

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 6, 2009

The City Council of the City of Davis met in regular session beginning at 6:33 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, City Clerk Zoe Mirabile

Approval of Agenda D. Saylor moved, seconded by S. Greenwald, approval of the agenda as amended to reorder discussion items as follows: Third Street Improvements Project Request for Proposals (RFP) will be discussed before the Public Hearing on Proposed Wood Burning Restrictions. Motion passed unanimously.

Ceremonial Presentation Mayor Asmundson presented a Proclamation Recognizing January 19, 2009 as Martin Luther King, Jr. Day.

Homeless and Poverty Action Coalition Presentation: Update on Homeless Services and 10-Year Plan to End Homelessness Janice Critchlow, Yolo County Homeless Coordinator, explained that for the last 10 years, the U.S. Department of Housing and Urban Development (HUD) has mandated a count of all homeless persons take place every other January in order to qualify for Continuum of Care/Supportive Housing Program (SHP) funding. Bill Pride, Davis Community Meals, will be managing the count in Davis, which will occur on January 29, 2009.

Homelessness Bridget Kurtt DeJong, HomeBase, a law and policy firm working towards ending homelessness, reported that over 300 cities and counties are currently implementing 10 year plans. After community meetings are held throughout Yolo County and its cities, staff will return to Council with update.

Public Comments David Weinshilbaum, Southfield Park Homeowners Association, explained that homeowner dues have increased by 40% over the last few years and owners are asking for city guidance to help maintain affordable housing. He requested City Council recommend to the Board that the increase be rescinded, and further recommend more oversight and guidance.

Hamza El-Nakhal; Hassan Parrara, Students for Justice in Palestine UCD; Sara Loussa; Amin Abdullah, Students for Justice in Palestine at UCD; and Amir Ali spoke regarding the 2008-2009 Israel-Gaza conflict. Comments included: need for an immediate end to the hostilities and humanitarian aid blockage; residents live in oppressive conditions; and request City Council and community members take action and write governmental representatives.

L. Heystek moved, seconded by S. Greenwald, to extend public comment for 15 minutes. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza

NOES: Saylor, Asmundson

Danny Rowles; Usef Jomah; Walleed, Students for Justice in Palestine UCD; Gilda Possauda; Saza Afreedy; Saad Swala; Nora; Ammet Kappel; Deana; Jeffrey Willdinger; Fatima; Rashaad Haar; Raquael Gomez; Amir Abdallah; and Isam Hararah continued speaking regarding the Israel-Gaza conflict. Comments included: basic human rights are being denied to residents and request City Council agendize a resolution regarding this issue for the next Council meeting.

Consent Calendar

Second Reading of Ordinances Regarding the Grande School Site:

1. Ordinance No. 2331 – Approving a Development Agreement With the Davis Joint Unified School District (DJUSD) Regarding the Project Commonly Known as Grande School Site
2. 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 & North of Covell Park; (Broadly Situated Between “F” Street & Catalina Drive) From Residential One-Family District to Planned Development (P-D) #7-07 (Single-Family Residential) – Grande School Site Subdivision

Adopted (Introduced 12/16/2008)

Comprehensive Annual Financial Reports (CAFR) for Fiscal Year Ending June 30, 2008

Received CAFR, Redevelopment Agency’s Financial Statements, and City of Davis Memorandum on Internal Controls and Required Communications

Revised Job Specification – Support Services Technician (Confidential)

Approved

Safety and Parking Advisory Commission Recommendation Regarding Removal of Pedestrian Actuated Signal at Eighth and G Streets

Approved

Update on Contract with Pence Gallery for Civic Arts Programs

1. Approved continuation of previously approved contract with the Pence Gallery for administration of specified Civic Arts Programs through the end of the current fiscal year
2. Directed staff to bring back a recommendation for the remainder of the two-year agreement period as part of the 2009-2010 City budget development process

Schedule for Lewis Planned Communities (Cannery Park) Site Processing
Approved processing timeline

Commission Minutes:

1. Bicycle Advisory Commission Regular Meetings of September 15 and October 20, 2008
2. Business & Economic Development Commission Regular Meetings of June 30, August 28 and October 27, 2008
3. Civic Arts Commission Regular Meeting of November 10 and Special Meeting of November 19, 2008
4. Finance and Budget Commission Regular Meeting of November 10, 2008

Informational

Minutes from the City Council / Business and Economic Development Commission Joint Meeting of September 22, 2008

Approved

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

Third Street Improvements Project Request for Proposals (RFP)

S. Greenwald recused herself due to a conflict of interest because she owns property within 500 feet of the project.

Economic Development Specialist Brian Abbanat explained the Third Street Improvements Project consists of streetscape improvements intended to improve pedestrian and bicycle circulation, drainage, aesthetics and safety on Third Street between A and B Streets, and B Street alleys between Second and Fourth Streets. Further, this project is an implementation action from the Core Area Specific Plan amendments resulting from the B and Third Street Visioning Process.

Maynard Skinnard outlined a proposal of improvements to Third Street with the intent to bring back the design from 25 years ago.

D. Saylor moved, seconded by S. Souza, to direct staff to work with the neighborhood and community to identify a reasonable series of alternatives prior to hiring a consultant and to return as needed to Council for approval of an RFP.

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSENT: Greenwald

Public Hearing:
Consideration of Proposed Wood Burning Restrictions and Natural

R. Asmundson explained that in 2004, the Air Quality Management Board (AQMB) recommended individual jurisdictions analyze more restrictive ordinances than those produced by AQMD, and City Council directed the Natural Resources Commission to analyze this issue.

Resources Commission Recommendation Regarding Ordinance Adding Chapter 13A.02 to the Municipal Code Regarding Wood Burning

Public Works Director Bob Weir indicated that burn season will be largely over prior to the effective date of any decision made by Council at this meeting.

Assistant Public Works Director Sue Gedestad explained that staff and the Natural Resources Commission differ on the treatment of bans and restrictions, and outlined staff recommendations which are intended as an interim step. She stated other local agencies have agendized wood burning restrictions that are focused on changing outdated appliances; however, since December 2004, the city has required all new installations to be U.S. Environmental Protection Agency (EPA) certified.

Dr. Cahill, former UC professor and local expert on global climate change, stated that by late March-early April, much more data will be available regarding specific Davis air quality issues and recommended a decision be postponed until early April.

Dean Newberry, Natural Resources Commission Wood Burning Subcommittee, summarized the Commission discussions and recommendations.

Mayor Asmundson opened the public hearing.

Steve Greenfield, Chamber of Commerce; Dave Taormino; Norma Rice; Joe Schwartz; Meredith Reinhart; Joseph Dixon; Wanda Winton; Lindsay Lowen; Frances Resta; John Spur; Allen Jendra; Bob McCormick; Pat Dunning; Mitchell Heller; Rashal Sherblinska; Steve Shaffer; George Gallamba; Robert Kelin, Duraflame; Paul Brooks; Beth Foraker; Bill Brinedoc; Pam Green; Jim McKinney; Jane Shapiro; David Dezulack; Monica Canton; and David Bonillo spoke in opposition of some or all wood burning restrictions at this time. Comments included: economic costs of enforcing ordinance; opposition to requiring seasoned hardwoods to be sold and burned; environmental cost of central heating using non renewable resources; request grandfathering in fireplace use in certain circumstances; potential effect on real estate market; request exceptions for environmentally friendly products; and support for additional studies.

John Whitehead; Maryanne Lewis; Pam Nieberg; Chris Naya; Jenny Bart; and Charles Ehrlich, American Lung Association, spoke in favor of restrictions. Comments included: main issue is localized concentrated smoke; decisions should be based on scientific data; EPA certified devices need to be maintained properly otherwise increased pollution occurs; support clean air for community; and consider lowering EPA requirement to 4.5 grams per hour.

Robert Cline, Duraflame, requested manufactured logs be included in educational material. John Horn requested additional data collection. Allan Pryor, Yolo Clean Air, noted the proposed restrictions had unconditional support from Lung Association and Breathe CA, although he supports additional study

prior to implementation.

R. Asmundson closed the public hearing.

D. Saylor moved, seconded by R. Asmundson, to defer the adoption of a wood burning ban and restriction ordinance until early April.

S. Souza proposed a friendly amendment to direct staff as follows:

1. Work with Dr. Thomas Cahill and the Yolo Solano Air Quality Management District (YSAQMD) to establish monitoring to gather specific air quality information to be used in assessing what restrictions may be in order, and seek other monitoring equipment to focus on neighborhood hot-spots.
2. Work with the YSAQMD to disseminate all manner of information on wood burning, i.e., health effects, proper burning techniques, etc.
3. Pursue programs that would encourage the change out of old appliances and the conversion of open hearth, such as promotion of YSAQMD's Woodstove Change Out Program and pursuing funds to increase the grant amount to further encourage change outs.
4. Pursue viability of using resale requirements that may reduce the number of open hearths and non-certified appliances.

Amendment accepted by mover and second.

D. Saylor proposed an additional amendment to direct staff as follows:

5. Add consideration of wind speed factor in the analysis.
 6. Return to City Council with a suggested neighborhood resolution process.
- Additional amendment accepted by mover and second. Motion passed unanimously.

Long Range Calendar

By consensus, City Council designated S. Souza and L. Heystek as a Council Subcommittee to draft a resolution regarding the Israel-Gaza conflict, and return to Council on January 13 or 27 with recommendations.

B. Emlen recommended Council convene a meeting February 10 instead of February 3. Council concurred.

S. Souza reported he will be nominated to the Cal LAFCO Board of Directors.

L Heystek requested the City Council Subcommittee on Commissions schedule a meeting to discuss liaison representation on the Recreation and Park Commission and Open Space and Habitat Commission.

Public Comment

David Greenwald asked Council to consider a broad based resolution that opposes all violence.

Adjournment

The meeting was adjourned at 11:37 p.m.

Zoe S. Mirabile, CMC, City Clerk