

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of December 16, 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 Attorney Harriet Steiner, City Clerk Zoe Mirabile

Closed Session City Council convened a closed session to discuss the following: Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of Government Code §54956.9: Union Pacific v. City of Davis, CV05-903.

City Council returned to open session at 6:30 p.m. with no reportable action.

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

Public Comments Joe Sherman spoke regarding hate crimes and injustice.

Mike Shepley spoke regarding water and wastewater issues, and suggested staff review the 2002 water supply study conducted by West Yost Associates and consider purifying wastewater for use in farming operations.

Patricia Echevarria spoke regarding wood burning. She stated Yolo-Solano Air Quality Management only designated five don't light tonight days during 2007-2008, which does not make a case for a mandatory wood burning ban, and that the Air Board should make regulatory decisions on this topic.

Michael Faust introduced himself as an applicant for the Business and Economic Development Commission.

Consent Calendar Resolution No. 08-182 - Authorizing the City Manger to Enter into Aquatic Use Agreements Between the City of Davis and Davis Aquatic master, Davis Aquadarts, Davis Aquastarz and Davis Water Polo Club Regarding the Use of City Aquatic Facilities

Approved

Resolution No. 08-183 - Declaring the Results of the Special Municipal Election Held in the City of Davis on November 4, 2008

Approved

Resolution No. 08-184 - Rejecting All Bids for Playfields Park Renovation, CIP No. 8201

1. Approved resolution
2. Confirmed prior authorization for staff to bid the project and grant authority to the City Manager to award a construction contract

Budget Adjustment #59 (\$1,491,000) – Allocating Additional Pass-Through of Federal Transit Administration (FTA) Grant Funds to Unitrans
Approved

Budget Adjustment #61 (\$9,746) – Allocating Reimbursement to Developer of Willowbank Unit No. 10 for “Over-Sized” Water System Improvements
Approved

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

1. Resolution No. 08-185 - Authorizing the City Manager to Execute Consultant Agreement with Bennett Engineering Services, Inc.
2. Budget Adjustment #62 (\$60,000) – Allocating Roadway Impact Fees for the City’s Portion (40%) of the Consultant Fees

Approved

Plans and Specifications for Second Street Corridor Improvements, CIP No. 8163 (Item also on Redevelopment Agency Board Consent Calendar)
Approved plans and specifications; and authorized bid advertisement

Plans and Specifications for Eighth Street Corridor Improvements, CIP No. 8161
Approved plans and specifications; and authorized bid advertisement

Second Reading: Ordinance No. 2330 - Amending Section 15.10.070 of the Municipal Code to Increase the Downtown Business Improvement District Assessment Schedule
Adopted (Introduced 12/02/2008)

Commission Minutes:

1. City-UCD Student Liaison Commission Meeting of November 12, 2008
2. Civic Arts Commission Meeting of October 13, 2008
3. Finance and Budget Commission Meeting of October 13, 2008
4. Human Relations Commission Meeting of October 23, 2008
5. Natural Resources Commission Meeting of October 27, 2008
6. Tree Commission Special Meeting of October 23, 2008

Informational

Low Carbon Diet Pilot Program Summary
Informational

L. Heystek moved, seconded by S. Souza, to approve the consent calendar as

listed above. Motion passed unanimously.

Item Removed
From the Consent
Calendar:

B. Emlen summarized the proposed update to the D Street Neighborhood City Council Subcommittee (Asmundson/Greenwald) scope and workplan that clarifies and adds provisions to address a broader discussion.

D Street
Neighborhood
City Council Sub-
committee -
Scope and Work-
plan

S. Greenwald stated the Council Subcommittee plans to meet with individual stakeholders separately, and then will schedule a meeting with the entire group in late February.

Brad Schaffer spoke in support of the proposed scope, and requested the Subcommittee focus on the zoning issues as much as possible.

Mary Lynn Tobin and Bill Habicht, Davis Community Church (DCC), and John Oakley spoke regarding the zoning of the church site. Comments included: church has been located in its current site for 80 years with the same zoning; request Subcommittee to consider how many residents moved into the neighborhood with knowledge of the church's zoning; rezoning will not modify the actions of members of the faith and service organizations; request Subcommittee to consider other initiatives rather than rezoning the site; and financial obligations related to zoning permits would negatively impact the church.

Janice Lott stated there is a need to balance the interests of all stakeholders on this issue.

D. Saylor moved, seconded by S. Souza, to approve the revised updated scope and workplan, with the following amendments:

- Include an inventory of existing services
- Consult with Yolo County regarding their homeless surveys
- Include an analysis of zoning history
- Modify direction regarding potential zoning changes to the following:
Evaluate and make recommendations related to impacts of measures/initiatives including potential rezoning that may evolve from these discussions

Motion passed unanimously.

City Council recessed at 7:24 p.m. and reconvened at 7:33 p.m.

Public Hearing:
Development of
Residential Lots
at Grande School
Site – General
Plan Amendment,
Rezoning and Pre-
liminary Planned
Development,

Planner and Historical Resources Manager Ike Njoku provided an overview of the proposed project.

Tom Lombrazo, DJUSD representative, stated the School District has worked with the neighborhood for over 1.5 years on this project, and outlined neighborhood issues as follows: density should be comparable to existing area, greenbelt should surround the project, and concern over vehicle access of Grande Avenue. Further, he stated this project helps to meet DJUSD goals related to funding needs and greenhouse gas targets and requested City Coun-

Development Agreement, Vesting Tentative Map, Final Planned Development and Mitigated Negative Declaration

cil consider deferring impact fees.

City Attorney Harriet Steiner explained that a majority of impact fees are collected at Certificate of Occupancy, except sewer/water connections and park impact fees associated with the final map; any fee deferral should be between issuance of building permits and Certificate of Occupancy.

School Board Members Gena Daleidon and Tim Taylor spoke in support of the project.

Rob Egel, Grande Neighborhood Association, spoke in support of project and proposed modifications as follows: landscape design should be based on and consistent with conceptual plan; Development Agreement should identify landscape design and include a public process at a Planning Commission meeting or City Council meeting, not just review and approval by staff; Development Agreement should include references to usage of “portland cement” and allow alternatives for bike paths; request additional discussion regarding west side bike path; and construction hours should be reduced to Monday-Friday 7 a.m.-6 p.m. and Saturday-Sunday 8 a.m.–6 p.m.

Mayor Asmundson opened the public hearing.

Ted Adams and Betty Pfeifer, Grande Neighborhood Association, spoke in support of the project. Comments included: project should include a landscaping plan for the west side bike path; request City Council consider eliminating the house on lot 9 and establishing a community garden instead to include a bike path; and acknowledgment of neighborhood attendance and participation during the review process.

Marie Andrese spoke in support of solar heating on new housing.

Rachel Aptekar spoke in support of the negotiations between the city, School District and neighborhood.

Mayor Asmundson closed the public hearing.

D. Saylor moved, seconded by S. Greenwald, as follows:

1. Certify that Mitigated Negative Declaration #8-07 prepared for this project adequately addresses the environmental impacts associated with the proposed project
2. Approve Resolution No. 08-186 - Intent to Amend the General Plan Land Use Map to Redesignate the Parcel Located at Southside of Grande Avenue Near Intersection of Mercedes Avenue -- Bordered By Grande Avenue on the North, Residential Developments on the East and West, and Covell Park on the South (APN: 35-097-12) From Public and Semi-Public to Residential One-Family Designation
3. Introduce Ordinance No. 2331 - Approving a Development Agreement with the Davis Joint Unified School District (DJUSD) Regarding the Pro-

- ject Commonly Known as Grande School Site
4. Introduce Ordinance No. 2332 - Amending Section 40.01.090 of Chapter 40 of the Municipal Code to Rezone Approximately 8.83 Gross Acres of the Parcel Located Immediately South of Grande Avenue and North of Covell Park; (Broadly Situated Between “F” Street and Catalina Drive) From Residential One-Family District to Planned Development (P-D) #7-07 (Single-Family Residential) – Grande School Site Subdivision
 5. Approve the following implementing entitlement applications, based on the findings and conditions:
 - A. Vesting Tentative Map #2-07, subdividing the approximately 8.83-gross-acre parcel for single-family residential lots, greenbelt lots, roadway, and park lot
 - B. Final Planned Development #11-07, establishing final zoning standards for the residential lots in the new P-D district

Motion includes modifications to the project as follows:

- Allow materials other than cement to be considered for bike paths
- Relocate the housing unit on lot 9 to another site within project and include a community garden
- Bike path on west side to be held open and considered by Bicycle Advisory Commission at a later time
- Landscape plan be required to be consistent with conceptual plan
- Final landscape plan will be approved as described in Development Agreement in consultation with neighborhood
- Construction hours reduced to M-F 7a-6p & Sa-Su 8a-6p
- Collection of development impact fees be deferred until occupancy permits are issues

S. Greenwald proposed a friendly amendment that when the bike path is considered by the Bicycle Advisory Commission, staff analysis should include neighborhood comments regarding existing use and neighbors should be notified of the commission meeting. Accepted by mover and second.

L. Heystek proposed an additional friendly amendment to direct staff to return to City Council with MOU language by the end of January. Accepted by mover and second.

Motion passed unanimously.

Council recessed at 9:23 p.m. and reconvened at 9:33 p.m.

Public Hearing:
Resolution to
Amend the Gen-
eral Plan Land Use
Map for the Fol-
lowing: (1) Davis

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

L. Heystek moved, seconded by S. Souza, approval of Resolution No. 08-187 - Resolution to Amend the General Plan Land Use Map of the City of Davis for the Following: (1) to Redesignate Two Parcels Located at 555 and 603 L

Korean Church;
(2) Core Area
Specific Plan
Boundary; and (3)
Grande Subdivi-
sion

Street, Consisting of Approximately 1.45 Acres, from "General Commercial" and "Low Density Residential" to "Public/Semi-Public"; (2) to Reflect Changes to the Core Area Specific plan for the Properties on the Block Bounded by Sweetbriar Drive, Eighth Street, G Street, and H Street; and (3) to Redesignate the Parcel Located at Southside of Grande Avenue Near Intersection of Mercedes Avenue -- Bordered by Grande Avenue on the North, Residential Developments on the East and West, and Covell Park on the South (APN 35-097-12) from "Public and Semi-Public" to "Residential One-Family" Designation, which incorporates approval of the following:

1. Resolution No. 08-188 - Redesignate Two Parcels Located At 555 And 603 L Street, Consisting of Approximately 1.45 Acres, From "General Commercial" and "Low Density Residential" to "Public/Semi-Public"
2. Resolution No. 08-189 - Reflect Changes to the Core Area Specific Plan for the Properties on the Block Bounded By Sweetbriar Drive, Eighth Street, G Street, and H Street
3. Resolution No. 08-190 - Redesignate the Parcel Located at Southside of Grande Avenue Near Intersection of Mercedes Avenue -- Bordered By Grande Avenue on the North, Residential Developments on the East and West, and Covell Park on the South (APN: 35-097-12) From Public and Semi-Public to Residential One-Family Designation

Motion passed unanimously.

Appointment to
Commissions

City Council voted to appoint members to the Bicycle Advisory, Business and Economic Development, Historical Resources Management, Safety and Parking Advisory, Senior Citizens, Social Services and Tree Commissions 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							
BAC -- Vote for 1*: 1 Regular (2-year term) *If you vote for Kelli O'Neill (current alternate), also vote for a replacement Alternate by using "A" (2-year term)								
Bourne	Elisabeth							
Krovoza	Joseph	A	A	A	A	A	5A	Alternate
O'Neill	Kelli	R	R	R	R	R	5R	Regular
Robert	David							
Vogt	Rainbow							
BEDC -- Vote for 1: 1 Alternate (2-year term)								
Faust	Michael	X	X	X	X	X	5	Alternate
Howard	Jonathon							
Madison	Charles							
Robert	David							
HRMC -- Vote for 2: 1 Regular (4-year term) & 1 Regular (2-year term)								
Howard	Jonathon	X	2yr	2yr	X		4	2 Year
McFarland	Clifton	X	4yr	4yr	X	4yr	5	4 Year
SPAC -- Vote for 2: 2 Regular (4-year term)								
Barcellos	Daniel	X		1	X	X	4	Regular

Howard	Jonathon					X	1	Appt to HRMC
SSC -- Vote for 1: 1 Alternate (2-year term)								
Bridge	Janice	X			X	A	3	Alternate
Hickey	Kathleen		X	1			2	
SSC -- Vote for 1**: 1 Regular (4-year term) **If you vote for Janice Solorzano (current alternate), also vote for a replacement Alternate by using "A" (2-year term)								
Adler	Dawn		A	A			2A	
Delaini	Larenda							
Solorzano	Janice	R	R	R	R	R	5R	Regular
Yeh	Elizabeth	A			A	A	3A	Alternate
TC -- Vote for 1: 1 Alternate (4-year term)								
Jackson	Michael					A	1	
McFarland	Clifton							Appt to HRMC
Rubald	Marc							
Vogt	Rainbow	X	X	1	X		4	Alternate

D. Saylor moved, seconded by S. Souza, to approve commission appointments as outlined above. Motion passed unanimously.

Status Update for Wastewater Treatment Issues

Public Works Director Bob Weir explained that staff is working concurrently on a number of parallel courses related to wastewater issues, namely,

- Requesting additional time from Regional Board to study a Conaway re-use project
- Hiring an independent firm for value engineering of the Preliminary Design for Secondary replacement project
- Re-evaluating alternative projects including Sac Regional Plant; a combined Woodland/Davis plant; and a Conaway re-use project
- Third party review by Dr. Tchobanoglous and Dr. Schroeder on the water and wastewater issue

He provided an update on these activities and outlined next steps.

Item Removed From Consent Calendar: Resolution Authorizing Consultant Agreement with Brown and Caldwell for Value Engineering for Preliminary Design of Wastewater Treatment Plan, CIP No. 8119

D. Saylor moved, seconded by S. Souza, approval of Resolution No. 08-191 - Authorizing the City Manager to Execute Consultant Agreement with Brown and Caldwell for Value Engineering for Preliminary Design of Wastewater Treatment Plan, CIP No. 8119.

S. Greenwald moved substitute motion, seconded by L. Heystek, to delay value engineering until City Council has a better understanding of the project.

L. Heystek proposed a friendly amendment to delay until after the third party review by Dr. Tchobanoglous and Dr. Schroeder. Accepted by mover.

Substitute motion failed by the following vote:
 AYES: Greenwald, Heystek,
 NOES: Saylor, Souza, Asmundson

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

By consensus, City Council directed staff to arrange field trips for Councilmembers to wastewater treatment facilities.

Brief
Communications

S. Souza reported that the Davis Downtown Business Association (DDBA) is interested in representation on the Business and Economic Development Commission, and requested the Council Subcommittee on Commissions to consider this and direct staff to draft a modification to the commission enabling resolution accordingly. Council concurred.

L Heystek requested the Council Subcommittee on Commissions consider liaison representation on the Recreation and Park Commission and Open Space and Habitat Commission.

D. Saylor requested the Council Subcommittee on Commissions to consider inter-commission communication.

Long Range Cal-
endar

By consensus, City Council agenda'd January 13, 2009 as a regular meeting.

Adjournment

The meeting was adjourned at 11:12 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
Meeting of December 16, 2008

The Redevelopment Agency 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: Board Members Present: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza, Ruth Asmundson

Board Members Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, Agency Clerk Zoe Mirabile

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

Public Comment None

Consent Calendar Plans and Specifications for Second Street Corridor Improvements, CIP No. 8163 (Item also on City Council Consent Calendar)
Approved plans and specifications; and authorized bid advertisement

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

Adjournment The meeting was adjourned at 11:12 p.m.

Zoe S. Mirabile, CMC
City Clerk