

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 10, 2008

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, Deputy City Clerk Zoe Mirabile

Approval of Agenda R. Asmundson moved, second by S. Souza, approval of the agenda. Motion passed unanimously.

Closed Session City Council convened a closed session pursuant to Government Code Section 54954.5 to discuss Public Employee Performance Evaluation for the City Manager. City Council returned to open session with no reportable action.

Brief Communications Long Range Calendar:
S. Greenwald proposed televising the City Council retreat to be scheduled before the end of the legislative calendar year. R. Asmundson stated the Council Subcommittee planning the retreat will consider the proposal.

S. Greenwald announced she will be absent from the July 1 and 8, 2008 meetings

R. Asmundson proposed scheduling the City Council swearing in ceremonial events on two separate dates: July 1 and July 15, 2008. City Attorney Harriet Steiner stated that per State law, the date when City Council will be sworn into office is determined by when the city approves a resolution declaring the election results following the County Clerk certification. City Council must be sworn in on the same date the resolution is approved, or the next meeting immediately thereafter.

R. Asmundson moved, seconded by D. Saylor, to switch the schedule for swearing in ceremony to July 1, 2008 instead of July 8, 2008 as tentatively scheduled.

S. Greenwald moved substitute motion, seconded by L. Heystek, to wait for the entire City Council to be seated before certifying the election results.

Following discussion, both motions were withdrawn. City Manager Bill Emlen stated staff will determine the schedule after consulting with councilmembers individually.

L. Heystek requested Council agendaize a report on potential water saving measures. B. Emlen stated staff is actively analyzing measures, and will schedule this discussion on the long range calendar.

S. Souza requested Council agendaize discussion of a community choice aggregate program and solar bond initiative. By consensus, Council decided to discuss this issue at their upcoming retreat.

R. Asmundson moved, seconded by L. Heystek, to approve the long range calendar as amended. Motion passed unanimously.

AB1234 Reporting: D. Saylor reported attending a League of California Cities Executive Forum

Public Comments

ASUCD Senators/Commissioners Steven Lee, Chris Dietrich, Lula Ahmed-Falol, and Hyatt Cummings spoke in support of the city adopting a living wage ordinance, explaining that the ASUCD Senate unanimously approved a resolution in favor of such. In addition, Hyatt Cummings submitted a letter in support from Greg Dizon, ASUCD External Affairs Commission.

Randy Craig and Harrack Ahnou also spoke in support of a living wage ordinance.

Elaine Musser, Senior Citizens Commission, spoke in support of appointing Shula Blumenthal as an alternate to the Commission (agendized on consent calendar), and provided an update on Commission activities.

Consent Calendar

Resolution No. 08-077 – Authorizing the Public Works Director to Execute a Memorandum of Understanding Between the City of Davis and the County of Yolo to Continue a Battery Collection Program
Approved

Resolution No. 08-078 – Approving Parcel Map for Second Street Crossing, Subdivision No. 4902, and Authorizing the City Manager to Execute the Improvement Agreement and Other Related Documents – Lot Line Adjustment and Off-Site Easement Deeds Related to Future Re-alignment of Faraday Avenue (Target Corporation)
Approved

Resolution No. 08-079 – Authorizing the Public Works Director to Execute Application for Used Oil Recycling Grant
Approved

Resolution No. 08-080 – Authorizing the City Manager to Execute a Contract with Robert Aaronson to Provide Police Ombudsman Services for Fiscal Year 2008/09
Approved

Resolution No. 08-081 – Amending Affordable Housing Plan #06-03 and Establishing Unit Prices for the Five Two and Three Bedroom Low/Moderate Income Affordable Ownership Units in the Cassel Lane Subdivision
Approved

Resolution No. 08-082 – to Contract with Yolo County, and Partner with Davis Community Meals and Pacifico Housing Cooperative in the Foster Youth Transitional Housing Plus Program
Approved

Resolution No. 08-083 – Authorizing the City Manager to Implement Nalgene / City of Davis Reusable Water Bottle Initiative
Approved

Resolution No. 08-084 – to Join the Yolo County Climate Action Compact
Approved

Resolution No. 08-085 – Authorizing the City Manager to Enter into a Memorandum of Understanding Agreement with Davis Joint Unified School District for the Sharing of Core Equipment at Hub of the Community I-Net – Operation and Maintenance of Jointly Purchased Equipment

Budget Adjustment #93 (\$89,430) – Allocation of DJUSD Funds and Correcting Funding Source for Portion of City's Share of I-Net Costs
Approved

Resolution 08-086 – Authorizing the City Manager to Execute Program Supplement No. N021 to Administering Agency-State Agreement No. 03-5238R for Safe Routes to School/Street Smarts Program [SR2SR-5238(045)]

Budget Adjustment #94 (\$25,000) – Allocation of Street Smarts Program Grant into Current Fiscal Year
Approved

Commission Minutes:

1. Bicycle Advisory Commission Regular Meeting of April 21, 2008
Informational

2. City / UCD Student Liaison Commission Regular Meeting of March 12, 2008
Informational

3. Finance and Budget Commission Regular Meeting of April 14, 2008
Informational

4. Human Relations Commission Regular Meetings of March 27 and April 24, 2008
Informational

5. Natural Resources Commission Regular Meetings of February 25 and March 26, 2008
Informational

City Council Minutes from the Regular Meeting of May 13, 2008
Approved

Revised Job Specification – Community Services Manager
Approved

Appointment of Inter-Commission Liaison from the Finance and Budget Commission to the Business and Economic Development Commission
Ratified Finance and Budget Commission appointment of Matthew Kemmerle as liaison

Appointments to Fill Vacancies on the Business and Economic Development and Senior Citizens Commissions

1. Appointed Sydney Vergis as a regular member and Tobin Richardson as an alternate member of the Business and Economic Development Commission
2. Appoint Shula Blumenthal as an alternate member of the Senior Citizens Commission

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

Items Removed from the Consent Calendar:

Item removed from consent calendar by D. Saylor.

M. Weirschem outlined the proposed Recreation and Park Commission action items from their meeting of April 28, 2008, and explained the rationale behind the amendments to the Park Amenity Donation Policy.

04/12/2008 Recreation & Park Commission Minutes

Resolution No. 08-087 – Amending the Park Amenity Donation Policy

Resolution No. 08-088 – to Recognize Individual Donators for Major Amenities Donated to the Central Park Garden Project

D. Saylor moved, seconded by L. Heystek, to accept the Recreation and Park Commission Minutes from April 28, 2008 and approve the following action items:

1. Resolution No. 08-087 – Amending the Park Amenity Donation Policy, with the following modification to the proposed changes to the Park Amenities Donation Policy section 1.4.6: (a) Memorial plaques will be allowed primarily for two categories of donations (benches and trees), and other items if specifically approved by the Recreation and Park Commission, non-memorial plaques may be allowed on various other significant donated amenities
2. Resolution No. 08-088 – to Recognize Individual Donators for Major Amenities Donated to the Central Park Garden Project
3. Conceptually approve staff development of a memorial tree grove in Mace Ranch Community Park, direct the Recreation and Park Commission to review the proposal and provide recommendations to the City Council, and direct staff to confirm the roles and responsibilities of the city and Tree Davis through a letter of understanding
4. Staff outreach plans regarding notification of pool user costs and fees, to include mail, city website and a user group meeting
5. Conceptually approve Yolo Hospice proposal to restore and enhance the commemorative grove site in Covell Park, direct staff to work with Yolo Hospice to refine design plans and return to the Recreation and Park Commission for review and recommendations to the City Council, and direct staff to provide outreach to the surrounding neighborhood

Motion passed unanimously.

Resolution No. 08-089 – of Support for 2009 Amgen Tour of California Stage Start in Davis, CA

Item removed from consent calendar by D. Saylor.

Promotions Manager Bob Bowen explained the city will be expending approximately \$15,000 in funding to host the start phase of the bicycle race on February 15, 2009, and fundraising efforts will be forthcoming.

D. Saylor moved, seconded by R. Asmundson, approval of Resolution No. 08-089 – of Support for 2009 Amgen Tour of California Stage Start in Davis 5-0. Motion passed unanimously.

Resolution No. 08-090 – Amending Resolution No. 04-235, Series 2004, “Resolution Authorizing Housing Commitment of Land and Subsidy for Land Trust Project in Mace Ranch,” to Extend the Construction Start Deadline

Item removed from consent calendar by R. Asmundson.

Housing and Human Services Superintendent Danielle Foster summarized the progress to date of the Community Housing Opportunities Corporation (CHOC) Mace Ranch Land Trust Project at 2990 Fifth Street, explaining the project is currently in planning application review and scheduled to be reviewed by the Planning Commission in July.

Stephanie Browning, CHOC Project Manager, spoke in support of the project and stated this will be the last request for an extension.

R. Asmundson moved, seconded by L. Heystek, approval of Resolution No. 08-090 – Amending Resolution No. 04-235, Series 2004, “Resolution Authorizing Housing Commitment of Land and Subsidy for Land Trust Project in Mace Ranch,” to Extend the Construction Start Deadline. Motion passed unanimously.

Resolution No. 08-091 – Authorizing the City Manager to Execute FTA Grant Application for the University of California-Davis, for Operations and Capital Assistance of Unitrans [CA-90-Y656-00]

Item removed from consent calendar by S. Souza.

By consensus, City Council appointed a Subcommittee consisting of S. Greenwald and S. Souza to draft correspondence to be sent to the Federal Transit Administration regarding a policy amendment that will directly affect eligibility for federal grants related to bus services provided to the Davis community by Unitrans.

S. Souza moved, seconded by R. Asmundson, approval of Resolution No. 08-091 – Authorizing the City Manager to Execute FTA Grant Application for the University of California-Davis, for Operations and Capital Assistance of Unitrans (CA-90-Y656-00). Motion passed unanimously.

Resolution No. 08-092 – Authorizing the City Manager to Execute Agreements with Yolo County Historical Society Regarding Operation of Hattie Weber Museum

Item removed from consent calendar by S. Souza.

S. Souza moved, seconded by R. Asmundson, approval of Resolution No. 08-092 – Authorizing the City Manager to Execute Agreements Between the City of Davis and Yolo County Historical Society Regarding Operation of Hattie Weber Museum. Motion passed unanimously.

Continued Public Hearing: Reconsideration of Conditional Use Permit for Davis Korean Church at 555 and 603 L Street, Approved by City Council on March 18, 2008

City Manager Bill Emlen stated staff has received correspondence from the Davis Korean Church which indicates their intent to comply with the provisions of the Conditional Use Permit.

L. Heystek moved, seconded by D. Saylor, to table this item indefinitely.

City Attorney Harriet Steiner proposed an amendment to the motion to the effect that City Council has decided not to reconsider the Conditional Use Permit at this time, but the applicant may bring back this issue without prejudice at a later date if they so choose.

Mover and second accepted proposed amendment. Motion passed unanimously.

Public Hearing: Resolution No. 08-093 – Confirming the Assessment Report and Approving the Levy of an Assessment for the Visitor Attraction District Pursuant to the Parking and Business Improvement Area Law of 1989

Deputy City Manager Kelly Stachowicz explained the Visitor Attraction District assessment funding is allocated to the Yolo County Visitors Bureau (YCVB) for the purpose of promoting tourism and visitor attraction. All affected hotel, motel, and bed and breakfast owners/operators have been notified of the public hearing regarding reauthorization of this assessment, and no comments or protests have been received.

Reed Youmans, YCVB, provided information on Business Improvement District and Transient Occupancy Tax funding from other agencies.

Mayor Greenwald opened the public hearing, and hearing no comments, closed the public hearing.

S. Souza moved, seconded by R. Asmundson, approval of Resolution No. 08-093 – Confirming the Assessment Report and Approving the Levy of an Assessment for the Visitor Attraction District Pursuant to the Parking and Business Improvement Area Law of 1989. Motion passed unanimously.

Yolo County Visitors Bureau Request for Supplemental Funding

Deputy City Manager Kelly Stachowicz provided details of the Yolo County Visitors Bureau (YCVB) supplemental funding request for fiscal year 2007/08, and outlined staff recommendations.

Reed Youmans, YCVB, stated many activities were undertaken by YCVB with the assumption that funding from the City of Davis would be forthcoming.

R. Asmundson moved, seconded by D. Saylor, to recommend the Redevelopment Agency approve 2007/08 supplemental funding to YCVB in the amount of \$6,000.

L. Heystek moved substitute motion to redirect use of \$1,200 towards rent in order for YCVB to remain in downtown Davis, maintaining the original staff recommendation for the Redevelopment Agency to approve 2007/08 supplemental funding in the amount of \$5,565. No second.

Main motion passed unanimously.

D. Saylor moved, seconded by L. Heystek, to authorize the Mayor to sign a letter requesting the Bureau to add a city seat on the Board of Directors. Motion passed unanimously.

Council recessed at 8:50 p.m. and reconvened at 9:02 p.m.

Fiscal Year 2008/09
Proposed Budget –
Follow Up to Budget
Workshops / Responses
to City Council
Inquiries

Assistant City Manager Paul Navazio provided follow up information to City Council inquiries from prior budget workshops, and explained this is the Council's last opportunity to impart direction related to the City Manager's proposed budget recommendations prior to the scheduled adoption of the budget on June 24, 2008.

D. Saylor moved, seconded by L. Heystek, to direct staff to assess the use of \$1 million of roadway impact fee funds for street and bikepath maintenance for fiscal year 2008/09 to include careful consideration of the following: (1) legal use of impact fee resources, (2) projects identified in Major Projects Financing Plan, and (3) staff recommendation regarding prioritization of 2008-09 street and bikepath repairs.

S. Greenwald proposed amendment to the motion to direct staff to include input from the Bicycle Advisory Commission. Not accepted by mover.

L. Heystek moved substitute motion, seconded by S. Greenwald, to include in the above assessment process input from the Bicycle Advisory Commission to help identify priority capital and maintenance projects that would improve the bicycle network. Motion withdrawn.

Main motion passed by the following vote:

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

L. Heystek moved, seconded by D. Saylor, to initiate a process to solicit feedback and advice from the Bicycle Advisory Commission on capital and maintenance priorities regarding the bicycle network. Motion passed unanimously.

S. Souza moved, seconded by R. Asmundson, to direct staff to not re-allocate any remaining funds left over from Manor Pool construction project contingency fees until after the living wage ordinance discussion. Motion passed unanimously.

S. Greenwald moved, seconded by L. Heystek, to direct staff to include \$150,000, the potential mid-range living wage cost estimate for 2008/09, into final budget. Motion failed by the following vote:

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

Update on Proposed Fifth Street Reconfiguration

Public Works Director Bob Weir summarized the background of the proposed Fifth Street Reconfiguration, and explained that in March 2008, the Safety and Parking Advisory Commission received a city-wide collision rate analysis report which identified intersections on Fifth Street as needing additional safety measures. Staff is currently working towards means to initiate a road diet on Fifth Street and analyzing modeling proposals.

Dennis Dingemans and Kathleen Rudy, Old North Davis Neighborhood Association, spoke in support of a Fifth Street road diet in order to address issues of safety, traffic flow, and aesthetics.

Tim Alice, Old East Davis Neighborhood Association, also spoke in support of the proposed road diet.

City Manager Bill Emlen stated staff will develop a work plan and return to City Council for direction.

Public Hearing:
Lease and Power Purchase Agreements for Solar Power at Wastewater Treatment Plant

Mayor Greenwald opened the following public hearing and continued it to June 24, 2008: Consideration of a Lease Agreement Authorizing the Installation and Operation of a Photovoltaic (Solar) Electrical Generation Facility on a Portion of the Wastewater Treatment Plant Site to Provide Power for that Facility through an Interconnection to the Electrical Grid, and a Power Purchase Agreement wherein the City would Purchase All Electrical Power Produced for a Period of at Least 25 Years.

Adjournment

The meeting was adjourned at 11:32 p.m.

Zoe S. Mirabile, CMC
Deputy City Clerk