

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 9, 2009

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 Asmundson.

Roll Call: Councilmembers Present: Ruth Asmundson, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 for Conference with Legal Counsel - Existing Litigation pursuant to Government Code §54956.9(a): City of Davis v. Pine Tree Properties, Yolo County Superior Court Case No. ED 09-965.

City Council returned to open session at 6:30 p.m. and Mayor Asmundson announced there was no reportable action.

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

Public Comments Joe Sherman spoke regarding civil liberties.

Eileen Mollvat, Katie O'Brien, Emily Otto-Cutting and Jocelyn Kattens, Davis Synchronized Swimming Team Aquastarz; Jenny Needle; and Chris Chang spoke regarding the proposed budget reduction to close Community Pool and requested Council keep the pool open. Reasons included: synchronized swimming requires very deep pool and other pools are heavily scheduled and have other limitations.

Jennifer Anderson, Becky Hibbert, Hibbert Lumber, and Wayne Conklin spoke regarding the Fifth Street Corridor and in opposition to a realignment of the street. Comments included: request staff to produce cost estimates, request Council to reverse direction to staff or indefinitely put project on hold, noted 490 citizens signed petition (residents and visitors to city) opposed to a realignment, and city should establish criteria for permanent realignment and/or reversal.

Unidentified citizen spoke regarding Measure J, supported extending measure for 10 years as written in 2000.

Consent Calendar

Campus-Downtown Shuttle Service – “U-DASH” (Item also on Redevelopment Agency Consent Calendar)
Informational

Commission Minutes:

1. Business and Economic Development Commission Meeting of March 23, 2009
2. Planning Commission Meeting of May 13, 2009

Informational

L. Heystek moved, seconded by D. Saylor, to approve the consent calendar as listed. Motion passed unanimously.

Measure J Renewal Options

Principal Planner Michael Webb summarized Measure J (Citizens Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance), explaining that the current measure expires December 31, 2010 and requires a vote of the citizens before land can be re-designated from agricultural or open space to urban use. He outlined proposed technical amendments.

John Troidl asked Council to renew Measure J permanently.

S. Greenwald moved, seconded by L. Heystek, to allow 3 minutes per person for public comments. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza,

NOES: Saylor, Asmundson

Steve Hayes, Ken Wagstaff, Linda Burly, Desmond Jolly, Steven Heist, Erin Gardner, Peggy Hayes, Karen, Mark Spencer, Pam Nieberg, Linda Robenault, David Blotten, Nancy Price, Eileen Samitz, Tappa Holvitt, Matt Williams, and Rodney Robinson spoke in support of Measure J. Comments included: request to retain language as it is currently; proven worth and workability, unprecedented level of transparency and involvement in city development, request to eliminate sunset clause, city needs to be conscientious about development and maintaining quality of life, process has become part of community expectations and reduces tensions and conflicts of citizen initiated petitions/referendums, and current language already accommodates SACOG fair share allocations.

Howard Zochlinksi stated he was beleaguered by city regarding code enforcement violation and has an administrative hearing schedule on June 23.

Steve Hicks, Signature properties, stated only 43 acres of property are located within Mace curve; property too small to put through a Measure J vote on its own.

D. Saylor moved, seconded by S. Souza, to direct staff to target the June 2010 election.

S. Greenwald moved substitute motion as follows:

1. Direct staff to prepare and return with the necessary ordinance and resolutions to place renewal of Measure J on the June 2010 ballot for voter consideration
2. Direct that the language of Measure J remain unaltered with the exception of minor technical changes as described in the staff report
3. Direct staff to modify the sunset clause to 10 years
4. Authorize City Council approval for placement on the ballot without additional lengthy review process

No second.

L. Heystek moved substitute motion, seconded by S. Greenwald, as follows:

1. Direct staff to prepare and return with the necessary ordinance and resolutions to place renewal of Measure J on the June 2010 ballot for voter consideration
2. Direct that the language of Measure J remain unaltered with the exception of minor technical changes as described in the staff report
3. Direct staff to return with ordinance and resolution with no sunset date and no exemptions

S. Souza moved substitute, substitute motion, seconded by D. Saylor, to direct staff to prepare and return with the necessary ordinance and resolutions to place the renewal of Measure J on the June 2010 ballot for voter consideration, after taking matter to Planning Commission, Open Space and Habitat Commission, and Business and Economic Development Commission for specific review of a possible exemption or a separate question before the voters regarding a business park; and with a new sunset date of December 31, 2020. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

D. Saylor moved, seconded by S. Souza, to add consideration by Planning Commission of coordinating the future General Plan update with the Measure J language.

S. Souza moved substitute motion, seconded by R. Asmundson, to direct staff as follows:

1. Begin a visioning process in the fall
2. Include 6 specific stakeholder groups: business small and large, educational, sports related, environmental, seniors, and development community
3. Schedule a Saturday workshop focusing on the question of visioning the city in year 2035 with a sustainable framework within urban limit line
4. Process to be Council-driven with City Manager facilitating individual Councilmember effort
5. Council to schedule roundtable discussions with stakeholder groups to hash

out ideas and brainstorm further
Motion withdrawn.

L. Heystek moved substitute motion, seconded by S. Greenwald, to have a sunset date of renewed Measure J to be irrespective of any General Plan process; sunset date shall not be any earlier than December 31, 2020. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

Davis Sports
Park Environmental Impact
Report (EIR) Alternative Sites
Conceptual Plans

R. Asmundson and S. Greenwald recused themselves due to conflicts of interests as they own property within 500 feet of the Civic Center Field.

City Council recessed at 8:30 p.m. and reconvened at 8:36 p.m.

Charlie Russell spoke in support of considering multiple options, city needs to plan for contingencies.

George Phillips spoke regarding the Mace Covell Gateway contribution toward the EIR costs, and requested a level playing field; either both developers pay for equal weight alternative, or neither pay.

S. Souza moved, seconded by L. Heystek, to direct staff to perform an equal weight analysis of the city's landfill site and adjacent PVUSA location, along with the Howat Ranch location; with an alternate analysis on the Signature and Mace Covell Gateway locations.

L. Heystek requested mover to separate the question. Mover agreed.

Motion amended as follows: direct staff to perform an equal weight analysis of the city's landfill and adjacent PVUSA site, along with the Howat Ranch location.

L. Heystek moved substitute motion to keep on the table Signature, Mace Covell Gateway and city owned site to the north. No second.

D. Saylor moved substitute motion, seconded by S. Souza, to direct staff to return to Council with conceptual drawings for the city's landfill and adjacent PVUSA site, keep Mace Covell Gateway site on the table for future discussion, and remove Signature property from discussion.

L. Heystek moved substitute, substitute motion as follows:

1. Approve exhibits contained within the staff report to be used in the Davis Sports Park EIR as conceptual plans for the equal weight alternatives on the Mace Covell Gateway and Signature properties
2. Direct staff to remove the BMX component from the Mace Covell Gateway

alternative only as being incompatible with the close proximity of houses
No second.

D. Saylor moved substitute, substitute motion as follows:

1. Approve exhibits contained within the staff report to be used in the Davis Sports Park EIR as conceptual plans for the equal weight alternative on the Mace Covell Gateway, and to specifically exclude analysis of the Signature properties
 2. Direct staff to remove the BMX component from the Mace Covell Gateway alternative only as being incompatible with the close proximity of houses
- No second.

Substitute motion passed by the following vote:

AYES: Saylor, Souza

NOES: Heystek

S. Souza moved, seconded by D. Saylor, to direct staff to return \$46,822 to Mace Covell Gateway partners. Motion withdrawn.

Staff clarification: BMX component is considered incompatible with the close proximity of houses.

Workshop: Continued Discussion of City Manager's FY 2009/10 Proposed Budget

Assistant City Manager Paul Navazio reviewed the proposed budget recommendations, summarized the five-year forecast and outlined the Capital Improvement Program and Redevelopment Agency funding priorities.

David Greenwald stated the city should consider programmatic cuts, not just one-time or one-year cuts.

(Joint Discussion with Redevelopment Agency Board)

Autumn Labbe-Renault, Davis Media Access, thanked the Council for supporting DMA funding and understands mandate to expand services to community.

L. Heystek moved, seconded by S. Greenwald, to adopt Finance and Budget Commission recommendation as follows: that City Council avoid adopting a budget that includes revenues and cost savings that cannot be fully assured at this time. The budget should be balanced based on proposals that are guaranteed to result in a balanced budget beginning July 1, 2009. Should the City Council, however, choose to adopt any of the City Manager's recommendations where additional contingencies are proposed to guard against uncertainty of anticipated revenues and/or cost savings, the FBC would urge that the City Council, at time of budget adoption, take specific action related to the contingencies so that these would automatically take effect if the primary budget recommendation does not realize the assumed contribution to balance the budget.

S. Greenwald proposed friendly amendment to simplify the motion as follows: City Council shall avoid adopting a budget that includes revenues and costs

savings that we do not believe to be assured. Accepted by mover. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza

NOES: Saylor, Asmundson

Brief Communi- L. Heystek reported he would be participating in the June 16 Council meeting
cations via teleconference.

Adjournment The meeting was adjourned at 11:58 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of June 9, 2009

The Redevelopment Agency Board of the City of Davis met in regular session beginning at 6:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Board Chair Asmundson.

Roll Call: Agency Board Present: Ruth Asmundson, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

Agency Board Absent: None

Other Officers Present: Executive Director Bill Emlen, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

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

Public Comments None

Consent Calendar Campus-Downtown Shuttle Service – “U-DASH”
Informational

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

Workshop: Continued Discussion of City Manager’s FY 2009/10 Proposed Budget Assistant City Manager Paul Navazio reviewed the proposed budget recommendations, summarized the five-year forecast and outlined the Capital Improvement Program and Redevelopment Agency funding priorities.

David Greenwald stated the city should consider programmatic cuts, not just one-time or one-year cuts.

(Joint Discussion with City Council) Autumn Labbe-Renault, Davis Media Access, thanked the Council for supporting DMA funding and understands mandate to expand services to community.

L. Heystek moved, seconded by S. Greenwald, to adopt Finance and Budget Commission recommendation as follows: that City Council avoid adopting a budget that includes revenues and cost savings that cannot be fully assured at this time. The budget should be balanced based on proposals that are guaranteed to result in a balanced budget beginning July 1, 2009. Should the City Council, however, choose to adopt any of the City Manager’s recommendations where additional contingencies are proposed to guard against uncertainty of anticipated revenues and/or cost savings, the FBC would urge that the City Council, at time of budget adoption, take specific action related to the contingencies

so that these would automatically take effect if the primary budget recommendation does not realize the assumed contribution to balance the budget.

S. Greenwald proposed friendly amendment to simplify the motion as follows: City Council shall avoid adopting a budget that includes revenues and costs savings that we do not believe to be assured. Accepted by mover. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza

NOES: Saylor, Asmundson

Adjournment The meeting was adjourned at 11:58 p.m.

Zoe S. Mirabile, CMC
City Clerk