

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of July 28, 2009

The City Council of the City of Davis met in regular and special joint meeting session beginning at 5:00 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: 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  
Joint Meeting  
Agenda

Woodland Councilmembers Present: Martie Dote, William Marble, Jeff Monroe, Art Pimentel, Marlin Davies

L. Heystek moved, seconded by D. Saylor, to approve the agenda. Motion passed unanimously.

Public Comments

Lamar Heystek, Woodland Coalition for Youth Coordinator, spoke in support of youth programs and combining efforts for positive community change.

Rebecca and Kate Merrell, Haley Ponsaga and Erica Campos, Woodland Anti-Tobacco Youth Coalition, requested the Woodland City Council to consider establishing a tobacco retail licensing program; explained the goal is to make it more difficult to access tobacco across Yolo County.

Update on Davis-Woodland Water Supply Project and Consideration of Establishing a Joint Powers Authority

City Manager Bill Emlen outlined staff recommendation to provide direction regarding establishing a Joint Exercise of Powers Agreement between the Cities of Davis and Woodland for the joint construction, ownership, and operation of the Davis-Woodland Water Supply Project, and to agree in principle with the formation of a JPA and direct staff to return with a final JPA by the end of September.

Woodland City Manager Mark Deven explained that the JPA is currently under review by city attorneys, as the format and framework need to suit both cities. Further, the JPA is a Joint Powers Authority, not just an agreement between parties, with authority to issue bonds, etc.

Harriet Steiner stated the final JPA will include a policy that future expansions/projects will be funded based on proportional allocation determined at the time of need.

R. Asmundson stated that Woodland has already approved the JPA concept.

D. Saylor moved, seconded by S. Souza, to move forward with approval of JPA in concept. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABTAIN: Greenwald

R. Asmundson moved to appoint the Council Subcommittee on Water/Wastewater (Asmundson/Saylor) as the JPA regular members and L. Heystek as an alternate member. No second.

S. Greenwald moved, seconded by L. Heystek, to appoint R. Asmundson and L. Heystek as the JPA regular members.

D. Saylor moved, seconded by S. Souza, to table discussion of the appointment of JPA membership. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Heystek, Greenwald

S. Davies moved, seconded by J. Monroe to adjourn the joint meeting. Motion passed unanimously.

Approval of  
Agenda

City Council meeting was convened at 7:06 p.m.

D. Saylor moved, seconded by S. Souza, to approve the agenda. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: None

ABSENT: Greenwald, Heytsek

Ceremonial  
Presentation

Mayor Asmundson presented the following:

1. Proclamation Honoring Chancellor Larry Vanderhoef for His Service to UC Davis and the Davis Community
2. Proclamation Honoring Rosalie Vanderhoef.

City Council recessed at 7:35 p.m. and reconvened at 7:55 p.m.

Public Com-  
ments

Joe Sherman spoke regarding civil rights.

Pam Nieberg and Alan Pryor, Yolo Clean Air, spoke in support of wood burning restrictions.

Dr. Viarejo stated Council should not adopt guidelines for senior housing until comprehensive data is collected.

Mark Mitchell spoke in opposition to Council approved grant funding to Ran-

cho Yolo Community Association from last week's meeting; stated staff recommended against funding and Council should be more cautious in funding projects.

Alan Miller suggested Council expand Amtrak station parking; consider purchasing property immediate across from station; opportunity to build a bridge from parking structure on Olive Drive across tracks to Amtrak station; request city to look into availability of lot.

Consent Calendar

Resolution No. 09-119 - Authorizing the City Manager to Execute the 2009-2012 Homeless Coordination Agreement Between the City of Davis and the City of West Sacramento, City of Winters, City of Woodland, and County of Yolo

Approved

Resolution No. 09-120 - Authorizing the City Manager to Execute Consultant Agreement with Larry Walker Associates for Assistance with Wastewater Pre-treatment Program, NPDES Wastewater Salinity Minimization Plan and Stormwater Quality Program Implementation

Approved

Resolution in Support of SB 460, a Bill Outlining Guidelines for Publicly-Owned Utilities Related to High Voltage Transmission Lines ( Reviewed resolution (will appear on the next Council agenda for approval)

Resolution in Support of SB 676, a Bill to Remove State-Mandated Caps on Fees Charged by Local Jurisdictions

Reviewed resolution (will appear on the next Council agenda for approval)

Resolution in Support of SCA 22, a Proposed State Constitutional Amendment to Exempt Specified State Budget Bills and State Tax Changes from the 2/3 Vote Requirement

Reviewed resolution (will appear on the next Council agenda for approval)

Resolution No. 09-121 - Authorizing the City Manager to Execute "Local Tax Compliance Addendum" to Existing MuniServices, LLC Consultant Services Contract

Approved

Resolution No. 09-122 - Authorizing the City Manager to Execute Agreement with Valley Instrumentation for Equipment Instrumentation Services of Wastewater Treatment Plant, Program No. 7313

Approved

Resolution No. 09-123 - 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  
Approved

Commission Minutes:  
Historical Resources Management Commission Meeting of June 15, 2009  
Informational

R. Asmundson removed the following and postponed the item:  
Senior Citizens Commission Meeting of July 9, 2009

Recommendation: Informational with exception of the following action items:

- Approve final version of Guidelines for Housing that Serves Seniors and Persons with Disabilities
- Approve request to extend of the targeted end date of the Housing Strategy Committee through the end of March 2010

Senior Housing Strategy Committee Schedule  
Directed staff to delay initiation of work by the Committee

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

Item Postponed to August 3 Council Meeting

Mayor Asmundson announced the following items are postponed to August 3:  
1. Use of Target Community Enhancement Dollars  
2. Closed Session: Conference with Legal Counsel - Existing Litigation pursuant to Government Code §54956.9(a): City of Davis v. Pine Tree Properties, Yolo County Superior Court Case No. ED 09-965

Removed from Consent Calendar:

Item removed by L. Heystek  
L. Heystek read street names into the record.

2009 Road Rehabilitation, Program No. 7252

L. Heystek moved, seconded by S. Souza, as follows:  
1. Approve specifications for the 2009 Road Rehabilitation project, Program No. 7252  
2. Approve Resolution No. 09-127 - Awarding Contract of \$726,674.13 Teichert Construction, and approve contingency amount of \$72,667  
3. Approve Resolution No. 09-126 - Authorizing the City Manager to Execute the Caltrans Program Supplement No. N024 to Administering Agency-State Agreement No. 03-5238R for Project ESPL 5238(048)  
Motion passed unanimously.

Resolution Authorizing Lease for the City Property at 512

Item removed by S. Greenwald.  
Housing and Human Services Superintendent Danielle Foster outlined proposed amendments to the lease to remove the cold weather shelter from the lease ex-

Fifth Street with  
DCM for Use as  
Transitional  
Housing

tension.

Michael Harrington spoke in support of the transitional housing program and lease extension.

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

1. Accept amendments as presented by staff
  2. Approve Resolution No. 09-128 - Authorizing the City Manager to Execute a Lease Extension for the City Property at 512 Fifth Street with Davis Community Meals for its use of the Property as a Transitional Housing Unit for Families, with the lease Agreement Ending June 30, 2012
  3. Direct staff and DCM to notice the surrounding neighborhood in advance of the shelter opening each year and to provide details of the shelter and emergency contact information for DCM within the notice, holding neighborhood meetings as staff deems necessary, based on neighborhood comments
- Motion passed unanimously.

Ordinance Rein-  
stating the Col-  
lection of Busi-  
ness License  
Taxes for Certain  
Residential Units

Item removed by L. Heystek

L. Heystek moved, seconded by S. Souza, to introduce Ordinance Reinstating the Collection of Business License Taxes for Certain Residential Units. Motion withdrawn.

By consensus, Council postponed this item to the first meeting in September and directed staff to notify DDBA, Chamber of Commerce, and other affected parties.

Resolutions  
Adopting Short  
Term Agree-  
ments for the  
City of Davis  
Management  
Employees and  
Program Admin-  
istrative and  
Support Employ-  
ees

Item removed by L. Heystek.

City Manager Bill Emlen explained the agreements are intended to address budgetary issues immediately, with the intent that negotiations will continue on long-term contracts. Human Resources Administrator Melissa Chaney summarized provisions of the agreements.

R. Asmundson moved, seconded by D. Saylor, as follows:

1. Approve Resolution No. 09-129 - Adopting Short Term Agreement for the City of Davis Program Administrative and Support Employees
2. Approve Resolution No. 09-130 - Adopting Short Term Agreement for the City of Davis Management Employees

Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Heystek, Greenwald

City Council recessed at 9:57 p.m. and reconvened at 10:09 p.m.

Wildhorse Ranch Development Project / 3003-3075 East Covell Boulevard, North of the Intersection of East Covell Blvd. and Monarch Lane – General Plan Amendment; Rezoning and Preliminary Planned Development; Affordable Housing Plan; Development Agreement; Environmental Impact Report

Planner Ike Njoku outlined the project: 25.8-acre development with up to 191 residential units, to consist of 73 detached single-family units, 78 two to three story attached single-family units (condominiums/townhomes), and a 40-unit apartment complex on 1.92 acres; 38 of the 40 units will be used to meet affordable housing requirements.

Principal Planner Mike Webb explained the proposed edits and amendments to the Development Agreement, Measure J Features List, Affordable Housing Plan, Planned Development Ordinance, and Findings and Conditions.

Masud Monfared, developer, explained the property was purchased in 2004, and the development team worked closely with the neighborhood to draft proposal; met all concerns previously expressed by Council with innovative elements, large amount of open space and reaching toward fiscal neutrality.

Mark Day outlined the project features.

David Delraith provided details of solar design, with the goal of 90% greenhouse gas reduction.

John Tallman, Project Manager, Parlin Development, stated the project has a sustainability component, affordability, accessibility and visitability, 37% open space, Swainsons hawk mitigation, and average density of 7.9 units per acre.

Phil Wiles, Wildhorse East Neighborhood Association, stated the Association is opposed to the project. Requested: reduce hours of construction to 7am-6pm M-F, 8am-6pm Sa/Su; open space and agriculture buffer be protected with conservation easement; orchard buffer be constructed sooner

Maynard Skinner, Carlos Montos, Jake Gerber, Eileen, Pam Nieberg, Hamza El-Nakhal, Tansey Thomas, Greg Gonzales, and Cecilia Escamillia-Greenwald spoke in support of the project. Comments: quality project on periphery development, sustainable, 90% reduction in GHG, 100% solar, workforce housing, accessible, and innovative.

Michelle Rasmussen, Dee Johnson, Jerry Johnson, Al Dennis, Jason Olmhurst, Greg Sokolov, Celine Livingood, Steve Hayes, and Eileen Samitz spoke in opposition to the project. Comments: main access point will generate large traffic impact on Monarch and Manzanita Lane, development will increase GHG through vehicle travel, and most units not affordable to average worker.

Kemble Pope stated the development was not brought to the Open Space and Habitat and Natural Resources Commissions for review, there is not enough project details available for discussion.

Matt William spoke in support of the Measure J process.

R. Asmundson moved, seconded by D. Saylor, to extend the discussion another 30 minutes. Motion passed by the following vote:

AYES: Heystek, Saylor, Asmundson

NOES: Greenwald, Souza

D. Saylor moved, seconded by R. Asmundson to extend the discussion an additional 30 minutes. Motion passed by the following vote:

AYES: Heystek, Saylor, Asmundson

NOES: Greenwald, Souza

R. Asmundson moved to proceed with processing the development for the November election. No second.

D. Saylor moved, seconded by S. Souza, to direct staff to bring item back on August 3 for further Council discussion.

S. Greenwald moved substitute motion, seconded by S. Souza, to direct staff to bring item back in September for full discussion and if necessary schedule for June 2010 election.

D. Saylor moved substitute, substitute motion to approve the baseline project features and General Plan amendment and agendize further discussion for August 3.

City Attorney Harriet Steiner explained Council needs to approve items in the order indicated in the staff report.

D. Saylor moved substitute, substitute motion, seconded by L. Heystek, to approve Resolution No. 09-131 - Adopting CEQA Finds of Fact, Adopting a Statement of Overriding Considerations, Adopting a Mitigation Monitoring Plan, and Certifying Final Project Level Environmental Impact Report (SCH #2007072020). Motion passed by the following vote:

AYES: Heystek, Saylor, Asmundson

NOES: Greenwald, Souza

D. Saylor moved, seconded by L. Heystek, to approve Resolution No. 09-132 - Amending the General Plan (#4-02) to Redesignate the "Wildhorse Ranch" Property from Agriculture to Five Land Use Designations of Residential High Density, Residential Medium Density, Neighborhood Greenbelt, Natural Habitat Area, and Urban Agricultural Transition Area and Establishing the Baseline Project Features Subject to Approval of the Voters. Motion passed by the following vote:

AYES: Heystek, Saylor, Asmundson

NOES: Greenwald, Souza

D. Saylor moved, seconded by R. Asmundson, to approve Resolution No 09-133 - Calling a Special Election to be Held in the City of Davis on Tuesday, November 3, 2009, for Submission to the Voters of a Measure Amending the General Plan to Change the Land Use Designations for the Wildhorse Ranch Property and Establishing the Wildhorse Ranch Base Line Project Features and Directing the City Clerk to Specify the Deadline for Submission of Arguments for and Against the Measure.

S. Greenwald proposed friendly amendment to add to Base Line Project Features that 90% GHG reduction shall be met on site. Accepted by mover and second.

H. Steiner requested Council amend the Base Line Project Features to delete a paragraph regarding Community Facilities Districts, information too detailed for Project Features and fully explained in Development Agreement. Accepted by mover and second.

L. Heystek proposed friendly amendment to add to Base Line Project Features language regarding conservation easement. Not accepted.

Motion passed by the following vote:

AYES: Heystek, Saylor, Asmundson

NOES: Greenwald, Souza

D. Saylor moved, seconded by R. Asmundson, to approve Resolution No. 09-134 - Designating Conditions for Payment of Special Election to be Held in the City on Tuesday, November 3, 2009, for Submission to the Voters of a Measure Amending the General Plan to Change the Land Use Designations for the Wildhorse Ranch Property. Motion passed by the following vote:

AYES: Heystek, Saylor, Asmundson

NOES: Greenwald, Souza

City Manager Bill Emlen stated staff will return to Council in September with all other actionable items related to this project.

Application for SACOG Grant Funds

Mayor Asmundson announced the following item is postponed to August 3: Resolution Approving the Application for Grant Funds from the SACOG 2009 Community Design Grant Program for the First Street / Third Street / B Street Corridors.

Continued Public Hearing

Mayor Asmundson opened and continued the following public hearing to September 1, 2009: Consider Use of Tax Increment Funds for the Construction of Improvements to the Varsity Theatre Building.

Brief Communications

L. Heystek requested Council agendaize reconsideration of wood burning restrictions. City Attorney Harriet Steiner stated this can be brought back in Sep-



tember.

Adjournment      The meeting was adjourned at 1:42 a.m.

Zoe S. Mirabile, CMC  
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD  
Meeting of July 28, 2009

The Redevelopment Agency Board of the City of Davis met in regular session beginning at 7:06 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: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda D. Saylor moved, seconded by S. Souza, to approve the agenda. Motion passed unanimously.

Public Comment None

Resolution Awarding the Properties Located at 233 and 239 J Street to Habitat for Humanity Yolo County for the Development of an Affordable Ownership Housing Project  
Housing & Human Services Superintendent Danielle Foster provided background on the property, explained a Request for Proposals was issued for project with a conceptual layout that includes the relocation of two vintage homes (311 and 315 B Street) and development of a detached garage for each with a one-bedroom unit above. Proposals were received from Habitat for Humanity and Solar Community Housing Association; staff recommends awarding the project to Habitat.

Rebecca Restrepo, Habitat for Humanity, stated their mission is to provide decent, affordable housing to very low income families; proposal submitted matches RFP criteria almost exactly, construction will be built as green as possible, invite neighborhood to participate in family selection and construction committee.

Ben Pearl, Solar Community Housing Association, stated their Association is owned by and for citizens, 30-year track record in providing housing; proposal submitted preserves open space, serves same population density without building density, low-impact lifestyle, Association already has pledges of support in donations of materials and funding.

Alison Wheeler, Kathy Forcus, Barb Beeler, John Duffat, Michael Seminitous, Julia Luckyville, Doug Walter, Mia McMillen, Johnathan Wholley, Barbara Burn, Justin Ellerby, Donna Lemmengello, Tim Hoven, Alan Miller, Sean Ingierre, and Tim Alice spoke in support of the Solar Community Housing Association proposal. Comments: good fit for neighborhood, open space charac-

ter, well-known and respected Association, co-op life-style--learn cooperation and community involvement, model of affordable housing through self-funded projects, sustainable living, neighborhood support, and property will be owned by Association in perpetuity.

Sang Hut Yeoung, Mark Restrepo, Doug Waterman, Peter Manaragrowick, Steve Sherman, Roger Enstrom, Wayne Eckert, Jillian Sonatto, Lupe and Natalie Castianno spoke in support of the Habitat for Humanity proposal. Comments: not enough opportunities for low income families in the Core Area, personal experience volunteer as labor for Habitat projects--brings diverse people to work together, bring hope of decent housing to people in need, all materials and funds donated by local citizens, volunteers provide entire building support, proposal would provide an opportunity for 4 families, and mortgages collected on properties go toward building fund for future houses.

Hamza El Nakhhal spoke in support of affordable housing and community involvement.

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

1. Direct staff to award the properties to Solar Community Housing Association and amend resolution and any other documents as necessary to reflect their proposal
2. Approve RDA Resolution No. 1227 – to Award the Project Located at 233 and 239 J Street to the Solar Community Housing Association for the Development of an Affordable Cooperative Housing Project, taking the following actions:

Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza

NOES: Asmundson

S. Souza moved, seconded by L. Heystek, to direct staff to follow up on ownership model to be used for a leasing condominium arrangement so that land returns to the Agency. Motion passed unanimously.

S. Souza moved, seconded by L. Heystek, to direct staff to work with Yolo County Housing towards completion of an affordable housing project at 1212 L Street or other suitable location. Motion passed unanimously.

Continued Public Hearing

Mayor Asmundson opened and continued the following public hearing to September 1, 2009: Consider Use of Tax Increment Funds for the Construction of Improvements to the Varsity Theatre Building.

Adjournment

The meeting was adjourned at 1:42 a.m.

Zoe S. Mirabile, CMC  
City Clerk