long Range Calendar:

- Emergency operations during emergencies
- Refer wood burning smoke pollution to the Natural Resources Commission to bring back a recommendation to be acted upon

D. Saylor moved, second by R. Asmundson to approve the long range calendar with the above additions. The motion passed unanimously.

AB1234 Reporting: S. Greenwald attended a meeting in Berkeley.

Resolution Opposing Air Attacks on Iran

M. Winn, Teach Peace Organization, thanked the Council for discussing the issue.

L. Heystek moved, second by S. Souza approval of Resolution 08-001 opposing attacks on Iran. The motion passed unanimously.

Consent Calendar

Resolution 08-002 authorizing the application, acceptance, and execution of a community-based transportation planning grant from the State of California Department of Transportation for the 3rd Street Improvements Project

Approved

Resolution 08-003 authorizing the City Manager to execute Agreement No. C05-00261E, Amendment 2 with the University of California-Davis, transportation development act pass through for partial funding of the operation and maintenance of Uni-trans

Approved

Civic Arts Commission regular meeting minutes of October 8 and November 5, 2007
Informational

Finance and Budget Commission regular meeting minutes of November 8, 2007
Informational

Resolution 08-004 expressing support for AMGEN Bicycle Tour of California – Stage 2 of the 700-mile race scheduled to travel through Davis on February 19, 2008

Approved

City Council goals and objectives 2007/2008 Update
Accepted update

L. Heystek moved, second by R. Asmundson to approve the consent calendar as listed above. The motion passed unanimously.

Items removed from Consent:

Safety and Parking Advisory Commission regular meeting minutes of November 8, 2007

D. Saylor moved, second by R. Asmundson to accept the minutes of the Safety and Parking Advisory Commission as informational. The motion passed unanimously.

Second Reading:
Ordinance Amending Chapters 3 and 40 of the Davis Municipal Code Removing Political Campaign Sign Regulations (Introduced 12/18/07)

H. Steiner and B. Emlen provided information on the item.

S. Lee, P. Himes, G. Dizon, B. Keen, C. Roberts, M. Nicalonos A. Peak, C. Laymond, H. Cummings, E. Yani, and K. Powers spoke in favor of the item. Their concerns were as follows:

- The item previously went to City/UCD Student Liaison and Planning Commissions so there has been adequate time for property owners to respond
- Allows students to be involved in political processes
- The capability to have the freedom of speech regarding political opinions
- Set the example for others to follow
- Not being able to put up signs is telling them that their opinion does not matter

Second Reading:
Ordinance Amending Chapter 12, Elections, of the Davis Municipal Code Related to Political Sign Regulations (Introduced 12/18/07)

T. Cross, a local property manager stated that the recent storm and discussion of the issue brought to light that the Davis property managers group no longer exists. No property managers that he spoke to were against the item they just feel that they were not brought to the table for this item. He requested the opportunity in the near future to discuss amongst the industry and bring it back to the Council.

Urgency Ordinance Amending Chapter 12, Elections, Related to Political Sign Regulations and Declaring the Need for this Ordinance to Take Effect Immediately

L. Heystek moved, second by S. Souza to reintroduce the ordinance regarding Chapters 3 and 40 of the Davis Municipal Code Removing Political Campaign Sign Regulations. The motion passed unanimously.

L. Heystek moved, second by S. Souza to reintroduce the ordinance amending Chapter 12, Elections, of the Davis Municipal Code related to political sign regulations changing the language to include the language from SB540. The motion passed unanimously.

L. Heystek moved, second by S. Souza to approve Ordinance 2306 an urgency ordinance amending Chapter 12, Elections, related to political sign regulations and declaring the need for this ordinance to take effect immediately with the language from SB540 inserted. The motion passed by the following votes:

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

Public Hearing:
Ordinances Designating 301 and 311 B Street as Davis Historical Resources Pursuant to Article 40.23 of the Davis Municipal Code

I. Njoku introduced the item and answered Council questions.

The public hearing was opened.

P. Aikin and N. Aikin owner 311 B Street spoke against moving the buildings to another location. The requested that the Council not designate the properties as historical.

R. Herbert, Chairman of the HRMC gave the background of the action taken by the Commission.

R. Hwang owner of 311 B Street spoke about the history of the building. He gave options to the Council to consider but he supports the relocation option.

R. Rifkin spoke in favor of designating 301 and 311 B Street. By designating the

buildings as historical buildings, it makes it almost impossible to demolish. There is inadequate signage for historical buildings in Davis.

T. Ellis urged the Council to designate these as historical buildings. He is hoping that the 3rd and J site would be found appropriate.

S. Gharedy would like to see the houses designated and would like to see signage for the historical buildings in Davis to educate the public.

With no further comments, the public hearing was closed.

D. Saylor moved, second by L. Heystek to determine that the proposed designation of the two properties as historical resources is Categorically Exempt. The motion passed by the following votes:

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

D. Saylor moved, second by L. Heystek to introduce the ordinance designating 301 B Street, the Judge Scott house as a landmark. The motion passed by the following votes:

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

Main motion by D. Saylor, second by R. Asmundson to defer designation of 311 B Street as a merit resource at this time pending discussion of potential aspects of the project and indicates the Council's intention to consider merit resource status for this structure.

Substitute motion by L. Heystek, second by S. Greenwald to introduce an ordinance designating 311 B. Street as a merit resource. The motion failed by the following votes:

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

Substitute motion by S. Souza, second by D. Saylor that as soon as a proposal comes forward for the property of 311 B Street the intention is to designate it as a merit resource at that time. The substitute motion passed as follows:

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

Status Report on Progress of the 2013 General Plan/Housing Element Update Steering Committee

B. Wolcott provided an update on the progress of the 2013 General Plan Housing Element update Steering Committee.

Main motion by S. Greenwald, second by L. Heystek to direct staff to bring back a resolution regarding growth changing the language from one percent guideline to a one percent cap.

Substitute motion by S. Souza, second by R. Asmundson to direct staff to bring back a one percent resolution on the growth guidelines for further discussion and resolution.

M. Williams spoke that there needs to be clarification on the current resolution on one percent growth.

The substitute motion passed by the following votes:

AYES: Heystek, Souza, Greenwald

NOES: Asmundson, Saylor

Adjournment

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

Margaret Roberts, MMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
Meeting of January 8, 2008

The Redevelopment Agency 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: Board Members Present: Ruth Asmundson, Lamar Heystek, Don Saylor, Stephen Souza, Sue Greenwald

Board Members Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, Agency Clerk Margaret Roberts

Closed Session The redevelopment Agency went into Closed Session regarding the following:

Conference with Real Property Negotiators pursuant to subdivision (b) of Government Code § 54954.5:

Property: 604 Second Street (APN #s 070-243-01-01 and 070-243-02-01)
Agency Negotiator: City Manager Bill Emlen
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This item was also be discussed by the City Council.

The Board returned to open session at 6:30 with the following action:

By a unanimous vote, the Redevelopment Agency authorized the initiation of law suit against Union Pacific for damages to the city's bike path.

Approval of Agenda S. Souza moved, second by R. Asmundson to approve the agenda. The motion passed unanimously.

Public Comment None

Consent Calendar Redevelopment Agency minutes from the regular meetings of October 16 and November 27, 2007
Approved

L. Heystek moved, second by R. Asmundson to approve the consent calendar as listed above. The motion passed unanimously.

Resolution Directing Staff to Further Analyze the Costs and Feasibility of the Relocation of Two Historic/Contributing Historic Houses and the Construction of Two New Houses at 233 and 239 J Street

D. Foster provided information on the item.

R. Herbert talked about moving historical buildings to a comparable location.

B. Bealer requested that the historical guidelines be honored and to remember that the district is zoned CDR2 for the project that comes forth.

T. Ellis spoke to not wanting to destroy one neighborhood to benefit another.

M. Rutheiser asked if the city pays property taxes for city owned property. The Aikens are supportive of option 1 as listed in the staff report.

D. Saylor moved, second by R. Asmundson approval of RDA Resolution 1207 directing staff to further analyze Option 1, the relocation of up to four eligible historic/contributing historic houses and the construction of new houses, up to a total of four units, through the completion of a more detailed feasibility analysis and having a strong commitment to obtain neighborhood participation and space planning. The motion passed unanimously.

S. Souza moved, second by L. Heystek to direct staff to enter into discussions to relocate 311 B Street to these lots. The motion passed by the following votes:

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

Adjournment

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

Margaret Roberts, MMC
Agency Clerk