

**MINUTES OF THE DAVIS CITY COUNCIL
MEETING OF JULY 25, 2006**

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

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

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, Assistant City Attorney Kara Ueda, City Clerk Margaret Roberts,

Approval of Agenda R. Asmundson moved, seconded by S. Souza, approval of the City Council agenda as submitted. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Ceremonial Presentation Charlie Russell, Chair for the Parks and Recreation Commission accepted a Proclamation commemorating July as Parks and Recreation Month.

Brief Communications: Brief reports: announcements, questions, reports on 2X2s and other agencies: Members of the Council gave reports on various meeting they attended as well as upcoming events.

Long Range Calendar: S. Souza asked that the appointments to regional committees, boards etc. be moved to the August 1st meeting.

D. Saylor moved, seconded by S. Souza to have the appointments to regional committees, boards etc., be done at the August 1, 2006 meeting.

S. Greenwald offered a substitute motion, seconded by L. Heystek to hold off on making the appointments to the first regular meeting in September. The motion failed by the following vote:

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

The main motion passed by the following vote:

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

S. Greenwald moved, seconded by L. Heystek to move the August 1, 2006 meeting to the evening. The motion failed by the following vote:

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

Public Comments Concerns by citizens during public comments:

- Public records request was made and given to the City Clerk
- Congratulations to the newly seated Council
- Opposition stated regarding the spraying for West Nile Virus
- The City should make a statement to the federal government stating they want a larger voice in what they are doing

Update on West Nile Virus

Mr. David Brown, District Director of the Sacramento-Yolo County Vector Control provided information on the increase in cases for West Nile Virus.

The members of the Council asked multiple questions of Mr. Brown.

There were thirteen citizens who spoke out against spraying and four citizens who spoke in favor of spraying for the West Nile Virus. The main concerns of those who are against spraying are the toxins being in the air and the unknown long-term consequences of spraying. The main concern for those speaking in favor is that spraying does save lives.

Notification was a cause of concern to the City Council and a large number of citizens. Most feel that the notification in place at this time is inadequate.

Moved by L. Heystek to direct city staff to draft a resolution to direct staff to work with the Sacramento-Yolo County Vector Control to develop immediate opt out methods for neighborhoods. For a lack of a second, the motion died.

K. Ueda advised the Council that they have no jurisdiction over this matter as it is in the jurisdiction of the Sacramento-Yolo County Vector Control.

R. Asmundson requested that staff work with the District to make sure that notifications are done in a timely and efficient manner.

Consent Calendar

Resolution 06-142 authorizing the City Manager to execute agreements between the city of Davis and Tierra Del Oro Girl Scout Council, Inc., for operation and use of the public facility at Slide Hill Park

Approved:

Resolution 06-143 authorizing co-sponsorship of 2006 Community Book Project event

Approved

Resolution 06-144 approving final map for Roe Building, Subdivision No. 4822 (Roe and Rutheiser LLC)

Approved

Resolution 06-145 authorizing the City Manager to submit and execute a revised Federal Transit Act Grant Application for the University of California-Davis, for operations and capital assistance, Project No. CA-90-Y370

Approved

Resolution 06-146 authorizing the City Manager to execute the agricultural lease with Steven E. Snyder for use of the Clayton Ranch

Approved

Resolution 06-147 approving a sole source purchase from Interstate Sales, Inc., for thermoplastic material

Approved

Resolution 06-148 approving the fiscal year 2006-07 annual anticipated disadvantaged business enterprise participation level of 5% for federal funded capital improvement projects and authorizing the City Manager to execute an agreement with the State of California, Department of Transportation regarding race-neutral implementation for local agencies

Approved

Outreach Process for Commission and Council Input Related to Green Waste Pick-up

Approved

Budget Adjustment #5 – Allocation of Funding for Crossing Guard Program
Approved

Commission Minutes:
Bicycle Advisory Commission Regular Meeting of May 22, 2006
Informational

Historical Resources Management Commission Regular Meetings of May 15 and June 19, 2006
Informational

Safety Advisory Commission Regular Meeting of June 8, 2006
Informational

City Council Minutes from the Regular Meetings of July 11 and 18, 2006
Approved

Fiscal Year 2005/06 Year-End Budget Adjustments
Quarterly Report of Administratively Approved Budget Adjustments
Informational

Appropriations Reflecting Transfers to Align Program Expenditures with Corrected Funding Sources

1. Budget Adjustment #105 – Reimburse Capital Grant Fund
2. Budget Adjustment #106 – Reimburse Equipment Replacement Fund
3. Budget Adjustment #107 – Reimburse Construction Tax Fund
4. Budget Adjustment #108 – Correction to Debt Service Budget

Approved

Budget Adjustment #109 – Appropriating Funds for Costs Associated with Memorandums of Understanding with City Bargaining Groups
Approved

Allocating Funds for Capital Improvement Projects (CIPs) and Amending Appropriation of Pass-Through Federal Transportation Agency (FTA) Grant Funding to UNITRANS

5. Budget Adjustment #110 – Allocate FTA and TEA-21 Grant Funding
6. Budget Adjustment #111 – Year End Balancing of CIPs
7. Budget Adjustment #112 – Final Payment of Bike Path Lighting
8. Budget Adjustment #113 – Year End Balancing of CIPs
9. Budget Adjustment #117 – Fund Balance of Public Safety Radio Tower

Approved

Budget Adjustment #114 – Appropriating New Revenue from Proposition 12 Per Capita Grant Program and Reimbursing Construction Tax Funds

Approved

R. Asmundson moved, seconded by S. Souza, approval of the consent calendar as listed above. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Items removed from the consent calendar Addition of Crossing Guard at Korematsu Elementary School for the 2006-07 School Year and Increase in Contractual Hourly Pay Rate for Crossing Guards was pulled by D. Saylor.

D. Saylor moved, seconded by R. Asmundson approval of the addition of crossing guard at Korematsu Elementary School for the 2006-07 school year and increase in contractual hourly pay

rate for crossing guards and that this be revisited at such time that the school closes. Motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Resolution extending the exclusive negotiating agreement between Armisi, Inc., city of Davis and Redevelopment Agency for the development of the Dresbach-Hunt-Boyer Tank-house site; and review of components of Environmental Impact Report

K. Hiatt and K. Stachowicz gave the background and the action that is being requested on the item. This item has gone before the Historical Resources Management Commission and a letter with their concerns was submitted. The delay was caused on the part of the city to work on the Environmental Impact Report. After the EIR there would be a comprehensive analysis for the site and present some policy considerations for the site.

Points made during public input on the item:

- The use of the Hunt-Boyer should be explored
- The entire site, including the orange grove, tank-house and Hunt-Boyer Mansion should be considered
- There are other opportunities in the area for this business
- Putting the proposed business next to the Varsity Theatre would bring synergy to the area
- Take a look at the improvements in the area over the last year
- People waiting for the movies are wanting coffee
- Comparable analysis needs to be done through the EIR process
- The project is between two city-owned historical landmarks
- The discussion appears to be split between economic and historical points
- The applicant brings unmatched enthusiasm to the project
- Try to use the site respectfully and understand what the original site has to offer
- An agreement was entered into and the applicant has done everything that has been asked of him
- The issue is about extending the conversation; to not do this would be irresponsible of the Council
- To not extend this agreement would send a terrible message to downtown businesses
- There is an opportunity to provide a social center to the downtown
- Once the tank-house was originally moved, it lost its historical value at the site
- Other businesses in the area have improved since the opening of the Varsity and the newly opened ice cream shop

T. Novatnovich, the applicant, went through the process to date for this site and has done everything that he has been asked to do to date. He would like to bring something viable to be adjacent to the Varsity. There has been an extreme amount of money into the project and they did it because they love the building and the town. He proposes some type of building to make everybody happy and restore the tank-house, which has not had any attention in the past thirty years.

Points made by the Council:

- The exclusive negotiating agreement does not imply that the project is a "done deal"
- The alternatives for the site need to be investigated during the EIR process
- There needs to be clear understanding that the alternatives are truly that; alternatives
- The assessment of open space needs to take place
- Alternatives for the Hunt-Boyer Mansion needs to be reviewed during the EIR process
- Other uses of the Hunt-Boyer Mansion need to be investigated
- The focus initially was the Varsity Theater, the tank-house and Hunt-Boyer Mansion were secondary
- An RFP should be issued for the Hunt-Boyer Mansion
- Without moving the tank-house, businesses are unable to sustain in that area

- Mishka's Café caters to the students

S. Souza moved, seconded by D. Saylor to move forward with an EIR with equal weight on Alternatives 2 and 3 as outlined below.

S. Greenwald made a substitute, seconded by L. Heystek that an equal weight EIR for Alternative 2, 3 and 4 as outlined below.

S. Greenwald made an amendment to the substitute motion to include moving the tank-house to alternate locations; L. Heystek did not accept the amendment.

Vote on the original substitute motion passed by the following vote:

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

Alternative 1 – No project Alternative, Existing Conditions. Under this alternative, the tank-house would be left in its present location and would not be rehabilitated.

Alternative 2 – Rehabilitation and Reuse Alternative. This alternative would retain the tank-house in its present location and rehabilitate it for commercial or public use.

Alternative 3 – Rehabilitation and Addition Alternative. This alternative assumes the tank-house would be retained approximately in its current location, rehabilitated and expanded with a single story addition to accommodate a ground floor café.

Alternative 4 – Tank-house Relocation Alternative. This alternative assumes the relocation of the tank-house to the west side of the Dresbach-Hunt-Boyer House along the E Street side of the property.

Alternative 5 – Reduced Project. This alternative assumes the new building would be reduced in height and/or be set back farther from the sidewalk on Second Street.

S. Greenwald moved, seconded by L. Heystek, approval of Resolution 06-149 extending the exclusive negotiating agreement between Armisi, Inc., and city of Davis and Redevelopment Agency for the development of the Dresbach-Hunt Boyer Tank-house site. The motion passed by the following vote:

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

R. Asmundson moved, seconded S. Souza, to extend the meeting until 12:10 a.m. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Additional items removed from the consent calendar

Ordinance amending section 12.01.050 of the Davis Municipal Code concerning the disclosure of campaign contributions of more than twenty-five dollars was pulled from consent by S. Greenwald.

S. Souza moved, seconded by D. Saylor, to introduce the ordinance and have the second reading and consideration for adoption at the August 1, 2006 meeting. The motion passed by the following vote:

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

Budget adjustment #1 – fiscal year 2006/07 carry-over of unencumbered appropriations from fiscal year 2005/06 for specific programs and capital improvement projects was pulled by L.

Heystek.

L. Heystek moved, seconded by S. Greenwald, approval of the budget adjustment #1 – fiscal year 2006/07 carry-over of unencumbered appropriations from fiscal year 2005/06 for specific programs and capital improvement projects. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Development impact fees – initial assessment of current model and fee structure

R. Asmundson moved, second by D. Saylor to approve staff recommendations as listed below. The motion passed unanimously.

- (1) Refer to the Finance and Budget Commission for review and comment
- (2) Direct staff to bring final recommendations back to City Council in the fall

Update on the wastewater treatment plant improvements project

B. Weir gave an update report on the wastewater treatment plant improvement projects. In the future, the Council and appropriate commissions will receive quarterly reports. The next report will come to the Council sometime in September or early October.

Update on the Davis-Woodland water supply project

K. Smith gave an update report on the Davis-Woodland water supply project and reviewed the objectives for same.

Adjournment

The meeting adjourned at 12:15 a.m.

Margaret Roberts, CMC

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
MEETING OF JULY 25, 2006

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

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

Board members Absent: None

Other Officers Present: City Manager Bill Emlen, Assistant City Attorney Kara Ueda, City Clerk Margaret Roberts,

Approval of Agenda R. Asmundson moved, seconded by S. Souza, approval of the Redevelopment Agency agenda as submitted. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Public Comments There were none.

Consent Calendar Fiscal Year 2005/06 Year-End Budget Adjustment #115 – Allocating Funds to Reflect Actual Pass-Through of Tax Increments to Other Agencies Pursuant to Pass-Through Agreement
Approved

Fiscal Year 2005/06 Year-End Budget Adjustment #116 – Allocating Funds for Land Acquisition at 233-239 J Street
Approved

R. Asmundson moved, seconded by S. Souza, approval of the consent calendar as listed. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Resolution extending the exclusive negotiating agreement with Armisi, Inc., for the development of the Dresbach-Hunt-Boyer Tankhouse site; and review of components of Environmental Impact Report

K. Hiatt and K. Stachowicz gave the background and the action that is being requested on the item. This item has gone before the Historical Resources Management Commission and a letter with their concerns was submitted. The delay was caused on the part of the city to work on the Environmental Impact Report (EIR). After the EIR there would be a comprehensive analysis for the site and presentation on some policy considerations for the site.

Points made during public input on the item:

- The use of the Hunt-Boyer should be explored
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- There are other opportunities in the area for this business
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Points made by the Council:

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of the property.

Alternative 5 – Reduced Project. This alternative assumes the new building would be reduced in height and/or be set back farther from the sidewalk on Second Street.

D. Saylor moved, seconded by S. Greenwald, approval of RDA Resolution 1187 extending the exclusive negotiating agreement between Armisi, Inc., and city of Davis and Redevelopment Agency for the development of the Dreshbach-Hunt Boyer Tankhouse site. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Item removed from
Consent Calendar

Budget Adjustment #1 – fiscal year 2006/07 carry-over of unencumbered appropriations from fiscal year 2005/06 for specific programs and capital improvement projects

L. Heystek moved, seconded by S. Greenwald, approval of the budget adjustment #1 – fiscal year 2006/07 carry-over of unencumbered appropriations from fiscal year 2005/06 for specific programs and capital improvement projects. The motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None

Adjournment

The meeting adjourned at 12:15 a.m.

Margaret Roberts, CMC
Clerk of the Board