

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of December 1, 2009

The City Council 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 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 Agenda L. Heystek moved, seconded by S. Souza, to approve the agenda. Motion passed unanimously.

Brief Communications City Manager Bill Emlen provided a status update on NewPath Networks and their proposed distributed antenna system project; explained a Stop Notice Order was issued on November 30, effective immediately, for all construction on the project.

City Attorney Harriet Steiner explained reasonable aesthetic regulation is within the purview of cities within the right-of-way; city can regulate time, place and manner regarding wireless facilities and ground facilities. Staff believes NewPath is subject to the city's Wireless Telecommunication Facilities Ordinance.

By consensus, Council agendaized topic for City Council discussion on December 15.

Public Comments Allen Jackson and Elaine McGrett spoke in opposition to NewPath Network's project and installation of new telecommunication facilities, specifically in the Village Homes residential area; thanked city for immediate action to stop construction work.

David Thompson, Neighborhood Partners, stated on October 31 he submitted a letter asking staff to produce a report regarding Davis Area Cooperative Housing Association (DACHA) and activities of their Board, and requested this topic be presented for public review.

H. Steiner stated the report will be presented to Council within the next 30 days.

Consent Calendar Resolution No. 09-186 - Authorizing City Manager to Execute UCD Agree-

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ment Numbers 200912276, 200912277 and 200912278 with the University of California-Davis, for Public Transportation Acquisition and Operating Assistance from Federal Transit Administration (FTA) of Unitrans

Approved

Resolution No. 09-187 - Authorizing City Manager to Execute Agreement for Waste Disposal Services at Yolo County Central Landfill

Approved

Treasurer's Report for the Quarter Ended September 30, 2009

Accepted report

Development Impact Fee Annual AB1600 Report – Revenues, Expenditures and Beginning and Ending Unexpended Balances of the Development Impact Fees Collected by the City

Accepted report

Commission/Committee Minutes:

1. City of Davis / Chamber of Commerce 2x2 Meeting of July 23, 2009
2. City of Davis / County of Yolo 2x2 Meetings of June 5 and October 2, 2009
3. Open Space and Habitat Commission Meeting of April 16 and May 4, 2009
4. Senior Citizens Commission Meeting of October 8, 2009

Informational

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

Public Hearing:  
FY2010-2011  
Davis Business  
Improvement  
District (BID)  
Assessment,  
2009 Core Area  
BID Report and  
Proposed DDBA  
FY2010-2010  
Budget

Economic Development Coordinator Brian Abbanat explained purpose of the Downtown Business Improvement District (DBID) assessment is to promote business activities and public events, and acquire/construct/maintain facilities located within the downtown; outlined proposed assessment fees.

Mayor Asmundson opened the public hearing.

Joy Cohan, Davis Downtown Business Association (DDBA), spoke in support of the assessment; explained the partnership benefits both city and businesses. Outlined DDBA marketing and advocacy efforts and promotional events, focus shifting away from large-scale event planning

Mayor Asmundson closed the public hearing.

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

1. Accept the 2009 Core Area BID Report and DDBA FY2010-2011 Summary Budget, as amended, at the conclusion of the public hearing
2. Approve Confirming Resolution No. 09-188 - Approving the 2009 Core Area BID Report as Amended and Levying an Annual Assessment Known

as the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the Davis Business Improvement District for Fiscal Year 2010-2011

3. Approve Resolution No. 09-189 - Authorizing City Manager to Execute an Amendment to the Davis Business Improvement District Administration Agreement Core Area and Periphery Benefit Zones

L. Heystek proposed friendly amendment for the amount of pass-thru funds to be minus hard cost of city administration \$5,000 (\$4,000 attributed to General Fund, \$1,000 to RDA). Not accepted. Main motion passed unanimously.

L. Heystek moved, seconded by R. Asmundson, for the pass-thru amount to DDBA of those funds collected thru DBID to be \$132,000 minus \$5,000 attributed to General Fund and RDA. Motion failed by the following vote:

AYES: Heystek

NOES: Greenwald, Saylor, Souza, Asmundson

D Street  
Neighborhood  
City Council  
Subcommittee  
Report: Rec-  
ommendations  
Regarding a City  
and DCC MOU

R. Asmundson explained the Council Subcommittee (Asmundson/Greenwald) met with 10 different stakeholder groups, separately with each group and then held a meeting with all stakeholders together.

Community Services Director Elvia Garcia-Ayala summarized details of the proposed Memorandum of Understanding (MOU) with the Davis Community Church (DCC), represents a compromise of needs and interests of all stakeholders.

John Oakley, DCC legal counsel, stated he appreciated the hard work expended by all parties; explained circumstances might exist wherein additional measures are necessary and city may exercise police powers to change regulations as needed, however, DCC will not change existing uses without designated public outreach.

Mary Lynn Tobin, Pastor DCC, thanked subcommittee and staff and stated DCC is responding to the call to feed the hungry and welcome the stranger, reach out to less fortunate in community.

R. Asmundson moved, seconded by S. Greenwald, to approve Resolution No. 09-190 - to Enter into a MOU with DCC Regarding Social Services for Homeless and Low-Income Individuals Provided on the DCC Property, amended as follows: modify language in Resolution and MOU—"low income individuals" shall be changed to "persons at risk of homelessness." Motion passed by the following vote:

AYES: Greenwald, Heystek. Souza, Asmundson

NOES: Saylor

S. Greenwald moved, seconded by R. Asmundson, to direct staff to provide additional information to local businesses and the community overall regarding local and countywide resources for households who are homeless and at-risk of homelessness. Motion passed unanimously.

S. Souza moved, seconded by L. Heystek, to retain the existing City Council Subcommittee and direct them to work on broader questions, concerns, and planning needs regarding local households who are homeless and at-risk of homelessness, and to return with a detailed scope for City Council review and action.

D. Saylor proposed friendly amendment that city shall participate in Yolo County 10-yr Plan to End Homelessness. Accepted by mover and second. Motion passed unanimously.

D. Saylor moved, seconded by L. Heystek, that city consider active participation in inter-faith rotating winter shelter and provide space if necessary.

B. Emlen stated staff would like to evaluate what this would entail and feasibility.

D. Saylor clarified motion: proposal for city space with volunteer services. Motion passed unanimously.

City Council recessed at 8:35 p.m. and reconvened at 8:46 p.m.

Consider  
Amending the  
Noise Ordinance  
to Exempt  
Schools and Day  
Care Centers  
During Normal  
Business Hours

Community Development Director Katherine Hess explained the Noise Ordinance establishes base levels of noise; the city has received complaints regarding noise levels from day care centers, particularly from residents living adjacent to the Montessori Country Day Center on Renoir Avenue. She outlined the provisions of the proposed Ordinance.

Coralie Munro, Bill Ritter, Dave Hackett, and Eileen Samitz spoke in opposition to the proposed Ordinance. Reasons: day care center generates noise far beyond what homeowners should have to endure, noise complaints for over 16 years, noise amplified into nearby homes due to engineering of site, request city conduct CEQA review since proposed Ordinance affects all schools and day care centers citywide, and request for implementation of mitigation measures identified in Sound Report

Steve Pettyjohn, The Acoustics & Vibration Group, stated he was hired to perform a noise study for the day care center; data showed impact exceeded limits of noise standard; written report proposed mitigation measures with have not been fully implemented.

David Greenwald questioned the noise impact on children playing; suggested

play areas be moved away from enclosed patio.

L. Heystek moved, seconded by S. Souza, to direct staff to require owner of the Montessori Day Care to re-evaluate the noise levels to determine which mitigation measures in the Pettyjohn Sound Report should be taken. Motion passed unanimously.

D. Saylor moved, seconded by R. Asmundson, to adopt Ordinance as presented in staff report.

R. Asmundson proposed friendly amendment to exempt between the hours of 9am-5:30pm. Accepted by mover. Motion withdrawn.

L. Heystek moved, seconded by S. Souza, to direct staff to bring an update back to Council with a resolution on motion by May 1, 2010. Motion passed unanimously.

Long Range Calendar S. Souza stated he will participate in the January 5 City Council meeting via teleconference.

Closed Session City Council adjourn to closed session for a Conference with Labor Negotiators pursuant to Government Code §54954.5:  
Agency Designated Representatives: City Manager Bill Emlen, Assistant City Manager Paul Navazio, Human Resources Administrator Melissa Chaney, City Attorney Harriet Steiner  
Employee Groups/Organizations: Davis City Employees Association; Davis Police Officers Association; Department Heads; Executive and General Management; Firefighters Local 3494; Police Lieutenants; Program, Administrative and Support Employees Association

There was no reportable action.

Adjournment The meeting was adjourned at 12:20 a.m.

Zoe S. Mirabile, CMC  
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD  
Meeting of December 1, 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: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza, Ruth Asmundson

Board Members Absent: None

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

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

Public Comments None

Public Hearing: Resolution Authorizing a Land Lease on the Properties Located at 233 and 239 J Street to Solar Community Housing Association for the Development of an Affordable Housing Project Community Services Director Elvia Garcia-Ayala outlined the terms of the lease.

Mayor Asmundson opened the public hearing.

Ben Pearl, Solar Community Housing Association, thanked Council and staff, satisfied with negotiations and outcome.

Mayor Asmundson closed the public hearing.

L. Heystek moved, seconded by S. Greenwald, to approve Resolution No. 1233 - Authorizing the Agency Director to Execute a Land Lease on the Properties Located at 233 and 239 J Street to Solar Community Housing Association for the Development of an Affordable Housing Project. Motion passed unanimously.

Adjournment Meeting adjourned at 10:00 p.m.

Zoe S. Mirabile, CMC  
City Clerk