

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of July 21, 2009

The City Council of the City of Davis met in regular and special session beginning at 5:48 p.m. (special meeting) 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

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

Public Comments None

Consent Calendar Wastewater Treatment Facility Reuse Agreement: Lease of Property and Reuse of Treated Waters for Agricultural Purposes on Conaway Ranch
Directed staff to continue discussions and analysis of lease and agreement terms and feasibility of reuse of treated effluent with Conaway Ranch, and incorporate discussions of issues that arise in light of the announcement of potential sale of the property.

D. Saylor moved, seconded by L. Heystek, approval of consent calendar as listed above. Motion passed by the following vote:
AYES: Heystek, Saylor, Souza, Asmundson
NOES: None
ABSENT: Greenwald

Closed Session City Council adjourned to closed session pursuant to Government Code §54954.5 for a Conference with Real Property Negotiators: Real Property Acquisition – Reuse Lease and Agreement
Property: Conaway Ranch
Negotiating Party: Conaway Preservation Group (CPG)
Agency Negotiator: Public Works Director Bob Weir; City Manager Bill Emlen; City Attorney Harriet Steiner
Under Negotiation: Price and terms of payment

City Council returned to open session at 6:36 p.m. and Mayor Asmundson an-

nounced there was no reportable action.

Approval of Agenda	L. Heystek moved, seconded by S. Souza, to approve the agenda as amended to reorder discussion items by moving the Update on State Budget to the first regular calendar item. Motion passed unanimously.
Presentation	Sang-ju, Korea Sister City Exchange Employee Chang-Seok Oh presented an overview of his experience as a sister city delegate and attendance at Davis events/participation in city programs.
Public Comments	None
Consent Calendar	<p>Resolution No. 09-111 - Certifying the Code Enforcement Cost Accounting Report of Unpaid Administrative Citation Fines, Abatement Penalties, and Re-inspection Fees and Assessing Affected Parcels for Penalties and Requesting Inclusion of the Charges on the Yolo County Secured Tax Roll in the Same Manner as General Taxes <u>Approved</u></p> <p>Resolution No. 09-112 - Authorizing the City Manager to Enter into an Agreement Utilizing the Services of American Guard Services, Inc. to Provide the School Crossing Guard Program <u>Approved</u></p> <p>Resolution No. 09-113 - Accepting Bid of \$92,564.74 from Riverview International for the Purchase of a Two Axle Five-Seven Yard Dump Truck <u>Approved</u></p> <p>Resolution No. 09-114 - Authorizing the City Manager to Execute Contract with Robert Aaronson to Provide Police Ombudsman Services <u>Approved</u></p> <p>Resolution No. 09-115 - Authorizing the Transfer of Federal Transit Administration-Funded Buses from Unitrans to the City of Elk Grove Transit Department <u>Approved</u></p> <p>Resolution No. 09-116 - Authorizing the City Manager to Execute Consultant Agreement with Kennedy/Jenks for Manganese Treatment Systems for Water Wells 32 and 34, CIP Nos. 8129 and 8174 and Treatment Investigation of Other City Wells, Program No. 7522 <u>Approved</u></p> <p>Resolution No. 09-117 - Authorizing the City Manager to Enter into Agreement (#71-01-57-09) with the Area 4 Agency on Aging for Yolo County Information</p>

and Assistance Services Contract Renewal for Fiscal Year 2009–10 in the Amount of \$34,614, and Authorize the Partial Subcontract to the Cities of West Sacramento and Woodland

Approved

Performance Award for the 2004-2006 Yolo Energy Efficiency Project (YEPP)

1. Acknowledged receipt of the Yolo Energy Efficiency Project Performance Award in the amount of \$208,050.14
2. Approved Budget Adjustment #173 (\$104,025) – Allocating to Valley Energy Efficiency Corporation (VEEC) its share of the performance award as contracted in original consultant agreement approved by City Council in 2004

Revised Job Specifications – Eligibility Worker I/II Bilingual-Spanish and Bilingual- Russian

Approved

Commission Minutes:

1. Business and Economic Development Commission Meeting of April 27, 2009
2. City-UCD Student Liaison Commission Meeting of June 10, 2009
3. Finance and Budget Commission Meeting of June 8, 2009
4. Natural Resources Commission Meeting of May 20, 2009
5. Open Space and Habitat Commission Meetings of October 6 and December 1, 2008
6. Safety and Parking Advisory Commission Meeting of May 7, 2009
7. Senior Citizens Commission Meeting of June 11, 2009

Informational

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

Removed from Consent Calendar:

Item removed by L. Heystek. City Manager Bill Emlen recommended taking Council comments and returning to Council for final adoption on August 3. Council concurred.

Resolution Establishing City Council Meeting Dates for Legislative Year 2008-2009

L. Heystek requested visioning sessions with appropriate commissions be scheduled, and to not schedule closed sessions and workshops before 5:30 p.m.

S. Greenwald requested the meetings dates in a calendar format.

Resolution Authorizing the City Manager to

Item removed by S. Greenwald.

S. Greenwald requested the item be postponed to July 28. Council concurred.

Execute Consultant Agreement with Municipal Financial Services for a Development of a Financial Plan and Rate Model for Sanitary Sewer and Water Utilities

L. Heystek moved, seconded by S. Greenwald, to postpone the following and agendaize on July 28 as a regular calendar item: Resolution Authorizing the City Manager to Execute Consultant Agreement with Municipal Financial Services for a Development of a Financial Plan and Rate Model for Sanitary Sewer and Water Utilities. Motion failed by the following vote:
AYES: Heystek, Greenwald
NOES: Saylor, Souza, Asmundson

Update on State Budget and Potential Impacts to City of Davis

Assistant City Manager Paul Navazio provided an update on the tentative resolution to the State budget crisis and potential impacts to the City. He summarized the major proposals, namely, borrowing local property tax revenues, shifting of local highway user and gas taxes, and shifting of local Redevelopment Agency tax increments to the State.

R. Asmundson requested an additional update next week.

Scope of Work for the 2009-2010 Rancho Yolo Community Association Grant

Housing and Human Services Superintendent Danielle Foster explained on April 21, 2009, City Council awarded \$43,900 grant in Housing Trust Funds awarded to the Rancho Yolo Community Association and outlined the proposed scope of work and project costs.

Penny Anderson, Barbara Ridgeway, Perry Alger, and Lowell Alger, Rancho Yolo Community Association Board; and Deborah Whitman and Pat Brown, Rancho Yolo residents; spoke in support of the scope of work and resident ownership of the mobile home park. Comments included: appreciation for receipt of grant funds; 350 seniors reside in Rancho Yolo Mobile Home Park, most on fixed incomes; support park ownership; fear high rent increases; request Council to adopt a policy to encourage all mobile home residents to become owners; Board wants to be ready to buy property if and when it is put up for sale; and request to be included in discussion of third party reviewer.

David Thompson, Neighborhood Partners, consultants to Rancho Yolo, stated they have agreed to allocate \$33,000 to consultant fees and \$10,000 to a third party reviewer (total \$43,000 grant).

Connie Larson, Kate Brown, Beverly Paine, and Jean Miller spoke in opposition to the scope of work and resident ownership. Comments included: park owners have indicated no interest in selling; city already granted \$50,000 to this effort, and it should have been determined immediately if park was available for purchase; ownership proposal lacks evidence of agreement by all parties involved; if residents buy park, rents will increase because of debt service; and co-op ownership will expose residents to liability concerns.

L. Heystek moved, seconded by S. Souza, as follows:

1. Approve Resolution No. 09-118 - Authorizing the Scope of Work and Project Budget for the Previously-Approved \$43,900 Grant to the Rancho Yolo Community Association (RYCA) from City Housing Trust Funds
2. Direct staff to contract with a consultant, for an amount less than \$10,000, for a third party fiscal review of the project proposal
3. Approve Budget Adjustment #172 (\$43,900) – Allocating grant into 2009-10 budget
4. Direct staff to contract with a consultant for an amount not to exceed \$5,000 for the third party review, with that cost to come from the total grant of \$43,000

Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSTAIN: Greenwald

City Council recessed at 8:29 p.m. and reconvened at 8:41 p.m.

Consideration of
Wood Burning
Restrictions and
UC Davis Delta
Group Aerosol
Monitoring in
Davis Neighbor-
hoods, Winter
2008-2009

Assistant Public Works Director Sue Gedestad explained that Air Quality Standards are set by the Federal Government and are regulated and monitored on a regional basis, and restrictions are adopted by Air Districts based on local air quality. Since January, Dr. Thomas Cahill and the UC Davis Delta Group have been conducting aerosol monitoring in Davis neighborhoods. In general, the findings of the Delta Group monitoring found that Davis's air quality was below the federal standards for PM2.5, of which wood smoke is contributing factor; however, wood smoke generated in Davis has little impact on the valley-wide aerosols present in Davis because the majority is generated from sources east of Sacramento.

Dr. Thomas Cahill explained they are making progress in data collection. Initial findings suggest the greatest threat is nearest neighbor impacts, especially during calm weather (no winds), but without full data collection it is hard to determine. He spoke in support of a voluntary ban.

Dean Newberry, Natural Resources Commission, explained the Commission concluded that the Federal standards are not protective enough due to the regional nature of the standard and measurements that do not capture the micro or neighborhood effect of wood smoke exposure, and summarized Commission recommendations. He requested Council consider some type of enforcement measure, as solely voluntary measures often do not work over time.

Alan Pryor, Yolo Clean Air, explained that neighborhood hotspots can far exceed regional air quality concerns.

Matt Ehrherdt, Yolo-Solano Air Quality Management District outlined options

for Council consideration such as prohibit installation of uncertified woodstoves and new open hearth fireplaces, voluntary no burn days, and wood stove change out program (\$250 to upgrade non-certified wood stoves). He stated current data does not provide information on localized impacts, and there is a need to solicit and log location and conditions of wood smoke complaints and to develop a methodology to determine the duration and pollution levels.

Jennifer Seager, Pam Nieberg, Deborah Whitman, and Barbara Kinn spoke in support of Natural Resources Commission recommendations. Comments included: reasonable standards proposed; increased particle pollution in California linked to increased health risks; personally effected by neighborhood air quality; request Council adopt prohibition now and re-evaluate and modify as necessary in the future; and pollutants in wood smoke have higher environmental impact on body than vehicle exhaust and cigarette smoke.

John Spur, Jim McKenny, Bob McCormick, and Jennifer Anderson spoke in support of staff recommendation to continue data collection and develop a voluntary program. Comments included: regulations should distinguish between different types of devices; city should understand the question before identifying solution; EPA certified appliances emit low particulate matter; proposed approach is appropriate, reasonable, and objective; and allow low income residents and those with older homes time to adjust to new regulations and purchase updated wood burning appliances as needed.

Mitchell Heller, Hearth Patio & BBQ Association, stated that Davis issues are primarily neighborhood localized and requested Council consider regulating mass polluters (open fireplaces) with an exemption for clean burning devices.

Russell Oldham stated he supported a common sense approach to legislation.

Tom Cross thanked the city and Council for discussing the issue.

Bob Seagar stated he has family members with respiratory problems and supports a ban of wood smoke on reasonable terms until full data collection is possible.

S. Souza moved, seconded by L. Heystek, to direct staff to:

1. Work with Dr. Cahill to continue the data collection and analysis during the next burn season
2. Work with the Yolo-Solano Air Quality Management District (YSAQMD) in development of the district attainment plan, which may include additional air quality monitoring
3. Develop an ordinance to be introduced in September that establishes voluntary burn/no burn days to be based on YSAQMD burn/ no burn days and a forecasted average of PM 2.5 concentration of 25 ug/m3 or higher

B. Emlen confirmed that staff will return to Council with an analysis of methods to implement.

D. Saylor moved substitute motion, seconded by R. Asmundson, to direct staff to:

1. Work with Dr. Cahill to continue the data collection and analysis during the next burn season
2. Work with the Yolo-Solano Air Quality Management District (YSAQMD) in development of the district attainment plan, which may include additional air quality monitoring
3. Direct staff to develop a resolution adopting a program or policy to be approved in September that establishes voluntary burn/no burn days to be based on Yolo-Solano Air Quality Management District (YSAQMD) burn/no burn days and a forecasted average of PM 2.5 concentration of 25 ug/m3 or higher

R. Asmundson proposed a friendly amendment to direct staff to return to Council with an analysis of implementation methods. Accepted by mover.

S. Souza proposed a friendly amendment to direct staff to work with YSAQMD to log resident complaints. Accepted by mover and second.

R. Asmundson proposed friendly amendment to direct staff to return to Council with an evaluation after one year. Accepted by mover.

Motion passed unanimously.

Update on Water Conservation Program

Senior Civil Engineer Michael Lindquist provided an update on current and upcoming water conservation activities including installation of water meters, appliance rebate programs, water leak detection and public education efforts.

Jennifer Anderson stated rebates incentivize water conservation efforts, and requested the city initiate a program to help residents upgrade older toilets, faucets, broken sprinklers, etc. Smaller cost, but citizen involvement.

R. Asmundson moved, seconded by D. Saylor, to appoint S. Souza and L. Heystek as a Council Subcommittee to work with staff on water conservation efforts. Motion passed unanimously.

Brief Communications

B. Emlen recommended placing a hold on the Committee to analyze Senior Housing Issues, and directing staff to continue with research and work on housing issues. R. Asmundson requested this recommendation return to Council on the consent calendar next week.

D. Saylor requested consideration of a city ordinance regarding planning for transmission facilities in our planning area, and explained Yolo County is cur-

rently drafting such an ordinance.

Adjournment The meeting was adjourned at 12:07 a.m.

Zoe S. Mirabile, CMC
City Clerk