

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 15, 2008

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 Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza, Ruth Asmundson

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Clerk Margaret Roberts

Closed Session The City Council met in closed session for a conference with labor negotiator pursuant to Gov't Code §54957.6 for Firefighters Local 3494. The Council returned to open session at 6:35 p.m. with no reportable action.

Approval of Agenda Moved and seconded (Heystek/Souza) approval of the agenda moving the proclamation for Parks and Recreation Month be done after the other ceremonial presentation. The motion moved unanimously.

Swearing in of Councilmembers Swearing in of Councilmember Sue Greenwald was done by City Clerk Margaret Roberts.

Ceremonial Presentation Proclamation in recognition and appreciation of John Scott for his heroic actions in extinguishing a fire was presented.

Proclamation commemorating July as Parks and Recreation Month was presented to Charlie Russell a member of the Recreation and Parks Commission.

Public Comments

- P. Lee – spoke in opposition of the Verona subdivision project as it is being presented. He submitted a petition signed by 21 citizens.
- L. Fox – on behalf of the Davis Areomodelers requested the item be pulled from the consent calendar.
- G. Moore – asked that the introduction of the ordinance requiring that a universal design checklist be pulled from consent for discussion.

Consent Calendar

Resolution 08-096 authorizing the City Manager to execute first amendment to agreement between County of Yolo and City of Davis for animal control services
Approved

Resolution 08-097 regarding heat-related injuries and deaths of farmworkers
Approved

Resolution 08-098 accepting bid of \$107,910.55 from Riverview International for one (1) three axle 12 yard dump truck
Approved

Budget Adjustment #03 (\$3,911) – Allocating Water Division Maintenance and Operation funding
Approved

Resolution 08-099 accepting bid of \$144,083.30 from Riverview International for one (1) 4 yard asphalt patch truck
Approved

Budget Adjustment # 2 (\$34,095) – Allocating remainder of currently available Prop 1B funding to street maintenance for road rehabilitation contract
Approved

Bicycle Advisory Commission regular meeting minutes of May 19, 2008
Informational

Historical Resources Management Commission regular meeting minutes of June 2, 2008
Informational

Tree Commission regular meeting minutes of May 15, 2008
Informational

Senior Citizens Commission regular meeting minutes of March 13 and May 8, 2008 and Joint Meeting with Social Services Commission of April 12, 2008
Informational

Safety and Parking Advisory Commission regular meeting minutes of April 3, 2008
Informational

City Council / Planning Commission minutes from the joint meeting of April 22, 2008
Approved

Progress report on city preparations and response to large scale emergencies
Informational

Ordinance Amending Davis Municipal Code Sections 2.01.090 and 40.35.020 to Replace Any Reference to “Councilman” or “Councilmen” with “Councilmember”
Introduced

Second Reading: Ordinance Amending Davis Municipal Code Section 15.02.050 Related to Purchasing Procedures
Adopted (Introduced 06/24/2008)

Resolution 08-100 Approving the Aquatics Facility Cost Recovery Policy for Implementation in 2009/2010
Approved resolution and approved the Dive Pool hourly rate increase for Co-sponsored Groups to be spread over two years with the possibility of spreading fee increases over a third year when the actual 2009/10 fee calculations come forward for approval

Resolution 08-101 authorizing the City Manager to execute consultant agreement with West Yost Associates for East Davis Water Tank, CIP No. 8172
Approved

Resolution 08-102 in support of AB 1709, A Mello-Roos Act for renewable energy and energy efficiency
Approved

Resolution 08-103 approving the agreement to prefund other post-employment benefits through CalPERS
Approved

Resolution 08-104 approving the delegation of authority to request disbursement from the other post-employment benefits prefunding plan
Approved

City Council minutes from the regular meetings of June 10, June 24 and July 1, 2008
Approved

Moved and seconded (Heystek/Souza) approval of the consent calendar as listed above. The motion passed by the following votes:

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

Items Removed
from Consent

- Inclusion of road rehabilitation contracts as proposed projects for the Prop 1B grant application

Moved and seconded (Saylor/Souza) approval of the inclusion of the road rehabilitation contracts as proposed projects for the Prop 1B grant application. The motion passed by the following votes:

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

- Specifications for 2008 Road Rehabilitation, Program No. 7252 [STPL 5238(046)
- Resolution Awarding Contract of \$846,479.90 to American Engineering & Asphalt, Inc., to include a Contingency Amount of \$50,000

Moved and seconded (Saylor/Souza) approval of the Specification for the 2008 Road Rehabilitation, Program No. 7252 and Resolution 08-105 awarding a contract of \$846,479.90 to American Engineering & Asphalt, Inc., to include a Contingency Amount of \$50,000. The motion passed by the following votes:

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

- Update on Relocation of the Woodland Davis Aeromodelers

Moved and seconded (Saylor/Souza) staff recommendations as follows:

1. Recommend the Woodland Davis Aeromodelers consider acquisition of property where their use would be permitted with minimal environmental assessment requirements and where they would have a lease possibility longer than five years
2. Direct staff not to include the Aeromodeler component in the sports park EIR, or that the consultants provide a separate cost estimate for that portion of the EIR

The motion passed by the following votes:

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

- Ordinance Adding Sections 18.09.010 through 18.09.090 to the Municipal Code, Requiring that a Universal Design Checklist be Provided to all Identified Future or Existing Owners During New Construction or Substantial Rehabilitation of a Single-Family Housing Unit Prior to Issuance of City Building Permit

G. Moore spoke to his concerns with the proposed ordinance.

Moved and seconded (Saylor/Souza) to introduce the ordinance as presented. The motion passed by the following votes:

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

Public Hearing:
 Consider Proposal to Subdivide Vacant 8.55 Acre Parcel on the Corner of Alhambra Drive and Fifth Street

The Public Hearing was opened and continued to July 29, 2008.

Public Hearing:
 Ordinance Adding Article 18.08 and Amending Articles 8.11 and 40.27 of the Municipal Code, Providing a Procedure for Reasonable Accommodation in the City's Land Use, Zoning and Building Regulations Allowing Modifications and Exceptions Pursuant to State and Federal Laws

D. Foster provided background information on the ordinance.

The public hearing was opened and with no comments, the public hearing was closed.

Moved and seconded (Souza/Saylor) finding that approval of the Reasonable Accommodations Ordinance and proposed code additions are exempt from environmental review under Article 12, Sections 15183 and 15184 of CEQA and introduced the ordinance which would adopt the following code changes:

1. Addition of a Reasonable Accommodations Ordinance into the Housing Chapter of Davis Municipal Code (Chapter 18) as Article 18.08;
2. Changes to the City's Zoning (Chapter 40) and Building (Chapter 8) Chapters of Davis Municipal Code in order to reference the process created by the Reasonable Accommodations Ordinance; and
3. Changes to Sections 40.27.110 and 40.27.120 in order to recognize and adhere to state density bonus law requirements for affordable housing and the federal Religious Land Use and Institutionalized Persons Act.

The motion passed by the following votes:

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

Resolution Approving the Special Event/Uses of Parks and Greenbelts Permit Policy

M. Wierschem provided the reasoning as to the necessity for the permit process and pointed out that it would allow for "one-stop shopping" for people requesting the use of parks and greenbelts.

Moved and seconded (Souza/Saylor) Resolution 08-106 approving the special event/uses of parks and greenbelts permit policy with a language change from portapotty to portable restroom and to add a statement that would allow for the area on the site map to be reserved for non-reservable areas. The motion passed by the following votes:

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

Feasibility Study Participation for an Alternative Transportation Corridor Between Woodland and Davis

K. Hiatt provided the background information on the feasibility study. P. Mershon with Yolo County provided some information on SAFETEA-LU funds that could possibly be available.

Moved and seconded (Saylor/Souza) to approve the following:

1. Approved the draft Vision and Goals for the Alternative Transportation Corridor Feasibility Study, subject to concurrent review and approval by the City of Woodland and Yolo County
2. Directed staff to work with the City of Woodland and Yolo County to jointly solicit proposals to prepare a feasibility study based on the draft vision and goals
3. Approved a commitment to fund 40% of the costs of the study, up to \$60,000, representing the City of Davis' share of the cost of the feasibility study, including public outreach
4. Authorized City of Davis to serve as the managing agency for the feasibility study contract
5. Directed staff to prepare and bring back for consideration a preferred proposal for authorization with a Memorandum of Understanding between the agencies outlining in more detail the implementation process, funding strategy, and ongoing maintenance obligations for the project

The motion passed by the following votes:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Proposed Charter for the City of Davis

K. Stachowicz provided an update on the proposed charter for Davis since the previous Council meeting of June 24. H. Steiner provided information on charter versus general law cities and how being a charter city would be beneficial for the city of Davis.

J. Adler and C. Oneal urged the Council to adopt the charter. It was pointed out that there have been two task forces (1996 and 2005) that recommended a charter for Davis.

Moved and seconded (Heystek/Souza) approval of Resolution 08-107 calling a special election to be held in the City on November 4, 2008, for the purpose of submitting a ballot measure to the voters to adopt a City Charter. The motion passed by the following votes:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

Moved and seconded (Heystek/Souza) approval of Resolution 08-108 requesting the Yolo County Board of Supervisors to consolidate a Special Municipal Election to be held on November 4, 2008, with the Statewide General Election to be held on that date. The motion passed by the following votes:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

Moved and seconded (Heystek/Souza) to designate the Charter Subcommittee to prepare a ballot statement for signature by each City Councilmember with Article V, Section 5.03 added language at the end of the section to read "Further the City Council shall not adopt any provisions for labor binding arbitration." The motion passed by the following votes:

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

Preliminary Re-
quest for Review –
Proposed Changes
to Anderson Bank
Building

This item was also heard by the Redevelopment Agency

K. Hess provided information on the proposed project.

J. Kidd, the applicant provided background on the proposal and what has transpired to come before the Council. He would like a quality restaurant for long-term use.

R. Herbert supports the reuse of historic buildings. The Historical Resources Management Commission would like the windows to remain where they are as they have taken this issue up in the recent past. He urged the Council to take special care of this historical building.

Moved and seconded (Souza/Heystek) to direct staff to work on the concept of adding outdoor dining areas on one or both sides and direct staff to determine if it is possible to have operable windows, but there is no desire to lower the windows.

The motion passed by the following votes:

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

City Council, City
Manager and City
Attorney Brief
Communications

- Long Range Calendar:

July 22 workshop will begin at 5:00 with the regular meeting starting at 6:30.

July 24 and July 29 are closed session for City Manager evaluations; the July 24 meeting will be without the City Manager and both meetings will begin at 6:30.

Moved and seconded (Heystek/Souza) to accept the long-range calendar. The motion passed unanimously.

- AB 1234 Reporting:

D. Saylor: Sacramento Valley Region of the League of California Cities meeting in Lake Tahoe.

- Selection of Voting Delegate and Alternates for the League of California Cities Annual Conference to be Held September 24-27, 2008:

Moved and seconded (Saylor/Greenwald) to appoint S. Souza as the voting delegate with D. Saylor and R. Asmundson as the alternates. The motion passed unanimously.

- Appointment of City Council Liaisons to Committees, Boards and Commissions:

The Council Members will get their first and second choices to the Mayor and the item will bring back to the July 22 Council meeting.

Adjournment

The meeting was adjourned at 10:36 p.m.

Margaret S. Roberts, MMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
Meeting of July 15, 2008

The Redevelopment Agency of the City of Davis met in regular session beginning at 6:30 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: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza, Ruth Asmundson

Board Members Absent: None

Other Officers Present: City Manager Bill Emlen, Assistant City Attorney Kara Ueda, Agency Clerk Margaret Roberts

Approval of Agenda Moved and seconded (Heystek/Souza) approval of the agenda. The motion carried unanimously.

Public Comment None

Consent Calendar Moved and seconded (Heystek/Souza) Redevelopment Agency minutes from the regular meetings of March 18 and June 24, 2008 The motion passed by the following votes:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Resolution Revising the Allocation of Refinance Funds and the Loan Term on the Agency's Loan to Davis Area Cooperative Housing Association D. Foster provided the information on the item and explained why the terms of the contract needed to be changed. There is currently no set standard for this type of project.

The continued public hearing was re-opened.

M. Gormet, and S. Teague speaking on behalf of DACHA, requested the Council consider the fifty-five term. With no further comments the public hearing was closed.

Moved and seconded (Heystek/Greenwald) Resolution 1216 allocation of refinance funds and the loan term on the Agency's loan to Davis Area Cooperative Housing Association in the comprehensive refinance of the organization to provide ongoing sustainability and affordability to its members with a term of 55 years. The motion passed by the following votes:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Preliminary Request for Review – Proposed Changes to Anderson Bank Building

This item was also heard by the City Council.

K. Hess provided information on the proposed project.

J. Kidd, the applicant provided background on the proposal and what has transpired to come before the Council. He would like a quality restaurant for long-term use.

R. Herbert supports the reuse of historic buildings. The Historical Resources Management Commission would like the windows to remain where they are as they have taken this issue up in the recent past. He urged the Council to take special care of this historical building.

Moved and seconded (Souza/Heystek) to direct staff to work on the concept of adding outdoor dining areas on one or both sides and direct staff to determine if it is possible to have operable windows, but there is no desire to lower the windows.

The motion passed by the following votes:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Adjournment

The meeting was adjourned at 10:36 p.m.

Margaret Roberts, MMC
Agency Clerk