

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of December 8, 2009

The City Council of the City of Davis met in regular session beginning at 5:15 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 Negotiators:

Property: McIsaac Easement; APN 037-030-17

Negotiating Parties: McIsaac Farms, Inc.

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

Under Negotiation: Price and terms of payment

B. Conference with Labor Negotiators:

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

City Council returned to open session at 6:30 p.m. City Attorney Harriet Steiner announced that the City has reached impasse with Davis City Employees Association.

Approval of
Agenda

R. Asmundson requested Council move agenda item #6 – Measure J Renewal Implementation before #5 – Resolution Adopting the 10-Year Plan on Homelessness for Yolo County.

L. Heystek requested Council hear agenda item #7 – Long Range Financial Planning Workshop: Consideration for Renewal of the Local Half-cent Sales Tax on the June 2010 Ballot before item #5 - Resolution Adopting the 10-Year Plan on Homelessness for Yolo County.

D. Saylor requested an update by the City Manager regarding cold weather shelter operations as an emergency item. City Council made the appropriate findings to add this item.

L. Heystek moved, seconded by S. Souza, to approve the agenda as amended. Motion passed unanimously.

Brief Communications

City Manager Bill Emlen reported that on December 5, the City issued a letter rescinding the encroachment permits for NewPath's proposed distributed antenna system project. City Attorney Harriet Steiner stated NewPath has 10 days to appeal to City Council.

B. Emlen reported the City opened a daytime warming shelter at the Senior Center, cold weather shelters in town were filled to capacity; he determined the weather to be an emergency situation and authorized Davis Community Church to increase capacity as needed to house individuals until the end of the week.

D. Saylor stated he was interested in waiving the policy regarding the capacity limit at Davis Community Church and requested City Council revisit artificial limits and bring back specific provisions of MOU for Council discussion. Also, requested the City Manager to identify a process to define an emergency situation and a method to implement emergency provisions on the spot.

Public Comments

Johnathon Zackaru, Davis Christian Assembly; Emily Henderson; Linda Barrock, Interfaith Rotating Winter Shelter volunteer; Denise Hoffner, Congregation Bet Haverim; James Henderson, and David Park spoke in opposition to limitations on Davis Community Church activities. Comments: request Council reconsider limitations, should not place limits on compassion, request autonomy regarding number of people that shelter is allowed to serve, support shelter services, and city should not interference with religious practices.

John Hillis, Campus Child Care; Yatzack Fawn; and Cami Portello, Montessori County Day, Care spoke regarding proposed noise ordinance amendments and Montessori Country Day Care. Comments: support proposed Ordinance and exemptions for schools and day care centers from noise levels, Montessori has negotiated agreements with neighbors to minimize concerns regarding children making noise, and no complaints received since soundwall was installed.

David Blockman spoke in support of renewing Measure J as is.

Consent Calendar

H. Steiner noted that Resolution No. 09-191 should be modified on the last recital "c" to read "do not increase." Also noted that city may approve modifications to the Purchase and Sale Agreement to resolve issues related to the subordination of the existing oil, gas and mineral lease.

Resolution No. 09-191 - Approving the Purchase and Sale Agreement for Ac-

quisition of an Agricultural Conservation Easement on the McIsaac Property and Authorizing the City Manager to Complete the Acquisition for the Purposes of Permanently Protecting The Agricultural Values and Open Space Character of the Property

Approved as amended

Budget Adjustment #36 (\$440,000) – Allocating Project Funding into Escrow for Deposit and Completion of the Acquisition of the Property

Approved

Plans and Specifications Approval for 6th and G Streets Maintenance Hole Rehabilitation, CIP No. 8204

Approved plans and specifications and authorized bid advertisement

Plans and Specifications for Covell Boulevard Sewer Rehabilitation, CIP No. 8166

Approved plans and specifications and authorized bid advertisement

Commission Minutes:

1. Natural Resources Commission Meeting of July 27, 2009
2. Recreation and Park Commission Meeting of October 15, 2009
3. Social Services Commission Meetings of September 21 and October 19, 2009

Informational

Annual Update on Tobacco Retail License

Informational

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

Public Hearing:
Resolution Approving the Critical Needs List and Directing Staff to Issue an RFP for CDBG and HOME Program Funds for 2010-2011

Administrative Analyst Patrick Conway provided an overview of the process.

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

S. Souza moved, seconded by L. Heystek, to approve Resolution No. 09-192 - Approving the Critical Needs List and Directing Staff to Issue a Request for Proposals (RFP) for the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program Funds for Program Year 2010-2011. Motion passed by the following vote.

AYES: Greenwald, Heystek, Saylor, Souza, Asmundson

NOES: None

Measure J Renewal Implementation

Community Development Director Katherine Hess/Principal Planner Michael Webb provided an overview of the Measure J renewal implementation issues and staff recommendation.

Mark Braly explained the Planning Commission and other relevant commissions have not had sufficient time to analyze experiences with Measure J; concerned about extending for 10 years when embarking upon a General Plan update.

Kevin Wolfe stated Measure J projects take up a great deal of citizen and staff time for projects that are voted down overwhelmingly; requested staff to come back in January with an alternative.

Jim Watson, Mike Shepley, Edith Fremay, Elaine Roberts-Musser, Threa, Doug Fetterly, Tim Hoban, Pam Nieberg, Alan Pryor, David Musser, Eileen Samitz, and Rodney Robinson spoke in support of retaining the current Measure J language.

Caroline Kopper suggested a proposal for early citizen vote before project refined or CEQA review, as developers can represent project as quite different to voters than what is finally approved.

Matt Williams stated Measure J equals trust and power to citizens.

Ken Wagstaff stated citizens view Measure J as part of their basic rights; Council should decide “significant” alterations on projects.

L. Heystek moved, seconded by S. Greenwald, to introduce the Ordinance with the following amendments:

1. Remove staff proposed amendment in Section 3: 01.020–Voter Approval, C2 (C specifies when voter approved is not required to amend a land use map designation or land use entitlement for a property after a Measure J vote) relating to Planning Commission serving as review body for request for modifications and appeal procedures
2. Remove staff proposed amendment in Section 4: Effective Date, Duration; Renewal, B relating to submitting the Ordinance with modifications as determined to be appropriate by Council, and addressing the possibility that Council may submit a measure for repeal if they deem it appropriate

S. Souza moved substitute motion, seconded by R. Asmundson, to introduce the Ordinance with the following modifications:

1. Remove staff proposed amendment in Section 3: 01.020–Voter Approval, C2 and reword as follows: “The City Council may adopt procedures for the hearing of a request for modification”
2. Remove staff proposed amendment in Section 4: Effective Date, Duration; Renewal, B; retain original language with only necessary date changes

L. Heystek requested the mover separate the question.

S. Souza moved, seconded by R. Asmundson, to introduce Ordinance Amending

the City's General Plan to Amend and Extend "Measure J" (Citizens' Right to Vote on Future Use of open Space and Agricultural Lands Ordinance) to Extend the Sunset Date of the Measure to December 31, 2020, and to Make Technical Changes to the Ordinance, with Adoption Effective Only Upon Approval of the Voters of the City of Davis, with the following modification:

- Remove staff proposed amendment in Section 3: 01.020–Voter Approval, C2 and reword as follows: "The City Council may adopt procedures for the hearing of a request for modification"

Motion passed by the following vote:

AYES: Greenwald, Souza, Saylor, Asmundson

NOES: Heystek

S. Souza moved, seconded by L. Heystek, further modification to the Ordinance as follows:

- Remove staff proposed amendment in Section 4: Effective Date, Duration; Renewal, B; retain original language with only necessary date changes

Motion passed unanimously.

S. Souza moved, seconded by R. Asmundson, to modify Ordinance title as follows: return to original title with changes, with necessary tense changes and further modifications as adopted by Council tonight. Motion passed unanimously.

D. Saylor requested Council to modify the Ordinance to update the Whereas clauses to add language regarding population growth and Measure J ballot history/citizen interest. No consensus.

S. Souza moved, seconded by L. Heystek, to direct staff to bring back to Council resolutions to submit the ordinance to the voters and to consolidate with the statewide primary election to be held on June 8, 2010. Motion passed unanimously.

City Council recessed at 9:37 p.m. and reconvened at 9:50 p.m.

Long-Range Financial Planning Workshop: Consideration for Renewal of the Local Half-Cent Sales Tax on the June 2010 Ballot

L. Heystek stated he was not in favor of extension of sales tax if current financial system not overhauled and left the meeting at 10:37 p.m.

Assistant City Manager Paul Navazio provided an update on the city's long-range financial planning framework and solicited Council feedback on staff recommendation to place a measure to renew the local half-cent sales tax on the June 2010 ballot.

S. Souza, S. Greenwald, D. Saylor and R. Asmundson expressed support for the sales tax renewal.

By consensus, Council directed staff to return to Council with specific language regarding sales tax ballot measure.

Resolution
Adopting the 10-
Year Plan on
Homelessness
for Yolo County,
*One at a Time:
Ending and Pre-
venting Home-
lessness for Yolo
County Resi-
dents*, and Com-
mitting to Sup-
port Implementa-
tion of the Plan

Housing & Human Services Superintendent Danielle Foster provided an overview of the drafting process and composition of the plan.

Bridget DeJong, HomeBase, explained the 10-year plan identifies what is the most effective way to use available funding and allows for all jurisdictions to coordinate efforts.

D. Saylor moved, seconded by S. Souza, to approve Resolution No. 09-193 - Adopting the 10-Year Plan on Homelessness for Yolo County, *One at a Time: Ending and Preventing Homelessness for Yolo County Residents*, and Committing to Support Implementation of the Plan, with the addition of the following phrase at end of the last WHEREAS: "...subject to availability of resources and consistency with local planning goals." Motion passed by the following vote:

AYES: Greenwald, Souza, Saylor, Asmundson

NOES: None

ABSENT: Heystek

Adjournment

The meeting was adjourned at 11:18 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of December 8, 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 Present: 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.

Public Comments None

Consent Calendar RDA Resolution No. 1234 - Authorizing the Redevelopment Agency Executive Director to Enter into the First and Second Amendments to the Ground Lease of a Portion of the Dresbach-Hunt-Boyer Property with Otpisani, LLC for the Development of the Mishka's Café Project.
Approved

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

Adjournment The meeting was adjourned at 11:18 p.m.

Zoe S. Mirabile, CMC
City Clerk