

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of May 20, 2008

The City Council of the City of Davis met in regular session beginning at 6:37 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, Deputy City Clerk Zoe Mirabile

Approval of Agenda S. Souza moved, second by D. Saylor, approval of the agenda. Motion passed unanimously.

Ceremonial Presentations Mayor Greenwald presented Plaques Honoring the 2008 Thong Hy Huynh Memorial Award Recipients as follows:

- Humanitarian: Will and Jane Lotter
- Young Humanitarian: Amanda Lopez-Lara
- Lifetime Achievement: Lois Grau
- Civil Rights Advocacy: Cindy Burger
- Community Education and Awareness: Lisa Mowry and Jeanne Reeve
- Excellence in Community Involvement: Meal Volunteers for Davis Community Meals
- Peace Officer of the Year: Trease Petersen

City Council recessed at 7:04 p.m. and reconvened at 7:32 p.m.

Brief Communications Long Range Calendar:

- L. Heystek requested staff draft an ordinance to amend the Municipal Code to reflect gender neutral designations (e.g. Councilman amended to Councilmember). Council concurred.
- R. Asmundson requested Council agendaize appointment of a Council Subcommittee consisting of L. Heystek and R. Asmundson to work on planning a Council retreat. Council concurred.
- S. Greenwald requested Council agendaize a proclamation in support of victims and survivors of China's May 12, 2008 Earthquake. Council concurred.

R. Asmundson moved, seconded by L. Heystek, to approve the long range calendar as amended. Motion passed unanimously.

AB1234 Reporting: D. Saylor reported attendance at a Yolo County Board of Supervisors presentation.

Public Comments Joe Sherman spoke regarding street sweeping.

Shelly Bailes and Ellen Pontac spoke in support of gay marriage, thanked the City Council for participating in an amicus brief in support of gay marriage when the issue was brought before the California Supreme Court, and relayed an invitation for a celebration/reception in honor of their upcoming nuptials.

Consent Calendar Business and Economic Development Commission Recommendation to Approve Resolution No. 08-065 – Recognizing the Importance of the Davis School System to the City's Economy
Approved resolution

Resolution No. 08-066 – Authorizing the City Manager to Execute Agreements Between the City of Davis and the Cities of West Sacramento, Woodland, Winters and County of Yolo for Development of a Ten-Year Plan to Prevent and End Chronic Homelessness in Yolo County
Approved

Resolution No. 08-067 – Approving an Option Agreement to Resell the Staib Property to Paul and Laura Barger, an Agreement to Purchase an Agricultural Conservation Easement and Authorizing the City Manager to Complete the Resale for the Purposes of Permanently Protecting the Agricultural Values and Open Space Character of the Property
Approved

Resolution No. 08-068 – in Support of AB 2598 which Allows Local Governments to implement Rent Controls for Residential Care Facilities for the Elderly
Approved

Historical Resources Management Commission Recommendations Relating to the 2008 Historical Preservation Award Nominees – Proclamations Honoring Richard Berteaux, Tony and Heather Martin, and Sierra Railroad Company
Affirmed commission nominees

Second Reading: Ordinance No. 2314 – Amending Chapter 33 of the Davis Municipal Code Relating to Sewer Rates
Adopted (Introduced 05/06/2008)

Second Reading: Ordinance No. 2315 – Amending Chapter 39 of the Davis Municipal Code Relating to Water Rates
Adopted (Introduced 05/06/2008) by the following vote:
AYES: Asmundson, Saylor, Souza, Greenwald
NOES: Heystek

Business and Economic Development Commission 2008 Work Plan
Approved

Revised Job Specifications – Equipment Mechanic I/II and Equipment Maintenance Crew Supervisor
Approved

Business and Economic Development Commission Minutes from the Regular Meeting of March 31 and Special Meeting of April 21, 2008
Informational

Treasurer's Report for the Quarter Ended April 6, 2008
Informational

R. Asmundson moved, seconded by D. Saylor, to approve the consent calendar as listed above. Motion passed unanimously.

Items removed from Consent Calendar:

Resolution Authorizing Amendments to the Verizon Telecommunications Agreement to Allow a Sublease to MetroPCS

Item removed from consent calendar by R. Asmundson and L. Heystek.

City Attorney Harriet Steiner explained that the city has worked to promote collocation of telecommunication sites, not necessarily to maximize possible revenue. Priority at this particular site was focused on reaching an agreement that would have the least impact on the community. In moving forward, staff will focus both on aesthetics and revenue potential.

D. Saylor moved, seconded by S. Souza, to approve Resolution No. 08-069 – Authorizing the City Manager to Sign Amendments to the Verizon Telecommunications Agreement – Lease Amendment Allowing Verizon Wireless to Sublease a Portion of

Their Existing Lease Area to MetroPCS. Motion passed by the following vote:

AYES: Asmundson, Saylor, Souza, Greenwald

NOES: Heystek

Resolution Supporting the California Prevention of Farm Animal Cruelty Act

Item removed from consent calendar by S. Greenwald.

Pam Runquist, Human Society Veterinary Medical Association, spoke in support of the resolution and stated the Act is a basic protection measure to help the three most common types of penned animals, namely, calves raised for veal, egg laying hens, and pregnant pigs.

Julie Sontag stated there have been concerns raised regarding the increase of food costs due to this Act, yet an industry scientist has advised that the increase would be equivalent to approximately one cent per egg.

Dr. Beth Johns, Californians for Human Farms, stated the Act provides for a seven year exemption period and allowances for transportation.

S. Greenwald moved, seconded by L. Heystek, approval of Resolution No. 08-070 – Supporting the California Prevention of Farm Animal Cruelty Act. Motion passed unanimously.

Public Comment Continued

Shula Blumenthal spoke in support of AB 2598, and requested Council support efforts to implement rent control for elderly residential care facilities.

Continued Public Hearing: Ordinance Updating the Primary Record of 820 Pole Line Road (Davis Cemetery) to Reflect the Historic Boundary and Texts for the Landmark Portion of the Site

Planner/Historical Resources Manager Ike Njoku stated the proposed Ordinance will correct errors in the boundary and text of the Primary Record of the Davis Cemetery.

Mayor Greenwald opened the public hearing.

Ran Herbert, Historical Resources Management Commission, spoke in support of the proposed ordinance.

Mayor Greenwald closed the public hearing.

S. Souza moved, seconded by R. Asmundson, to introduce Ordinance Amending Ordinance No. 1282 to Update the Primary Record of 820 Pole Line Road (Davis Cemetery), a City Landmark, in Order to Reflect Appropriately and Accurately the Historic Boundary and Texts for the Landmark Portion of the Site. Motion passed unanimously.

Public Hearing: Ordinance Amending the Davis Cable Television Franchise and License Ordinances to Add Chapter 8B.07 to the Davis Municipal Code to Implement the Digital Infrastructure and Video Competition Act of 2006 (DIVCA)

Assistant to Community Services Director Samantha Wallace provided information on the proposed ordinance which assures that city rights would be enforceable on state video franchise holders, specifically the rights to franchise fees up to five percent of gross revenues and public, education, and government access (PEG) fees at an equal level to that required in the franchise with the current cable provider.

Mayor Greenwald opened the public hearing, and hearing no comments, closed the public hearing.

S. Souza moved, seconded by R. Asmundson, to introduce Ordinance Amending the Davis Cable Television Franchise and License Ordinances to Add Chapter 8B.07 to the Davis Municipal Code to Implement the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). Motion passed unanimously.

Public Hearing: Resolutions Approving Changes to Certain Fees and

Mayor Greenwald recused herself during the discussion of the proposed B and 3rd Street Visioning Project Core Area Specific Plan Amendment Cost Recovery Fees due to ownership of real property on Rice Lane.

Charges for the Provision of Services by City Departments

Economic Development Coordinator Sarah Worley explained that the city incurred costs for technical studies and consultant services for the Core Area Specific Plan Amendments resulting from the B and 3rd Street Visioning Project, including evaluation of impacts on 17 historic structures located on 22 parcels. Proposed fees will be allocated among eligible properties based on the amount of net new development projected to occur over time, and the number of pre-1945 structures that are projected to redevelop which had not been previously analyzed.

Mayor Pro Tem Asmundson opened the public hearing, and hearing no comments, closed the public hearing.

S. Souza moved, seconded by D. Saylor, to enact the B and 3rd Street Visioning Project Core Area Specific Plan Amendment Cost Recovery Fee with an annual renewal.

L. Heystek proposed a friendly amendment for the fee to reflect an adjustment for inflation or other cost of living multiplier. Mover and second accepted amendment.

City Attorney Harriet Steiner stated if the Council intends to enact the fee as proposed, then from a legal standpoint it would be preferable to adopt the fee to include a specific CPI adjustment percentage without the requirement for an annual renewal.

S. Souza amended the motion as follows: B and 3rd Street Visioning Project Core Area Specific Plan Amendment Cost Recovery Fee will be enacted with an annual CPI adjustment not to exceed 4%, without the need for specific Council action for renewal. Accepted by second. Motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza

NOES: None

ABSTAIN: Greenwald

Mayor Greenwald returned to the dais.

Assistant City Manager Paul Navazio and Financial Services Manager Gail Buller provided an overview of the proposed fees.

Mayor Greenwald opened the public hearing, and hearing no comments, closed the public hearing.

S. Souza moved, seconded by D. Saylor, approval of the following:

1. Resolution No. 08-071 – Approving Changes to Certain Fees and Charges for the Provision of Services by City Departments
2. Resolution No. 08-072 – Approving Changes to Certain Fees and Charges for the Provision of Services by the Community Development Department Planning Division and Public Works Developer Fees

Motion passed unanimously.

Appeal of April 17, 2008 Tree Commission Decision to Retain the Street Tree at 1002 Radcliffe Drive

Urban Forest Manager Rob Cain provided information on the tree removal request and subsequent Tree Commission decision to retain the tree, explaining the commission determined that the tree root intrusion can be mitigated and was not the cause of the sewer line failure.

Sandra Sokolow, appellant, provided an explanation for the appeal of the Tree Commission decision.

D. Saylor moved, seconded by L. Heystek, to uphold the April 17, 2008 Tree Commission decision to retain the Honey Locust tree at 1002 Radcliffe Drive. Motion passed unanimously.

S. Souza moved, seconded by D. Saylor, to direct staff to move expeditiously in removing the dead and dying branches from the tree in question. Motion passed unanimously.

Update on Bridgeway Farms Sustainable Farm Plan and Resolution Approving McConeghy and Ebey-Laughtin Farm Easement Amendment

Sustainability Program Manager Mitch Sears explained that the city in partnership with Solano Land Trust, City of Dixon, UC Davis, and California Department of Conservation acquired an agricultural conservation easement on approximately 195 acres of the Ebey/Laughtin and McConeghy properties north of I-80 at the Kidwell freeway exit. The fee title buyers of the property and partners in the conservation transaction were Rich and Shelly Collins, who have submitted site plans to improve the farmstead area on the property and develop the Bridgeway Farms concept, a mix of processing, retail and educational facilities, necessitating easement amendments. The Solano County Planning Department will process the necessary conditional use permits.

Rich Collins outlined the Bridgeway Farms concept and provided information on anticipated employees, on-site housing, processing activities such as a dairy and winery, and roadside produce stand.

S. Souza moved, seconded by R. Asmundson, approval of Resolution No. 08-073 – Approving the First Amendment to Deed of Agricultural Conservation Easement McConeghy Farm North and Ebey-Laughtin Farm-Solano County (Bridgeway Farms) for the Purposes of Supporting the Continued Agricultural Use of the Property and Promoting Sustainable Farming Practices that Serve to Protect the Agricultural Values and Character of the Property. Motion passed unanimously.

Continued Public Hearing: Davis Korean Church

Mayor Greenwald opened the following continued public hearing and continued it to June 10, 2008: Reconsideration of Conditional Use Permit for Davis Korean Church at 555 and 603 L Street, Approved by City Council on March 18, 2008.

Public Hearing: Lease and Power Purchase Agreements for Solar Power at Wastewater Treatment Plant Adjournment

Mayor Greenwald opened the following public hearing and continued it to June 10, 2008: Consideration of a Lease Agreement Authorizing the Installation and Operation of a Photovoltaic (Solar) Electrical Generation Facility on a Portion of the Wastewater Treatment Plant Site to Provide Power for that Facility through an Interconnection to the Electrical Grid, and a Power Purchase Agreement wherein the City would Purchase All Electrical Power Produced for a Period of at Least 25 Years.

The meeting was adjourned at 10:33 p.m. in honor of Vicki Schlechter.

Zoe S. Mirabile, CMC
Deputy City Clerk