MINUTES OF THE DAVIS CITY COUNCIL Meeting of October 7, 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 Asmundson.

Roll Call:	Councilr	members Present:	Ruth Asmundson, Lamar Heystek, Don Saylor, Stephen Souza, Sue Greenwald						
	Council	members Absent:	None						
	Other O	fficers Present:	City Manager Bill Emlen, City Attorney Harriet Steiner, Deputy City Clerk Zoe Mirabile						
Approval of	Agenda	S. Greenwald moved unanimously.	d, second by S. Souza, approval of the agenda. Motion passed						
UC Davis Institute of Sustainable Transportation Presentation and Demonstration of		Pete Dempster, UC Davis Institute of Transportation Studies, provided information on current outreach and educational efforts and future objectives for their Plug-In Hybrid (PHEV) and Fuel Cell Hybrid (FCHV) vehicle programs. Dempster conducted a demonstration of the vehicles outside the Community Chambers where they were on display.							
Alternative I Vehicles	ruei	City Council left the returned to the dais a	Chambers at 5:46 p.m. to participate in the demonstration and at 6:12 p.m.						
		Council recessed at	at 6:15 p.m. and reconvened at 6:30 p.m.						
Ceremonial tation	Presen-	Mayor Asmundson p	resented a Proclamation in Recognition of HopeWalks Davis.						
Public Com	ments	Joe Sherman spoke Police Department re	regarding an incident at a downtown restaurant that resulted in esponse.						
			ber of Commerce, outlined the scheduled events for the Cele- ennial Celebration to be held October 12, 2008 on Third Street.						
		included: increased	oke in opposition to a potential ban on wood burning. Reasons fuel prices creates hardship for residents on fixed incomes and cleanly with EPA certified fireplaces/stoves.						
		Doug Fetterly introdusion.	uced himself as an applicant for the Natural Resources Commis-						
		applicant for the His	roduced herself as a non-resident (UC Davis campus resident) torical Resources Management Commission, and requested City ving the residency requirement.						
Update on t Adopted Sta Budget and jected City I	ate Pro-	Budget on the city's Redevelopment Age	ger provided estimates of the potential impacts of the final State FY2008/09 budget, totaling approximately \$760,000 including ncy funds, COP Grant allocation and booking fee charges, and a v allocated Proposition 42 transportation funding.						
Commissior pointments	n Ap-	mission appointment	Council decided to not waive the residency requirement for com- and submitted voting charts for staff to tabulate the initial vote ny necessary runoff voting charts.						

Consent Calendar Resolution No. 08-147 – Authorizing the City Manager to Execute Agreement NO. UCD09-00615 with the University of California-Davis, California Transportation Development Act (CTDA) Pass Through for Partial Funding of Unitrans Approved

Resolution No. 08-148 – Authorizing the City Manager to Execute Agreement No. UCD09-00937 with the University of California-Davis, Federal Transit Administration (FTA) Pass Through for Partial Funding of Unitrans Approved

Resolution No. 08-149 – Adopting an Amendment to the Memorandum of Understanding with Davis Police Officers Association <u>Approved</u>

Resolution No. 08-150 – Establishing the Employer's Contribution Under the Public Employee's Medical and Hospital Care Act <u>Approved</u>

Ordinance No. 2326 – Amending Ordinance No. 1808, to Amend the Boundaries of the "Small Office" and "Light Industrial, R&D, and Contractor/Artisan" Subareas in the Fifth Street Commerce Center Planned Development (PD) #5-94C Generally Located on the Southeast Corner of Fifth Street and Pena Drive, Consisting of 12.0 Gross Acres, and to Rename the Planned Development to PD #5-94D (Spafford Street Office Project)

Adopted (Introduced 09/23/2008)

Civic Arts Commission Minutes from the Regular Meeting of July 14, 2008 Informational

Proposed Process/Timeline for Development of FY2009/10 Budget <u>Approved</u>

Budget Adjustments #137 (FY07/08) and #1 (FY08/09) – Allocating Carry-Over from FY2007/08 to FY2008/09 of Unencumbered Appropriations totaling \$26,079,109 <u>Approved</u>

Plans and Specifications for Playfields All Weather Field, CIP No. 8201 Approved plans and specifications, and authorized bid advertisement

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

Community Development Director Katherine Hess explained that the Planning Commission considered the proposed 69-unit New Harmony Affordable Apartment Community project and voted 4-2 to deny the project. The applicant filed an appeal of this denial citing inconsistency with applicable City policies and standards and State regulations, inadequate findings for denial, and failure of the Planning Commission to proceed in a manner required by law.

Assistant Planner Eric Lee summarized the proposed project; outlined neighborhood concerns relating to crime, parking, traffic and project design; and relayed information on the reasoning cited by the Planning Commission for denial, namely, the potential health impacts of exposure to freeway traffic on residents.

City Attorney Harriet Steiner stated State law regarding affordable housing projects constrains the ability of the city to deny projects unless City Council makes specific

Public Hearing: New Harmony Affordable Apartments – Planning Commission Appeal; General Plan & Specific Plan Amendments; Rezone; Final Planned Development; Design Review; Tentative Map; Minor Modification; Negative Declaration designated findings based on substantial evidence. The New Harmony site is assumed as a housing site in the current Housing Element, and to deny the project, City Council must find that the site is not needed to meet fair share requirements and would have significant adverse impact on health and safety which is unable to be mitigated.

Ron Brugger, LSA Associates, Inc., firm retained by Sacramento Mutual Housing Association to conduct an air quality and health risk assessment, summarized his report on the evaluated emissions and health effects due to exhaust from Interstate-80, and outlined potential risk levels.

Council recessed at 8:34 p.m. and reconvened at 8:39 p.m.

Mayor Asmundson opened the public hearing.

Tori Bavarr; Don Emlay; Alan Gendron; Linda Casillas; Kermit Kruse; Michelle Kendall; Heidi Angleheart; Chris Fortenbach; Andreas Toupadakis and Kris Kordana, Planning Commission spoke in opposition to the proposed project. Reasons included: project would result in a large concentration of low income properties within the neighborhood, concern regarding increased crime at other affordable complexes, possible effect of high percentage of low-income students on the school system; increased traffic flow and concern over air quality due to proximity to freeway. Further, K. Kordana relayed information from a study published in 2007 in the British medical journal, *The Lancet*, which found that in 12 Southern California communities, children living within 500 meters of a freeway have measurable impaired lung development.

Lelaini Hinks, Mindy Ramarro and Jallice Johanssa, Yolo Mutual Housing Association; Greg Chou, Sacramento Mutual Housing Association; Nancy Honk, Bank of America Community Lending Project; Alysa Meyer, Legal Services of Northern California; Larry Falazzo and Marta Vallejas spoke in support of the proposed project. Reasons included: project addresses challenges of site; lending opportunities already developed; developer has a good track record with affordable projects; increased crime not attributable to low income residents; site chosen to meet the goals of both the city regarding infill and YMHA regarding proximity to transportation routes; mitigation efforts proposed to combat air quality issues include landscape screening and inside air filters, and other single family home properties adjacent to the site were already approved with the same proximity to the freeway.

Mayor Asmundson closed the public hearing.

H. Steiner explained that if City Council decides to deny the project based on a lack of information with respect to air quality in conjunction with the *Lancet* study, then they should direct staff to return to City Council with appropriate written findings.

L. Heystek moved, seconded by S. Souza, to direct staff to return to City Council with appropriate written findings regarding the insufficiency of the Negative Declaration based on health issues. Motion passed by the following vote: AYES: Greenwald, Heystek, Souza, Asmundson NOES: Saylor

City Council recessed at 10:25 p.m. and reconvened at 10:27 p.m.

Presentation of
Proposed YoloDavid Morrison, Yolo County Planning & Public Works Assistant Director, explained
the Draft 2030 Yolo County General Plan was released on September 10, 2008, writ-
ten comments are due by November 20, 2008, and adoption is scheduled for Sep-
tember 2009. D. Morrison summarized the vision of Yolo County to provide a buffer
of farmland and open space between the Bay Area and Sacramento featuring both

	traditional and innovative agricultural practices, to include an economic development plan emphasizing agricultural and ecological tourism, and residential growth directed to cities and towns. Additionally, within the land use plan no additional development is proposed within the Davis planning area; however, there are land use changes proposed, primarily consisting of modifying agricultural designations to open space or public facilities designations.
Community Sus- tainability Program Update	Item deferred.
Downtown and Citywide Sign De- sign Guidelines	Item deferred.
Appeal of Decem- ber 21, 2007 Tree Commission Deci- sion to Retain a Tree at 652 Bianco Court	Urban Forest Manager Rob Cain stated the tree in question is a Grecian Laurel grow- ing in the greenbelt next to 652 Bianco Court. The resident requested two Grecian Laurel trees be removed, and the Tree Commission voted to remove the western most tree and retain the tree closest to Bianco Court. R. Cain outlined staff recom- mendation to consider removal of the tree due to the placement of the tree directly adjacent to the resident's fence; said tree has a multi-stem base which will continue to sprout leaders underneath the fence.
	L. Heystek moved, seconded by D. Saylor, to approve removal of the Grecian Laurel tree at 652 Bianco Court recognizing that the Tree Commission was correct in not recommending removal of the tree based on the mess that the tree produced, but that the City Council in this instance recognizes the nature of the tree and the future condition of the fence as a result. Motion passed unanimously.
Ordinance Adding Chapter 15.20 to the Davis Municipal Code Establishing a Living Wage Re- quirement for Specified City Funded Contracts and City Employees	Assistant City Manager Paul Navazio explained the proposed Ordinance reflects the preliminary staff recommendations presented to City Council on September 23, 2009 and specific City Council direction regarding inclusion of statement of intention, exemptions for businesses who receive financial assistance from the city and to address situations where prevailing wages exceed the living wage. He distributed an updated version of the proposed ordinance reflecting technical changes and a modification within the waiver provision to address total compensation packages equivalent to a living wage.
and City Employees	Bobby Weis, Davis Firefighters Local 3494, requested City Council consider limiting contract employees to short duration projects with regular city employees performing all ongoing day-to-day projects and maintenance.
	Bill Camp, Sacramento Labor Council, stated a living wage ordinance provides a sense of security in uncertain economic times and establishes a value and vision for the community.
	L. Heystek moved, seconded by S. Greenwald to introduce Ordinance Adding Chap- ter 15.20 to the Municipal Code of the City of Davis, Establishing a Living Wage Re- quirement for Specified City Funded Contracts and City Employees, as amended.
	D. Saylor moved substitute motion, seconded by R. Asmundson, to delete item 15.20.060(d) (setting forth annual increases in accordance with Consumer price index) from the Ordinance and replace with the following: The initial rate set forth in (a) above shall be reviewed and adjustments considered at the same time employee contracts for related positions are updated. Motion failed by the following vote: AYES: Saylor NOES: Greenwald, Heystek, Souza, Asmundson

Main motion passed by the following vote: AYES: Greenwald, Heystek, Souza NOES: Saylor, Asmundson

Appointments to Advisory Commis-sions City Council voted to appoint advisory commissioners through use of a grid system. After votes were tallied, applicants were appointed as follows:

COMMISSION/ APPLICANT		RA	SG	LH	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name				_			
Bic	ycle Advisory C	ommission	Vote for	6: 4 Regu	ılar (4-year	term) & 2	Regular (2	year term)
			Reapply	ying Comm	issioners			
Berg	John	Х	Х	Х	Х	Х	5	Regular 4-yr term
Bossard	Earl	Х	Х	Х	Х	Х	5	Regular 4-yr term
			N	ew Applica	nts			
Jackman	Alan	Х	Х	Х	Х	Х	5	Regular 4-yr term
Matzek	Virginia		Х	Х	Х		3	Regular 2-yr term
York	Angela	X (2-yr)	Х	Х	X (2-yr)	Х	5	Regular 4-yr term
			New Applie	cant / NON-	RESIDENT	Γ		
Justice	Greg		Х				1	NOT ELIGIBLE
	Business & Eco	onomic Dev	elopment C	ommission	Vote for	r 4: 4 Reg	jular (4-yea	ar term)
			Reappl	ying Comm	issioners			
Nachman	Anissa	Х	Х	Х		Х	4	Regular 4-yr term
Richardson	Tobin	Х		Х	Х	Х	4	Regular 4-yr term
Vergis	Sydney	Х		Х	Х	Х	4	Regular 4-yr term
			N	ew Applica	nts			
De Anda-Scaia	Nico						0	Appointed to HRC
Hruban	Joe	Х			Х	Х	3	Regular 4-yr term
Palm	Donald		Х	Х	Х		3	Appointed to FBC
	City / UCD	Student Lia	aison Comm	nission \	ote for 2:	2 Regular	(4-year ter	rm)
		1	Reappl	lying Comm	issioner	1		1
Bonilla	Christine	Х	Х	Х	Х	Х	5	Regular 4-yr term
	1	1	N	ew Applica		1	r	
Howard	Jonathon		Х	Х	Х		3	Runoff Vote to be
Sharp	Ryan	Х	X- ERROR	X- ERROR		х	4	conducted 10-14-08
	-			cant / NON-	RESIDENT	 F		
Justice	Greg				REOIDENI			NOT ELIGIBLE
	Civic Arts Comn	nission \	/ote for 4:	3 Regular (4-vear term	n) & 1 Alter	nate (4-ve	
				ying Comm				
Hutchins	Casey	Х	X	X	X	X	5	Regular 4-yr term
Jackson	Erin	X	X	X	X	X	5	Regular 4-yr term
Ryland	Rebecca	X	X	X	X	X	5	Regular 4-yr term
				ew Applica				
Bonnel	Steve	X (alt)				X (alt)	2	Runoff Vote Required
Howard	Jonathon						0	
Joshi	Nikhil		Х	Х			2	Runoff Vote Required
Sikes	Aaron				Х		1	
		on Vote f	or 5: 3 Reg	ular (4-vr te		oular (2-vr		Alternate (4-yr term)

			Reappl	ying Comm	nissioners					
Beavers	Jerry	Х	Х	X	X (4-yr)	Х	5	Regular 4-yr term		
Katir	Easan	X	X	X	X (4-yr)	X	5	Regular 4-yr term		
Troost	Johannes	X	X	X	X (4-yr)	X	5	Regular 4-yr term		
New Applicants										
Hoang	Daniel	X (2-yr)	X	X	X (alt)	X (2-yr)	5	Regular 2-yr term		
Palm	Donald	X (alt)	X	X	X (2-yr)	/ (_ J.)	4	Alternate		
						r term) & 1				
Historical Resources Management Commission Vote for 6: 4 Regular (4-yr term) & 1 Regular (2-yr term) & 1 Alternate (2-yr term)										
Reapplying Commissioners										
Herbert	Rand	Х	Х	Х	Х	Х	5	Regular 4-yr term		
Rifkin	Richard	Х	Х	Х	Х	Х	5	Regular 4-yr term		
Sosnick	Gale	Х	Х	Х	Х	Х	5	Regular 4-yr term		
			New Appli	cant / NON	I-RESIDENT	-				
Kilduff	Catherine							NOT ELIGIBLE		
Human Rela	tions Commissio	on Vote fo	or 5: 3 Reg	jular (4-yr t	erm) & 1 Re	gular (2-yı	⁻ term) & 1	Alternate (4-yr term)		
			Reappl	ying Comm	nissioners					
Clinton	Arthur	Х	Х	Х	Х	Х	5	Regular 4-yr term		
Minhaj	Najme	Х	Х	Х	Х	Х	5	Regular 4-yr term		
			N	ew Applica	ants					
Blomberg	Craig	Х	Х	Х	Х	X (2-yr)	5	Regular 4-yr term		
De Anda-Scaia	Nico	X (2-yr)	Х	Х	X (alt)		4	Regular 2-yr term		
Leyva	J Jesus	X (alt)					1			
Kudo	Justin				X (2-yr)	Х	2	Runoff Vote Required		
Damaall							1			
Parnell	Albert			Х		X (alt)	2			
Parnell	Albert		New Appli		I-RESIDENT		2			
Manning	Albert Russell		New Appli		I-RESIDENT		2	NOT ELIGIBLE		
Manning		Commission		cant / NON		-				
Manning	Russell	Commission	Vote for	cant / NON	jular (4-year	-				
Manning	Russell	Commission X	Vote for	cant / NON r 4: 3 Reç	jular (4-year	-				
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			Reapply	ing Comm	issioners			
Clumpner	Greg	Х	X	X	Х	Х	5	Regular 4-yr term
de la Pena	David	Х				Х	2	<u> </u>
Levv	Michael	Х			Х	Х	3	Regular 4-yr term
Choudhuri	Ananya		Х	Х			2	Remains alternate
Whittier	Terry	Х	X	X		Х	4	Regular 4-yr term
	,			ew Applica	Ints		•	i togalai i yi toili
Frerichs	Lucas		X	X	X		3	Regular 4-yr term
Hague	George						0	
Howard	Jonathon						0	
Vergis	Sydney				Х		1	Appointed to BEDC
-	reation & Park C	ommission	Vote for	4· 3 Rec		term) & 1		(4-year term)
11001				ing Comm			, atomato	
Bartolic	Michael	X	X	X	X	X	5	Regular 4-yr term
Glassburner	Robert		х	Х	х	х	4	Runoff Vote Required
Slaton	Nicole	Х	Х	Х	Х	Х	5	Regular 4-yr term
		1	Ne	w Applica		1 1	-	- 31 - 9 - 1
Bray	Ira	X (alt)		11		X (alt)	2	
Clarke	Merle	()				()	0	
Davis	Eric						0	Appointed to OSHC
Gambatese	Roger	х	Х	Х	X (alt)		4	Runoff Vote Required
	-						-	
Safety 8	Parking Adviso	bry Commiss				/ear term) a	x 1 Altern	ate (4-year term)
			Reapply	ing Comm	lissioners			
Qi	Xiaopei (Chad)	Х	Х	Х	Х	Х	5	Regular 4-yr term
Senior Citiz	zens Commissio	n Vote for	6: 4 Regula	ar (4-yr te	rm) & 1 Reg	jular (2-yr t	erm) & 1 /	Alternate (4-yr term)
			Reapply	ing Comm	issioners			
Blumenthal	Shula	Х	Х	Х	Х	Х	5	Regular 4-yr term
Favreau	Romeo	Х	Х	Х	Х	Х	5	Regular 4-yr term
Liebhardt	Kathleen (Kitty)	Х	Х	Х	х	X (2-yr)	5	Regular 4-yr term
Musser	Elaine		Х	Х	X (2-yr)	Х	4	Runoff Vote Required
Thomas	Tansey	Х		Х	Х	Х	4	
			N	ew Applica	ant			
Hayes	Stephen	X (2-yr)	Х	Х	X (alt)	X (alt)	5	Regular 4-yr term
		Reap	plying Comr	nissioner	NON-RES	IDENT		
Hinkle	George		Х					NOT ELIGIBLE
Sc	cial Services Co	ommission -	- Vote for 5	: 4 Regi	ular (4-year	term) & 1 F	Regular (2	-year term)
			Reapply	ing Comm	issioners			
Biberstein	Hannah		Х	Х		Х	3	Regular 4-yr term
Gelber	Eric		Х	Х	Х	Х	4	Regular 4-yr term
Frerichs	Lucas	Х				Х	2	Appointed to PC
	•	l	Ne	w Applica	ints			
Adler	Dawn				Х		1	
	Nico			Х			1	Appointed to HRC
De Anda-Scaia	1	1			1	1		1
De Anda-Scaia Delaini	Larenda						0	
	Larenda George		Х				1	

Lee	Steven	х		х			2	Runoff Vote Required		
Palm	Donald	X (2-yr)				Х	2	Appointed to FBC		
Parnell	Albert	Х			Х		2			
Solorzano	Janice				X (2-yr)	X (2-yr)	2	Runoff Vote Required		
Yeh	Elizabeth						0			
New Applicant / NON-RESIDENT										
Manning	Russell							NOT ELIGIBLE		
	Tree Commission Vote for 4: 3 Regular (4-year term) & 1 Alternate (4-year term)									
			Reapply	ying Comm	issioners					
Robinson	David	Х	Х	Х	Х	Х	5	Regular 4-yr term		
Rooks	George	Х	Х	Х	Х	Х	5	Regular 4-yr term		
Rooks	Hila	Х	Х	Х	Х	Х	5	Regular 4-yr term		
			RL	JNOFF VC	DTES		•			
	C	Civic Arts Co	mmission	Vote for	1: Alternat	te (4-year	term)			
Bonnel	Steve	Х			Х	Х	3	Alternate		
Joshi	Nikhil		Х	Х			2			
Human Re	lations Commission	on Vote fo	or 2: 1 Regu	lar (2-yr ter	m-vacancy	from Stev	en Lee) & 1	Alternate (4-yr term)		
Leyva	J Jesus	Х					1	Alternate		
Kudo	Justin				Х	Х	2	Regular 2-yr term		
Parnell	Albert		Х	Х			2	Appointed to SSC		
		al Resource			e for 1: Alt	ernate (4-				
Hinshaw	Carolyn		Х	Х				initial votes; Runoff vote		
Pryor	Alan	Х			Х	Х		conducted 10-14-08		
Re	creation & Park C	Commission					1 Alternate (4-year term)		
			indicate ch	-	ing "R" or "A					
Glassburner	Robert	A	X	R	R	R	3 (R); 1 (A)			
Gambatese	Roger	R	X	A	A	A	2 (R); 3 (A)			
Senior Citizens Commission Vote for 2: 1 Regular (2-year term) & 1 Alternate (4-year term) indicate choice by using "2" or "A"										
N.4	F lain a	•			۱ ँ .	T I	0 (0): 0 (4)	De suden O un terre		
Musser	Elaine	A 2	2 A	2 A	A 2	2 A	3 (2); 2 (A)			
Thomas	Tansy	—					3 (A); 2 (2)			
	Social Services C	UTITIISSION			ular (4-year ing "4" or "2		Regular (2-	year lenn)		
	Steven	4	X	4		: 	2 (1)	Pogular 4 yr torm		
Lee			^	4	4	2	3 (4)	Regular 4-yr term		
Parnell	Albert	2		2	4	2	3 (2); 1 (4)	Regular 2-yr term		
Solorzano	Janice				2	4	1 (2); 1 (4)			

D. Saylor moved, seconded by L. Heystek, to confirm commission appointments as outlined above. Motion passed unanimously.

BriefS. Souza requested City Council agendize discussion of a possible Community Fi-
nancing District for photovoltaic installations. Council concurred.

AB1234: All five City Councilmembers attended the League of California Cities Annual Conference in Long Beach.

Adjournment The meeting was adjourned at 11:48 in memory of Al Royvall and Kathleen Murphy.

Zoe S. Mirabile, CMC Deputy City Clerk