

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of February 2, 2010

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 Pro Tempore Saylor.

Roll Call: Councilmembers Present: Ruth Asmundson (teleconference participation), 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 S. Souza moved, seconded by L. Heystek, to approve the agenda and adjourn the meeting in memory of Bill Wilson. Motion passed by the following vote:
AYES: Heystek, Greenwald, Saylor, Souza
NOES: None
ABSENT: Asmundson

D. Saylor and L. Heystek read Council Ground Rules into the record.

Public Comments Kaycee Wallace stated Councilmembers should adhere to the same classroom rules as Kindergarteners: be respectful, take turns, no blaming or finger pointing, no name calling, be a good leader and role model, no bullying.

Sally Leshesky stated she was concerned over the tone of recent Council meetings. Council should set a good example for employees and citizens, display civil behavior and treat each other with respect and deference. She requested a public apology from Councilmember Greenwald and for Council to establish procedures to combat bad behavior in the future.

Elaine Roberts-Musser reported that the Senior Citizens Commission participated in a transit mobility training program wherein 47 seniors were trained.

Justin Kudo stated at last week's Council meeting, Councilmember Greenwald's behavior was overtly hostile and derisive, and that it is unacceptable to disregard the rules if you are not getting your way.

Norbie Kumagai stated Davis should not be known for unkind behavior and should adhere to the Principles of Community.

Don Fouts requested Council install rules to prevent uncivil and disruptive behavior on the part of Councilmembers.

Councilmember Greenwald requested Councilmember comments be moved

forward on calendar. Council concurred.

Consent Calendar

Resolution No. 10-015 - Authorizing City Manager to Execute the 2010 PG&E Agreement Between the City of Davis and PG&E to Extend the City of Davis Clothes Washer Rebate Program through Calendar Year 2010
Approved

Resolution No. 10-016 - Intention to Vacate a Portion of Easement Along Rowe Place in the City of Davis – 525 Rowe Place, Midtown Veterinary Clinic
Approved

Golden Heart Awards Recipients for 2010 – Recognizing Outstanding Youth in the Davis Community for Overcoming a Personal Challenge or Performing Significant Community Service
Approved award recipients (to be honored at the February 16, 2010 City Council meeting)

Americans with Disabilities Act (ADA) Preliminary Self Evaluation and Transition Plan

1. Approved the preliminary Self Evaluation and Transition Plan (SETP), authorizing this information to be utilized in the upcoming Community Development Block Grant (CDBG) funding cycle
2. Directed staff to begin implementation of the preliminary transition plan and continue work on the completion of the final transition plan to address the methods and timeline for barrier removal in both City buildings and facilities and in City programs, services and activities

Request from the Planning Commission for Authorization to Hold a Green Building Workshop to Explore Ways to “Green” Existing Building Infrastructure in the Community
Approved

Commission Minutes:

1. Business and Economic Development Commission Meetings of August 31, October 26, November 23 and December 14, 2009
2. Civic Arts Commission Meetings of November 9 and December 14, 2009
3. Open Space and Habitat Commission Meetings of January 4 and March 3, 2008
4. Recreation and Park Commission Meeting of November 19, 2009
5. Safety and Parking Advisory Commission Meetings of August 6 and October 1, 2009
6. Telecommunications Commission Meetings of July 2, August 6, September 3, October 1, November 5, November 13 and December 10, 2008; and January 14, February 11, March 18, May 6 and June 10, 2009

Informational

S. Souza moved, seconded by L. Heystek, to approve the consent calendar as listed above. Motion passed by the following vote:

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

Brief Commu-
nications

S. Greenwald stated her behavior from last week's Council meeting was unprofessional and will ensure that behavior does not happen again; she will focus on ways advocate hard without going overboard.

S. Souza apologized to the community and Council colleagues over his inactions to halt the situation. He stated he hoped to never experience the same during his tenure on the Council.

D. Saylor stated existing procedures regarding behavior may be lacking in some respects, and he will take a look at possible improvements. Also, he will ensure, to the best of his ability, that Council follows established procedures.

Long Range
Calendar:

S. Souza requested Council agendaize an informational item on the possibility of bike lockers for community members, possibly using energy efficiency block grant funds. Council concurred.

S. Souza and L. Heystek requested Council agendaize a resolution regarding Prop 16 - threshold for community to establish community power scheme. Council concurred and directed staff to provide analysis and recommendation.

Public Hearing:
Carlton Plaza
Senior Assisted
Living Care Fa-
cility / 2726
Fifth Street

R. Asmundson joined the meeting at 7:00 via teleconference participation.

City Manager Bill Emlen provided an overview of the project for a senior assisted living care facility. Planner Cathy Camacho stated the Planning and Senior Citizens Commissions support the project, summarized staff recommendation to approve the project and read into the record proposed additions to the Conditional Use Permit.

Mayor Pro Tempore Saylor opened the public hearing.

Don Engle, Carlton Senior Living, stated Carlton is a family owned and operated regional company and provided details of potential services; also spoke in favor of the project location - safe neighborhood, on a public transportation route, and complementary senior housing is located nearby.

Elaine Roberts-Musser, Senior Citizens Commission (SSC) and Yolo Commission on Healthy Aging (YCHA), stated SSC and YCHA support the project; it brings needed dementia care to Davis, applicant has successful track record, and they could partner with Eleanor Roosevelt and Rancho Yolo for senior activities.

Tansy Thomas, Gloria Kutternig, Steve Hayes, and Ellen Burman spoke in support of the project. Comments included: good fit for Davis, fulfills needs, will provide economic stimulus to neighborhood businesses, mixed use compatible, and Carlton facility in Sacramento displays a good environment and caring em-

ployees.

Mayor Pro Tempore Saylor closed the public hearing.

Principal Planner Michael Webb read proposed Ordinance amendments into record regarding payment of Quimby fees and condition that any proposal to convert to residential development would require an application for a General Plan Amendment, rezoning and any other entitlements as necessary. Amendments accepted by Council.

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

1. Determine that Mitigated Negative Declaration #06-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project
2. Approve Resolution No. 10-017 - Amending the City of Davis General Plan Land Use Map to Redesignate 2726 Fifth Street (APN #071-404-04-1) Located South of Fifth Street, East Cantrill Drive, North of Second Street and West of Pena Drive, from "Industrial" to "Public/Semi Public", and Resolution to Amend the Public/Semi "Allowable Uses" (General Plan Land Use Map and Text Amendment #02-08)
3. Introduce Ordinance Amending Chapter 40 of the Davis Municipal Code, Rezoning the Parcel Located at 2726 Fifth Street, Consisting of Approximately 2.52 Acres, from Planned Development #4-88, Industrial Subarea, to Public-Semi-Public (P-SP) (Rezone/Preliminary Planned Development #04-08)
4. Approve Conditional Use Permit #08-08 and Design Review #26-08, based on the findings and subject to the conditions for each application to include amended conditions as indicated by staff.

L. Heystek proposed a friendly amendment to include an additional condition: Furthermore, developer shall provide disclosure to potential lessees that the facility is adjacent to the Police Department property. Staff to develop further appropriate language. Accepted by mover and second. Also accepted by developer. Motion passed unanimously.

City Council recessed at 7:58 p.m. and reconvened at 8:10 p.m.

Resolution
Adopting a
Memorandum of
Understanding
with Program
Administrative
and Support
Employees As-
sociation
(PASEA)

Human Resources Administrator Melissa Chaney provided details of the proposed MOU and Assistant City Manager Paul Navazio outlined the fiscal impact.

Carrie Dyer, PASEA Board, stated PASEA understands the current financial situation of city and worked hard to meet the short and long term goals of all parties; also, wants to work towards avoiding future layoffs within membership. PASEA members are proud of their service to the Davis community and thanked Council for bargaining in good faith.

Dobbie Flynn stated the larger issues for the community encompass what can the community afford and what is a sustainable model; stated the city needs further

discussions regarding revenue streams.

David Greenwald stated the PASEA MOU is a small piece of the budget puzzle, the bigger issue are the Management and Fire Department contracts; expressed concern over remaining groups getting worse deals and 2-tiered pensions.

S. Souza moved, seconded by R. Asmundson, to approve Resolution No. 10-018 - Adopting a Memorandum of Understanding with Program Administrative and Support Employees Association (PASEA). Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: Heystek

R. Asmundson left the meeting at 8:37 p.m.

West Village
Annexation
Analysis-
Current Status
and Recom-
mendations

City Manager Bill Emlen provided a brief overview of the West Village project slated to begin construction in spring 2010, and summarized discussions between the City, Yolo County, and UC Davis regarding services to West Village and the feasibility of annexation to the City. Assistant City Manager Paul Navazio presented the fiscal analysis of annexation scenarios.

Gary Sandy, UC Davis Government Relations, stated UC Davis has not yet decided how to structure payments of municipal services by residents, considering assessments. Also, thanked Council for their patience throughout the project; all parties worked hard and amicably, presented a nice model for working through a complicated project.

David Greenwald spoke in support of annexing West Village. Reasons included: citizens may utilize municipal services without paying taxes, large concentration of resident adjacent to city without actual involvement in city, disconnect between students and community, and lack of participation in city elections.

Don Gibson, City and County Affairs ASUCD, also spoke in support of annexation; ASUCD adopted a resolution supporting annexation in 2007.

L. Heystek moved, seconded by S. Greenwald, to reaffirm Council's commitment to pursue annexation as previously stated, direct West Village Council Subcommittee (Asmundson/Saylor) to continue to work on presenting annexation scenarios that may include supplementary assessments.

S. Greenwald proposed a friendly amendment to emphasize the fact that if no agreement is made to annex now, parties will lose \$240,000 vehicle license tax indefinitely, and to direct Subcommittee to continue to work on a mutually agreed upon way to reach fiscal neutrality and accommodate the County as possible. Not accepted.

L. Heystek proposed to amend the motion as follows: direct the Subcommittee to continue to work in a manner mutually beneficial to UC Davis, County and

City, eventually presenting annexation scenarios that may include supplemental assessments and/or other revenue streams, reliance on existing mechanisms such as the vehicle license fees. Not accepted.

S. Greenwald proposed friendly amendment as originally stated. Not accepted.

L. Heystek proposed to amend the motion as follows: direct the Subcommittee to continue to work in a mutually beneficial manner for the City, County and UC Davis, that recognizes the fact that \$240,000 of vehicle license fee revenues per year may be lost by the city if we do not pursue annexation, and further, that alternate service provisions may be beneficial to the city. Accepted by mover.

P. Navazio clarified the motion as follows: staff to continue to explore annexation, and urge all parties to recognize the fact that additional state revenues may be available to help mitigate fiscal impacts under an annexation scenario if annexed prior to residents moving in.

S. Souza moved substitute motion, seconded by L. Heystek, to direct the Subcommittee to look at special assessments, and discuss with the County and campus whether or not this is worth further consideration. Motion passed by the following vote:

AYES: Heystek, Greenwald, Souza

NOES: Saylor

ABSENT: Asmundson

Closed Session Mayor Pro Tempore Saylor announced the following closed session was cancelled: 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

Adjournment The meeting was adjourned at 10:16 p.m. in memory of Bill Wilson

Zoe S. Mirabile, CMC
City Clerk