

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 10, 2009

The City Council of the City of Davis met in regular session beginning at 6:32 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, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

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

Approval of Agenda D. Saylor moved, seconded by S. Souza, approval of the agenda as amended to defer the following items to the next meeting: Consideration of Urgency Interim Zoning Ordinance Establishing a Moratorium and Requiring a Conditional Use Permit on the Establishment, Commencement, Relocation or Conversion of an Existing Use to a Tobacco Paraphernalia Retail Use and Discussion of Chapter 40.26.410 of Davis Municipal Code Regarding Sex-Oriented Businesses. Motion passed unanimously.

Ceremonial Presentation Mayor Asmundson presented Proclamation Declaring the City of Davis as a "One" City.

Public Comments Joe Sherman spoke regarding the Police Department and civil rights.

Rosalie Paine, Davis Downtown Business Association (DDBA), requested City Council include DDBA in discussions regarding proposals to change zoning for downtown businesses.

Matt Ivler, Yolo County representative for Senator Lois Wolk in the Vacaville office, introduced himself.

Bill Kopper, representing owner of Illusions, explained his client already has a permit and therefore has vested rights, and spoke in opposition to the proposed Urgency Ordinance Establishing a Moratorium and Requiring a Conditional Use Permit on the Establishment, Commencement, Relocation or Conversion of an Existing Use to a Tobacco Paraphernalia Retail Use.

Consent Calendar Resolution No. 09-016 - Authorizing the City Manager to Execute Consultant Agreement with Forsgren Associates, Inc. for Well 32 Analysis and Modification, CIP No. 8129 – Analysis of Pumping Capacity and Water Quality, and Preparation of Plans, Specifications and Estimates for a Contract to Replace Pumping Equipment
Approved

Budget Adjustment # 88 (\$500,000) – Allocating Water Enterprise Funds
Approved

Second Reading: Ordinance No. 2335 - Amending Chapter 40 of the Davis Municipal Code for Planned Development 12-87 to Rezone Approximately 3.38 Acres Located at the Southwest Corner of Cowell Boulevard and Drummond Avenue from “Industrial Research” to “Multi-Family”

Adopted (Introduced 03/03/2009) by the following vote:

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

Second Reading: Ordinance No. 2336 - Granting an Eighteen-Month Extension of Specified Land-Use Entitlements

Adopted (Introduced 03/03/2009)

Second Reading: Ordinance No. 2337 - Amending Chapters 33 and 39 of the Davis Municipal Code Relating to Sewer and Water Connection Charges

Adopted (Introduced 03/03/2009)

Commission Minutes:

1. Human Relations Commission Meeting of January 22, 2009
2. Natural Resources Commission Meetings of November 24, 2008 and January 26, 2009
3. Planning Commission Meeting of June 19, 2008

Informational

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

Removed from
Consent Calendar:

Removed by S. Souza and S. Greenwald.

Solano Transportation Authority
State Route 113
Major Investment
Study – City Response to Proposed Options for Realignment and Improvements to State Route 113 from Highway 12 to Interstate 80

City Council discussed the contents of the letter to the Solano Transportation Authority. City Manager Bill Emlen explained the letter comments on the scoping of the study, and there is not enough time to allow City Council to agendaize a full discussion to comment on alternatives.

S. Greenwald moved, seconded by L. Heystek, to add a sentence to the letter stating the city has concerns and would not support any alternative that would route traffic via a Hwy 113/Interstate 80 bypass through Davis, and authorize the Mayor to sign the letter to the Solano Transportation Authority with comments on the SR 113 Major Investment Study Draft Final Report. Staff directed to modify the letter as necessary to express City Council direction. Motion passed by the following vote:

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

Proposition 218
Mail Notification
of Utility Rate
Increases – Notice
of Public Hearing
to Set Rates for
Sanitation, Water
and Sewer Sched-
uled for May 5,
2009

Public Works Director Bob Weir stated staff continues to support consumption based fees as a portion of the sewer rate, as this allows citizens to have some control over their bills. Assistant Public Works Director Sue Gedestad outlined the proposed rates and methodology.

Matt Williams spoke in support of consumption based rates, stated if rates will be fixed, then they should be base on per capita, and questioned the relationship between water and sewer consumption.

S Greenwald moved, seconded by Heystek, to direct staff to return to City Council with a rate that is closer to last year's rate in terms of variability.

S Souza moved substitute motion, seconded by D Saylor, to approve the mail notification of utility rate increases as proposed by staff:

1. Sanitation: 2.6% rate increase which equates to a \$0.74 per month increase for residential customers effective August 1, 2009
2. Water: 10% rate increase which equates to an approximately \$3.30 monthly increase for average water usage effective August 1, 2009
3. Sewer: No net revenue increase, but customers may see changes to individual rates based on adjusting the rate methodology

Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Heystek, Greenwald

Item Submitted by
Councilmember
(Don Saylor):

Consider Amend-
ing the Noise Or-
dinance to Ex-
empt Schools and
Day Care Centers
Within Normal
Business Hours

D. Saylor outlined the noise regulations in the Municipal Code 24.02.040, which exempt power tools, construction and landscape equipment, air conditioners, tools for safety devices. He recommended Council City direct staff to look at amending the noise ordinance to exempt normal routine operations of schools and day cares and bring back an analysis and recommendation.

City Manager Bill Emlen suggested returning with baseline information to start the discussion, then Council can give direction to draft language for an Ordinance.

D. Saylor moved, seconded by R Asmundson, to direct staff to examine the noise ordinance and suggest approaches to dealing with child care centers and schools. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSTAIN: Greenwald

Budget Workshop

City Manager Bill Emlen and Assistant City Manager Paul Navazio provided information related to the 2009-2010 budget model including revenue and expenditure assumptions, updated five-year forecast, and budget balancing framework.

Long Range Calendar S. Souza will agendaize an item submitted by Councilmember: Emerson Junior High Barriers

D. Saylor will agendaize an item submitted by Councilmember: State Budget Reform Co-Sponsorship

Adjournment The meeting was adjourned at 12:41 a.m.

Zoe S. Mirabile, CMC
City Clerk