

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 27, 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

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:

1. 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
Unrepresented Employees: Assistant City Manager and Individual Department Heads (Community Development Director, Community Services Director, Fire Chief, Parks & General Services Director, Police Chief, Public Works Director)
Employee Groups/Organizations: Davis Police Officers Association and Police Lieutenants
2. Conference with Legal Counsel – Anticipated Litigation.
 - A. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: 1 case
 - B. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 1 case
3. Conference with Legal Counsel – Existing Litigation.
 - A. In re Davis Area Cooperative Housing Association, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Case No. 10-30314-E-11
 - B. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424

City Council returned to open session at 6:34 p.m.

S. Souza moved, seconded by D. Saylor, to authorize the City Attorney to defend the City and the Agency in Twin Pines v. DACHA. Motion passed unanimously.

S. Souza moved, seconded by D. Saylor, to authorize the City Attorney to par-

ticipate in and defend the City and/or the Agency on the involuntary bankruptcy against DACHA filed by Twin Pines and Neighborhood Partners. Motion passed unanimously.

Approval of
Agenda

L. Heystek moved, seconded by S. Souza, to approve the agenda as amended to include presentation of a Proclamation Proclaiming May 2010 as Asian-Pacific American Heritage Month. D. Saylor requested to adjourn the meeting in memory of Barbara Frankel. Motion passed unanimously.

Councilmember Heystek presented the Proclamation Proclaiming May 2010 as Asian Pacific American Heritage Month.

Public Com-
ments

Joe Sherman spoke regarding civil rights.

Elaine Roberts-Musser spoke regarding regular agenda item - Commission Review of Development Proposals. Comments included: concern over city staff determining which commissions should review development proposals, recommended language for inclusion in the proposed resolution

Consent Calen-
dar

Resolution No. 10-052 - 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

Approved

Second Reading: Ordinance 2357 - Repealing Section 26.01.010 of the Davis Municipal Code Addressing Annoying Persons on Streets and Amending Section 26.01.100 Addressing Obscene Language

Adopted (Introduced 4/13/2010)

Commission Minutes:

1. City-UCD Student Liaison Commission Meeting of March 10, 2010
2. Historical Resources Management Commission Meeting of February 22, 2010
3. Open Space and Habitat Commission Meeting of February 1, 2010
4. Safety and Parking Advisory Commission Meeting of February 4, 2010
5. Senior Citizen Commission Meeting of March 11, 2010
6. Social Services Commission Meetings of February 8, and March 1 and 15, 2010

Informational

City Council Minutes from the Meeting of March 16, 2010

Approved

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

Continued Public Hearing: Updated Housing Element Mayor Asmundson opened and continued the following public hearing to May 25, 2010: 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.

Public Hearing: Ordinances Amending the Zoning Code Regarding Fence Standards and for Minor Technical Corrections Assistant Planner Eric Lee outlined the proposed technical zoning amendments, which include clarifying height standards for fences and walls in residential areas, adding definitions for fences, walls, and courtyards, correcting typographical mistakes, redundant language, outdated references, and language to improve internal consistency.

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

S. Souza moved, seconded by D. Saylor, to introduce Ordinance Amending Chapter 40 of the Davis Municipal Code to Add Definitions for Fences and Walls and to Clarify Fence Standards Within the Buildable Area of a Lot.

L. Heystek proposed a friendly amendment to change any reference to “atriums” to “atria.” Accepted by mover and second. Motion passed unanimously.

S. Souza moved, seconded by R. Asmundson, to introduce Ordinance Amending Chapter 40 of the Davis Municipal Code for Minor Technical Zoning Corrections to Eliminate Redundant Language, Delete and Update Outdated References, Add Language to Conditional Use Permits to Allow Denials Without Prejudice, Update Minor Modification Time Periods to Be Consistent With Other Entitlements, and Other Non-Substantive Clarifications.

L. Heystek proposed a friendly amendment to change any reference to “atriums” to “atria.” Accepted by mover and second. Motion passed unanimously.

Fifth Street Corridor Improvements (A to L Streets) – Project Description B. Emlen explained staff is moving forward with the reconfiguration of Fifth Street between A and L Streets. The city has received a grant from SACOG, with funds allocated for Federal Fiscal Year 2014. Community Development Administrator Katherine Hess outlined the proposed project description and next steps.

Vernon Singleton spoke in opposition to the project.

Doris Gallmore suggested alternate solutions: painting crosswalks on road sides at intersections; installing signs stating drivers yield to pedestrians and bicyclists; adding more yellow warning lights; fining motorists and cyclists for infractions and using revenue for ongoing education.

Dennis Dingemans and Steve Tracy, Old North Davis Neighborhood Association; and Lamont Hubbard, Davis Bicycles, spoke in support of the project.

Lynn Yackzan expressed concern regarding access to loading docks at Fifth and

G Streets.

Steve Greenfield requested Council consider ramifications to the project.

Jim Kidd requested consider that restrictions may negatively affect the downtown shopping and commercial core.

Mayor Asmundson closed the public hearing.

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

1. Direct staff to proceed with the environmental assessment for the project
2. Direct staff to consult with the Bicycle Advisory Commission, the Safety and Parking Advisory Commission, neighborhood, local bicycle advocacy groups and business interests on evaluation metrics to assess the performance of the project after implementation
3. Direct staff to return to the City Council with a report on the advantages and disadvantages, including fiscal impacts, of resurfacing the existing street as part of the project

D. Saylor proposed a friendly amendment: consider bicycles, cars and pedestrians when looking at Third, Eighth and other street traffic so that staff is analyzing accident data on all streets. Accepted by mover and second. Motion passed unanimously.

City Council recessed at 8:02 p.m. and reconvened at 8:13 p.m.

Review of Impact of Picnic Day Activities and Possible City Follow-Up

City Manager Bill Emlen stated staff is considering comments from the community regarding Picnic Day activities and ways to manage the event. Police Chief Landy Black identified a trend towards more raucous activities, and provided statistical data covering Picnic Day weekend regarding total calls for service, priority type and service disposition, total arrests by crime type/location and age. Interim Fire Chief Bill Weisgerber explained that total calls for service were 3 to 4 times larger than a normal day, and 70% were medical calls.

Gary Sandy, UC Davis, provided details of police and fire response on campus. He stated the campus commitment to the city is to enter into joint planning efforts for future activities, with an initial meeting already scheduled to include the business community, city and UC Davis.

Ozzy Arsay, ASUCD Senator, stated the Picnic Day Committee worked very hard on event and takes to heart community concerns.

Rochelle Swanson suggested Council consider limiting availability of alcohol in morning hours, an education campaign, and scheduling more activities downtown after the parade.

Liz Wallace, ASUCD Senator, suggested more events downtown that are family friendly and organized by the city. Also, bars shouldn't be opening at 6am.

David Musser stated much of the crime is alcohol related.

Roxanne Deutsch noted three-quarters of arrestees were between 15-25 years old and social media encouraged out of town visitors.

Joe Krovoza stated Picnic Day is a good community, the main problem is alcohol related.

Liz Wallace expressed concern over safety, especially for the gay community who are severely harassed on Picnic Day.

Gary Sandy acknowledged student volunteerism, with a fraternity cleaning downtown during the parade on Saturday, and fifty Greek members assisting with cleanup on Sunday morning.

City Council recessed at 9:40 p.m. and reconvened at 9:46 p.m.

Item Submitted by City Council Subcommittee on Commissions (*Asmundson/Souza*):
Commission Review of Development Proposals

S. Souza explained that the Council Subcommittee held several meetings and tried to find a middle ground; looked from the perspective that commissions are advisers to Council regarding established policies and that questions arise when inconsistencies occur within established policies. R. Asmundson explained they also wanted to streamline review of development projects.

S. Souza moved, seconded by D. Saylor, to approve Resolution No. 10-053 - Resolution Amending Commission Handbook to Include Section on Commission Review of Development Proposals.

L. Heystek proposed the following friendly amendments as modifications to the resolution:

- Resolve #1: Change mandatory to “commissions with regulatory authority”
- Resolve #4: Change final authority to “review” authority
- Resolve #1: “staff will in a timely manner refer the proposal to the appropriate commissions for review of the proposal (instead of staff will determine which commissions need to review the proposal)
- Resolve #3: Add to end of sentence “or can refer the issue to other commissions if they are outside of their expertise. Rather than make an endorsement for, or state opposition of a development proposal in its entirety, a commission should provide the pros and/or cons of a project relative to their specific area of expertise.”

Following discussion, L. Heystek withdrew last proposed amendment (Resolve #3). Motion passed unanimously.

Brief Communications

B. Emlen stated the BreakAway Bike Ride occurred this past weekend and expressed appreciation to city staff and 140 volunteers involved in the event.

AB1234 Re-
porting

S. Souza attended the Washington DC Cap to Cap trip as a representative of the Yolo County Transportation District wherein the overarching theme was leveraging partnerships to create sustainable, livable communities.

D. Saylor attended an Assembly Budget Committee legislative hearing at the Capitol regarding reform of the California state budget process.

Long Range
Calendar

R. Asmundson requested Council agenda discussion of future selection of Mayor and vacancies.

S. Souza requested Council agenda a presentation regarding the process for filling a Council vacancy, with information regarding what happens in case of a tie and what other communities have done.

S. Greenwald and D. Saylor opposed agenda.

Adjournment

The meeting was adjourned at 10:40 p.m. in memory of Barbara Frankel.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of April 27, 2010

The Redevelopment Agency Board 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 Board Chair 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, City Clerk Zoe Mirabile

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:

1. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: 1 case
2. Conference with Legal Counsel – Existing Litigation.
 - A. In re Davis Area Cooperative Housing Association, United States Bankruptcy Court, Eastern District of California, Sacramento Division, Case No. 10-30314-E-11
 - B. Twin Pines Cooperative Foundation v. Davis Area Cooperative Housing Association, Yolo County Superior Court Case No. CV PO 08-3424
3. Conference with Real Property Negotiators:
 - Properties: 5524 Marden Street
3159, 3165, 3186, 3192, & 3198 Albany Circle
2019 Arena Drive
5503, 5509, 5515, 5521, 5527, 5533 & 5539 Tufts Street
2301, 2303, 2305, 2307, 2309 & 2311 Glacier Place
 - Negotiating Parties: Davis Area Cooperative Housing Association (DACHA)
 - Agency Negotiators: City Attorney Harriet Steiner, City Manager Bill Emlen, Housing & Human Services Superintendent Danielle Foster
 - Under Negotiation: Price and terms of payment

City Council returned to open session at 6:34 p.m.

S. Souza moved, seconded by D. Saylor, to authorize the City Attorney to defend the City and the Agency in Twin Pines v. DACHA. Motion passed unanimously.

S. Souza moved, seconded by D. Saylor, to authorize the City Attorney to participate in and defend the City and/or the Agency on the involuntary bankruptcy against DACHA filed by Twin Pines and Neighborhood Partners. Motion passed unanimously.

Approval of Agenda L. Heystek moved, seconded by S. Souza to approve the agenda. D. Saylor requested to adjourn the meeting in memory of Barbara Frankel. Motion passed unanimously.

Public Comment None

Adjournment The meeting was adjourned at 10:40 p.m. in memory of Barbara Frankle.

Zoe S. Mirabile, CMC
City Clerk