

**MINUTES OF THE DAVIS CITY COUNCIL**  
**Meeting of May 15, 2007**

The City Council of the City of Davis met in regular session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, 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, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Closed Session The City Council went into closed session pursuant to Government Code §54954.5 regarding the following 2 items:

- Conference with Legal Counsel – Existing Litigation  
Regional Water Quality Control Board  
Waste Discharge Requirements (NPDES Permit No. CA0079049) for City of Davis  
Wastewater Treatment Plant
- Conference with Real Property Negotiator (Gov't Code §54956.8)  
Property: APN 071-262-23  
Agency Negotiator: City Attorney Harriet Steiner  
Negotiating Parties: Mark Rutheiser, Steve Boschken, Brad Lawson  
Under negotiation: Price and terms of payment

The Council returned to open session at 6:42 p.m. with no reportable action.

Approval of Agenda L. Heystek moved, seconded by S. Souza to approve the agenda. Motion passed unanimously.

Ceremonial Proclamation was presented to Derek Moore of University of California at Davis in recognition of being the 2007 Division I National Wrestling Champion.

D. Saylor moved, seconded by S. Souza to affirm the 2007 Thong Hy Huynh Memorial Award winners. The motion passed unanimously.

The 2007 Thong Hy Huynh Memorial Awards and presentation of proclamations honoring recipients were presented to the following:

- Excellence in Community Involvement..... Davis Wiki
- Civil Rights Advocacy Award ..... Freddie Oakley
- Humanitarian Award ..... Michelle Reardon and Mariko Yamada
- Young Humanitarian Award..... Youth for Hope
- Community Education and Awareness..... Hamza El-Nakhal
- Lifetime Achievement Award ..... Mel Trujillo (accepted by Joyce Trujillo)

Public Comment None

Brief Communications Members of the City Council made various announcements including local and regional events, and various meetings with other agencies that they attended.

Long Range Calendar: S. Greenwald asked that the tobacco ordinance come back to the

City Council at least for an update.

L. Heystek asked that the Web site accessibility be scheduled prior to the end of the current Council calendar.

B. Emlen stated that June 15 has been set for the Council team building/self-evaluation meeting.

D. Saylor asked that the item for May 29 on West Village be changed to another date.

D. Saylor moved, seconded by R. Asmundson to have the City Manager and the Mayor work on scheduling the single item on May 29, 2007 to be combined with a regular meeting in June. The motion passed unanimously.

S. Souza moved, seconded by D. Saylor to accept the long range calendar.

Joint Meeting with the Davis Joint Unified School District – Comments on Potential Agenda Items from City Council:

Suggested topics:

- Parcel tax
- School and community climate report
- Youth substance report
- DHA parking lot circulation – safety issue
- Issues involving the West Davis Village annexation

AB1234 Reporting: None

Consent Calendar

Resolution 07-069 authorizing the City Manager to execute an agreement regarding encroachment easement for improvements to the property located at 435 G Street (Roe Building)  
Approved

Resolution 07-070 authorizing the City Manager to execute an agreement between Jeff Baird and the city of Davis for \$98,150 – General Plan Community Involvement Consultant Contract  
Approved

Resolution 07-071 approving final map for Zelkova Court, Subdivision No. 4569, and authorizing the City Manager to execute the Subdivision Agreement (Barker)  
Approved

Resolution 07-072 approving and authorizing the City Manager to sign first amendment to the subdivision agreement for Parque Santiago, Subdivision no. 4631 (Parque Santiago LLC)  
Approved

Resolution 07-073 approving first extension of time for performance of certain acts required by Resolution No. 07-035, Series 2007, which approved the final Map for Christopher Hollow, Subdivision No. 4794 (Boschken)  
Approved

Resolution 07-074 a resolution of intention of the city of Davis for the levy of an assessment on hotels for the Visitor Attraction District pursuant to the Parking and Business Improvement Area Law of 1989  
Approved

Yolo County Visitors Bureau annual report  
Accepted report

Ordinance amending section 22.08.020 of the Davis Municipal Code relating to parking fine schedule

Introduced Ordinance

Resolution 07-075 adopting a parking fine schedule

Approved

Ordinance amending section 22.08.310 of the Davis Municipal Code relating to no parking – Los Robles Street

Introduced ordinance

Ordinance amending section 22.08.310 of the Davis Municipal Code relating to no parking – Arroyo Avenue

Introduced ordinance

Budget adjustment #111 (\$19,297.90) – allocating reimbursement funds from the Office of Emergency Services

Approved

Ordinance 2287 amending Chapter 33 of the Davis Municipal Code relating to sewer rates

Adopted (Introduced May 1, 2007)

City Council minutes from regular meetings of April 3 and May 1, joint meeting with the ASUCD Senate of April 12, and special meeting of April 12, 2007

Approved

Revised job descriptions – Senior Civil Engineer/Water; Assistant Public Works Director/Operations; Utility Engineer

Approved

Treasurer's Report for the quarter ended April 8, 2007

Informational

Proclamation recognizing May 1-31, 2007 as Older Americans Month

Ceremonial

Proclamation recognizing May 30, 2007 as Senior Health & Fitness Day

Ceremonial

Proclamation declaring May 2007 as Foster Care Month

Ceremonial

R. Asmundson moved, seconded by D. Saylor, approval of the consent calendar as listed above. Motion passed by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

Items pulled from consent

Resolution authorizing the City Manager to execute an agreement between the consulting firm of Bay Area Economics not to exceed \$30,000 and the city of Davis for the completion of a Housing Needs Analysis was held over to a future meeting.

Public Hearing:  
Weed Abatement –  
Removal of Weeds  
and Grasses to Elim-  
inate Potential Fire  
Hazards

The public hearing was opened.

What materials are allowed to abate the problem?

R. Conroy has a prohibition of disc the property. The city will use disking, tiling, or mowing.

Continued Public Hearing: Resolution Certifying a Final Environmental Impact Report for the Anderson Bank Building Window Project Located at 203 G / 719 Second Streets

With no further comments the public hearing was closed.

I. Njoku gave the background on the item and the process that has taken place to date.

The public hearing was opened.

J. Kidd discussed the difficulties in renting the property due to the lack of display windows to draw customers into the retail space. He discussed the big-box retail surrounding Davis pulling the tax dollars out of town. What he is proposing will allow a continuous row of window displays along the main corridor of retail shopping downtown. He has made numerous improvements to the building since the fire in 2002. He requests the Council approve the moving of the windows.

R. Herbert, Chair of the Historical Resources Management Commission, advised that nominations for National Historical Building Registry must be done by the land owner. If the building were nominated as it currently is would be accepted to the registry. This building is a historical landmark in Davis. Adaptive reuse projects have taken place in the past with other buildings, such as Bistro 33. The Commission recommends that the windows remain where they are. The General Plan calls for retention of historical landmarks. It would be a significant loss to the community if the building is changed.

J. Solice previously had a business in this location spoke out in favor of moving the windows. Not allowing the windows to be moved is detrimental to a retail business in this location.

J. Beckett is the Interim Director of the Hattie Weber and spoke out against lowering the windows. He is very supportive of downtown. He cannot imagine living in a community that did not support the heritage of the downtown.

N. Price supports the building as is. She commended J. Kidd for the improvements to the building however, he purchased the building knowing what it is. This location does not necessarily have to be used as retail. It is not necessary to be able to look into all of the windows. Options may not have been explored. Historic downtowns bring in people to shop. If the layered look of the downtown is significant. If a document was created to draw people into the town. Keep the integrity of the building.

R. Datel, former member of HRMC, does not feel that there has been adequate information brought forward that shows the windows need to be lowered. The downtown has important functions other than retail; it speaks to who we are and what we are about.

G. Sosnick stated that there is a silent minority that do not want the windows lowered. It is difficult to get a customer to come into the store without knowing what they are walking into. There are other parts of the building that give it character and lowering the windows would not do it harm. If it was done, most people would not feel that something was taken away. Plan A does not work but Plan B would be a solution to the problem.

A. Knickerbocker spoke out in support of lowering the windows. The Downtown District Business Association voted 8-0 in favor of supporting the lowering of the windows. Window displays are vital for retail businesses to draw customers into the store. They enhance the natural flow of commerce. This is a prime space for retail in the center of the prime downtown space. Lowering the windows will enhance the rhythm of the façade.

R. Reid purchased a local historical landmark and what she is doing to the property she is keeping that in mind. This is a historical building that has a multiple-use building. The lack of creativity of the type of businesses being drawn in or what could be down to the outside of the building. There are creative ways that could be used to draw customers into the building. She urged the Council to work with Mr. Kidd to find a better use.

B. King provided a picture of two buildings that works in Petaluma. She recommended

that the windows not be lowered. She understands that staff has offered Mr. Kidd help with alternatives that he has declined. The space can work the way it is. He knew what he purchased, a historical building, when he purchased it.

D. Dingemans stated that there are many businesses in this area that do not have display windows. This is only half of the retail space at the location. By denying these changes, the Council would not be denying the owner the use of the space. He requested the Council keep the windows as they are.

C. Zimmerman stated that he has always been an impulse shopper and he gets pulled in by window displays. He supports the lowering of the windows.

C. Hicks advised that one of her favorite past times is window shopping in the downtown. The benefits of lowering the windows would be far more beneficial and allow visibility and draw in more shoppers and bring revenue to the city. She supports the lowering of the windows.

C. Wood understands that there are strong feelings on both sides of the issue. The local landmark status will not be lost by implementing option A or B. The building should be adapted for current use. The beauty of the interior of the building is lost. She strongly urged the Council to allow the windows to be lowered.

R. Siebert advised that the purchase of a building is an investment. The Council needs to do their part to help the business to succeed. After six months of not being able to lease the property, maybe the Council would like to purchase the building.

V. Vann stated that downtown Davis is her shopping district. She spent 16% of her income last year in the downtown area. She likes to do business with those who share the same values that she has. She values the historical resources in the downtown and she is seeing an erosion of the value of the historical assets in the downtown. A major criteria when rehabbing a building for reuse, endeavor to convey its original use. One of those aspects is the windows, and one was a plaque that stated "Bank of Davis", which has been removed. This is a very important characteristic that needs to be preserved. The EIR places historical items in the same category as air, environmental quality.

T. Allis collected signatures for a petition that urge the Council to preserve the windows as they originally were as recommended by the HRMC. He provided the Council with a "Save Our Civic Heritage – Petition to Preserve the Historical Anderson Bank Building Windows". The document contains seven pages including signatures.

With no further comments, the public hearing was closed.

D. Saylor moved, seconded by S. Souza Resolution 07-076 Certifying a Final Environmental Impact Report for the Anderson Bank Building Window Project Located at 203 G / 719 Second Streets. The motion passed by the following vote:

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

Main motion R. Asmundson moved, seconded by D. Saylor to approve Design Option B for the Anderson Bank Building.

Substitute motion by L. Heystek, seconded by S. Greenwald to determine that the "No Project Alternative" is the appropriate project based on staff analysis and findings of the Historical Resources Management Commission – This determination rejects both Design Options A or B and effectively precludes lowering the windows in question at the Anderson Bank Building. The substitute motion passed by the following vote:

AYES: Heystek, Souza, Greenwald

NOES: Asmundson, Saylor

The question was raised as to what could be done to address the mitigation items.

D. Saylor moved, seconded by S. Souza to direct staff to identify avenues to address the mitigation measures and to identify other reasonable/feasible uses for the property. The motion passed unanimously.

Public Hearing:  
Resolution approving changes to certain fees and charges for the provision of services by city departments –

P. Navazio and G. Buller provided information on the proposed fee changes. The public hearing was opened and with no comments was closed.

R. Asmundson moved, seconded S. Souza by Resolution 07-077 approving changes to certain fees and charges for the provision of services by city departments – fees effective July 1, 2007. The motion passed by the following vote:

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

R. Asmundson moved, seconded S. Souza Resolution 07-078 approving changes to certain fees and charges for the provision of services by the Community Development Department, Planning Division – fees effective July 15, 2007. The motion passed by the following vote:

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

Resolution adopting local goals and policies concerning the use of the Mello-Roos Community Facilities Act of 1982

D. Saylor moved, seconded by L. Heystek Resolution 07-079 adopting local goals and policies concerning the use of the Mello-Roos Community Facilities Act of 1982 as amended. The motion passed by the following vote:

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

Resolution of Intention to form a Community Facilities District and levy a special tax in Community Facilities district 2007-2

D. Saylor moved, seconded by R. Asmundson Resolution 07-080 a resolution of Intention to form a Community Facilities District and levy a special tax in Community Facilities district 2007-2 (East Davis Mace Ranch Area II) to refinance special tax obligations and to finance the acquisition and construction of certain public facilities in and for such Community Facilities District with the amendment moving the public hearing to June 26, 2007. The motion passed by the following vote:

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

Resolution awarding contract of for Manor Pool Complex Rehabilitation, CIP No. 8796

S. Souza moved, seconded by D. Saylor Resolution 07-081 awarding contract of \$3,632,700 to Waters Contracting, Inc., with a contingency of \$545,000 for Manor Pool Complex Rehabilitation, CIP No. 8796. The motion passed by the following vote:

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

Budget adjustment #115 (\$1,112,660) – allocating general funds

L. Heystek moved, seconded by S. Souza approving Budget Adjustment #115 (\$1,112,660) and allocation General Funds. The motion passed unanimously.

Adjournment

The meeting was adjourned at 11:38 p.m.

Margaret Roberts, CMC  
City Clerk