

**MINUTES OF THE DAVIS CITY COUNCIL**  
**Meeting of September 23, 2008**

The City Council of the City of Davis met in regular session beginning at 6:15 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California, and via teleconference from the Hilton Long Beach, 701 W. Ocean Boulevard, Long Beach, California 90831. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza (via teleconference), Ruth Asmundson

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, Deputy City Clerk Zoe Mirabile

Closed Session City Council convened a closed session for conference with Real Property Negotiator pursuant to Govt. Code §54954.5:  
Property: APN 042-100-08  
Agency Negotiators: City Manager Bill Emlen, City Attorney Harriet Steiner  
Negotiating Party: Pole Line Road Holding Co.  
Under Negotiation: Price and terms of payment

City Council returned to open session at 6:34 p.m. with no reportable action.

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

Ceremonial Presentation Mayor Asmundson presented a Proclamation in Honor of the University of California, Davis' Centennial.

Public Comments Mark Rutheiser, Chamber of Commerce, stated the Chamber Board of Directors voted unanimously to endorse Measure W, the School District's parcel tax on the November 4, 2008 ballot.

Elaine Musser spoke regarding her increased sewer service bill, and requested the city outline the sewer rate methodology on the bill itself. In addition, Musser questioned if the city considered the ability of low income seniors to pay large increases.

Shesley Almond spoke regarding his increased sewer service bill, and requested the city revise the fee methodology.

Consent Calendar Resolution No. 08-143 – Approving an Addendum to the Well Capacity Replacement Project Program-Level Environmental Impact Report, Approving the Well Capacity Replacement Project, and Directing Staff to Proceed with Implementation  
Approved

Resolution No. 08-144 – Authorizing City Manager to Execute a Water Supply Agreement Between the City of Davis and UC Davis to Improve Water Quality and Water Service Reliability to Existing Davis Customers  
Approved

Budget Adjustment #4 (\$52,496) – Allocating Changes to Fund Balances Resulting in a Zero Net Fiscal Impact on an All Funds Basis – (1) Increase Funds: Cable TV; Fleet Services; Facility Replacement; Duplicating/Postal Services; RDA Housing; (2) De-

crease Funds: General; Open Space; Cable TV Capital; Stores Services; Fleet Replacement; IS Services; Building Maintenance (Item also on Redevelopment Agency Consent Calendar)

Approved

Commission Minutes:

1. City/UCD Student Liaison Commission Regular Meetings of May 14 and June 4, 2008
2. Planning Commission Regular Meetings of May 14 and August 6, 2008
3. Safety and Parking Commission Regular Meeting of August 7, 2008

Informational

Update on 2008 Davis' Neighbors Night Out

Informational

2008 Biennial Notice of Intention to Amend the City's Conflict-of-Interest Code

Informational

Letter of Support for NeighborWorks America Loan Program to Promote Increased Availability of Affordable Secondary Mortgage Loans and Homebuyer Education  
Authorized Mayor to sign letter of support for distribution to local lenders, encouraging their support and participation in the program

Resolution No. 08-145 - Supporting Measure W, a Parcel Tax for the Davis Joint Unified School District to Provide Education Programs and Services

Approved

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

Public Hearing:  
Resolution Authorizing Submission of the Program Year 2007-08 CAPER to HUD to Fulfill Required Reporting on City CDBG and HOME Funds

Housing & Human Services Superintendent Danielle Foster outlined activities and accomplishments from program year 2007-08 for federally-funded Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs designed to assist low-income residents.

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

L. Heystek moved, seconded by S. Souza, approval of Resolution No. 08-146 - Authorizing the City Manager to Submit the Program Year 2007-2008 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) to Fulfill Required Reporting on City Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Funds. Motion passed unanimously.

Public Hearing:  
Ordinance Amending Ordinance No. 1808, to Amend the Boundaries of the "Small Office" and "Light Industrial, R&D, and Contractor/Artisan" Subareas in the Fifth Street Commerce

S. Souza left the meeting due to a lost phone connection.

Assistant Planner Rhys Rowland provided details of the proposed project to amend the zoning on the undeveloped 1.51 acre property at 2932 Spafford Street in order to address the current split zoning designation and allow future development of an office building. On July 29, 2008 the Planning Commission reviewed the project applications and voted unanimously to recommend approval.

Mayor Asmundson opened the public hearing.

Valerie and Richard Park, property owners, relayed information on the law firm servic-

Center Planned Development (PD) #5-94C Generally Located on the Southeast Corner of Fifth Street and Pena Drive, Consisting of 12.0 Gross Acres, and to Rename the Planned Development to PD #5-94D

ing the high technology industry located at the subject property and outlined plans for future expansion.

Steve Harrison, adjacent business owner, spoke in support of the project as it is a good fit for the neighborhood.

Mark Laughtin, adjacent business owner, also spoke in support of the project and stated the Park law firm is a unique company that has positively influenced the neighborhood and the undeveloped parcel would benefit greatly from development.

Mayor Asmundson closed the public hearing.

D. Saylor moved, seconded by L. Heystek, approval of the following:

1. Adopt Initial Study/Negative Declaration prepared for the project pursuant to §15070(a) of the California Environmental Quality Act (CEQA) guidelines
2. Introduce Ordinance Amending Ordinance No. 1808, to Amend the Boundaries of the "Small Office" and "Light Industrial, R&D, and Contractor/Artisan" Subareas in the Fifth Street Commerce Center Planned Development (PD) #5-94C Generally Located on the Southeast Corner of Fifth Street and Pena Drive, Consisting of 12.0 Gross Acres, and to Rename the Planned Development to PD #5-94D

Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Asmundson

NOES: None

ABSENT: Souza

Council recessed at 7:29 p.m. and reconvened at 7:34 p.m. S. Souza returned to the meeting.

Urgency Ordinance Amending Section 33.04.050 of the Davis Municipal Code Relating to Sewer Rates to Place a Maximum or Cap on Residential Sewer Rates

Public Works Director Bob Weir outlined the proposed urgency ordinance to cap residential sanitary sewer rates to approximately double the fiscal year 2007/08 flat rates, affecting 1,232 residential accounts, 1108 of which are single family customers. Staff outreach efforts during the month of October will include an article in the citywide Focus newsletter, a message on utility bills, direct mail to affected customers and information posted to the city website.

Elaine Musser requested City Council consider a subsidy for low income residents.

City Attorney Harriet Steiner explained that if subsidies are considered, they may not be funded through higher rates to other users of any utility; instead, the city will need to fund through general funds or other non-utility funds.

D. Saylor moved, seconded by S. Souza, adoption of Ordinance No. 2325 – Urgency Ordinance to Take Effect Immediately Amending Section 33.04.050 of the Davis Municipal Code Relating to Sewer Rates to Place a Maximum or Cap on Residential Sewer Rates and Declaring that this is an Urgency Ordinance Necessary for the Immediate Preservation of the Public Health and Safety. Motion passed unanimously.

Consider Applicability and Impacts of a Living Wage Ordinance

Assistant City Manager Paul Navazio provided an analysis of the projected impacts of adopting a Living Wage Ordinance depending on the wage level adopted, the employers and contract employees subject to the Ordinance, and the extent to which employers pass the associated costs on to the city in one form or another, and outlined alternative approaches to consider.

Steve Greenfield, Chamber of Commerce, stated the Chamber adopted a position statement in opposition to a living wage because it would affect very few workers and the potential financial impact to the city.

L. Heystek moved, seconded by S. Greenwald, the following:

1. Approve staff recommendation to establish wage provisions as follows:
  - Hourly Wage (with health benefits) = \$11.00 / hour
  - Hourly Wage (without health benefits) = \$12.50 / hour (\$1.50 health factor)
  - Time Off = 22 days (no fewer than 10 paid)
  - Annual Adjustment to Hourly Wage = Bay Area CPI
2. Approve proposed draft Ordinance Adding Chapter 15.20 to the Municipal Code of the City of Davis, Establishing a Living Wage Requirement for Specified City Funded Contracts and City Employees, with the following amendment:
  - Eliminate section 15.20.040(e) regarding employers subject to the ordinance – city financial aid recipients which receive more than \$\_\_ in loans or other cash and/or non-cash assistance in any twelve-month period
3. Direct staff to provide to City Council a plan for a graduated approach to achieve parity of Yolo County Very Low Income (50% of Median) Standard

P. Navazio stated there are two different ways to approach setting the wage level within the Ordinance: establish a specific wage chosen by City Council, or establish a multi-year graduated wage to reach a specified level over a certain period of time.

L. Heystek withdrew the motion.

L. Heystek moved, seconded by S. Greenwald, that Council establish a vision to reach Yolo County Very Low Income (50% of Median) Standard, currently \$12.71 per hour with health benefits and \$14.21 without benefits.

S. Souza moved substitute motion, seconded by D. Saylor, to direct staff to bring back a living wage ordinance, as early as October 7, 2008, with staff recommendations contained within it, to include elimination of section 15.20.040(e). Motion passed unanimously.

L. Heystek moved, seconded by S. Souza, to establish a standard of Yolo County Very Low Income (50% of Median), and direct staff to bring back a road map of means to achieve this in the future. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza

NOES: Saylor, Asmundson

Council recessed at 10:17 p.m. and reconvened at 10:26 p.m.

#### Fifth Street Corridor Civic Engagement and Workplan

City Engineer Bob Clarke summarized the proposed Fifth Street Corridor Workplan, which will include diversified community engagement and City Council workshops, in order to identify goals and objectives to facilitate development and analysis of project options to address the visions and concerns for the future of the corridor.

Vernon Singleton spoke in opposition to the proposed workplan, stated it is unnecessary to do additional analysis on Fifth Street, and requested City Council not proceed with any further action.

Sherryl Burn and Kathy Broulea spoke in support of the proposed workplan because of bicycle and pedestrian safety concerns. Also, S. Burn requested a short timeframe for final action.

Steve Greenfield, Chamber of Commerce, spoke in opposition to the proposed workplan and stated the Chamber would prefer if Fifth Street remained in its current con-

figuration. Additionally, he expressed concern over the fiscal impact of public outreach and any improvements, and requested Redevelopment Agency funds not be expended for this effort.

D. Saylor moved, seconded by R. Asmundson, to authorize staff to proceed with the proposed workplan and civic engagement plan for evaluation of the Fifth Street Corridor between A Street and L Street. Motion passed unanimously.

Response to Grand Jury Report

City Manager Bill Emlen summarized the proposed city response to Yolo County Grand Jury recommendations related to the Davis Fire Department, and explained the city must respond within 90 days of receipt of the Grand Jury Annual Report which was released on July 1, 2008.

D. Saylor moved to authorize the City Manager and Mayor to present the response letter with whatever minor changes that they see fit. No second.

L. Heystek moved, seconded by S. Greenwald, to approve the response letter as presented to City Council with the following amendment: move the sentence "On behalf of the Davis City Council and the Davis City Manager" currently at the end of letter before recommendation 8-19 to earlier in the letter before all recommendations; and to authorize the Mayor and City Manager to sign the letter on behalf of the City Council.

Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

Brief Communications

S. Greenwald moved, seconded by L. Heystek, to extend the meeting to complete all agenda items. Motion passed unanimously.

D. Saylor attended the Yolo County Youth Substance Abuse Summit and requested staff report back to City Council on related city efforts and follow-up activities.

Adjournment

The meeting was adjourned at 11:49 p.m.

Zoe S. Mirabile, CMC  
Deputy City Clerk