

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of December 2, 2008

The City Council of the City of Davis met in regular session beginning at 6:02 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Asmundson.

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, Planning Technician Lynanne Mehlhaff

Approval of Agenda S. Souza moved, seconded by D. Saylor, approval of the agenda. The motion passed by the following vote:
AYES: Greenwald, Heystek, Saylor, Souza, Asmundson
NOES: None

Ceremonial Presentation Mayor Asmundson presented a Proclamation of Appreciation to Outgoing Members of City Advisory Commissions.

- Shelley Bailes of Human Relations; Shannon O'Neil of City-UCD Student Liaison; Thomas Cahill of Open Space and Habitat; Charles Russell of Recreation & Parks; Bruce Kemp of Natural Resources; Stacey Vetter of Civic Arts; Lucas Frerichs of Social Services; David de la Peña of Planning Commission; Anthony Palmere of Bicycle Advisory; Lisa Smidth of Bicycle Advisory; Kenneth Gaines of Bicycle Advisory; Michelle Reardon of Social Services; Donna Lott of Social Services; George Hinkle of Senior Citizens; Daniel Frink of Open Space and Habitat; John Dixon of Human Relations; Elinore Maloney of Business & Economic Development; Andrew Reid of Business & Economic Development; Alan Fernandes of Business & Economic Development; Doug Johnston of Business & Economic Development; Rene Lawver of Finance and Budget; Gregory Loge of Finance and Budget; and Dan Kehew of Bicycle Advisory Commission.

Council recessed for reception for the volunteers at 6:14 p.m. and reconvened at 6:31 p.m.

Public Comments Bobby Weist, President of the Davis Fire Fighters, gave an update of their Thanksgiving "Food Baskets" and "fill the boot" campaign feeding 700 families. He thanked Davis Waste Removal who donated \$6,000.00 to the food basket program and Safeway who was a tremendous supporter.

Ellen Pontac had 2 issues. She said the cross walk with the flashing light on Russell Blvd by the CA House was unsafe because the light is amber and not red and cars are not stopping for people so they can cross the street. Also, on December 20th, there will be a candlelight silent vigil in response to Proposition 8 at 5:00 pm in front of Border's.

LHeystek asked the Mayor if staff could look into the concern on the flashing light at Russell Blvd and California Street. Mayor Asmundson agreed.

Joe Sherman spoke of the promises in the Bible and warnings of hate crimes.

Consent Calendar Resolution No. 08-169A - Authorizing City Manager to Execute Consultant Agreement with A T.E.E.M. Electrical Engineering Inc., for Electrical Engineering Services for

Well 34, CIP No. 8174

Approved

Resolution No. 08-170 - Approving and Authorizing City Manager to Sign First Amendment to the Subdivision Agreement for Zelkova Court, Subdivision No. 4569

Approved

Monitoring Well 34 at 1813 Fifth Street, CIP No. 8174, and Monitoring Well 35 at 1901 Moore Boulevard, CIP No. 8205:

1. Plans and Specifications
2. Resolution No. 08-171 - Awarding Contract in the Amount of \$353,591.72 to Bradley & Sons, Inc., for Construction of Monitoring Wells
3. Resolution No. 08-172 - Authorizing the City Manager to Execute Amendment No. 1 to Consultant Agreement with Wood Rodgers for Engineering Services

Approved

Playfields Park Soccer Turf Conversion, Project No. 8201:

1. Resolution No. 08-173 - Authorizing the City Manager to Award Construction Contract
2. Budget Adjustment #58 (\$350,000) – Allocating Department of Water Resources Grant and Community Development Block Grant (CDBG) Funding

Approved

Ordinance Amending Section 22.07.030 of the Municipal Code Relating to Stop Intersection Designation – Installation of an All-Way Stop Control at Intersection of Research Park Drive and Da Vinci Court

Introduced

Ordinance No. 2328 - Amending Chapter 40 of the Municipal Code for Planned Development (PD) #4-88 (Ordinance No. 1504), Light Industrial/Business Park Subarea, Changing the Minimum Lot Area of the Subarea from One Acre to a Half Acre and Changing the Minimum Interior Side Yard of Parcels A and B on Lot 10 (APN 071-424-03) from Twenty-Five Feet to Ten Feet

Adopted (Introduced 11/18/2008)

Commission Minutes:

1. Planning Commission Regular Meetings of May 28, June 25 and October 8, 2008
2. Safety and Parking Advisory Commission Regular Meeting of October 2, 2008

Informational

Revised Job Specification – Information Technology Network Engineer

Approved

Follow-up to October 14, 2008 Employee Compensation Workshop – Responses to City Council Inquiries

Informational

S. Souza moved approval of the consent calendar; seconded by L. Heystek. The motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Public Hearing:
FY2009-2010 Davis
Business Improvement
District (BID)
Assessment, 2008

Economic Development Coordinator Sarah Worley and Economic Development Specialist Brian Abbanat presented the staff report.

Joy Cohan, DDBA Administrator, highlighted events in the past year by the DDBA.

Core Area BID Report and Proposed FY 2009-2010 Budget

Mayor Asmundson opened the public hearing.

• Tim Swickard, owner of a couple of buildings on the corner of 4th and D Streets, said over the last couple of months he had lost over 60% of his tenants and vacancy has increased downtown. The 3% increase is too much in this economy; other assessments have been added; and higher sewer and water rates. He suggested that the DDBA funds should be used for a survey on vacating tenants to find out why. He said the DDBA never noticed him, only got a public notice from the City.

With no further comments the public hearing was closed.

Staff Recommendation:

1. Consider any written or verbal protests on the intention to levy an annual BID assessment
2. Approve Confirming Resolution No 08- to Approve the 2008 Core Area BID Report as Amended and to Adopt an Ordinance Amending Section 15.10.070 of the Municipal Code to Increase the BID Assessment Schedule, to provide for a Three Percent Annual Adjustment, and to Levy and Collect the BID Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the Davis Business Improvement District for Fiscal Year 2009-2010
3. Introduce Ordinance Amending Section 15.10.070 of the Municipal Code to Increase the Downtown Business Improvement District Assessment Schedule
4. Approve Resolution No. 08- Authorizing the City Manager to Execute an Amendment to the Davis Business Improvement District Administration Agreement.

S. Souza moved approval of staff recommendation #2 as listed above; seconded by D. Saylor. The motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

D. Saylor moved approval of staff recommendation #3 and #4 as listed above; seconded by S. Souza. The motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Resolution Adopting the Integrated Pest Management Policy

Parks & Generals Services Director Donna Silva and Integrated Pest Management Specialist Martin Guerena presented the staff report.

Staff Recommendation: Approve Resolution No. 08-176 - Adopting the Integrated Pest Management Policy

• Doug Fetterly, of Natural Resources Commission, was encouraged to see that many of the parks properties are slated for improvement in 2009. He was concerned with the properties slated for 2010 that they be bumped up to 2009 for health reasons.

S. Souza moved approval of the Resolution adopting Integrated Pest Management policy; L. Heystek seconded. D. Saylor made a friendly amendment for staff to come back in a years time to come back with an estimate of cost differences from current practice to the revised policies. S. Souza and L. Heystek agreed. The motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Land Use Policy

Bill Emlen, City Manager, gave an overview of policy issues for the Cannery site.

Discussion: Lewis Planned Communities / Cannery Park Site – 100 Acres (formerly Hunt-Wesson Tomato Cannery) Located North of Covell Boulevard and East of Southern Pacific Railroad Line and F Street Drainage Channel

Xzandrea Fowler, Planner, presented the staff report and Community Development Director Katherine Hess answered questions.

- Ken Topper, Lewis Planned Communities, described the history of the site. He promoted their mixed-use plan. He disagreed with staff recommendation and supported their proposed plan with an EIR.
- Barbara Hayes, Executive Director of SACTO, said markets showed how manufacturing was increasing in the area as well as Clean Technology. Davis offers talent and expertise in the work force which is a big draw.
- Doug Fetterly, of Natural Resources Commission, pointed out that without urban growth boundaries you lose wildlife corridors and wanted to be sure people were aware of this in regards to annexation of neighboring properties.
- Rita Sieber wanted to know what the financial impact study to the city would be by this current proposal of mixed use versus using the site as an industrial park?
- Greg Clumpner, a Planning Commissioner, would like to see the development move forward as is because the developer has been up-front and waiting. He also didn't think a high tech park would be viable here. His concern was with the process and having it go on too long.
- Dave, citizen, said Davis is an attractive place to live and that is due to its size. If we build a business park here, it will cause Davis to grow bigger and he didn't want that.
- Lucas Frerichs, a Planning Commissioner, said the current Cannery Park proposal is both balanced and sensitive to the site. He said the high tech park would be infeasible; hoped the Cannery Park proposal would be moved forward.
- Carol Marquess, resident for 19 years, supported the Lewis Cannery proposal because it had a lot of neighborhood support. She said a large business park was not compatible to the neighborhood because it would bring in large truck traffic to the area.
- Kevin Fort, resident within 2 blocks of site, didn't support a 100 acre business park. The proposed mixed use project would be more compatible to the neighborhood.
- Steve Hayes, long term resident, said the Lewis Planned Communities 1/3 business park is a reasonable proposal and deserves to move forward.
- Barbara King, resident, hoped that we could keep this land as a business park designation. This land would help more with the jobs and housing balance.
- Matt Williams said we need to make sure Davis does attract new businesses. There are better locations such as the La Mesa RV site and the forest service land along I-80. There are better locations for light industrial than along Covell Blvd.
- Rich Balou, resident, spoke to the need for more housing in Davis. He was an appraiser and said housing for median incomes was what was needed.
- Kevin Wolf, chair of the Housing Element Committee, said there was concern on how to integrate Cannery Park with the Covell Village area and the traffic on Covell and Pole Line Roads. It would be a wise idea to wait until the 2010 General Plan to integrate the two projects.
- David Greenwald asked what was the wow factor here to change the zoning. There are other locations that we can fit in housing. We are lacking a lot of commercial development here; people are going to have pay increased taxes, sewer and water rates. We should focus over the next few years on trying to develop business sites.
- Peggy Epstein, resident, was tired of all the stalling that went on in this town. This is a good plan, may not be perfect, and is supported by hundreds of people.
- Craig Harris, resident within ½ mile of Cannery Park, said let the plan go forward and make a decision.
- Eileen Samitz, resident, gave a summary of the site rankings of residential sites. She stated the Housing Steering Committee decided that this was the best housing site. This was supported for residential by the BEDC and Housing Committee. She didn't support a 100 acre high tech site here.

Council recessed at 9:38 p.m. and reconvened at 9:54 p.m.

- Rita Seiber said what we need is a vision. We need to take advantage of UC Davis, it is invaluable. There is much incentive with green technology. Take advantage of this 100 acre park as a high tech park.

S. Souza made the following motion:

1. Determine that there are sufficient questions regarding the appropriateness of the current zoning in light of build out of the city around the site since it was established and potential future development in vicinity, to warrant a comprehensive review of the current status of the property.
2. Find that the best strategy to call the question while retaining elements of the comprehensive approach would be a two pronged process strategy that includes:
 - a. Evaluation, refinement and processing of the mixed use project concept proposed by Lewis or some variation thereof.
 - b. Have City staff work with applicants to prepare a full business park alternative plan for the site.
 - c. Initiate City sponsored public outreach efforts with focus on the immediate neighborhood; and discussions with UCD and representatives in the tech sector regarding future business park land needs.
 - d. Conduct an equal weight EIR analysis that evaluates the impacts of both the Cannery Park mixed use and Business Park concept with specific land use designation of non-residential uses.
 - e. Ask staff to conduct a more detailed analysis of options and strategies for meeting future business park land needs in light of current build out rates, including but not limited to retaining the current zoning and the potential use of the Lewis site for other uses.
 - f. Direct staff to prepare a detailed timeline for completing this work; return to Council to adopt the timeline; and make a strong commitment that the city will adhere to the timeline and that timeline would be a one year period.

Mayor Asmundson seconded the motion.

S. Greenwald made a friendly amendment to have staff construct the two different reasonable business park scenarios to study as equal weight alternatives. S. Souza accepted the friendly amendment. S. Souza clarified that City staff shall prepare one full business park alternative plan for the site for the EIR.

S. Greenwald made a substitute motion to turn down the current proposal and invite the applicants to come back with a workable business park proposal. The City will work in every possible way to facilitate a business park proposal, with some level of flexibility. L. Heystek seconded the motion for discussion. The substitute motion failed by the following vote:

AYES: Greenwald, Heystek

NOES: Souza, Asmundson, Saylor

D. Saylor suggested rather than two equal weight alternatives, we have one preferred alternative in this EIR review and two additional alternatives, one that is for 100% business park and one for a 60/40 split. S. Souza said you couldn't get the same environmental analysis. D. Saylor couldn't support the original motion because the ESG report did not show a business park to be viable in many respects.

D. Saylor asked to add a friendly amendment to the motion on #F, to direct staff to prepare a detailed timeline not to exceed one year. Souza said that was in the motion. Staff said that was doable and would do everything possible to try to achieve that.

Bill Mellerup, Vice-President of Lewis Planned Communities, said since they had purchased the property they have had 3 different brokerage firms that have worked on marketing the property. They have tried to solicit high tech users whether large or smaller firms over the last four years.

The original motion was voted on as follows:

Ayes: Souza, Heystek, Greenwald, Asmundson

Noes: Saylor

The motion carried 4 to 1.

Emlen summarized that staff would work with the applicant with the mixed use concept and the comments received tonight and in the memo. Staff would work with hiring someone to help prepare a business park alternative plan for the site. Staff will initiate outreach with the neighborhoods, UCD and people in the tech sector to gain understanding of what the trends are. Staff will work with a consultant to do the equal weight analysis on the mixed use plan and a business park concept. Staff will be working with the business community and business park people and generally look at our overall General Plan coming up with strategies for either meeting our needs on the Cannery site or on some other alternative location in the City. Emlen said staff would bring a timeline back to Council the first meeting in January.

2009/2010 City Council Goals

Council recessed at 11:17 p.m. and reconvened at 11:24 p.m.

Deputy City Manager Kelly Stachowicz described the additions to the goals as recommended.

Council added/changed the following goals to the list:

- JPA/Surface Water Next Steps; would like to explore less expensive alternatives similar to what was done with the WWTP upgrades.
- Install adequate and appropriate signage citywide indicating historical sites, ... *add bicycle routes* to this.
- Add PW as lead agency to item "Complete Eighth Street Corridor improvements..."
- A goal/objective that should be listed: improve the lighting on the pathway by the Olive trees between Borders books and B Street, it is very dark and dangerous along there. This could be a health and safety objective. Another area with poor lighting is Oak Avenue.
- Continue to *retain and attract compatible* economic development, ...
- Under Establish plans for City-owned facilities: add two bullets, *Analyze ways to enhance current uses for 3rd and B and Civic Center Gym city facilities or in other locations. Consider best uses for 3rd and B and Civic Center Gym and the best locations for existing and potential uses.*
- Consider *tools, including zoning amendments*, to support 1st floor retail/arts and entertainment/dining.
- Review city policy requirements to determine if the cumulative impact of such requirements affects the provision of certain types or *total supply of housing*.
- *Propose a plan for decreasing water usage in parks, single-family residences, apartments, businesses, schools and other water users by 10% every year through 2015. Identify city-owned and maintained green areas, including medians, greenbelts and parks, to be evaluated for potential conversion to low-water and drought-resistant areas.*
- *Initiate collaborative inter-agency efforts to address high risk behaviors among youth, including substance abuse, gang activity, teen sexual activity and truancy.*
- *Enhance existing programming for teens, including after-school youth programming.*
- *Identify lighting issues that cause safety concerns and present a plan to the City Council to address those issues.*

- Create Council subcommittee to work with City staff on records retention policies.
- In early 2009, initiate a long-range comprehensive General Plan update through 2035.

S. Souza moved approval of the goals and related objectives as amended above; seconded by D. Saylor. The motion passed by the following vote:
 AYES: Greenwald, Heystek, Saylor, Souza, Asmundson
 NOES: None

D. Saylor supported the Subcommittee working with staff on staff recommendation #3 as stated below. Council members agreed unanimously 5 to 0 by consensus.

4-Staff Recommendation:

1. Approve goals and related objectives
2. Determine if there are additional goals or objectives Council wants to add
3. Consider whether to task the Subcommittee with prioritizing objectives into Critical Initiatives, Special Projects and Departmental Initiatives

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Brief Communications

L. Heystek said the Recreation and Park and Open Space Commissions would like the Council Subcommittee on Commissions to recommend changes to the enabling documents to allow for at 2X2 between Recreation and Parks Commission and Open Space to discuss mutual issues that overlap. If it is a once a month regular meeting, then the documents need to be amended in order to facilitate that.

Long Range Calendar

Council members discussed and cancelled the January 20th meeting date and would meet on January 27th, 2009 instead.

Council members postponed the wood-burning discussion from December to January. L. Heystek registered a friendly dissent on postponing the discussion.

Adjournment

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

Lynanne Mehlhaff
 Planning Technician