

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 29, 2008

The City Council of the City of Davis met in regular session beginning at 6:15 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 (via teleconference from Grizzly Creek Ranch, 5900 Grizzly Road, Portola, CA 96122), Don Saylor, Stephen Souza, Ruth Uy Asmundson

Councilmembers Absent: None

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

Closed Session The City Council went into closed session for a conference with real property negotiators pursuant to subdivision (b) of Government Code § 54954.5 regarding the following:

Property: APN 42-100-08
Agency Negotiators: City Manager Bill Emlen and City Attorney Harriet Steiner
Negotiating Party: Pole Line Holding Co. LLC
Under Negotiation: Price and terms of payment

The Council returned to open session at 6:36 p.m. with no reportable action.

Approval of Agenda Moved and seconded (Saylor/Souza) approval of the agenda.

Substitute motion and second (Greenwald/Heystek) to defer the Verona item to the fall. The motion failed by the following roll call vote:

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

The main motion passed by the following roll call vote:

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

Public Comments

- J. Li – progressive government in Davis
- D. Greenwald –concern of the lack of advertising on the wood burning item. Conversions can be expensive.
- J. Morse – support the recommendation of the NRC on wood burning

City Council, City Manager and City Attorney Brief Communications

- AB 1234 Reporting:
D. Saylor attended a California Climate Action Registry meeting.
- Long Range Calendar: There were no issues with the long Range Calendar

Councilmember Heystek left the meeting at 7:10 p.m.

Consent Calendar Resolution 08-112 authorizing the City Manager to execute second amendment to agreement between No Man's Land Fire Protection District and the City of Davis for fire protection services
Approved

Resolution 08-113 authorizing the City Manager to enter into Agreement (#71-01-57-09) with the Area 4 Agency on Aging for Yolo County information & assistance services contract renewal for fiscal year 2008-09 in the amount of \$34,614, and authorizing the partial subcontract to the cities of West Sacramento and Woodland for information & assistance services

Approved

Resolution 08-114 authorizing the City Manager to enter into the second amendment to the swimming pool use agreements between the City of Davis and Davis Aquadarts, Davis Aquatic Masters and Davis Water Polo Club regarding the use of city aquatic facilities

Approved

Resolution 08-115 approving an agreement to purchase an agricultural conservation easement for the purposes of permanently protecting the agricultural values and open space character of the Wasserman Farm

Approved

Budget Adjustment #9 (\$390,000) – allocating agricultural land mitigation funds for easement acquisition and associated transaction costs

Approved

Resolution 08-116 authorizing the City Manager to award construction contract to the lowest bidder during City Council recess in August

Approved

Resolution 08-117 authorizing the City Manager to enter into a professional services agreement with Carollo Systems for Supervisory control and Data Acquisition (SCADA) Systems Upgrade, CIP No. 8183, during the City Council recess in August

Approved

Resolution 08-118 authorizing the City Manager to execute consultant agreement with Wood Rodgers for monitoring well design, CIP No. 8174

Approved

Resolution 08-119 authorizing the City Manager to execute program Supplement No. N022 to Administering Agency-State Agreement No. 03-5238R for 2008 Road Rehabilitation, Program No. 7252 [STPL 5238(046)]

Approved

Park Maintenance Tax and Open Space Protection Tax Certifications

Authorized Mayor to sign certification forms required for submission of tax rolls to Yolo County

Resolution 08-120 Fixing Tax Rate for Community Facilities District 1990-1

Resolution 08-121 Fixing Tax Rate for Community Facilities District 1990-2

Resolution 08-122 Fixing Tax Rate for Community Facilities District 1990-3

Resolution 08-123 Fixing Tax Rate for Community Facilities District 1990-4

Resolution 08-124 Fixing Tax Rate for Community Facilities District 1990-5

Resolution 08-125 Fixing Tax Rate for Community Facilities District 1991-2

Resolution 08-126 Fixing Tax Rate for Community Facilities District 2007-2

Approved Resolutions / authorized the Mayor to sign the Certifications of Special Tax

Resolution 08-127 determining excess funds and directing application thereof for University Research Park Assessment District; and Certification of Assessment for Improvement District

Approved Resolution / authorized the Mayor to sign Certification of Assessment

Resolution 08-128 authorizing the City Manager to enter into agreement with First Five Yolo to Administer the comprehensive approaches to Raising Educational Standards (CARES) Program

Approved

Resolution 08-129 authorizing the City Manager to enter into the documents necessary to accept grant funding from the state for conversion of turf to all weather soccer fields at Playfields Park and enter into a sole source contract with RJM to prepare plans, specs and inspection services for the project

Approved

2007/08 Fourth calendar quarter administratively approved budget adjustments

Informational

Civic Arts Commission regular meeting minutes of June 9, 2008

Informational

Finance and Budget Commission regular meeting minutes of June 9, 2008

Informational

Recreation and Park Commission regular meeting minutes of June 19, 2008

Informational

Recreation and Park Commission regular meeting minutes of July 17, 2008

Received minutes as informational with exception of the following action item:

Approved Resolution 08-130 establishing an amendment to the Co-Sponsorship Policy for Facility/Field Users adding the option to designate a group as an Activities for Daily Living (ADL) provider for which service to the public will be applied to facilities fee

Moved and seconded (Saylor/Souza) approval of the consent calendar as listed above. The motion passed by the following roll call vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Moved and seconded (Saylor/Souza) approval of the following:

- Resolution 08-131 authorizing the City Manager to execute the purchase option of the water well agreement between the City of Davis and Pole Line Road Holding Company, L.L.C. (Lewis)
- Resolution 08-132 authorizing the City Manger to secure water project financing through the I-Bank Infrastructure Funding Program and the Plans and specifications for El Macero Drainage Pump Station outfall lining, CIP No. 8173

The motion passed by the following roll call vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: Heystek

Moved and seconded (Saylor/Souza) approval Resolution 08-132 certifying the code enforcement cost accounting report of unpaid administrative citation fines, abatement penalties, and reinspection fees and assessing affected parcels for penalties and re-

requesting inclusion of the charges on the Yolo County secure tax roll in the same manner as general taxes. The motion passed by the following roll call vote:

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

NOES: None

*RECUSAL: Souza for 1313 Wake Forest due to a conflict regarding a business relationship he has with that address only.

Public Hearing:
Proposal to Develop Verona Subdivision on Vacant 8.55 Acre Parcel Located on the Corner of Alhambra Drive and Fifth Street

C. Camacho and M. Webb provided information on the item.

The public hearing was opened.

- J. Bronan concerned about the noticing (would like to see the notification be larger than the state requirement) and the fiscal impact of this project.
- Hartman, the representative for the applicant, stated they have worked diligently with staff to come to the current project. They agree with all conditions with exception to those noted in his memo.

With no further comments the public hearing was closed.

Councilmember Heystek returned to the meeting at 7:53 p.m.

Main Motion and seconded (Saylor/Souza) to approve staff recommendations 1-3 as outlined below with all subsets to number 3 with the following adjustments:

- 1 – to hold the project subject to the build it green ordinance as submitted in the draft format at the 07/22 Council meeting
- 2 – a condition of approval: Improvement of the park will be at the expense of the developer (not to exceed \$100,000 for construction)
- 3 – Cap of \$10,000 for design
- 4 – Requirement for the affordable units be adaptable for photovoltaic at some point (the 38 units – low and middle income units)

Staff Recommendation:

1. Determine that Mitigated Negative Declaration #10-04 adequately addresses environmental impacts associated with the proposed project
2. Introduce Rezone/Preliminary Planned Development Ordinance Amending Section 40.01.090 of the Davis Municipal Code Rezoning the Parcel (APN #071-182-12) from Planned Development (P-D) #4-88 (Retail Sub-Area) to Planned Development (P-D) #2-07 (Single Family Residential), based on findings and conditions
3. Approve the following entitlement applications, based on findings and conditions for each application:
 - A. Tentative Map #7-04, subdividing the existing parcel for the creation of single-family residential lots to accommodate 83 units, common open space, private road and alleys, and creation of park and greenbelt lots
 - B. Final Planned Development #13-04, establishing final development standards for new PD district
 - C. Affordable Housing Plan #5-04
 - D. Design Review #29-04, establishing site plan and architectural standards for the residential units in the new PD district

Substitute motion and second (Greenwald/Heystek) to lower the number of units to 59 to be consistent with the recommendation of the Housing Element Steering Committee. The substitute motion failed by the following roll call vote:

AYES: Greenwald, Heystek

NOES: Saylor, Souza, Asmundson

Substitute motion and second (Greenwald/Heystek) to postpone the final decision on the item until the fall. The substitute motion failed by the following role call vote:

AYES: Greenwald, Heystek

NOES: Saylor, Souza, Asmundson

- Hartman on behalf of the applicant is acceptable to the items in the main motion.

The main motion passed by the following role call vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

Consideration of Natural Resources Commission Recommendations Regarding Wood Burning Regulations

S. Gedestad provided information on the Natural Resources Commission (NRC) recommendation on the item and staff's recommendation.

- Newberry – (NRC member/wood burning subcommittee member) the recommendation to ban is based on the health issues; there is a neighborhood impact
- Ehrlich – (NRC member) It would have been nice to have the air quality staff at the NRC meetings. He would have liked to had the opportunity to discuss staff's recommendation and to come up with a compromise.
- Whitman, K. Catacucan, P. Nieberg, C. Finn (Breathe California),, A. Vincent (Breathe California), C. Waters, J. Barr (Lung Association), A. Prior – (Yolo Clean Air) – support the NRC recommendations and the phasing out of wood burning in fireplaces

Motion and second (Souza/Heystek) to approve the NRC proposed policy striking Section 4 (permit program), add another determinate in addition to wind speed when determining and to include additional public input opportunities. The motion passed by the following role call vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Evaluation of Barn located at 2411 E. Eighth Street (Chiles/Simmons Estate)

C. Camacho provided information on the issue.

- R. Rifkin – the barn is in excellent condition, except the roof. Recommended having a historical marker on the site and possibly moving the barn.
- K. Murray – supports having some type of memorial at the site.
- Fouts – on behalf of Chiles Family, they would like to deconstruct the barn. They intend to hire a videographer to do a living history documentation done and the barn would be a part of that. They would build a replica barn using the materials.
- Ms. Chiles and N. Douglas (Chiles family member) supports the staff recommendations and is happy to see this happening. They are proud that their family is being honored.

Moved and seconded (Souza/Saylor) to determine that the barn located on the Chiles/Simmons Estate property is not a national, state or local historical resource for the purposes of CEQA, based on the evaluation and analysis contained in the report prepared by Roland-Nawi Associates and determined that the City does not wish to designate the barn as a local historical resource for the Davis Register. The motion passed by the following role call vote:

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

National Water Research Institute (NWRI) Report Regarding the Davis-Woodland Water Supply Project

J. Mosher, NWRI Executive Director and H. Collins, Chair of the independent Advisory Panel provided information on the report.

Councilmember Heystek left the meeting at 11:10 p.m.

- C. Ehrlich – concerns over the water and wastewater projects; the cart before the horse. Growth has not been discussed in the report.
- J. Johnston – the water and wastewater projects should have been brought forward as one project. Consideration of the financing of the projects needs to be looked at.
- R. Glick – the water quality for drinking water is the worst real resource issue. The opportunity to get surface water is phenomenal.

Moved and seconded (Saylor/Souza) to receive the National Water Research Institute report, completed by an independent panel of experts, regarding the Davis-Woodland Water Supply Project as commissioned by the City Council on December 18, 2007. The motion passed by the following votes:

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

Engineering / Design Phase of Secondary Upgrade of Wastewater Treatment Plant

Note: Item is a continuation of Council discussion from July 22, 2008.

B. Emlen stated that the prior recommendation is to carry the item over to September to allow staff to gather additional information to the questions that the City Council has requested.

(Mark) suggested that the Council move forward as Union Bank is offering 3% interest for the line of credit and are willing to defer the costs for a couple of months.

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

1. Receive and review the supplemental information contained in the July 28, 2008 transmittal from the staff to the City Council.
2. Provide any follow up comments or questions.
3. Continue to September consideration of the Scope of Services for the Engineering/Design phase of the secondary treatment upgrade to the wastewater treatment plant to allow staff to more comprehensively address issues that have arisen and to consider any additional factors that may arise as a result of the Regional Water Quality Control Board consideration of an appeal of the City's NPDES permit in early September.
4. Direct staff to explore and initiate as feasible options to supplement the project management team in the oversight of the wastewater project. These may not include, but are not limited to:
 - a. Hiring a firm or contractor to conduct value engineering and peer review on project process, alternatives and costs.
 - b. Retain an ongoing project control specialist to manage contract activity, project costs and schedule on regular intervals (likely, monthly or quarterly)
5. Approve Resolution 08-134 authorizing the City Manager to execute a credit agreement with Union Bank of California for a non-revolving, three-year line of credit in the amount not to exceed \$15,000,000 for the purpose of providing in-

terim financing for the engineering/design phase of the secondary upgrade to the wastewater treatment plant.

6. Approve budget adjustment #13 (\$175,000) - appropriating available sewer fund resources to cover anticipated fiscal year 2008-2009 debt service payment in conjunction with securing the line of credit.

The motion passed by the following votes:

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

Adjournment

The meeting was adjourned at 11:51 p.m.

Margaret S. Roberts, MMC
City Clerk