

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 17, 2009

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: Councilmembers Present: Ruth Asmundson, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

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 pursuant to Government Code §54954.5 to discuss the following:

A. Conference with Real Property Negotiator:

Property: Miles-Kidwell Farm Easement; APNs 110-150-010, 110-090-110, 110-090-130, and 110-090-140

Negotiating Parties: Denny E. Kidwell and Ruby E. Kidwell Trust

Agency Negotiators: City Attorney Harriet Steiner and Sustainability Program Manager Mitch Sears

Under Negotiation: Price and terms of payment

B. Conference with Legal Counsel – Existing Litigation: Lewis v. Russell, Federal District Court Civ.S – 032646 WBSKJM

City Council returned to open session at 6:30 p.m. and Mayor Asmundson announced there was no reportable action.

Approval of Agenda D. Saylor moved, seconded by S. Souza, approval of the agenda as amended to defer the discussion of Noise Ordinance Provisions Related to Schools and Day Care Centers until concrete proposals from staff can be evaluated. Motion passed unanimously.

Ceremonial Presentations Mayor Asmundson presented the following:
1. Proclamation Recognizing March 2009 as Red Cross Awareness Month
2. Proclamation Declaring April 2009 as Child Abuse Prevention Month

Public Comments John Berg, Bicycle Advisory Commission, read a statement from the commission expressing concern regarding the increasing number of unrelated studies that will affect the traffic flow of bicycle circulation, particularly in and around the Core Area. Although separately each study may have merits, piecemeal studies aggravate bike traffic patterns. The Commission recommends the Council:

1. Consider carefully all ad hoc studies and proposals to ensure each one advance cycling to, from and within Davis and the Core Area

2. Ensure the General Plan encourages and pays attention to bike travel in Davis
3. Directs all future studies and plans for all modes of traffic in and around Core Area

Elaine Roberts-Musser, Senior Citizens Commission, requested Alternate member Tansey Thomas be appointed to the regular member vacancy on the Commission.

First 5 Yolo Commission Presentation

Yolo Commissioner Rick Baker provided a presentation from First 5 Yolo Commission regarding impacts of local early childhood development services. Commission activities include health insurance and nutritional programs; dental care; stipends to child care providers for continued education; and foster family recruitment and retention.

Consent Calendar

L. Heystek recused himself from the following due to a conflict of interest as he owns property at the Greene Terrace affordable housing site:
 Resolution No. 09-018 - Authorizing the City Manager to Execute a Contract with Community Housing Opportunities Corporation (CHOC) for the Continuing Administration of the City's Right of First Refusal of Affordable Low/Moderate and Future Middle Income Units

Approved by the following vote:

- AYES: Greenwald, Saylor, Souza, Asmundson
 NOES: None
 ABSENT: Heystek

Resolution No. 09-019 - in Support of the Employee Free Choice Act
Approved

Resolution No. 09-020 - Authorizing the City Manager to Enter Into a Professional Services Agreement with Gilda Puente-Peters Architects for Americans with Disabilities Act (ADA) Self Evaluation Project
Approved

Resolution No. 09-021 - Establishing a "Green Schools" Partnership with the Davis Joint Unified School District
Approved

Budget Adjustment #71 (\$24,850) – Allocating Developer Deposit for Amendment to Wildhorse Ranch Environmental Impact Report (EIR) Contract with Raney Planning & Management
Approved

General Plan Annual Progress Report for Calendar Year 2008

1. Accepted progress report required by State of California
2. Directed staff to forward report to the Governor's Office of Planning and Research (OPR) and State Department of Housing and Community Development (HCD)

Commission Minutes:

1. Planning Commission Meeting of January 14, 2009
2. Tree Commission Meeting of January 15, 2009

Informational

Proclamation Recognizing the Contributions of the American Agriculture Industry and Proclaiming March 15-21, 2009 National Agriculture Week

Ceremonial

Proclamation Recognizing March 31, 2009 as Cesar Chavez Day and Proclaiming March 28, 2009 as a Community Celebration

Ceremonial

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

Removed from Consent Calendar:

Items removed by D. Saylor.

Resolution Authorizing a MOU Agreement with DJUSD to Address the Greenhouse Emission Associated with Grande School Site Development

D. Saylor moved, seconded by L. Heystek, approval of Resolution No. 09-022 - Authorizing the City Manager to Enter Into a MOU Agreement with Davis Joint Unified School District (DJUSD) to Address the Greenhouse Emission Associated with Grande School Site Development with Residential Homes, which identifies specific measures as follows:

1. Promotional campaign to encourage the use of energy conservation measures and other changes in transportation habitats
2. 500 per unit fee to fund educational scholarships for District students and create an environmental energy educational program in the schools
3. Carbon reduction mitigation bank would be established using existing District building facilities and properties

Motion passed unanimously.

Resolution Consenting to the Payment of the Cost of Acquiring and Installing Landmark Signs for Designate Historical Sites in Davis by the Redevelopment Agency and Making Findings in Connection with Payment

City Manager Bill Emlen suggested City Council approve the proposed resolution with direction to staff to look for lower cost alternatives before finalizing purchase/contract.

S. Greenwald moved, seconded by D. Saylor, to approve Resolution No. 09-023 - Consenting to the Payment of the Cost of Acquiring and Installing Landmark Signs for Designate Historical Sites in Davis by the Redevelopment Agency of the City of Davis and Making Findings in Connection with Payment by the Agency (City-Owned Landmarks Within Redevelopment Agency Boundary), with direction to staff to look for lower cost alternatives to include higher quality if possible. Motion passed unanimously.

Public Hearing: Resolution Declaring the Public Necessity for the Tak-

Assistant City Engineer Will Marshall summarized the proposed project to realign Faraday Avenue as a loop street.

City Attorney Harriet Steiner explained staff is requesting authorization to

ing of Certain Prop-erty for the Re-alignment of Faraday Avenue Project

institute eminent domain proceedings because the property is owned by a company that is suspended (lacks the legal right to grant easement).

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

S. Souza moved, seconded by R. Asmundson, to approve Resolution No. 09-024 - Declaring the Public Necessity for the Taking of Certain Property for the Realignment of Faraday Avenue Project.

S. Greenwald moved substitute motion to approve Resolution No. 09-024-Declaring the Public Necessity for the Taking of Certain Property for the Realignment of Faraday Avenue Project, contingent upon discussions with Digital Technology Labs (neighbor to project site). Motion withdrawn.

Main motion passed unanimously.

S. Greenwald moved, seconded by L. Heystek, to direct staff to work with Digital Technology Labs and receive feedback from them before instituting legal proceedings. Motion passed unanimously.

Discussion of Possi-ble Ordinance Re-garding Additional Review of Busi-nesses Engaged in the Sale of Tobacco-Related Parapherna-lia

City Manager Bill Emlen explained that on March 10, 2009, City Council deferred discussion on an 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. He reported that circumstances have changed since this urgency ordinance was initially agendized for Council consideration. City Attorney Harriet Steiner explained the proposed ordinance would only affect new businesses.

S. Greenwald reported that the City-DDBA 2x2 Committee discussed the proposed ordinance, and DDBA requests the Council not move forward with more regulatory actions affecting downtown businesses, especially in this economy.

Bill Kopper stated this ordinance will not affect the current business.

D. Saylor moved, seconded by R. Asmundson, to direct staff to look into drafting an ordinance, using the Conditional Use Permit zoning model, for future businesses, with community outreach as appropriate. Motion failed by the following vote:

AYES: Saylor, Asmundson

NOES: Greenwald, Heystek, Souza

City Council recessed at 8:32 p.m. and reconvened at 8:43 p.m.

Study Session Re-garding the General

Principal Planner Bob Wolcott provided a summary of input from the February 10, 2009 City Council workshop, and outlined conceptual work program

Plan Update Process alternatives and staff recommendation to approve a resolution directing staff to proceed with the recommended conceptual work program alternative and to return in April 2009 or as soon as possible with additional details of the first year tasks.

Gerry Adler spoke in opposition to the proposed resolution and any variant thereof. Reasons included: high cost and work on climate action and senior studies can proceed via amendments to current General Plan.

City Manager Bill Emlen explained the current General Plan is very ambitious, and reported on action items that have yet to be completed.

City Council provided comments including: request to postpone any larger General Plan update process; staff should focus efforts on budget; request staff to clean up confusing General Plan policies, returning to Council when in need of clear direction; and staff should pose policy questions to clarify General Plan and return to Council with a specific action list rather than an update.

Bill Emlen summarized and clarified Council direction to staff as follows: for now, city will defer a General Plan update process until after July, will continue to look at other areas that come up, and will put some effort into reconciling inconsistencies regarding development projects. Further, Council will need to discuss Measure J renewal options.

S. Greenwald moved, seconded by S. Souza, to table discussion regarding the General Plan update until next fiscal year.

S. Souza proposed a friendly amendment to ensure staff can return to City Council for guidance on or amendments to the General Plan. Accepted by mover. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

Item Submitted by Councilmember (Stephen Souza): S. Souza reported that Emerson Junior High PTA has planned a carnival as a fundraiser and requested to borrow 20 city barricades for the event.

Request for City to Co-Sponsor Emerson Jr. High Carnival Through Provision of Barricades S. Souza moved, seconded by S. Greenwald, that the Council authorize co-sponsorship of Emerson Jr. High Carnival and allow use of city barricades. Motion passed unanimously.

Item Submitted by Councilmember (Ruth Asmundson): Mayor Asmundson reported that the Sangju delegation will be arriving in Davis in time for UCD Picnic Day festivities, and requested the city provide a space for a delegate to work, mentoring by city staff and shadowing of City Councilmembers.

Request for City to Host Exchange Employee from R. Asmundson moved, seconded by D. Saylor, to authorize the city to host an

Sister City of Sangju, Korea	exchange employee from Davis' Sister City of Sangju, Korea. Motion passed unanimously.
Brief Communications / Long Range Calendar	<p>D. Saylor reported on the Frontier Fertilizer Site Oversight Group monitoring activities and requested City Council agendize an update in early June.</p> <p>S. Greenwald requested staff implement the posting of City Council 2x2 Committee agendas online.</p> <p>L. Heystek requested a proclamation in support of organ and tissue donation, Donate Life California Month.</p> <p>L. Heystek requested an update city efforts related to American Recovery Act funds. City Manager Bill Emlen stated staff will return with an update in April.</p> <p>S. Souza requested an update on West Village annexation discussions and details of the net energy project vision. B. Emlen stated staff will agendize when time allows.</p> <p>R. Asmundson reported attending the Finance and Budget Commission wherein they requested staff provide budget reduction targets up to 15% per department. She questioned how much work a commission can allocate to staff. L. Heystek suggested staff come to Council if there are questions. D. Saylor questioned the relationship between staff and commissions.</p>
AB1234 Reporting	S. Greenwald attended the Local Government Commission Conference in Yosemite wherein the primary discussion topic was climate change.
Adjournment	The meeting was adjourned at 10:45 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of March 17, 2009

The Redevelopment Agency Board of the City of Davis met in regular session beginning at 6:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Board Chair Asmundson.

Roll Call: Board Members Present: Ruth Asmundson, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

Board Members Absent: None

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

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

Public Comments None

Consent Calendar Update on the Dresbach-Hunt Boyer Mansion Request for Proposals (RFP); and Resolution Authorizing the Executive Director to Enter Into a Temporary Lease with the Davis Farmers Market for a Portion of the Second Floor of the Dresbach-Hunt Boyer Mansion on a Month to Month Basis Located at 604 Second Street

1. Approved Resolution No. 1222
2. Directed staff to return to City Council with a status report on the RFP for reuse of Hunt Boyer following discussions with the adjacent property owner to the south regarding utility easement areas and issues

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

Item Removed from Consent Calendar: Item removed by D. Saylor.

Resolution Authorizing the Acquisition and Installation of Landmark Signs for Designate Historical Sites in Davis and Making City Manager Bill Emlen suggested City Council approve the proposed resolution with direction to staff to look for lower cost alternatives before finalizing purchase/contract.

S. Greenwald moved, seconded by D. Saylor, to approve Resolution 1223 - Authorizing the Acquisition and Installation of Landmark Signs for Designate Historical Sites in Davis and Making Findings in Connection with the Payment by the Agency, with direction to staff to look for lower cost alternatives to include higher quality if possible. Motion passed unanimously.

Findings in Con-
nection with the
Payment

Adjournment The meeting was adjourned at 10:45 p.m.

Zoe S. Mirabile, CMC
City Clerk