

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
OCTOBER 25, 2005

The City Council of the City of Davis met in regular, closed and special meeting closed session at 5:30 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, Deputy City Clerk Zoe Mirabile.

Approval of Regular and Special Meeting Agenda S. Souza moved, seconded by T. Puntillo, approval of the regular and special meeting agendas as submitted. The motion passed by the following vote:

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

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:

Special Meeting

A. Conference with Real Property Negotiator. Property: APN 35-97-12. Agency Negotiator: City Manager Jim Antonen/Assistant City Manager Bill Emlen. Negotiating Parties: City of Davis. Under Negotiations: Purchase of Property.

Regular Meeting

B. Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of §54956.9. Dean Robert Johansson v. City of Davis Police, Officer Jeff Beasley and Does 1-50, CVO5-512.

C. 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 there was no reportable action.

Consent Calendar Resolutions in Opposition to Propositions on the November 8, 2005 Ballot:
1. Resolution No. 05-289 – Opposing Proposition 75. Public Employee Union Dues. Restrictions on Political Contributions. Employee Consent Requirement. Initiative Statute.

2. Resolution No. 05-290 – Opposing Proposition 76. State Spending and School Funding Limits. Initiative Constitutional Amendment.

Approved.

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

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

Public Comments

Greg Russell, ASUCD; Sara Jane Bournos; Sandra Cyfrus; Monica Lucero; Amy Rose; Clarisse Menteggy; and Tanya Burmedas spoke regarding recent burglaries among the student population.

Mike Shepley spoke regarding the Waste Water Treatment Master Plan and requested information be posted on the city website.

Richard Harris, Will Lotter, and Bill Fairfield spoke in opposition to the proposed lease agreement for use of the Varsity Theater as a film venue. Reasons included a single screen theater was not feasible and support for a live music venue downtown. Requests included Council consider renegotiation of lease and distribution of another Request for Proposals.

Laura Cole-Rowe, Davis Downtown Business Association; Elinore Moloney; Alzada Knickerbocker; Karen Cane; and Richard Hastings spoke in support of the proposed lease agreement for use of the Varsity Theater. Reasons cited: reconsideration of lease negotiations would violate good faith agreement and hinder any future negotiations between the city and private individuals or companies, and a deferment of decision regarding the Varsity Theater would outlay the project six months which would have a negative economic impact on the downtown. In addition, an informal petition was submitted from downtown business in support of agreement.

Dean Johansson stated the NAACP and ACLU organizations support a citizens' police review board.

Police Chief Jim Hyde provided information on five burglaries that have occurred within the past two weeks.

Varsity Theater Lease Agreement with Fenske/ Novakovic, Inc.

Economic Development Manager Ken Hiatt explained that on May 24, 2005 Council selected Fenske/Novakovic as the recipient of the Request for Proposals process for reuse of the Varsity Theater, and on June 7, 2005 approved an Exclusive Negotiating Agreement in order to develop a lease.

John Fenske and Sinisa Novakovic spoke in support of the proposed lease. They stated the Varsity will have a primary identity as an independent film house, but that does not preclude other uses.

T. Puntillo moved modification to the lease to stipulate the theater must have live entertainment three times per week, and two of those times must be music. No second.

D. Saylor moved, seconded by S. Greenwald, approval of Resolution No. 05-291 – Authorizing the City Manager to Enter Into Lease with Jon Fenske/Sinisa Novakovic to Lease the Varsity Theater. The motion passed by the following vote:

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

Adjournment

The meeting adjourned at 8:10 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

ZOE S. MIRABILE
Deputy City Clerk