

**MINUTES OF THE DAVIS CITY COUNCIL**  
**Meeting of November 27, 2007**

The City Council of the City of Davis met in regular session beginning at 5:15 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 – Existing Litigation pursuant to subdivision (a) of Government Code §54956.9 on the following cases:

- Neighborhood Partners, LLC v. Davis Area Cooperative Housing Association, Superior Court of California, County of Yolo, Case No. CV06-218
- C & C Construction, Inc. v. City of Davis et al., Yolo County Superior Court Case No. CV07-120

The Council returned to open session at 6:34 with no reportable action.

Approval of Agenda D. Saylor moved, second by R. Asmundson, to approve the agenda moving some of the items earlier in the meeting. Motion passed unanimously.

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:

- It was the consensus to add an affirmation for sister city Wuxi
- Bring forward a proclamation for Sherry Kaufman for her service on the Social Services Commission and present it to her family
- S. Souza requested moving the sports complex item to January 22, 2009
- Request for a brief report from Wuxi sister city chairperson on recent trip
- Request for a resolution regarding Iran which should also be presented to the Human Relations Commission at their meeting this week
- The appointments to the Climate Action Team members to be done in January

S. Souza moved, second R. Asmundson, to accept the Long Range Calendar. The motion passed unanimously.

AB1234 Reporting:

D. Saylor attended the League of California Cities planning meeting for June 28 Mayor and City Council Academy session.

Consent Calendar Resolution 07-188 accepting bid of \$25,117.65 from Cummins West, Inc., for one (1) 15Kw stationary generator  
Approved

Budget Adjustment #37 (\$50,694) – allocating reimbursement funds from the Office of Emergency Services for response from fire department strike teams in July 2007  
Approved

Budget Adjustment #44 (\$28,000) – allocating police department copier replacement Funds  
Approved

Finance and Budget Commission regular meeting minutes of October 8, 2007  
Informational

Historical Resources Management Commission regular meeting minutes of October 15, 2007  
Informational

Safety and Parking Advisory Commission regular meeting minutes of October 4, 2007  
Informational

Second Reading: Ordinance 2300 Amending Article 40A.03 of the Davis Municipal Code to Add an Adjacent Agricultural Mitigation Requirement to the Existing Agricultural Mitigation Requirements and to Specify Requirements for Remainder Mitigation and Amending Section 40A.01.050 of the Davis Municipal Code Regarding the Agricultural Buffer Requirement  
Adopted (Introduced 11/13/2007)

Second Reading: Ordinance 2301 Repealing and Reenacting Chapter 8 Article 8.01 of the Davis Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code Including the Administrative Code, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Code, Existing Building Code, and Referenced Standards Code Including Appendix Chapters, and Amending Those California Building Standards as Identified Herein, Through Express Findings of Local Necessity  
Adopted (Introduced 11/13/2007)

Second Reading: Ordinance 2302 Repealing Section 8.01.050 and Reenacting Chapter 13 Article 13.01 of the Davis Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code Including Part 9 California Fire Code, and Amending Those California Building Standards as Identified Herein, Through Express Findings of Local Necessity  
Adopted (Introduced 11/13/2007)

Second Reading: Ordinance 2303 Amending Chapter 26 Repealing Articles 26.01.050, 26.01.060 and 26.01.070 of the Davis Municipal Code, and Adding Chapter 13 Article 13.02  
Adopted (Introduced 11/13/2007)

Second Reading: Ordinance 2304 Amending Chapter 40 of the Davis Municipal Code for Planned Development (PD) #4-88 to Rezone Ten Parcels (16.9 Acres) Located in Mace Ranch Between Second Street and Fifth Street Along Pena Drive from Industrial to Light Industrial/Business Park; to Add Commercial Recreation to the List of Conditional Uses and to Modify the Landscaping Coverage Requirement for the Light Industrial/Business Park Zone  
Adopted (Introduced 11/13/2007)

Second Reading: Ordinance 2305 Approving the Eighth Supplement and Amendment to the Development Agreement Regarding the Mace Ranch Development  
Adopted (Introduced 11/13/2007)

Sewer Trunk Line Rehabilitation, CIP No. 8166: filing of a Notice of Exemption from California Environmental Quality Act (CEQA) and easement acquisition

- Approved the Sewer Trunk Line Rehabilitation project, and authorize staff to prepare bid plans and specifications
- Found that the proposed project is categorically exempt under CEQA as a Class 1 exemption per Sections 15301(b) or 15301(d) or as a Class 2 exemption per Section 15302(c), and authorize the filing of a Notice of Exemption with the County Recorder's Office
- Authorized staff to contact the property owner and enter into negotiations for acquisition of the permanent easement

Treasurer's report for the quarter ended October 21, 2007  
Accepted report

Request for authorization of Human Relations Commissioner Steven Lee to serve as a voting member of the City-UCD Student Liaison Commission  
Approved

Revised job specification – Small Tree Specialist  
Approved

City Council minutes from the regular meeting of November 13, 2007  
Approved

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

Public Comments

Comments and concerns expressed by citizens:

- Sydney Vergis spoke regarding her application for the Business & Economic Development Commission.

Public Hearing:  
Resolution Establishing Fees for Parks and Community Services Department Recreation Activities for 2007/08

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

R. Asmundson moved, second by S. Souza to approve Resolution 07-189, establishing fees for recreation activities for the 2007/08 Parks & Community Services Department, to direct staff to work with lap swim and Backpacking/Extreme Adventures to reduce programming and/or to collaborate with other agencies to offer services in order to meet cost recovery goals and approve an increase in recreation program scholarship funding by \$7,000 for FY 2008/09. The motion passed by the following votes:

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

Mishka's Café Project – Dresbach-Hunt-Boyer Mansion Site, 604 Second Street, Final Environmental Impact Report

D. Saylor moved, second by S. Greenwald that the RDA pursue Alternative 3 for processing and implementation with consideration for an expanded plaza area. The motion passed by the following vote:

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

D. Saylor moved, second by S. Greenwald to staff to complete negotiations with Ar-misi, Inc. for the development of the Tank House site consistent with Alternative 3 and

bring back a Disposition and Development Agreement to the Agency Board for consideration or a lease agreement with an economic analysis for both options. The motion passed by the following vote:

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

This item was also heard by the Redevelopment Agency.

Resolution Amending the City of Davis Investment Policy Related to Social Responsibility/Ethical Investing Criteria

L. Heystek moved, second by S. Souza to approve Resolution 07-190, amending the city of Davis Investment Policy related to social responsibility with the following changes:

- 8. Social Responsibility
- b) Priority shall be given to investments in entities that promote equality of rights regardless of race, religion, color, ancestry, age, national origin, gender, marital status, sexual orientation, disability or place of birth.

The motion passed by the following votes:

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

L. Heystek moved, second by R. Asmundson to direct staff to explore the implications of pursuing specific investment policies related to community re-investment, and return with any further recommendations in conjunction with the annual adoption of the City's Investment Policy in June. The motion passed unanimously.

Appointments to Fill Vacancies, Removal of Commissioners Due to Non-Compliance With the City's Conflict of Interest Code, and Update on Recruitment Efforts

R. Asmundson moved, second by D. Saylor to remove Board members who have not filed a Form 700 Statement of Economic Interests. The motion passed unanimously.

R. Asmundson moved, second by S. Souza to temporarily disband the Building Board of Appeals. The motion passed unanimously.

R. Asmundson moved, second by S. Souza to direct staff to coordinate a "Commission Information" event. The motion passed unanimously.

Commission votes and appointments are as follows:

APPLICANT	Asmundson	Greenwald	Heystek	Saylor	Souza	COMMENTS
<b>Business &amp; Economic Development Commission</b>						
Douglas Johnston*	R	R	R	R	R	Regular Appointment
Sydney Vergis**	A	A	A	A	A	Alternate Appointment
<b>Finance &amp; Budget Commission</b>						
Easan Katir	A	A	A	A	A	Alternate Appointment
Matthew Kemmerle*	R	R	R	R	R	Regular Appointment
<b>Human Relations Commission</b>						
Lee Bixson	R	R	R	R	R	Regular Appointment

Recreation & Park Commission						
Robert Glassburner		A	A	A	R	Alternate Appointment
Nathaniel Leachman	A	R	R	R	A	Regular Appointment
Alison Shilling	R					No Appointment
Telecommunications Commission						
Jesse Drew*	R	R	R	R	R	Regular Appointment

Adjournment

The meeting was adjourned at 12:12 a.m. in memory of Sherry Kaufman, a member of the Social Services Commission who passed away unexpectedly and Lindy Kumagai.

Margaret Roberts, CMC  
City Clerk

**MINUTES OF THE DAVIS REDEVELOPMENT AGENCY**  
**Meeting of November 27, 2007**

The Redevelopment Agency of the City of Davis met in regular session beginning at 6:34 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, second by R. Asmundson, to approve the agenda moving some of the items earlier in the meeting. Motion passed unanimously.

Public Comment None

Consent Calendar Redevelopment Agency Minutes from the Regular Meeting of October 2, 2007  
Approved

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

Public Hearing: The public hearing was opened.

Mishka's Café Project – Dresbach-Hunt-Boyer Mansion Site, 604 Second Street, Final Environmental Impact Report

R. Herbert, chair of the HRMC, spoke to the EIR regarding the relocation of the tank house and that it was a subsidiary of the mansion. The tank house was not originally built to the front of the house and that is a point of the HRMC. Spoke to opinions in the staff report on pages 11, 12 and 13 regarding the placement of the tank house. The HRMC strongly urges the Council to approve alternative 6. This has the potential to adversely affect two city-owned historical landmarks for the benefit for a private business.

R. Berteaux stated that the reports and discussions are not giving adequate consideration for the uniqueness of this situation. It is premature to make a decision to make a determination at a later date on how to use the tank house. The open space should be maintained around the Varsity Theatre, the tank house and the Hunt-Boyer Mansion. There should not be a large building put between the tank house and the Hunt-Boyer Mansion. The strategic goals for the downtown would be to utilize the Hunt Boyer Plaza and moving the tank house would not allow that to happen. To keep the tank house in its current location would be the right decision. The proposals are conceptual and there is room for modifications. It should be kept as a public structure.

G. Sosnick likes the greenhouse idea and likes the idea of putting the tank house to use. It would also bring some synergy to the downtown.

J. Palmer voiced concern regarding Berteaux's stepping down from the HRMC to bring forward his own plan forward.

T. Gatewood is wanting downtown to grow. If the historical people were really concerned about the tank house they would have done something to kept it from being dilapidated.

D. Gatewood is in favor of alternative 3 and would benefit the community.

Elsa is supportive of alternative 3.

-- would like alternative 6 to move forward. She felt the EIR was inadequate in regards to retaining open space.

V. Vann has two objections to the project; still not doing a holistic comprehensive plan for the use of this important property and the possibility of selling off the property.

R – is grateful for the Varsity Theatre but the remaining site should not be developed. The orange trees are important to the site as is the open space. Preserve the site as it is by choosing alternative 6.

J. Lott supportive of alternative 3. When there is an opportunity for local people with their hearts in the right place.

J. Jacklin read a quote. Urged the Council to keep in mind that the community loves open space. There is so little history left in town and that needs to be remembered. Farmer's Market is a wonderful quality part of the town. World class cities have open space and historical structures. The tank house could be commercially viable.

R. MacDonald talked about Café Cinema.

H. Roland has some problems with what she has heard tonight. She is in favor of alternative 3. Just because people did not write in, does not mean there is not support for alternative 3. There is not visual integrity for alternative 5. Why have an option when there is not a person to operate the option. There is a need to have a place to eat that is not expensive prior to going to the movies.

A. Jones stated that until today he never felt the need to address the Council. A vision that troubles him is finding the same type of stores in downtown as you find everywhere else. He visions culture and people coming to the downtown because they have faith in individuality for such businesses as Mishka's Café. These are businesses that are doing well due to Sanisa Novakovic's vision.

John, co-owner with the Varsity Theatre, stated that their hearts were set to do something special when they responded to the RFP several years ago. He is supportive of alternative 3.

R. Reid stated that on May 15, 2007 the Council took action on the Anderson Bank Building. There are two historical landmarks downtown and the Council does not have to choose between commerce and history. She urged the Council to opt for alternative 6. The process for the current project started from the wrong position and has not served anybody well.

B. King stated that when the RFP came out she never thought that it would be this drastic. Davis should value their history. The city has not been good stewards of the tank house. She is supportive of alternative 6. The orange trees are an oasis for the hot weather.

T. Ellis generated a last minute petition regarding this item. They urge the Council to protect the irreplaceable historical tank house and orange trees. Restore and maintain the tank house and use it for a public use. The Hunt-Boyer Mansion complex deserves the support of the Council.

S. McDonnell stated that open space does not really draw people downtown. The only use he has seen in the area of the tank house was maintenance. Having the café in that space would be a viable use. Places where people can sit, talk and be a community is what makes a viable downtown. To respect the building, put it in a place where people can see it.

-- is passionate about this issue. He is in the central business district at least once a day. This historic resource is an eyesore. Mishka's Café is a viable business and he makes it a better place to live.

S. Palmer stated that the rhythm of the street is the raw wall of the theatre and then the rawness of the tank house. It has a creepy dark corner. What is being preserved is a very negative composition. Moving it would be optimal for preservation. The pacing of the street would have a better feel with Mishka's Café.

With no further comments the public hearing was closed.

D. Saylor moved, second by L. Heystek to approve RDA Resolution 1204 certifying a Final Environmental Impact Report for the Mishka's Café building on the Dresbach-Hunt-Boyer Mansion site at 604 Second Street. The motion passed by the following votes:

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

Main Motion by D. Saylor, second by S. Greenwald that the RDA pursue Alternative 3 for processing and implementation with consideration for an expanded plaza area.

Substitute motion by S. Souza, second by L. Heystek direct the RDA to release a RFP/RFQ for alternative 5.

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

Main motion passed by the following vote:

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

D. Saylor moved, second by S. Greenwald to staff to complete negotiations with Armisi, Inc. for the development of the Tank House site consistent with Alternative 3 and bring back a Disposition and Development Agreement to the Agency Board for consideration or a lease agreement with an economic analysis for both options. The motion passed by the following vote:

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

This item was also heard by the City Council.

Adjournment

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

Margaret Roberts, CMC  
Agency Clerk