

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of September 7, 2010

The City Council of the City of Davis met in regular session beginning at 5:37 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Saylor.

Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza, Don Saylor, Stephen Souza, Rochelle Swanson

Councilmembers Absent: None

Other Officers Present: Assistant City Manager Paul Navazio, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda S. Souza moved, seconded by R. Swanson, to approve the joint discussion portion of the agenda. Motion passed unanimously.

City Council / Recreation and Park Commission Joint Discussion: Recreation and Park Commissioners in attendance: Lorraine Hwang, Susan Sabatier and Nicole Slaton

S. Greenwald recused herself due to a conflict of interest as she owns real property within 500 feet of the Civic Center Field; will not participate in the Masterplan and Sports Park discussions.

Parks and Facilities Masterplan Status Update Property Management Coordinator Anne Brunette: Parks and Facilities Masterplan update will result in a 10-year plan and funding strategy to prioritize maintaining existing amenities, respond to community requests for enhancements and provide for expansions to accommodate projected population growth. Summarized next steps and timeline.

Davis Sports Park Status Update A. Brunette: Provided background on the proposed 100+ acre Sports Park, explained the Environmental Impact Report will provide analysis of rezoning of two existing parks from park to residential use and three equal weight location alternatives for the Sports Park: Howat, Mace Covell Gateway and Old Landfill site.

Public Comment:

- David Greenwald: city should fund sports park while still retaining existing city land; consider internal alternatives; all 3 sites have serious flaws

Youth Advisory Task Force Draft Strategic Plan for Teen Services S. Greenwald returned to the dais. Community Services Superintendent Christine Helweg explained the draft plan represents the cumulative effort of City and School District staff, Recreation and Park Commissioners and Youth Advisory Task Force members. Requested

feedback on proposed strategies.

Commissioner Comment:

- Need to improve involvement with business community

Councilmember Comments:

- Take advantage of UCD resources
- Request plan be brought to City-DJUSD 2x2 and City-UCD Student Liaison Commission for input
- Request staff review the General Plan chapter regarding youth and draft proposed revision to General Plan presented last year

Public Comment:

- Patsy Owens, Youth Task Force: many youth participated in process, students took leadership roles

City Council recessed at 6:36 p.m. and reconvened at 6:44 p.m.

Approval of  
Agenda

S. Greenwald moved, seconded by D. Saylor, to approve the agenda amended as follows:

1. Move consent calendar item to ceremonial presentation: Proclamation Recognizing “The Davis Song” as Official Song of the City of Davis, move to ceremonial
2. Remove consent calendar items from the agenda:
  - a. Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Power Purchase Agreement with SunEdison, LLC, for the City of Davis Solar Photovoltaic Project
  - b. Plans and Specifications for Water Well #32 – Manganese Treatment System, CIP No. 8126

Motion passed unanimously.

Ceremonial  
Presentations:

Councilmember Swanson presented: Proclamation Recognizing September 2010 as Senior Center Month

Councilmember Greenwald presented: Proclamation Recognizing September 2010 as Prostate Cancer Awareness Month

Mayor Pro Tempore Krovoza presented: Proclamation Inviting the Community of Davis and UC Davis to Participate in the Cool Davis Climate Action Work Day on Saturday, October 9, 2010 and the Cool Davis Festival on October 10, 2010

Councilmember Souza presented: Proclamation Recognizing “The Davis Song” as Official Song of the City of Davis

Public Com-  
ments

- Judy Morriss, Mikos Fabbersen and Mary: oppose Proposition 23-The Dirty Energy Proposition, support the No on Prop 23 Resolution (consent calendar

- item)
- Rob Davis, Davis Bicycles: request Council to make repainting the 13-mile bike loop a priority as many markings have deteriorated; loop provides a clearly marked path for children to schools, and transport to business and thru campus
- Michael Bisch and Rosalee Paine, Downtown Davis Business Association: DDBA has over 750 members; proud of downtown and strive to make it one of the best destinations in the region; proposal from DDBA for 5 priority projects in downtown provides dramatic improvement to downtown experience for businesses, residents and visitors
- Ken Wagstaff: Little League Field and Civic Center Field are assets that should be highly valued; developed by citizens over generations; Sports Park hampers quality of life; does not invest in neighborhood parks
- Diane Perro, Yolo County Visitors Bureau: support 5 priority projects proposed by DDBA
- Evelyn Dale: support 1-year contract for animal control services (consent calendar item), should request better data on where animals are coming from and what happens to them; look at reducing costs while improving services

Consent Calendar

Resolution No. 10-133 - Authorizing the City Manager to Execute Amendment No. 1 to Consultant Agreement with Consolidated Construction Management for Construction Management Services for the East Area Tank and Booster Pump Station Project, CIP No. 8172, to complete oversight at an increased cost of \$50,000  
Approved

Resolution No. 10-134 - Support of Proposition 22, "The Local Taxpayer, Public Safety and Transportation Protection Act of 2010," on the November 2010 State-wide Ballot  
Approved (waived Council policy requiring 2 readings establishing a City position on matters not directly related to City affairs)

Resolution No. 10-135 - Opposition to Proposition 23, "The Dirty Energy Proposition - Suspends Implementation of Air Pollution Control Law (AB 32)"  
Approved (waived Council policy requiring 2 readings establishing a City position on matters not directly related to City affairs)

League of California Cities (LOCC) 2010 Annual Conference Resolutions

1. Directed appointed voting delegates to represent the position of the City of Davis as follows:
  - A. SUPPORT: Resolution 1 – League Bylaws Amendment  
Resolution 2 – Support for National Let's Move Campaign  
Resolution 4 – Encouraging Responsible Banking  
Resolution 5 – Unfunded State Mandates  
Resolution 6 – Enhancing Public Safety While Driving a Motor Vehicle
  - OPPOSE: Resolution 3 – Suspension of Implementation of AB32/SB375

2. Waived Council policy requiring two readings of resolutions establishing a City position on matters not directly related to City affairs
3. Authorized the City's voting delegate(s) to represent the City of Davis on any additional "petitioned" resolutions that may be presented to the General Assembly for consideration

Budget Adjustment #146 (\$70,247) – Allocating FY 2009-10 Office of Traffic Safety AVOID Grant Funds

Approved

Budget Adjustment #12 (\$26,500) – Correcting Funding Source for Fire Station Maintenance from Building Maintenance to Facility Replacement

Approved

Budget Adjustment #19 (\$43,900) – Allocating Housing Trust Funding for Rancho Yolo Community Association Grant Awarded for FY 2009-10, Including \$5,000 for a Third Party Fiscal Consultant to Review the Project

Approved

Budget Adjustment #20 (\$93,000) – Allocating Developer Funding from the 311 and 315 B Street Project to be Provided on a Reimbursement Basis to the 233 and 239 J Street Solar Community Housing Association Affordable Housing Project

Approved

Treasurer's Report for the Quarter Ended June 30, 2010

Accepted report

Commission Minutes:

1. Business and Economic Development Commission Meetings of May 24 and July 7, 2010
2. Civic Arts Commission Meetings of May 10 and June 14, 2010 - R. Swanson recused herself due to a conflict of interest as she is a Board member of the Blue & White Foundation.
3. Finance and Budget Commission Meeting of June 14, 2010
4. Safety and Parking Advisory Commission Meeting of June 3, 2010

Informational

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

Removed from Consent Calendar:

Item removed by R. Swanson.

Authorizing the City Manager to Enter into a

Assistant City Manager Paul Navazio: City issued a Request for Proposals for banking services and evaluated 7 proposals, rating responsiveness to City's RFP, experience, ability to meet needs, track record and fee structures.

Public Comments:

Commercial Account Agreement with Wells Fargo Bank, N.A. for Provision of Banking Services

- Laura Tomasello, First Northern Bank: request item be tabled, give local banks a chance to satisfy lending needs
- Steve Flemming, River City Bank: Council should think about what it means to support a community bank, business model different than multi-national banks, local deposits are lended locally
- Kemble Pope: issue merits further consideration by Council, community banks invest in community at every level
- Christi Skibbins: important to have relationship with local bank; larger banks not engaged with Davis community, consider local vendor preference ordinance

D. Saylor suggested issue be tabled until September 21, 2010. Council consensus.

City Manger Bill Emlen stated staff will agendize as a regular calendar item.

City Council recessed at 7:59 p.m. and reconvened at 8:04 p.m.

Public Hearing: Appeal of Historical Resources Management Commission Actions Regarding Denial of Certificate of Appropriateness - Proposal to Install a Third Wheelchair Ramp and New Concrete Patio at the Main Entrance of the Landmark Property Located at 412 C Street, Davis Community Church

City Manager Bill Emlen: Davis Community Church (DCC) filed an appeal of the May 17 and July 19, 2010 Historical Resources Management Commission's (HRMC) actions to deny approval of a new accessible ramp and extension of the existing concrete landing at the main entrance on C Street.

Principal Planner Michael Webb: Staff recommends upholding the appeal; issue before Council is not an ADA access issue-- compliant ramps already exist; issues are equity, access and convenience.

Rand Herbert, HRMC Chair: HRMC disagrees with staff recommendation; church already has 2 ADA compliant ramps; ramp locations selected by church. Commission considered the following: Is entrance character a defining feature of the landmark? Would feature be adversely affected by project? Do Secretary of Interior's standards support project? Loss of character of defining features equates to loss of building integrity.

Jay Gerber, DCC: Proposal profile and footprint is nearly identical to existing ramps; same amount of concrete; prototype for DCC project is Hattie Weber Museum; ADA access belongs in the front of the church.

Cheryl Essex, DCC, project designer: Design will protect historic integrity while meeting mission of access to all.

Mayor Saylor opened the public hearing.

- Gale Sosnick: HRMC reviews proposals to determine if they compromise integrity to a significant amount--front elevation and footprint of concrete essentially remain the same; other implications should be taken into account; should prioritize safety and accessibility

- Mary Minrock: symbolic importance for all people to be able to enter the church via the front door
- Elizabeth Pullmer: church provides public services; most wedding events have family members that need disable access; community values should be reflected
- Nancy Applebaum: support ramp proposal
- Jenna Templeton: people are more important than buildings

Mayor Saylor closed the public hearing.

R. Swanson moved, seconded by S. Greenwald, to uphold the Appeal of Certificate of Appropriateness #2-09, thereby allowing the installation of the third wheelchair ramp, new concrete patio, landing, steps, and landscaping at the Fourth Street entrance of the Landmark property located at 412 C Street consistent with the plan and based on the Findings and Conditions. Motion passed unanimously.

Authorizing the City Manager to Execute Agreement with Yolo County for Animal Control Services for FY2010-11

City Manager Bill Emlen: City has been contracting with Yolo County since 1974 for animal control services; contract reflects same terms of coverage as FY09-10; regarding issues related to the conditions of the shelter--recommend discussions with County via the City-County 2x2 Committee and Yolo Managers meetings.

Public Comments:

- Casey Wallace: Yolo County SPCA provides spay/neuter at low cost or no cost in the County; requested city submit letter with contract
- Natalie Deep-Sosa: Concerns are accountability and oversight--obtaining accurate data including health, diagnosis and treatment provided to animal, community service relations, bilingual/multi-lingual services, community education and outreach.
- Melissa Thurman: Would like to see cleaner and healthier facility
- Laurie Molley: Large number of unwanted animals; need low cost or no cost clinic; support discussions with County
- Christine Kasey: Limitations of outdated facility and staff cutbacks; took in over 5,000 animals last year; high quality food, good vet care; spay/neuter is a priority; animal services and animal sheltering should not be separated
- Mary Maloney: Shelter is not progressive, poor customer service; looks forward to shelter reforms in the future
- Carolyn Suway: Shelter provides outstanding services with very little resources
- Sharon Montooth: Goal to eliminate feral cat population in Davis; regular vets will not take feral, people must drive to Sacramento for low cost services; Davis feral population is relatively small, but larger in Yolo County because of lack of spay/neuter services
- Kim Kinney, Yolo County SPCA: Supports low cost spay/neuter efforts; only 1 vet in Davis provides services to SPCA and shelter; consider spay/neuter ordinance
- Kemble Pope: Effort underway to gather animal advocates, Yolo Sheriff, etc;

will work with Yolo County SPCA, city staff and officials; want to create vision for County; adopt best practices that reflect values

- Nancy Applenauf: Opposes any proposal to separate Davis animals from County shelter; responsibility to help surrounding communities and take care of all animals; responsive and good staff at shelter and very few volunteers
- Nancy Lee: Shelter staff works hard; difficult over last year due to 50% reduction in staff; animals coming in faster than ever
- Carolyn Trip: Supports pursuit of low or no cost spay/neuter
- Chris Kadino: Shelter vets work closely with UC Davis on research projects and with students; each animal is vaccinated, de-wormed, tested and micro-chipped, spay/neutered, counseled, given quality food; provide vouchers for income qualified families for spay/neuter; outdated building does not reflect care given; most animals are from Woodland, West Sacramento & County; county-wide problem that should be solved in a county-wide fashion.

S. Souza moved, seconded by S. Greenwald, to approve Resolution No. 10-136 - Authorizing the City Manager to Execute Agreement Between County of Yolo and City of Davis for Animal Control Services, for FY2010-11.

J. Krovoza proposed a friendly amendment to include approval of the draft letter, authored by Councilmembers Krovoza and Souza related to proposed objectives for County consideration, to accompany transmittal of the agreement. Accepted.

D. Saylor proposed a friendly amendment that the City-County 2x2 members (Greenwald/Souza) or Councilmembers Krovoza and Souza shall approach the Yolo County Sheriff directly to discuss animal control services, which shall take place before the letter is submitted. Further, if the Councilmembers determine the letter should be changed following said discussion, they shall do so; if not, Councilmembers shall work with the City Manager to deliver the letter. Accepted. Motion passed unanimously.

City Council recessed at 9:45 p.m. and reconvened at 9:50 p.m.

Reverse Diagonal Parking Concept – Second Street

City Manager Bill Emlen: Evaluation process to determine appropriateness of diagonal parking along Second Street merits further evaluation and staff is not recommending implementation at this time.

Community Development Administrator Katherine Hess: Received a wide range of comments from business community and public; businesses less in favor of concept on Second Street because it may be confusing to shoppers and there is already construction underway in the area. Safety and Parking Advisory Commission does not support implementation on Second Street, should be consider at another location.

Public Comments:

- Elaine Roberts-Musser: Oppose diagonal parking, not any safer; difficult for

- seniors to learn how to back in to spaces; motion problems must be considered
- Cindy Marshall: Idea is new and innovative; prime time to install because there is already construction underway
- Kemble Pope: Second Street is not safe for bikes; community should be willing to entertain new ideas

J. Krovoza moved, seconded by S. Souza, to not pursue reverse diagonal parking on Second Street as part of the current improvement project, but initiate public and property owner outreach for a pilot project elsewhere, focusing on Fourth Street between C Street and the railroad tracks, or a street with similar characteristics.

S. Greenwald moved substitute motion, seconded by R. Swanson, to put the entire project on hold as it relates to downtown until such time as electric vehicles are common. Motion failed by the following vote:

AYES: Greenwald  
 NOES: Krovoza, Souza, Saylor  
 ABSTAIN: Swanson

R. Swanson proposed a friendly amendment to limit study to 1 block. Not accepted.

R. Swanson proposed friendly amendment to direct staff to look at potential reverse diagonal parking in conjunction with a project, instead of as a stand-alone cost. Not accepted.

R. Swanson moved substitute motion, seconded by D. Saylor, to not pursue reverse diagonal parking on Second Street as part of the current improvement project, but initiate public and property owner outreach for a pilot project elsewhere on a street with similar characteristics in conjunction with a project that staff determines appropriate. Motion failed by the following vote:

AYES: Swanson, Saylor  
 NOES: Greenwald, Krovoza, Souza

Main motion passed by the following vote:

AYES: Krovoza, Souza, Saylor  
 NOES: Greenwald, Swanson

City Council  
 Goals 2010-2012

City Manager Bill Emlen: Consolidated goals document stemmed from Council Goal Setting session; prioritization of goals will occur in the next couple months.

S. Souza moved, seconded by R. Swanson, to approve City Council Goals for 2010-2012. Motion passed unanimously.

Removed from  
 Consent Calendar:

Item removed by S. Greenwald.

City Manager Bill Emlen: Joint effort by Chamber of Commerce, UC Davis and



Item Submitted by Councilmembers: Proposed City Participation in Chamber of Commerce “D.S.I.D.E.” Workshop

City; event will be an action-oriented workshop to be held at UC Davis on September 23, 2010 to expand the effort to improve our business climate and create a sustainable economy; costs are minimal.

J. Krovoza moved, seconded by R. Swanson, that the City shall co-sponsor the “Designing a Sustainable and Innovative Davis Economy” workshop to be held at UC Davis on September 23, 2010, and participate in the workshop. Motion passed unanimously.

Brief Communications

S. Greenwald: Suggest Councilmembers refrain from submitting too many items by themselves; instead, should agendize via long range calendar with consensus of Council.

Long Range Calendar

B. Emlen: Council Subcommittee on Commission recommendations agendized for September 21; commission appointments for October 5.

S. Greenwald: Request report on analysis of WWTP alternatives by Drs. Schroeder and Tchobanoglous.

D. Saylor: Mayor will work with staff and place item on agenda when appropriate.

S. Greenwald: Will agendize as Item Submitted by Councilmember

R. Swanson: Saturday is anniversary of 9/11 attacks; request citizens take a moment to consider people who have lost family members.

City Council recessed to closed session at 10:49 p.m.

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: County Road 105 Properties; APN 033-290-058-0, 033-290-001-0 & 033-290-004-0

Negotiating Parties: Bank of Arkansas

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

Under Negotiation: Price and terms of payment

Property: Golf Course Farm; APN 041-120-35, 041-120-36 & 041-120-37

Negotiating Parties: OPDE US Corp and Synergy Power Corp

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

Under Negotiation: Price and terms of payment of lease of property

B. Public Employee Appointment: Interim City Manager

C. Conference with Labor Negotiator – Unrepresented Employee: Interim City Manager

City Council returned to open session at 12:02 a.m. Mayor Saylor announced Council unanimously voted to appoint Paul Navazio as Interim City Manager beginning September 24, 2010.

Adjournment      The meeting was adjourned at 12:03 a.m. in memory of Ted Puntillo, Sr.

Zoe S. Mirabile, CMC  
City Clerk