

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of March 16, 2010

The City Council of the City of Davis met in regular session beginning at 6:32 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 D. Saylor, approval of the agenda. Motion passed unanimously.

R. Asmundson introduced the Youth in Government Shadows.

L. Heystek read the Ground Rules into the record.

S. Greenwald read from portions of Rosenberg's Rules of Order as follows:  
The rules of order are meant to create an atmosphere where the members of the body...can attend to business efficiently, fairly and with full participation. Debate and discussion should be focused, but free and open.

S. Greenwald requested that this be read along with the Ground Rules at each meeting. R. Asmundson referred the request to the City Council Subcommittee on Ground Rules (Saylor/Souza) and requested the City Clerk to include a copy of Rosenberg's Rules of Orders with the Council packet every meeting.

Ceremonial Presentations R. Asmundson presented a Proclamation Declaring April 2010 as Child Abuse Prevention Month.

All City Councilmembers, including Youth In Government Shadows and the Business and Economic Development Commission Chair, presented the 2009 Business and Economic Development Awards:

S. Greenwald presented the Strengthening the City's Business and Economic Development Climate to Davis Farmers Market, represented by Randii MacNear and Davis Farmers Market Association Board Member Richard Collins.

D. Saylor presented the Individuals Making Extraordinary Contributions to Their Industry and Community to Reed Youmans of Hallmark Inn, for his work with the Yolo County Visitors Bureau, visitor attraction and focus on the downtown.

L. Heystek presented the Outstanding Local Business Award to Hibbert Lumber.

City Council recessed at 6:56 p.m. and reconvened at 7:14 p.m.

Brief Commu-  
nications

B. Emlen introduced Interim Fire Chief Bill Wiesgerber.

Public Com-  
ments

Emily Ford, Affordable Housing Manager of NeighborWorks Home Owners, which is the city's contractor for the Right of First Refusal Contract, expressed support for the staff recommendation on consent calendar item regarding the Right of First Refusal Program and Southfield Park on Greene Terrace, as it allows for needed flexibility in the program.

Dan Berman spoke regarding his opposition to Proposition 16, which is sponsored by PG&E and proposes to amend the state constitution to require a 2/3 vote to form a municipal utility. He requested City Council agendize a resolution opposing Proposition 16.

David Greenwald spoke in honor of Sunshine Week, and stated that approximately two years ago, City Council made a determination to look into ways to improve the maintenance of public records, particularly video recordings of meetings, and requested Council look into it as soon as possible.

Norbie Kumagai explained the Human Relations Commission was formed after the 1983 hate crime death of Thong Hy Huynh and suggested the community come together to declare hate crimes will not be tolerated, working off the Principles of One Community.

Daniel Watts, Sam Jubalier and Ansell Halliburton, UCD School of Law Chapter of the American Civil Liberties Union, indicated two provisions in the Davis Municipal Code that conflict with US Constitution's First Amendment: 26.01.100 Banning Obscene Language and 26.01.010 Banning Annoying Persons on Street. They requested City Council repeal the ordinances by March 29, 2010.

Joe Whitcombe stated the language in the June 8, 2010 Measure R ballot question misleads normal persons who might believe "open space" refers to parks or greenbelts, and that Measure R actually encourages development of "open space" and does not provide any "right to vote."

L. Heystek requested City Council act quickly to condemn hate crimes and intolerance in the community, and read a proposed resolution into the record. He stated he will be requesting City Council agendize the resolution on March 30 during the discussion of Long Range Calendar at the end of the meeting.

City Attorney Harriet Steiner explained that the City Council has not conducted

a complete revision or review of the Davis Municipal Code due to budget concerns, but that the City has not enforced the above-mentioned codes for over 20 years. The City Attorney can bring a recommendation to the City Council to repeal the codes.

Consent Calendar

Resolution Authorizing the City Manager to Execute Amendment No. 1 to Consultant Agreement with Kennedy/Jenks Consultants for Manganese Treatment System for Wells 32 and 34, CIP Nos. 8129 and 8174, in the amount of \$137,000 for additional design and construction engineering services  
Removed by B. Emlen and continued to March 30, 2010.

Resolution No. 10-031 – Awarding Contract of \$182,310 to D’arcy & Harty Construction, Inc. for Covell Boulevard Sewer Rehabilitation CIP No. 8166, with a construction contingency of \$18,000 (approximately 10 percent)  
Approved

Resolution No. 10-032 – Authorizing the Application, Acceptance, and Execution of a Community-Based Transportation Planning Grant from the State of California Department of Transportation for the Third Street Improvements Project (CIP No. 8164), in the amount of \$33,250 for public outreach and planning  
Approved

Resolution No. 10-033 – Revising the Structure and Purpose of the Telecommunications Commission  
Approved

L. Heystek recused himself from the following item due to a conflict of interest, as he is a resident at Greene Terrace:

Right of First Refusal Program and Southfield Park on Greene Terrace

1. Approved Resolution No. 10-034 – Further Defining Steps in the City of Davis Right of First Refusal Program, directing staff to incorporate the proposed additions to the Right of First Refusal (RFR) program, allowing the city’s Housing Team and its program contractor to determine whether to release a sale from the RFR, if necessary outreach has been completed and potential buyers cannot be identified after 30 days
2. Directed staff to return with additional information, at the next affordable housing workshop, on pursuing a citywide homebuyer assistance loan program

Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: None

ABSENT: Heystek

Second Reading: Resolution No. 10-035 – Opposing Budget Policies of the State of California Amounting to a Disinvestment in Our Future

1. Approved Resolution
2. Directed staff to work with the Social Services Commission on a similar res-

olution that represents the local impacts of State budget cuts on other vulnerable population groups

Second Reading: Resolution No. 10-036 – Opposing the “New Two-Thirds Vote Requirement for Public Electricity Providers” Initiative (Proposition 16)  
Approved

Council Subcommittee on Commissions Report – Business and Economic Development Commission Ex Officio Members  
Approved Resolution No. 10-037 – Regarding the Structure and Purpose of the Business and Economic Development Commission, adding ex officio representatives to the Commission

Budget Adjustment # 63 (\$16,530) – Allocating 2009 Department of Homeland Security Grant for Law Enforcement First Responder Equipment  
Approved

Yolo County Referral for KMJE/KDVS Radio Broadcast Tower at 44090 County Road 28H for Planning Application #46-09 - YOLO #01-09  
Provided comments to Yolo County to follow the recommendations for reducing potential wildlife impacts for its consideration in reviewing the County use permit

Proposed Pavement Maintenance Treatment - Double Chip Seal  
Informational

Review of Possible Consolidation of City of Davis and UC Davis Fire Departments  
Informational

Commission/Committee Minutes:

1. City of Davis / Chamber of Commerce 2x2 Committee Meetings of October 21, 2009 and January 21, 2010
2. City of Davis / County of Yolo 2x2 Committee Meetings of November 6, 2009 and January 8, 2010
3. City / UCD Student Liaison Commission Meeting of February 10, 2010
4. Historical Resources Management Commission Meeting of January 25, 2010
5. Natural Resources Commission Meeting of November 30, 2009 and January 25, 2010
6. Open Space and Habitat Commission Meeting of September 14, October 5 and November 2, 2009
7. Planning Commission Meeting of December 16, 2009
8. Safety and Parking Advisory Commission Meeting of December 3, 2009

Informational

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

Public Hearing:  
Resolution Es-  
tablishing Fiscal  
Year 2010/11  
Fees for Field  
Rental Use

Community Services Supervisor Christine Helweg summarized the annual review of cost recovery policy, adopted in June 2007, and rental fees associated with field usage in the city. The overall review concluded the cost recovery was effective and the methodology sound.

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

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

1. Approve Resolution No. 10-038 – Establishing Fiscal Year 2010/11 Fees for Field Rental Use (for immediate implementation per the Facilities Cost Recovery Policy)
2. Approve suspending the non-resident fee for a two-year period through the end of FY2011/12 for tournament and league users of the Playfields Park softball and baseball fields (for immediate implementation)

Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza

NOES: Asmundson

ABSTAIN: Heystek

Continued Pub-  
lic Hearing:  
Willowbank  
Park Residential  
Subdivision  
Proposal

City Manager Bill Emlen explained that on November 17, 2009, City Council directed staff to conduct further outreach with neighbors in the area of the project.

Planner Xzandrea Fowler summarized the proposed project and outlined public outreach activities. She reported that an outside facilitator conducted a neighborhood meeting wherein the townhouse proposal was discussed.

Mayor Asmundson opened the public hearing.

David Taormino, developer, summarized neighborhood concerns from the February 3 meeting: expanding existing drainage pond, minimizing duplication of facilities; fast tracking changes and reinstallation of landscaping, compatibility with current neighborhood, creek and wildlife areas, and varied distances from fence line to fence line. He stated that 14 neighborhood meetings have been conducted and the developers have tried to work out neighborhood differences. If the project is approved, they plan to start construction immediately.

Bob Sheralla, Ron Hubbard, Julie Owen, Kim Lutchinhouse, Deborah Laird, and Steve Kafka expressed specific concerns regarding the proposed project. Comments included: project too dense; greenbelt and open space should be preserved; drainage pond problematic; physical footprint of the project should be reduced; adverse effect on Sacramento Valley red fox; project needs larger and specified buffer to protect the fox den; process did not include enough commission review.

Matt Williams stated progress was made at the February neighborhood meeting; however, the project still needed more open space.

Jason Taormino, development team, provided details of the proposal focused on density, energy efficiency and diversity.

Paul Catch, developer representative, stated the project will complete a walking trail of nature corridor and provide affordable housing and local jobs.

Mayor Asmundson closed the public hearing.

City Council recessed at 8:53 p.m. and reconvened at 9:04 p.m.

S. Souza moved, seconded by D. Saylor, approval of the modified entitlement applications – Final Planned Development, Tentative Subdivision Map, Affordable Housing Plan and Design Review – with the condition that lots 17-22, as shown on the Tentative Map and Final Planned Development, be replaced with a single remainder parcel called "Parcel C." "Parcel C" would require a subsequent Tentative Map, Final Planned Development, Development Agreement, Design Review and Affordable Housing Plan.

Further, the entitlement applications will include the following modifications:

- Direct the Social Services Commission to examine the use of in-lieu fees for two of the affordable housing units
- Require the Development Agreement to address tree mitigation for trees removed
- Measurement of buffer should be from top of creek bed to fence of Parcel C
- Addition of large kids play structure to existing play structure

Motion withdrawn.

S. Souza moved, seconded by D. Saylor, to determine that Mitigated Negative Declaration #5-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, to approve Resolution No. 10-039 – to Amend the City of Davis General Plan Land Use Map to Redesignate the Vacant Parcel Located on the West Side of Mace Boulevard (APN #069-490-35) Between San Marino Drive and Redbud Drive, From Public/Semi-public to Residential Medium Density, based on the findings in the resolution. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, approval of Resolution No. 10-040 – to Amend the City of Davis South Davis Specific Plan Land Use Map to Redesignate the Vacant Parcel Located on the West Side of Mace Boulevard (APN #069-490-35) Between San Marino Drive and Redbud Drive, From Public/Semi-public to Residential Cluster Homes. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, to introduce the Rezone/Preliminary Planned Development Zoning Ordinance Amending Section 40.01.090 of Chapter 40 of the City of Davis Municipal Code Rezoning the Vacant Parcel Located on the West Side of Mace Boulevard (APN #069-490-35) Between San Marino Drive and Redbud Drive, to Planned Development (P-D) #2-08 (Residential Use) – Willowbank Park Subdivision, permitting the proposed residential subdivision and uses, based on the findings and conditions in the Planned Development. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, approval of the modified entitlement applications – Final Planned Development, Tentative Subdivision Map, Affordable Housing Plan and Design Review – with the condition that lots 17-22, as shown on the Tentative Map and Final Planned Development, be replaced with a single remainder parcel called "Parcel C." "Parcel C" would require a subsequent Tentative Map, Final Planned Development, Development Agreement, Design Review and Affordable Housing Plan.

Further, the entitlement applications will include the following modifications:

- Direct the Social Services Commission to examine the use of in-lieu fees for two of the affordable housing units
- Require the Development Agreement to address tree mitigation for trees removed
- Measurement of buffer should be from top of creek bed to fence of Parcel C
- Addition of large kids play structure to existing play structure

Community Development Director Katherine Hess read into the record the amended Condition of Approval for the Tentative Map for Lots 17-22 (Parcel C) as follows:

Condition 4E. Lots 17-22 as shown on the Tentative Map, submitted on February 16, 2010, shall be replaced by a single remainder lot 'Parcel C'. The approved Tentative Map shall reflect this change. The Developer shall prepare and submit for the City's consideration a separate Tentative Map for the subdivision of Parcel C into six single family detached units or up to ten single family attached units. Such application may require additional applications, including, but not necessarily limited to zoning, affordable housing and/or design review approvals. Applications for such approvals shall be acted on by the City prior to a

Final Map application for any of lots 7-27, as shown on the submitted Tentative Map, being deemed complete. Such Final Map shall be in substantial conformance to the actions of the City on said applications.

Condition 38. Any trees proposed for removal will need to be appraised and fees paid prior to issuing any building permits.

Condition 102. Prior to issuance of the first certificate of occupancy the off site community improvements to the bicycle/pedestrian path, pedestrian path, enhancement to the existing play structure and the drainage pond shall be completed.

D. Saylor proposed a friendly amendment to include the wording read into the record by staff in the motion. Accepted by mover. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

D. Saylor moved, seconded by R. Asmundson, approval of the Final Planned Development, with modification to Table 1 regarding setbacks and maximum lot coverage on Parcel C.

Community Development Director Katherine Hess read into the record the modification as follows:

Approve Final Planned Development with condition that lots 17-22 are deleted from the Final Planned Development Map and the Final Planned Development Table. Lots 17-22 on the Final Planned Development table shall be replaced with a single remainder parcel called "Parcel C." Parcel C will require submittal of a subsequent Tentative Map, Final Planned Development, Development Agreement, Design Review and Affordable Housing Plan. Development of Parcel C is limited to 6 single family detached units or 9-10 single family attached units.

Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

D. Saylor moved, seconded by S. Souza, to approve the Affordable Housing Plan with a condition that a subsequent Affordable Housing Plan be submitted when the Tentative Map for Parcel C is submitted, that staff to consider the possibility of using in-lieu payments for this site, and that the Social Service Commission be directed to review the plan. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek



D. Saylor moved, seconded by S. Souza, approval of Design Review for the site plan and architectural design of proposed building elevations as presented, with the condition that a subsequent Design Review will be submitted when the Tentative Map for Parcel C is submitted. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, introduction of Ordinance Approving a Development Agreement Regarding the Willowbank Park Subdivision Project, as modified.

Community Development Director Katherine Hess read the following modifications into the record:

- Sec 101 Project Description – Increase number of permitted units up to 31
- Section 101A Affordable Housing – Increase number of affordable housing units up to 6, depending upon number of total units in the project
- Section 201A Community Enhancement Contributions, Subsection 1 – Number of market units increases to 25 at a rate of \$2,400 per unit
- Section 201F Affordable Housing Plan – Revisions to the number of total units, or payment of fees in lieu of affordable housing, are subject to review and approval of a revised Affordable Housing Plan.
- Section E Community Improvements, Subsection 3 – A minimum 50 foot habitat buffer (as measured from the top of the southern bank of the Putah Creek drainage channel to the rear fences of all units along the northern project perimeter)

Dave Taormino, developer, concurred with the modifications. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by R. Asmundson, approval of the following City Council statement of intention: Intention with modifications to the project is to ensure that the Tentative Map for Parcel C shall provide for open space no less than the open space that would have occurred with the original 27 unit subdivision plan, along with a greater diversity of housing types, sizes and price ranges.

S. Greenwald proposed a friendly amendment that open space shall be greater than in the original subdivision plan. Amendment accepted by the mover and second. Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: Heystek

City Council recessed at 10:55 p.m. and reconvened at 11:04 p.m.

Budget Work- Item deferred to March 30, 2010  
shop: Prelimi-  
nary Fiscal Year

2010/11 Budget  
Projections,  
Five-Year Fore-  
cast and Budg-  
et-Balancing  
Framework

Long Range Ca-  
lendar

S. Souza reported that at the City-DDBA 2x2 meeting, the DDBA raised a concern over panhandling downtown. He asked if the city has reviewed how other jurisdictions handle this issue. Assistant Police Chief Steven Pierce explained that Davis has a restriction in place for panhandling within 50 feet of ATM machines. By consensus, City Council requested staff to analyze possible means to augment the current restrictions and bring information back to Council.

L. Heystek reported that he will submit a proposed Resolution Condemning Recent Hate Crimes and Other Manifestations of Intolerance in the Greater Davis Community as an Item Submitted by Councilmember on the March 30, 2010 City Council Agenda.

Adjournment

The meeting was adjourned at 11:21 p.m.

Zoe S. Mirabile, CMC  
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD  
Meeting of March 16, 2010

The Redevelopment Agency Board of the City of Davis met in regular session beginning at 6:32 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor 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, Agency Clerk Zoe Mirabile

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

Public Comment None

Consent Calendar Yolo County Referral for KMJE/KDVS Radio Broadcast Tower at 44090 County Road 28H for Planning Application #46-09 - YOLO #01-09 Determined that the proposed project for the new radio tower is “urban development” under the Pass-Through Agreement, but that the project would not interfere with the intent of the agreement and there are no objections to the proposal from the Redevelopment Agency

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

Adjournment The meeting was adjourned at 11:21 p.m.

Zoe S. Mirabile, CMC  
City Clerk