

**MINUTES OF THE DAVIS CITY COUNCIL**  
**Meeting of November 28, 2006**

The City Council of the City of Davis met in regular session beginning at 5:00 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Greenwald.

Roll Call: Councilmembers Present: Lamar Heystek, Don Saylor, Stephen Souza, Sue Greenwald  
Councilmembers Absent: Ruth Asmundson  
Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Closed Session The City Council went into closed session for the purpose of discussing and, if necessary, taking action on the following issues:

- Conference with Real Property Negotiator  
Property: Approximately 1 acre portion of parcel APN 071-130-01 for Bicycle Undercrossing  
Agency Negotiator: City Manager Bill Emlen, City Attorney Harriet Steiner, Senior Civil Engineer Michael Mitchell  
Negotiating Parties: Steve Gidaro, Mace Covell Gateway, LLC  
Under Negotiation: Price and terms of payment
- Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of §54956.9: one case
- Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of §54956.9: Union Pacific v. City of Davis, CV05-903
- Conference with Labor Negotiator – Unrepresented Employees: Police Lieutenant

The Council returned to open session with no reportable action.

Approval of Agenda S. Souza moved, D. Saylor seconded, approval of the City Council agenda as submitted and passed unanimously.

Consent Calendar Cable Funding Budget Adjustments #40 (\$50,000), #41 (account transfer) and# 42 (account transfer) – Allocating Pass-Through Funding and Correcting Cable Revenues and Expected Capital/Equipment Expenditures

Approved

Budget Adjustment #38 (\$34,500) – Allocating Funds for Social Services Coordinator Position

Approved

Resolution 06-206 Awarding Contract of \$154,879 to Clyde G. Steagall, Inc., for Elevated Tank Controls Replacement (Rebid), CIP No. 8157

Approved

Budget Adjustment #37 (\$52,000) – Allocating Water Capital Replacement Reserve Funds

Approved

Budget Adjustment #39 (\$13,233) – Allocating Agricultural Lease Funds for Golf Course Farm Agricultural Irrigation System Repair and Future Capitol Improvement/Repair

Approved

New/Revised Job Specifications – Media Services Specialist; Media Services Production Assistant; Integrated Pest Management Specialist  
Approved

Davis Neighbors' Night Out Follow Up Report  
Directed staff to plan a similar event for next year

Resolution 06-207 Adopting the City of Davis Cafeteria Plan  
Approved

Bicycle Advisory Commission Regular Meeting of September 18, 2006  
Informational

City-UCD Student Liaison Commission Regular Meeting of October 11, 2006  
Informational

Human Relations Commission Regular Meeting of October 12, 2006  
Informational

Natural Resources Commission Regular Meeting of September 25, 2006  
Informational

City Council Minutes from the Regular Meeting of November 14, 2006  
Approved

Finance and Budget Commission Liaison Appointment to the Business and Economic Development Commission  
Ratified Sue Huscroft as Inter-Commission Liaison

D. Saylor moved, seconded by L. Heystek, approval of the consent calendar as listed above and passed by the following vote:

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

Brief Communications D. Saylor attended the League of California Cities Leaders Conference.

AB1234 Reporting

Long Range Calendar L. Heystek requested that a resolution for Internet accessibility be agendaized for the December 12 Council meeting. S. Greenwald asked that it be put on a later agenda due to the number of items already on the long-range for that meeting.

Items removed from Consent Calendar: This item was removed from the consent calendar by L. Heystek.

The Bicycle Advisory Commission at the November meeting created a subcommittee meeting to develop a more comprehensive Bicycle Plan with it coming to the Council in late 2007.

Resolution 06-208 Adopting the City of Davis Comprehensive Bicycle Plan  
Approved and staff was authorized to submit the Bicycle Plan to the State to maintain eligibility for Bicycle Transportation Account funds

D. Saylor moved, seconded by L. Heystek, approval of Resolution 06-208 adopting the City of Davis Comprehensive Bicycle Plan. The motion passed by the following vote:

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

General Plan Update Process D. Saylor moved, seconded by S. Souza to continue this item to the December 12, 2006 Council meeting and passed by the following vote:

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

The Council took a ten minute recess.

Public Comments

Comments and concerns expressed by citizens:

- Ms. Hinshaw disappointed in the outcome of Measure K. Incentives should be offered to the type of businesses that Davis would like to come to town. Disappointed in the law suit against the City of Dixon regarding Dixon Downs.
- Ms. Wagner disappointed with D. Saylor and S. Souza in their support for Target.
- Ms. Evans concerned with accessibility to the disabled of Target websites. December 3<sup>rd</sup> is the International Day of Disabled Persons.

Parks and Recreation Facilities Master Plan Update – Request for Proposals

A. Brunette gave the background on the item. The tasks that the request for Proposals will include were explained.

H. Steiner explained what must be included in determining Quimby Act fees; there is a legal requirement to show how the fee is linked to the development when charging impact fees.

S. Souza moved, seconded by D. Saylor to direct staff to circulate the Request for Proposals and return to the Council with a recommended consulted.

First substitute motion by S. Greenwald, seconded by L. Heystek Sue to take no action on this item.

Second substitute motion by D. Saylor, seconded by S. Souza to table this item to the December 12, 2006 Council meeting. The substitute motion failed by the following vote:

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

The first substitute motion to take no action on this item passed by the following vote:

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

D. Silva advised it is not the intent of this process to make any determination on the Walnut Park aquatics facility.

Consider Recreation Commission Recommendation Related to Walnut Community Park Tennis Courts

J. Cochran recommending holding a meeting facilitated by staff with all interested parties to discuss issues and potential solutions for use of the tennis courts at Walnut Community Park, return to the Recreation and Park Commission and then bring back to the Council with any updated recommendation from the commission.

S. Souza moved, seconded by L. Heystek to direct staff to hold a noticed public meeting facilitated by staff to invite all interested parties to discuss issues and potential solutions for use of

tennis courts at Walnut Community Park. The motion passed by the following vote:

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

Manor Pool Complex  
Rehabilitation Pro-  
ject, CIP No. 8796

B. Clarke gave an update to the Council regarding the project and what is taking place in the pool complex construction industry and the possibility that the bids to come in over estimates by forty to fifty percent.

There have been attempts to reach out to the contracting community regarding this project to let them know that it is coming. Laws differ from state to state and the licensing could be different, but staff will look into the possibility of reaching into Nevada. It was suggested to reach out to trade magazines and product suppliers in an effort to reach additional bidders.

This project was initially out to bid in 1999 and the bids came back unacceptable. The issues that this project will address were explained.

D. Saylor moved, seconded by S. Souza to authorize staff to proceed with the bid advertisement for the Manor Pool Complex Rehabilitation Project. The motion passed by the following vote:

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

Adjournment

The meeting adjourned at 8:17 p.m.

Margaret Roberts, CMC  
City Clerk