

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 5, 2008

The City Council of the City of Davis met in regular session beginning at 6:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Asmundson.

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

Councilmembers Absent: None

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

Approval of Agenda S. Souza moved, seconded by D. Saylor, approval of the agenda as amended to discuss the following as the first item on the regular calendar: Resolution Approving an EIR Addendum and Directing City Staff to Implement, with Modifications, the Recommendations of the General Plan/Housing Element Steering Committee. Motion passed unanimously.

Ceremonial Presentation Mayor Asmundson presented Proclamations in Appreciation of Contributors to the City of Davis 4th of July Fireworks Display – Bobby Coyote, Marketplace Merchants and Nugget Market.

Public Comments Richard White, UC Davis Medical Center, stated the population of seniors is increasing exponentially which spurs the need for land development that enhances the independence of seniors at the same times as giving access to necessary medical services.

Art Eichorn questioned the methodology used to develop sewer rates.

Wanda Winton spoke regarding senior housing needs.

Dan Keyhew, California Bicycle Museum, expressed appreciation to the city for efforts expended co-hosting the US Bicycle Hall of Fame Induction ceremony.

Kimble Pope, Davis Chamber of Commerce, expressed appreciation to the city for supporting the Celebrate UC Davis event.

Consent Calendar Resolution No. 08-154 – of Intention to Adopt an Ordinance Amending Section 15.10.070 of the Davis Municipal Code to Increase the Business Improvement District Assessment Schedule, to Provide for a Three Percent Annual Adjustment and to Levy and Collect the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the

Davis Business Improvement District for Fiscal Year 2009-2010
Approved resolution and 2008 Core Area BID Report including FY 2009-2010 proposed budget and programs from Davis Downtown Business Association (DDBA) subject to any changes or modifications that may be made subsequent to a public hearing on the request to increase, levy and collect an annual assessment, which will be held on December 2, 2008

Extension of Landscape and Custodial Maintenance Services:

1. Contracting vs. In-House Services for Landscape and Custodial Maintenance

Directed staff to continue with a combination of in-house and contracted services for landscape and custodial maintenance

2. Resolution No. 08-155 – Authorizing the City Manager to Extend the Terms of the Existing Custodial Maintenance Contracts with Clean Net USA for Six Additional Months Until June 30, 2009

Approved

3. Resolution No. 08-156 – Authorizing the City Manager to Extend the Terms of the Existing Landscape Maintenance Contracts with Coast Landscape Management and GP Landscape for Six Additional Months Until June 30, 2009

Budget Adjustment #49 (\$14,004) – Allocating General Funds to Implement the Living Wage Ordinance for the Next Six Months

Approved

Budget Adjustment #38 (\$24,500) – Allocating Cable Television Funding for Payment of Franchise Fees and Public, Educational, and Governmental (PEG) Pass-Through Fees to Davis Joint Unified School District and Davis Media Access

Approved

Commission Minutes:

1. Bicycle Advisory Commission Regular Meeting of August 18, 2008

2. Civic Arts Commission Regular Meeting of September 8, 2008

3. Finance and Budget Commission Regular Meeting of September 8, 2008

4. Historical Resources Management Commission Regular Meeting of September 29, 2008

5. Human Relations Commission Regular Meetings of July 24 and September 25, 2008

6. Natural Resources Commission Regular Meeting of June 23, 2008

7. Planning Commission Regular Meetings of July 23 and September 10, 2008

8. Safety Advisory Commission Regular Meeting of September 4, 2008

9. Tree Commission Regular Meetings of August 21 and September 18, 2008

Informational

2008/09 First Calendar Quarter Administratively Approved Budget Adjustments
Informational

Annual Update on Tobacco Retail Licenses
Informational

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

Removed from Consent Calendar

Item removed by S. Greenwald

Resolution Authorizing Lease at 512 Fifth Street with Davis Community Meals for Cold Weather Shelter During Winter Months for Fiscal Year 08-09

Housing and Human Services Superintendent Danielle Foster distributed a revised resolution outlining a one-year lease renewal, previously proposed as a four-year lease through fiscal year 2012-2013.

S. Greenwald moved, seconded by L. Heystek, approval of Resolution No. 08-157 – Authorizing the City Manager to Execute a Lease for the City Property at 512 Fifth Street with Davis Community Meals for its Use of the Property as a Cold Weather Shelter During Winter Months for Fiscal Year 08-09. Motion passed unanimously.

Resolution Approving an EIR Addendum and Directing City Staff to Implement, with Modifications, the Recommendations of the General Plan/ Housing Element Steering Committee

Bob Wolcott explained that the proposed resolution will provide policy guidance for processing development applications until the next General Plan Update.

Rosemary Garrafallo, Dorothy Peterson, Steve Hayes, Robert Chassen, Dean Bailey, Christine Flayerty, Kim Eichorn, Janet Hamilton, Charlotte Sobeck, Bob Smith, Chris Snow, Gil Wheeler and Jan Bridge spoke regarding senior housing. Comments included: consider planning for a senior community with allowance for younger generation residents under care of a senior; request vision/template for senior growth with accommodation for all housing types and lifestyles; care should be taken not to use seniors as a wedge population in regards to development projects; if senior housing needs are met, then more will downsize and housing will be available for younger families; need for increased services not available in existing homes; and growing senior community deserves proportional housing allocation. In addition, Elaine Roberts-Musser, Senior Citizens Commission, stated the commission is working to draft senior housing guidelines to include a checklist of issues to consider prior to specific development proposals.

Kemble Pope spoke in support of a community farms concept and requested City Council make special accommodations for projects that go above and beyond the norm in solving community problems.

Marianne and Linda Robbenault spoke regarding the site previously known as

the Hunt Wesson Cannery, stating traffic impacts will be an issue for any development and a small amount of housing along with light industrial would be preferable to a large senior housing complex.

Marie stated pending UC Davis development projects should be counted towards total housing needs, and the 1% growth cap doesn't need to be met within the city limits.

Pam Heffly stated any development on Pole Line will result in traffic impacts, and City Council needs to realistically consider the result of an increasing population on the current infrastructure.

Nancy Price requested City Council consider water issues when discussing future housing and the cost of an update and expansion to the wastewater treatment plant.

Eileen Samitz spoke in opposition to a senior housing development on the Covell Village site, stating such a project would be too large and removed from other services.

S. Souza moved, seconded by R. Asmundson, approval of CEQA Addendum to the Final Program Environmental Impact Report for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School with the necessary findings (Exhibit E of Resolution No. 08-158 – Approving an EIR Addendum and Directing City Staff to Implement, with Modifications, the Recommendations of the General Plan/Housing Element Steering Committee). Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Souza moved, seconded by D. Saylor, approval of Resolution No. 08-158 – Approving an EIR Addendum and Directing City Staff to Implement, with Modifications, the Recommendations of the General Plan/Housing Element Steering Committee including Exhibit A “City Council Directions for Implementation” with the following modifications:

- Direction #2 – Strive for general targets for the mix of housing types
 1. Add the following as new subarea “c” (proportionate number of new units for seniors): Based on demographic trends, seniors comprise an increasing percentage of population of the City of Davis. This will lead to an increased internal demand by seniors looking to transition into housing that meets their needs. A proportionate number of new units designed to meet the needs of Davis seniors should be planned as a part of the overall mix of housing types through 2013 and beyond.
 2. Renumber previous subarea “c” to “d”
- Direction #3 – Consider the Steering Committee’s recommended requirements and conditions in development application reviews

1. Add climate change and reduction of greenhouse gas emissions
- Direction #10 – Initiate a long-range, comprehensive General Plan update in approximately 2009
 1. Expand first bullet of a) Planning issues (“Sustainability”) to include AB32 requirements
 2. In first paragraph, change horizon date to 2035
- D. Saylor proposed friendly amendments as follows:
- Direction #2 - Strive for general targets for the mix of housing types
 1. Modify renumbered subarea “d”: Rename as “study of senior housing needs and demands”: City shall conduct an assessment of housing needs and preferences for an aging population to guide future planning.
 - Direction #9 - Process amendments to the General Plan, preferably in Fall 2008
 1. Replace a) Extend the current General Plan planning horizon (planning period on page 3 of the Plan) from January 1, 2010 to June 30, 2013 with the following: Begin the General Plan update in spring 2009. Staff will present alternative approaches for timeline and process to City Council in spring 2009.

Amendments accepted by mover of the motion.

City Manager B. Emlen clarified that Direction #10 also includes references regarding initiating a General Plan update, and suggested that “a” be eliminated, but “b” and “c” remain under Direction #9 because they include technical changes that make sense relative to the current General Plan. Also, staff will make other conforming changes to comply with amendments proposed by City Council.

Mover and second agreed that staff should make conforming changes as appropriate.

- D. Saylor proposed further friendly amendments as follows:
- Direction #10 – Initiate a long-range, comprehensive General Plan update in approximately 2009
 1. Add second bullet to b) Planning issues as follows: Economic and business related sustainability
 - Direction #1 – Manage the 1% growth cap in development application processing using site rankings
 1. Modify a) Site rankings and development processing approach, “Red light” sites as follows: Red light sites will generally not be considered until a new General Plan is adopted, although consideration will be given to projects with special features or unique characteristics.

Amendments accepted by mover of the motion.

L. Heystek proposed an additional friendly amendment as follows:

- Direction #1 – Manage the 1% growth cap in development application processing using site rankings
 1. Modify a) Site rankings and development processing approach, “Green light” sites as follows: As a transition to the initiation of the next General Plan update, process development applications for the list of “green light” sites

Amendment accepted by mover and second.

L. Heystek moved substitute motion, seconded by S. Greenwald, to modify Exhibit A “City Council Directions for Implementation” of Resolution No. 08-158 – Approving an EIR Addendum and Directing City Staff to Implement, with Modifications, the Recommendations of the General Plan/Housing Element Steering Committee as follows:

Remove entirely Direction #4 – Plan for the Lewis Cannery site in consideration of the adjacent Covell Village site. Motion failed by the following vote:

AYES: Greenwald, Heystek

NOES: Saylor, Souza, Asmundson

Main motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

City Council recessed at 9:53 p.m. and reconvened at 9:58 p.m.

Continued New Harmony Affordable Apartment Community – Appeal of Planning Commission Decision; General Plan and Specific Plan Amendments; Rezone; Final Planned Development; Design Review; Tentative Map; Minor Modification; Negative Declaration

City Manager Bill Emlen stated the city received a letter from Sacramento Mutual Housing Association indicating their preference is to move immediately to preparation of a focused Environmental Impact Report (EIR) for the New Harmony project.

City Attorney Harriet Steiner stated the city has an obligation to act on the project, either direct staff to prepare an EIR or deny the project entirely.

S. Souza moved, seconded by D. Saylor, to find that the Initial Study prepared for the project is not adequate because the project, as mitigated, may have substantial adverse health impacts on human beings per prepared findings, and direct that an Environmental Impact Report be prepared.

D. Saylor proposed a friendly amendment to direct that a focused EIR be prepared. Accepted by mover.

L. Heystek moved friendly amendment to include review by the Natural Resources Commission. Accepted by mover and second.

Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: Greenwald

Public Hearing: Appeal of Planning Commission Decision Regarding 233 B Street 'B at Third' Town Homes Project – Proposal to Construct Four Detached, Single-Family Units

Planner Xzandrea Fowler provided details of the proposed project to construct four detached, single-family units on the property located as 233 B Street, and explained on July 23, 2008, the Planning Commission voted 5-2 to deny the project. The commission generally expressed support for the project concept and green design features; however, denial was based on architectural incompatibility with the traditional neighborhood setting and inconsistency with the Downtown Traditional Neighborhood Design Guidelines.

Maria Ogrydziak, applicant, stated the proposed project is an innovative design that meets the city's zoning requirements and historic preservation of the neighborhood should not be considered as the most significant value when evaluating the project. Further, in order to meet the neighborhood design guidelines, many of the green features would be lost.

Mayor Asmundson opened the public hearing.

Steve Tracy, Old North Davis Neighborhood Association; Rand Herbert and Gale Sosnick, Historical Resources Management Commission; Mike Sevannan; Tim Alice; Karen Tang; Rhonda Reed; Sabrina O'Hanley; Maynard Skinnard; and Emmy Beals spoke in opposition to the proposed project. Comments included: Downtown Traditional Neighborhood Design Guidelines were adopted after two years of community input and compromise, resulting in increased density and commercial development in the neighborhood, but with a preserved neighborhood cottage look and feel of projects; green features shouldn't outweigh all other considerations; preservation and use of a historic building is environmentally superior to a new construction project; and urge City Council not to set a precedent of disregarding design guidelines.

Greg Clumpner, Terry Bloom, Kemble Pope, Jim Zuneddo, Davis Ogrydziak, Ken Wallace, Stewart Pettygrove, Jack Meets, Chuck Rowe, Mark Braly, Alzada Knickerbocker, Han Lay, John Hall and Janice Lott spoke in support of the proposed project. Comments included: infill projects should be encouraged downtown; Planning Commission felt constrained by design guidelines; project would be a model for other communities; historic value should not outweigh greenhouse gas reduction efforts and project will exceed Title 24 and green building standards; eclectic style contributes to the distinctive nature of neighborhood; guidelines should not be treated as rules; and neighborhood needs new family housing.

Mayor Asmundson closed the public hearing.

D. Saylor moved to grant appeal of Planning Commission action to deny the project. No second.

L. Heystek moved, seconded by S. Greenwald, to deny appeal (#01-08) of Planning Commission action to deny the project (Planning Application #44-07,

Design Review #18-07).

R. Asmundson moved substitute motion, seconded by D. Saylor, to set aside the project and direct staff to revisit the Downtown Traditional Neighborhood Design Guidelines in order to make them more flexible and consistent with the Green Building Ordinance.

Community Development Director Katherine Hess stated the permit streamlining act requires staff to answer an appeal within 30-60 days.

City Attorney Harriet Steiner explained that City Council must take action; however, they may deny appeal without prejudice.

R. Asmundson reworded her substitute motion as follows: to deny appeal without prejudice and direct staff to revisit the Downtown Traditional Neighborhood Design Guidelines in order to make them more flexible and consistent with the Green Building Ordinance. Accepted by second. Motion failed by the following vote:

AYES: Saylor, Asmundson
NOES: Greenwald, Heystek
ABSTAIN: Souza

Main motion failed by the following vote:

AYES: Greenwald, Heystek
NOES: Saylor, Asmundson
ABSTAIN: Souza

H. Steiner clarified that City Council has taken no action; therefore, the Planning Commission decision is upheld.

Mishka's Café Project / Dresbach-Hunt-Boyer Mansion Site, 604 Second Street – Final Environmental Impact Report (EIR) (SCH #2006062052) (City Council & Redevelopment Agency item)

Deputy City Manager Ken Hiatt provided background on the project and summarized the terms and conditions of the ground lease.

Mayor Asmundson opened the public hearing.

Ron Macdonald, Mara Nance and Rhonda Reed spoke regarding the orange trees on the property, and requested City Council designate them as landmark trees.

Tim Alice questioned the implications of transferring the Hunt Boyer property from the city to the Redevelopment Agency, and stated the lease payments are not large enough up front.

Phil Barker stated the tankhouse on the site is rather more like a pumphouse, and opposed preserving the structure. Instead, the city should consider replacing it with an actual tankhouse to be preserved and maintained as a museum.

Mayor Asmundson closed the public hearing.

Redevelopment Agency

S. Greenwald moved, seconded by R. Asmundson, approval of RDA Resolution No. 1217 – Adopting Findings and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act (CEQA) for the Approval of the Project Known as the Mishka's Café Project (Dresbach-Hunt-Boyer Mansion Site—604 Second Street). Motion passed by the following vote:

AYES: Greenwald, Saylor, Asmundson

NOES: Heystek, Souza

S. Greenwald moved, seconded by R. Asmundson, approval of RDA Resolution No. 1218 – Approving the Agreement of Purchase and Sale to Transfer the Dresbach-Hunt-Boyer Property from the City of Davis to the Redevelopment Agency of the City of Davis. Motion passed unanimously.

S. Greenwald moved, seconded by S. Souza, approval of RDA Resolution No. 1219 – Approving the Ground Lease of a Portion of the Dresbach-Hunt-Boyer Property to Otpisani, LLC for the Development of the Mishka's Café Project. Motion passed unanimously.

City Council

S. Greenwald moved, seconded by R. Asmundson, approval of Resolution No. 08-159 – Adopting Findings and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act (CEQA) for the Approval of the Project Known as the Mishka's Café Project (Dresbach-Hunt-Boyer Mansion Site—604 Second Street). Motion passed by the following vote:

AYES: Greenwald, Saylor, Asmundson

NOES: Heystek, Souza

S. Greenwald moved, seconded by R. Asmundson, approval of Resolution No. 08-160 – Approving the Agreement of Purchase and Sale to Transfer the Dresbach-Hunt-Boyer Property from the City of Davis to the Redevelopment Agency of the City of Davis. Motion passed unanimously.

L. Heystek moved, seconded by S. Souza, to direct staff to return to City Council with an ordinance designating trees on the parcel as landmark. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSTAIN: Greenwald

L. Heystek moved, seconded by S. Souza, to continue the meeting to allow for consideration of all agenda items.

Yolo County General
Plan Update

City Manager Bill Emlen explained that the comment period for the Yolo County General Plan update ends on November 20, 2008.

By consensus, City Council directed staff to return to City Council at the next meeting with a proposed letter to the Yolo County Board of Supervisors regarding the draft General Plan document with talking points to address edge development, and opposition to Policy LU-6.11 listing areas for development of specific uses including housing units in the Northwest Quadrant, research park development and commercial development along I-80.

Eileen Samitz expressed concern over the county’s research park development concept.

Matt Williams stated he would like to see the city and county work collaboratively and consider proactive planning. Further, he requested City Council extend the pass thru agreement with the county.

Appointments to Advisory Commissions

City Council voted to appoint one regular member and one alternate member to the Social Services Commission through use of a grid system. After votes were tallied, applicants were appointed as follows:

APPLICANT		RA	SG	LH	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name							
Social Services Commission -- Vote for 2: 1 Regular (2-year term) & 1 Alternate (2-year term)								
indicate choice by using "R" or "A"								
Adler	Dawn				R		1	
Delaini	Larenda	A				R	1 (A); 1 (R)	
Hague	George		R	R			2	Alternate 2-yr term
Solorzano	Janice		R	R		A	2 (R); 1 (A)	Regular 2-yr term
Yeh	Elizabeth	R			A		1(R); 1 (A)	

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

1. Approval of reappointing Amy Slavich to the Telecommunications Commission with a regular 4-year term
2. Confirm commission appointments as outlined above

Motion passed unanimously.

Brief Communications

Long Range Calendar:

S. Souza stated the Natural Resources Commission requested City Council agendaize the discussion of proposed wood burning restrictions for December 9 instead of December 16. B. Emlen stated he will meet with staff to determine feasibility.

S. Souza stated community members have expressed concern regarding the proliferation of campaign signs placed on city property during election season.

B. Emlen stated staff actively removed signs and responded to the public, and will review the city's ordinance before the next election. H. Steiner explained that placement of campaign signs within the public right-of-way is prohibited; however, it would only be possible to cite people if they are caught in the act.

Adjournment The meeting was adjourned at 1:36 a.m.

Zoe S. Mirabile, CMC
Deputy City Clerk