

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
JUNE 21, 2005

The City Council of the City of Davis met in regular and closed session at 4:30 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson.

 Councilmembers Absent: None.

 Other Officers Present: City Manager James Antonen, City Attorney Harriet Steiner, City Clerk Bette E. Racki.

Approval of Agenda T. Puntillo moved, seconded by S. Greenwald, approval of the agenda as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Workshop:
FY2005/06 Pro-
posed Budget

Finance Director Paul Navazio addressed the proposed workplan and timetable for development of recommendations for the structural budget shortfall.

The budget workshops began in mid January going over the 5-year budget forecast. He outlined the reserves built over the last six months and discussed some of the options to deal with the deficit such as revenue enhancement which would be fees, fines, and costs containment measures.

Based on current forecasts, if the Park Tax of \$1.3 million ballot measure is continued, it is estimated that nearly \$4 million in program reductions would be required to balance the FY2006/07 budget. This would represent 10% across-the-board reduction for all discretionary-funded programs. It is unlikely that public safety programs would be included in the reduction resulting in other city programs being severely reduced.

Departments have begun a review of internal services to ensure that overall funding is sufficient to maintain and replace the City's capital assets. There is a sense of urgency to resolve the structural deficit and get the city on the path to support ongoing services.

The current budget maintains a 15% General Fund Reserve policy. Staff is preparing the reserve document to provide guidelines for uses of reserve funds and priorities for allocation of funds in excess of established reserves. This policy document will be reviewed by the Finance and Budget Commission and then brought back to Council for adoption.

Navazio stated staff has began working on the 06/07 budget and will bring to Council after summer recess a preliminary review in hopes of getting direction for any measure that will go on the June 2006 ballot to assist in balancing the budget. He related that the City will end the fiscal year with an 18% reserve.

Staff responded to Council questions.

Closed Session The City Council ordered a closed session of the City Council be held for the purpose

of discussing and, if necessary, taking action on the following issues:

- A. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of §54956.9: one case.

Council moved into closed session and upon returning to open session, Mayor Asmundson announced no reportable actions were taken in closed session.

Council, City Manager and City Attorney Communications

- a. Recreation and Park Commission Meeting.

Mayor Pro Tem Greenwald stated the Recreation and Parks Commission discussed the use of fire pits in the parks and the decision was to cease the use of the pits because of safety issues and behavior of the participants. She asked that this issue be placed on the next Council agenda. She also reported that the commission did not make a recommendation on Covell Village project.

Public Comments

Hamza El-Nakhal spoke about the violations associated with the Patriots Act by enforcement officials and the mistreatment suffered by American citizens of middle eastern heritage. Many do not attend religious ceremonies nor allow their children to play outside. The Davis City Council previously passed a resolution opposing the USA Patriot Act. He urges the Council to support the guidance of the SAFE Act (S.737 and H.R. 1526). He also asked that Council support California Senate joint resolution to reaffirm California's dedication to protect civic liberties.

By consensus the City Council requested that an item be added to the Human Relations Commission agenda to discuss issues related to the Patriot Act.

James Swab spoke about the arrest of two individuals accused of terrorist behavior in Lodi and alleged harassment of citizens by law enforcement personnel. He said he is fearful of what will happen to others because of their religious or ethnic background.

Norbie Kumagai urged Council to send a letter to US Congress representatives expressing opposition to making the provisions of the Patriot Act permanent.

Mike Shepley spoke about water capacity of the Waste Water Treatment Plant and Covell Village.

Eileen Samitz announced that there is an organized group opposing Covell Village.

Consent Calendar

Resolution No. 05-89 - in Appreciation of Vic Singh for His Service to the County of Yolo and the City of Davis.
Approved.

Resolution No. 05-90 - Awarding Contract of \$844,045.03 to Teichert Construction for 2005 Road Rehabilitation, Program No. 7252 [STPL 5238(039)].
Approved.

Resolution No. 05-91 - Approving Final Map for Wildhorse Condominiums, Subdivision No. 4735 (CP Wildhorse Apartments, LLC).
Approved.

Plans, Specifications and Estimate for 2005 Sidewalk Replacement Project; Resolution No. 92 - Awarding Contract of \$85,435 to Do-Right Concrete Inc., for Sidewalk

Replacement, Program No. 7259.
Approved plans and specifications and resolution.

An Ordinance of the City Council of the City of Davis Amending Section 8.01.010, Deleting and Readopting Section 8.01.040 of the Davis Municipal Code, and Adopting by Reference the 2002 Edition of the National Electrical Code, Subject to the Definitions, Clarifications and Amendments Set Forth in This Ordinance.
Introduced.

Commission Minutes:
City-UCD Student Liaison Commission Regular Meetings of April 13 and May 11, 2005.
Informational.

Resolution No. 05-93 - Amending Resolution No. 7923, Series 1996; as Amended by Resolution No. 3695, Series 1982; as Amended by Resolution No. 3808, Series 1983; as Amended by Resolution No. 3897, Series 1983; as Amended by Resolution No. 6065, Series 1988; as Amended by Resolution No. 6066, Series 1988; as Amended by Resolution No. 7317, Series 1993; Relating to Formation and Membership of the City-UCD Student Liaison Commission.
Approved.

Resolution No. 05-94 - of the Davis City Council Establishing Unit Prices for Two and Three Bedroom Low/Moderate Affordable Ownership Units and Adopting Calculation Assumptions for Low/Moderate Affordable Units for the 2005-2006 Fiscal Year.
Approved.

Ordinance No. 2208 - Amending Chapter 40.04A of the City of Davis Municipal Code, 1971, as Amended, Rezoning Two Properties Located at 437 J Street from R2-CD to Preliminary Planned Development #09-04 and Final Planned Development #16-04, Consisting of .28 Acres.
Adopted.

An Ordinance of the City of Davis Amending Sections 12.01.020, 12.01.090 of Chapter 12, Elections, of the Davis Municipal Code to Define the Term "Spouse" to Include a Registered Domestic Partner Recognized Under State Law and to Increase the Maximum Penalty for Violating Any Provision of Chapter 12.
Introduced.

S. Souza moved, seconded by T. Puntillo, approval of the consent calendar as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Covell Village – Continued Deliberation and Possible Council Action on Environmental Impact Report, General Plan Amendment, Development Agreement and Measure J Baseline

Community Development Director Bill Emlen stated staff has met with the Council subcommittee to refine the development agreement.

Community Development Administrator Katherine Hess reviewed minor changes to various documents and substantial changes to the Development Agreement.

Forty-three citizens spoke in opposition to the Covell Village project citing issues such as traffic congestion resulting in stress, insufficient of the environmental impact report, density, and lack of time to review the documents.

Twenty-six citizens spoke in support of the project indicating that affordable housing is

needed in Davis; the project supports open space and habitat wetlands which is considered a valuable asset for Davis.

Staff responded to question from the City Council regarding the changes to the development agreement.

Following discussion, D. Saylor moved, seconded by T. Puntillo, approval of Resolution No. 05-95 – Adopting CEQA Findings of Fact; Adopting a Statement of Overriding Considerations; Adopting a Mitigation Monitoring Plan; and Certifying the Final Program-Level Environmental Impact Report for the Covell Village Project. The motion passed by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson.
NOES: Greenwald.

T. Puntillo moved, seconded by S. Souza, approval of Resolution No. 05-96 - Amending the General Plan to Re-Designate the “Covell Village” Property and Make Corresponding Changes to Text, Tables, and Figures and to Establish the Baseline Project Features Subject to Approval of the Voters, as amended by staff. The motion passed by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson.
NOES: Greenwald.

T. Puntillo moved, seconded by S. Souza, introduction of ordinance approving a Development Agreement with Covell Village Partners regarding the project commonly known as “Covell Village. The motion passed by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson.
NOES: Greenwald.

S. Greenwald moved substitute motion to add to the Development Agreement a clause that defers housing allocation to subsequent years when the housing appreciation falls below the accumulative five-year compound rate which is the assumption used in the fiscal analysis for the breakeven point ratio. No second.

S. Greenwald moved substitute motion to direct that the developers allocate \$5.0 million for a downtown parking structure to mitigate impacts to downtown retail. No second.

S. Greenwald moved substitute motion to add to the Development Agreement implementation of stricter Floor Area Ratio (FAR) to bring the houses in Covell Village into scale with the lots and make them more affordable. No second.

S. Greenwald moved substitute motion to lower the middle income prices of the houses in Covell Village to reflect actual middle income prices. No second

The original motion passed by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson.
NOES: Greenwald.

Eileen Samitz and Mike Shepley spoke in opposition to the Covell Village project citing traffic congestion, environment issues and impacts to the community.

Adjournment

The meeting adjourned at 11:15 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
June 21, 2005

The Davis Redevelopment Agency of the City of Davis met in regular session at 4:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Chair Ruth Asmundson.

Roll Call. Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson.

Absent: None.

Other Officers Present: Executive Director James Antonen, RDA Counsel Harriet Steiner, Secretary Bette E. Racki.

Approval of Agenda. T. Puntillo moved, seconded by S. Souza, approval of the agenda as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Workshop: Redevelopment Agency Operating Budget for Fiscal Years 2005/2006. City Finance Director Paul Navazio reviewed the Redevelopment Agency budget for fiscal year 2005-2006. He responded to questions from the agency board.

Public Comments. None.

Adjournment. The meeting adjourned at 5:00 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI, Secretary