

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of October 16, 2007

The City Council of the City of Davis met in regular session beginning at 6:00 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 Council went into Closed Session regarding conference with legal counsel – one case of anticipated litigation pursuant to Government Code §54954.5.

The Council returned to open session at 6:33 with no reportable action.

Approval of Agenda D. Saylor moved, seconded by L. Heystek, to approve the agenda moving the water supply project item to the end of the agenda. Motion passed unanimously.

Ceremonial Presentations The Davis High School Advanced Treble Choir performed and a proclamation recognizing October 24, 2007 as United Nations Day and the Week of October 24 – October 31 as Support UNICEF Week in the City of Davis was presented to Riannon Guevin.

Proclamation recognizing October as National Neighborwoods Month presented to Ruth Williams of Tree Davis and City Arborist Rob Cain.

Proclamation declaring October 15 – 21, 2007 Conflict Resolution Week presented to Terry Spiritosanto and Cathy Teacatch.

League of American Bicyclists presented an award to the city of Davis renewing the city's status as the only Platinum Level Bicycle Friendly Community in the Country.

The City Council took a short recess for a reception.

Public Comments Comments and concerns expressed by citizens:

- J. Sherman addressed hate crime and appealed to the public in Davis.
- J. Watson with Davis Bicycles thanked the city for their work to make the recent bike event such a success.
- L. Raider also thanked Public Works for the changes to bicycle facilities. He would like to see bicycle education in schools addressed during the joint meeting with the School District.
- R. Regan wants the city to push ahead for items to fix for bicycles, such as bicycle loop signage.
- M. Hubbard thanked the Council and Public Works for the work for the bicycle event. They presented their wish list of items they would like to see addressed in regards to bicycle paths.
- M. Hubbard invited all bicycle enthusiasts to the opening of the new bicycle loop.
- J. Krovoza advised that Bob Weir and Bob Clarke have been super partners for bicycle upgrades. The most significant action that a consumer can make is their choice for transportation in terms of sustainability.
- P. Jorgenson spoke in favor of the second screen at the Varsity Theatre.
- H. Zochlinsky spoke regarding unethical and illegal actions by trying to get him evicted.
- M. Shepley spoke to the water pipeline plan. He is disappointed in the information

that has been sent to the residents regarding this project. He requested it to be on the June 2008 ballot.

- J. Person suggested having memorabilia showing that people live in Davis; such as license plates frames, shirts, etc.
- S. Lee advised that 2008 is the centennial anniversary of UC Davis. He would like to draft a set of principles that the University and the city of Davis could adopt. He hopes that the City Council will provide a member to a task force to develop the principles.

Brief Communica-
tions

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

AB1234 Reporting: S. Greenwald – Town Gown Conference

Long Range Calendar:

B. Emlen advised that the sustainability item will be delayed for staff to work further. D. Saylor asked for two specific items to be brought forward next week.

S. Souza moved, seconded by L. Heystek, to accept the Long Range Calendar with the two sustainability items moving forward. The motion passed unanimously.

Consent Calendar

Resolution 07-161 Rejecting All Bids for Annual Supply of Chlorine and Sulfur Dioxide, Program No. 7313

Approved resolution and directed to revise solicitation and rebid

Budget Adjustment #32 (\$50,000) – Correcting funding source for the Parks/Open Space Acquisition Program

Approved

Budget Adjustment #33 (\$19,859) – Appropriating remaining federal HUD EDI Special Project Funds Award for the Senior Center Remodel Project into the current fiscal year

Approved

Business and Economic Development Commission meeting minutes of August 27 and September 17, 2007

Informational

Human Relations Commission meeting minutes of June 28, 2007

Informational

Senior Citizens Commission meeting minutes of April 12, May 10, July 12, and August 28, 2007; and joint meeting with Social Services Commission of June 23, 2007

Informational

Human Relations Commission meeting minutes of July 26, 2007

Accepted minutes as informational and approved Resolution 07-162 Reaffirming the City of Davis as a City of Sanctuary

Recreation and Park Commission meeting minutes of September 26, 2007

Accepted minutes as informational and approved Resolution 07-163 Adopting the Park Amenity Donation Policy Administered by the Parks & Community Services Department

City Council Minutes from the Regular Meeting of September 25, 2007

Approved

2007/08 First Quarter Administratively Approved Budget Adjustments

Informational

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

Consider Participating in a Local/Regional Angel Investment Network as Proposed by Golden Capital Network and Recommended by the Business and Economic Development Commission

A. Fernandez and A. Costello, Chair and Vice Chair for the Business and Economic Development Commission gave a PowerPoint presentation on the proposal.

R. Asmundson moved, seconded by S. Souza to participate in the Golden Capital Network. The motion passed unanimously.

D. Saylor moved, seconded by R. Asmundson to initiate necessary steps to define local network partners, including UC Davis, approval of Resolution 07-164 authorizing the City Manager to enter into an agreement to participate in the Golden Capital Angel Investment Network and provide a proportionate share of required matching funds for a maximum of \$25,000 for two years. The motion passed by the following votes:

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

Public Hearing: Resolution Approving the League and Day Rates for Use of Playfields Park

R. Asmundson moved, seconded by S. Souza, approval of Resolution 07-165 approving the league and day rates for use of Playfields Park.

The public hearing was opened and with no comments was closed.

The motion passed by the following votes:

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

Resolutions Regarding the Varsity Theatre, 616-618 Second Street

K. Hiatt and A. Brunette gave the history of the lease for the Varsity Theatre.

J. Fenske spoke to the success of the Varsity Theatre.

D. Saylor moved, seconded by R. Asmundson approving Resolution 07-166 authorizing the City Manager to enter into the First Amendment to the lease with Jon Fenske/Sinisa Novakovic (tenant). The motion passed unanimously.

D. Saylor moved, seconded by R. Asmundson approving Resolution 07-167 approving the expenditure of funds by the Redevelopment Agency to remodel the Varsity Theatre to add a second movie screen. The motion passed unanimously.

Public Hearing: Davis-Woodland Water Supply Project (DWWSP) Environmental Impact Report

B. Emlen and B. Weir introduced the item. J. DeBra made a presentation and walked the City Council through the processes being requested.

The public hearing was opened.

M. Vanderslice stated that this is not an issue of if the project is liked, it is an issue of looking at the environmental impacts of the projects and to determine if the impacts can be mitigated. He urged the Council to look at the impacts on greenhouse gas emissions. He discussed Term 91 water rights.

A. Jackman stated that the project seems premature. His concern is that there is a lot of momentum and that a decision tonight could lead to approval of the project. There are two assumptions in the report with one being the quantity of ground water available and the other being the quality of said ground water. Organic chemicals in the Sacramento River are not being looked at as they are just coming to light. He urged the Council to go slow on this project.

L. Schure addressed global warming as it relates to water rights. She read some opinions that she obtained from recent newspaper articles. Staff and consultants are paid for their expertise and this is a cost that the city cannot afford to put off. She urged the Council to proceed with this project. This should not be an emotional decision, the Council needs to make the tough decision. The Council needs to look to the future and secure the rights.

With no further comments, the public hearing was closed.

The environmental attorney advised that the standards used in the EIR were based on the recent Attorney General letter regarding green house gases.

Main motion by D. Saylor, seconded by R. Asmundson staff recommendations 1-4 as listed below:

1. Approve Resolution Certifying the Final EIR Prepared for the Davis-Woodland Water Supply Project, Adopting Environmental Findings Pursuant to the California Environmental Quality Act, Adopting a Statement of Overriding Considerations, Adopting a Mitigation Monitoring Program, and Approving the Project
2. Approve correspondence to convey the DWWSP EIR from the partners to the State Water Resources Control Board (SWRCB) to meet water right application 30358 diligence requirements
3. Approve preferred project for CEQA purposes as set forth in resolution based on the findings that this is the best resource solution for the partners that meets the project objectives given the options and alternatives evaluation in the DEIR
4. Approve Resolution Adopting Amendment No. 1 to the DWWSP Memorandum of Understanding Required to Maintain Collaboration by the City of Davis, City of Woodland and UCD Davis (Project Partners) on the DWWSP

Substitute motion by S. Greenwald, second by L. Heystek to direct city staff to do an independent study from the City Manager's Office exploring the possibility and feasibility of waiting 25 years in order to spread out the costs and to attempt to employ some of the University experts in the field. The substitute motion failed by the following votes:

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

L. Heystek moved, seconded by S. Greenwald to take each staff recommendation individually. The motion passed by the following votes:

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

D. Saylor moved, seconded by R. Asmundson staff recommendation number 1; approving Resolution 07-168 certifying the Final Environmental Impact Report prepared for the Davis-Woodland Water Supply Project (DWWSP), adopting Environmental findings pursuant to the California Environmental Quality Act (CEQA), adopting a statement of overriding considerations, adopting a mitigation monitoring program and approving the project. The motion passed by the following votes:

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

D. Saylor moved, second by S. Souza staff recommendation number 2; approving correspondence to convey the DWWSP EIR from the partners to the State Water Resources Control Board (SWRCB) to meet water right application 30358 diligence requirements. The motion passed by the following votes:

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

Main motion by D. Saylor, second by R. Asmundson to approve staff recommendation number 3; approving the preferred project for CEQA purposes, included in Resolution 07-168 based on the findings that this is the best resource solution for the partners that meets the project objectives.

Substitute motion by L. Heystek, second by S. Greenwald to bring back an analysis of alternative number 3 as the preferred alternative project for CEQA purposes and to modify the resolution to reflect that, based on the findings that this is the best resource solution for the partners that meets the project objectives given the options and alternatives evaluated in the draft EIR. The substitute motion failed by the following votes:

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

The main motion passed by the following votes:

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

R. Asmundson moved, second by D. Saylor staff recommendation number 4; approving Resolution 07-169 adopting Amendment No. 1 to the DWWSP Memorandum of Understanding required to maintain collaboration by the city of Davis, city of Woodland and UC Davis (Project Partners) on the DWWSP. The motion passed by the following votes:

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

L. Heystek moved, second by S. Souza to direct staff to return at a future date with an implementation plan for those best management practices associated with table 5-4 for integration into the urban water plan. The motion passed by the following votes:

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

S. Souza moved, second by L. Heystek to have a third party review of the surface water and wastewater treatment plant projects. The motion passed unanimously.
By consensus, the Council would like to see education of bicycle safety, sustainability and the safety of the entrance/exit of Davis High School included in item 3 of the agenda.

D. Saylor asked that another topic be added: community wide response to substance abuse.

Potential
Discussion Items
for City Council /
Davis Joint Unified
School District
Board Joint Meeting
to be Held on
November 14, 2007

Adjournment

The meeting was adjourned at 12:51 a.m.

Margaret Roberts, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
Meeting of October 16, 2007

The Redevelopment Agency of the City of Davis met in regular session beginning at 6:33 p.m. in the Community Chambers, 23 Russell Boulevard, 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, City Attorney Harriet Steiner, Agency Clerk Margaret Roberts

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

Public Comment None

Agreement to Participate In the Golden Capital Angel Investment Network A. Fernandez and A. Costello, Chair and Vice Chair for the Business and Economic Development Commission gave a PowerPoint presentation on the proposal.

R. Asmundson moved, seconded by S. Souza to participate in the Golden Capital Network. The motion passed unanimously.

D. Saylor moved, seconded by R. Asmundson to initiate necessary steps to define local network partners, including UC Davis, approval of RDA Resolution 1202 authorizing the City Manager to enter into an agreement to participate in the Golden Capital Angel Investment Network and provide a proportionate share of required matching funds for a maximum total of \$25,000 for two years. The motion passed by the following votes:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

Approving the expenditure of funds for preparation of plans and specifications for the remodeling of the Varsity Theatre K. Hiatt and A. Brunette gave the history of the lease for the Varsity Theatre.

J. Fenske spoke to the success of the Varsity Theatre.

D. Saylor moved, seconded by R. Asmundson approval of RDA Resolution 1203 approving the expenditure of funds for preparation of plans and specifications for the remodeling of the Varsity Theatre, 616-618 Second Street, to add a second screen using funds from the Redevelopment Agency, and authorizing the Executive Director to enter into a contract with Uesugi and Associates to prepare plans and specifications for remodeling the theatre

Adjournment The meeting was adjourned at 12:51 a.m.

Margaret Roberts, CMC
Agency Clerk