

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

The City Council of the City of Davis met in regular session beginning at 5:30 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 S. Souza moved, seconded by L. Heystek, to approve the agenda, amended as follows: Public Hearing: Willowbank Park Residential Subdivision Proposal shall be opened and continued to March 16, 2010 and Proposed Additions to the Council Meeting Ground Rules and Procedures shall be removed from the agenda entirely. Motion passed unanimously.

City Council / Open Space and Habitat Commission Joint Discussion: Community Farms Concept Sustainability Program Manager Mitch Sears explained that community farms will provide small scale farmers access to secure land and local markets, and outlined a prototype on a city-owned and maintained agricultural buffer. Lauren Cockrell spoke in support of community farms and for Davis to take the lead in developing this concept.

- S. Souza moved, seconded by D. Saylor, as follows:
1. Direct staff to process a General Plan amendment to provide guidance on the development of community farms consistent with the June 2009 recommendations of the Open Space and Habitat Commission
 2. Direct the Open Space and Habitat Commission to consider and recommend revisions to the City's Farmland Preservation Ordinance to encourage community farms and explore other mechanisms to create incentives for establishing community farms around the City
 3. Direct the Open Space and Habitat Commission and staff to develop a proposal for a community farms demonstration project for future consideration by the City Council
 4. Direct staff to provide an analysis and recommendation regarding the use of Measure O funding

- S. Greenwald moved substitute motion, seconded by L. Heystek, as follows:
1. Direct staff to process a General Plan amendment to provide guidance on the development of community farms consistent with the June 2009 recommendations of the Open Space and Habitat Commission

2. Direct the Open Space and Habitat Commission to explore mechanisms to create incentives for establishing community farms around the City, to specifically exclude consideration of revisions to the City's Farmland Preservation Ordinance
3. Direct the Open Space and Habitat Commission and staff to develop a proposal for a community farms demonstration project for future consideration by the City Council

Motion passed unanimously.

City Council recessed at 6:30 p.m. and reconvened at 6:41 p.m.

Ceremonial
Presentations

L. Heystek read Council Ground Rules into the record.

Mayor Asmundson presented a proclamation recognizing March 2010 as Red Cross Awareness Month.

Mayor Asmundson presented a proclamation declaring Allegra Jostad Silberstein as the City of Davis Poet Laureate

Public Com-
ments

Vicki Petino, US Census Bureau, explained that the United States Constitution requires the population to be counted every 10 years and a questionnaire will shortly be delivered to every house in United States; responses to the questionnaire will be used to allocate funding for social services and determine government representation.

Bill spoke in opposition to the proposed additions to Grounds Rules & Procedures Manual (removed from discussion above).

Alan Pryor, Yolo Clean Air, stated the Yolo-Solano Air Quality Management District (YSAQMD) failed to send an email alert regarding no wood burning on Christmas Day.

Dan Wolk, Social Services Commission, spoke in support of the Commission proposed Resolution Opposing Budget Policies of the State of California Amounting to a Disinvestment in Our Future on the consent calendar.

Dan Berman, Sara, Justin Kudo, and Richard McCann spoke in support of the Resolution Opposing the "New Two-Thirds Vote Requirement for Public Electricity Providers" Initiative (Proposition 16) on the consent calendar. Comments included: Davis community has expressed support of public power in the past, initiative is anti-democratic and anti-local government, and initiative restricts community choice aggregation.

Matt Williams requested Council to consider sending a letter to the Board of Supervisors in support of Yolo Health Council and urging no further cuts to the program. Also, requested Council agendaize discussion of a new location for the

proposed radio tower on Mace Boulevard, and proposed a relocation to the land-fill site.

Consent Calendar

Acquisition of Conservation Easements on the Kerr and Koontz Farms

1. Resolution No. 10-026 and Resolution No. 10-027 - Approving the Purchase and Sale Agreements for Acquisition of Conservation Easements on the Kerr and Koontz Farms and Authorizing the City Manager to Complete the Acquisition for the Purposes of Permanently Protecting the Swainsons Hawk Foraging and Nesting Values, the Agricultural Values and Open Space Characters of the Properties
2. Budget Adjustments #60 (\$340,000-Kerr property) and #59 (\$340,000-Koontz property)

Approved

Fee Title Acquisition of the Staib 72 Property

1. Resolution No. 10-028 - Approving the Fee Title Acquisition of the Staib 72 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
2. Budget Adjustment #67 (\$840,000)

Approved

Resolution No. 10-030 - Support of Google's Pilot Ultra High Speed Broadband Program and Directing City to Respond to a Request for Information

Approved

Commission Minutes:

1. City-UCD Student Liaison Commission Meeting of January 13, 2010
2. Finance and Budget Commission Meeting of January 11, 2010
3. Senior Citizens Commission Meeting of January 14, 2010
4. Social Services Commission Meetings of November 16, 2009 and January 11, 2010
5. Tree Commission Meeting of January 21, 2010

Informational

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

Removed from Consent Calendar:

Item remove by D. Saylor.

Community Services Director Elvia Garcia-Ayala read the resolution into record.

Resolution Opposing Budget Policies of the State of California

City Council reviewed the proposed resolution from the Social Services Commission (action item from February 8, 2010 commission meeting): Resolution Opposing Budget Policies of the State of California Amounting to a Disinvest-

nia Amounting to a Disinvestment in Our Future ment in Our Future (according to City Council policy, resolution will return on the next City Council Agenda for action).

D. Saylor proposed to broaden language on clause 5 to include “and other staff” and delete “and shut down an elementary school”. Council concurred.

By consensus, Council requested the Social Services Commission to draft resolutions to address other populations affected by budget policies of the State of California.

Resolution Opposing the “New Two-Thirds Vote Requirement for Public Electricity Providers” Initiative (Proposition 16)

Item removed by L. Heystek.

Deputy City Manger Kelly Stachowicz read the resolution into the record.

City Council reviewed Resolution Opposing the “New Two-Thirds Vote Requirement for Public Electricity Providers” Initiative (Proposition 16) (according to City Council policy, resolution will return on the next City Council Agenda for action)

Public Hearing: Willowbank Park Residential Subdivision Proposal

Mayor Asmundson opened and continued the public hearing to March 16, 2010.

Continued from February 16, 2010: Appeal of November 19, 2009 Tree Commission Decision to Retain the River She-Oak Located at 1624 Tamarack Lane

Mayor Asmundson explained that on February 16, 2010, City Council received a staff presentation, opened the public hearing and continued it in order to provide an opportunity for the applicant to address the Council before final action is taken.

Dianne Johnson, applicant, stated tree roots are invading the sewer line and raising the sidewalk.

R. Asmundson moved, seconded by L. Heystek, to uphold the Tree Commission decision to retain the River She-Oak located at 1624 Tamarack Lane. Motion passed unanimously.

Public Hearing: Resolution Ordering the Vacation of a Portion of Easement Along Rowe Place

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

L. Heystek moved, seconded by D. Saylor, to approve Resolution No.10-030 - Ordering the Vacation of a Portion of Easement Along Rowe Place - Midtown Veterinary Clinic / 525 Rowe Place. Motion passed unanimously.

City Council recessed at 8:02 p.m. and reconvened at 8:15 p.m.

Wastewater Management Plan

Interim Public Works Director Bob Clarke explained that City Council requested Dr. Schroeder and Dr. Tchobanoglous to work with the city to develop a planning charrette process to analyze wastewater treatment plant upgrade alternatives; the Wastewater Management Plan is the product of this process. Drs. Schroeder and Tchobanoglous presented the principal planning charrette findings.

B. Clarke stated staff will return to Council within 3 months with cost estimates and a detailed outline of alternatives.

Doug Fetterly stated the city is not able to depend on surface water during the Summer months, and requested Council include consideration of the Conaway Ranch property as a wastewater reclamation alternative.

By consensus, Council directed staff to seek advice from by Drs. Schroeder and Tchobanoglous in future endeavors.

Public Hearing: Resolution to Adopt the Updated Housing Element and Direct Staff to Submit the Updated Housing Element to the State Department of Housing and Community Development for Final State Certification

Housing and Human Services Superintendent Danielle Foster stated the current update of the Housing Element covers 2007 to 2013. The draft version of this update was approved by City Council in March 2008 and has since been under review by the State Department of Housing and Community Development (HCD). Foster summarized HCD's comments and questions, staff response and proposed revisions to the document.

Mayor Asmundson opened the public hearing.

Steve Hayes stated he was concerned over the emphasis on regulatory barriers, and that developer driven development has historically failed to incorporate universal design features.

Eileen Samitz requested additional time for the public to review the proposed revisions to the Housing Element; stated the proposed language is too submissive in tone and undermines the public's visions and goals.

Peggy Hayes spoke in support of slow growth policies and affordable housing.

By consensus, Council directed staff to further refine the Housing Element. Mayor Asmundson continued the public hearing to March 30, 2010.

Proposition 218 Mail Notification of Utility Rate Increases – Notice of Public Hearing Sched-

Assistant Public Works Director Sue Gedestad summarized the proposed rates and fee methodology.

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

1. Approve mailing of the notification that reflects the following proposed rates:

uled for May 4,
2010

- A. Water: 5% water rate increase which for average water use would equate to an approximate \$1.73 monthly increase. The new rates would be effective for water used beginning September 1, 2010.
 - B. Sewer: 6% rate increase equating to a \$2.45 monthly increase for customers with average winter water consumption. As with the water rate, actual rates vary customer to customer based on actual water usage.
2. Support staff's recommendation to continue with the current flat rate structure for residential sanitation charges

Motion passed unanimously.

D. Saylor moved, seconded by S. Souza, to direct staff to retain the current flat rate structure for residential sanitation charges. Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: None

ABSTAIN: Heystek

Brief Commu-
nications

S. Souza stated Arguments in favor of city measures on the June 8, 2010 election ballot are due March 12, 2010.

D. Saylor moved, seconded by L. Heystek, to designate S. Greenwald and S. Souza as a Council Subcommittee to draft language and coordinate signature gathering for the for the Argument in Favor of Measure Q (sales tax measure) ballot statement. Motion passed unanimously.

Long Range
Calendar

D. Saylor moved, seconded S. Souza, with the proviso that this topic will be agendized on March 4 to discuss in open session, to appoint the Sales Tax Council Subcommittee to review options and provide advice regarding whether or not City Council should proceed with drafting language for the Argument in Favor of Measure R (Measure J renewal measure). Motion passed unanimously.

L. Heystek requested Council agendize a date certain to discuss the Parks and Facilities Master Plan.

S. Souza stated he will participate in the April 20 Council meeting via teleconference.

Closed Session

City Council adjourned to closed session pursuant to Government Code §54954.5 to discuss the follow: Conference with Legal Counsel – Existing Litigation: Newpath Networks, LLC v. City of Davis, Federal District Court, Eastern District 2:10 CV-00236-GEB-KJM. No reportable action.

Adjournment

The meeting was adjourned at 11:40 p.m.

Zoe S. Mirabile, CMC
City Clerk