

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of June 30, 2009

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 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 Labor Negotiators:
Agency Designated Representatives: City Manager Bill Emlen, Assistant City Manager Paul Navazio, Human Resources Administrator Melissa Chaney, City Attorney Harriet Steiner
Employee Groups/Organizations: Davis City Employee Association, Davis Police Officers Association, Department Heads, Executive and General Management, Firefighters Local 3494, Police Lieutenants, Professional and Support Employee Association

City Council returned to open session at 6:35 and announced there was no reportable action.

Approval of Agenda D. Saylor moved, seconded by L. Heystek, to approve the agenda. Motion passed by the following vote:
AYES: Heystek, Saylor, Souza, Asmundson
NOES: None
ABSENT: Greenwald

Public Comments Joe Sherman spoke regarding civil liberties
Dennis Prescott spoke regarding the revised State budget: opposed to surcharge on properties for wildland fire protection and transfer of funds out of city, urged Council to oppose.

Consent Calendar Administration of Yolo County CalWORKs Child Development Services
1. Approved Resolution No. 09-085 - Authorizing the City Manager to Enter into an Agreement with the Yolo County Department of Employment and Social Services, Related to the Administration of Fiscal Year 2009-2010 CalWORKs Child Development Services
2. Approved Budget Adjustment #165 (\$472,129) – Allocating Additional Fis-

cal Year 2008-2009 CalWORKs Stage 1 Revenue

Asphalt Overlay and Polymer Modified Asphalt Rubber Chip Seal with Micro-surfacing, Program No. 7252 / Allocation of Proposition 1B Funding

1. Approved Resolution No. 09-086 - Awarding Contract of \$924,499.76 to International Surfacing Systems, and approving a contingency amount of \$92,450
2. Approved Budget Adjustment #127 (\$965,391) – Allocating Proposition 1B Funding to Street Maintenance and Repair
3. Approved Resolution No. 09-087 - Authorizing City Manager to Execute Consultant Agreement with Associated Engineering Consultants, Inc. (AEC) for Construction Inspection Services, in an amount not to exceed \$50,400

Curb Ramp Compliance-ARRA 2009, CIP No. 8126

Approved plans and specifications

Resolution No. 09-088 - Awarding Contract of \$150,896.95 to FBD Vanguard Construction, and approving a contingency amount of \$30,000

Approved

Commission Minutes:

1. Historical Resources Management Commission Meeting of April 20, 2009
2. Open Space and Habitat Commission Meetings of March 2 and April 16, 2009

Informational

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

Removed from
Consent Calendar:

Item removed by S. Greenwald.

L. Heystek read the resolution in its entirety for the record.

Resolution in
Support of SB
777

City Council reviewed Resolution in Support of SB 777, a Bill to Require the State of California to Use Performance Based Budgeting (according to City Council policy, resolution will return on the next City Council Agenda for action)

Chiles Ranch
Subdivision /
2411 E. Eighth
Street

Bill Emlen explained on June 16, Council directed the applicant and the Sunrise Neighborhood Association to meet prior to June 30 and address any outstanding issues.

Steve Sherman, developer, outlined the offer presented to neighborhood group regarding accessory dwelling units (ADU): 10 would have kitchens, 11 bedrooms/ offices/ studies; waiting for proposal from neighborhood group regard-

ing work hours and response to ADU. Also, stated will defer to staff recommendation regarding bikepath.

Ken Murray, Sunrise Neighborhood Association, presented information on membership opinion: 107 units should be inclusive of any secondary units, 50 ft buffer should have included a 5 ft setback, configuration of bikepath is unsafe.

Joan Crawford, Tom Jankowsky, Jim Watson, Amber Voison, Mark Lancet, Tom Lockley, Karen Leacy, Eileen Samitz and Lauren Hastings spoke in support of neighborhood opinion. Comments included: Council should protect current residents, not developer and future residents; negotiation between developer and neighborhood resulted in Letter of Agreement which should be upheld; project not affordable; proposed construction hours: M-F 7am-5pm; Sa 8am-3pm, no hours on Sunday or federal holidays, no work after 12 noon on December 24; and request time to resolve remaining issues.

Jonathan Kaplan stated adding homes will have economic impact on existing homes and for sale market.

Rodney Robinson spoke in opposition to the project: no wow factor, financial impact not fully analyzed, and project not ADA accessible for full-time residency.

David Greenwald stated new developments should adhere to higher standards for sustainability, project should be environmentally innovative.

Don Fouts, developer, stated the Letter of Agreement was a good faith effort between developer and SNA and included language that there might be minor modifications; considers intent of agreement has been upheld.

Tom Jankowsky stated the change in zoning to medium density is responsible for smaller lots, not concerns of neighbors.

Assistant City Engineer William Marshall outlined staff recommendations and explained reasoning, explained problems with previous designs.

D. Saylor moved, seconded by R. Asmundson, as follows:

1. Determine that Mitigated Negative Declaration #1-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project
2. Approve Resolution No. 09-089 - Intent to Amend the General Plan Land Use Map to Redesignate 2411 E. Eighth Street (APN# 71-020-15) and the Abutting Parcel to the East (APN #7-71-401-02) Located West of Mesquite Drive, and the Abutting Parcel to the South (APN #071-401-03) Location North of E. Eighth Street, from "Residential Low-Density" to "Residential Medium-Density"

3. Introduce Ordinance Approving a Development Regarding the Chiles Ranch Subdivision Project
4. Introduce Ordinance Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code Rezoning 2411 E. Eighth Street (APN #071-010-15), the Abutting Parcel to the East (APN #7-071-401-02) Located West of Mesquite Drive, and the Abutting Parcel to the South (APN# 071-401-03) Located North of E. Eighth Street Consisting of Approximately 12.1 Acres, Zoned Agriculture (A) and Residential One and Two Family (R-2), to Planned Development (P-D) #8-07 (Residential Use)
5. Approve the following entitlement applications, based on the findings and conditions for each application:
 - A. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged parcel for creation of residential lots; city greenbelt; public streets; private drives and common open space
 - B. Final Planned Development to establish development standards for the lots, including building setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space
 - C. Affordable Housing Plan to govern the affordable housing component of the development
 - D. Design Review for site plan and architectural review of proposed building elevations

with the following additions:

- incorporation in appropriate locations hours of construction as follows: M-F 7am-5pm; Sa 8am-3pm; no hours on Sunday or federal holidays; no work after 12 noon on December 24
- tree mitigation program incorporated into Development Agreement

S. Greenwald moved substitute motion, seconded by L. Heystek, to request the developer to come back with a project that complies with Letter of Agreement unless changes are mutually agreed to by all parties; half of the 1 story houses shall be ADA accessible; 4 houses removed from plan so overflow parking is scattered throughout site; and final map to return Council for public hearing and Council input.

D. Saylor moved substitute, substitute motion, seconded by R. Asmundson, as follows:

1. Determine that Mitigated Negative Declaration #1-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project
2. Approve Resolution No. 09-089 - Intent to Amend the General Plan Land Use Map to Redesignate 2411 E. Eighth Street (APN# 71-020-15) and the Abutting Parcel to the East (APN #7-71-401-02) Located West of Mesquite Drive, and the Abutting Parcel to the South (APN #071-401-03) Location North of E. Eighth Street, from "Residential Low-Density" to "Residential Medium-Density"
3. Introduce Ordinance Approving a Development Regarding the Chiles Ranch

Subdivision Project

4. Introduce Ordinance Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code Rezoning 2411 E. Eighth Street (APN #071-010-15), the Abutting Parcel to the East (APN #7-071-401-02) Located West of Mesquite Drive, and the Abutting Parcel to the South (APN# 071-401-03) Located North of E. Eighth Street Consisting of Approximately 12.1 Acres, Zoned Agriculture (A) and Residential One and Two Family (R-2), to Planned Development (P-D) #8-07 (Residential Use)
5. Approve the following entitlement applications, based on the findings and conditions for each application:
 - A. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged parcel for creation of residential lots; city greenbelt; public streets; private drives and common open space
 - B. Final Planned Development to establish development standards for the lots, including building setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space
 - C. Affordable Housing Plan to govern the affordable housing component of the development
 - D. Design Review for site plan and architectural review of proposed building elevations

with the following additions:

- construction hours as follows: M-F 7am-5pm; Sa 8am-3pm; no hours on Sunday or federal holidays; no work after 12 noon on December 24
 - tree mitigation program incorporated into Development Agreement
 - secondary dwelling units limited to 10, with 11 other units allowed to have additional bedroom or office space
- S. Souza proposed friendly amendments as follows:
- limit to 10 attached dwelling units, not as secondary dwelling unit
 - Save as many trees as possible which are not currently slated to be saved, facilitated through the \$3,000 public benefit; require 15% to be used for tree mitigation
 - Incorporate Planning Commission recommendations related to required parking in garages

Accepted by mover and second. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

Community Development Director Katherine Hess stated the Bicycle Advisory Commission will review the bikepath proposal before the Final Map is approved.

City Council recessed at 8:47 p.m. and reconvened at 9:00 p.m.

Fiscal Year
2009/2010 Pro-

Assistant City Manager Paul Navazio explained the FY2009/10 proposed budget includes budget-balancing measures to address shortfalls.

posed Budget

(Joint Discussion with Redevelopment Agency Board)

City Council and Redevelopment Agency Board

D. Saylor moved, seconded by S. Souza, to Introduce Ordinance Approving and Adopting the Final Budget of the City of Davis for Fiscal Year 2009/2010, Providing for the Post-Auditing of Paid Demand Certified or Approved as Conforming to Such Approved Budget and Determining the Appropriations Limit of the City of Davis Pursuant to Article XIII-B of the State Constitution.

City Attorney Harriet Steiner requested Council strike section 8 of the Ordinance before adoption (section not applicable). Council concurred. Motion passed by the following vote:

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

D. Saylor moved, seconded by R. Asmundson, to Approve Resolution No. 09-090 - Authorizing a Temporary Appropriation for Payroll and Other expenses from July 1, 2009 Until the Effective Date of the Fiscal Year 2009/2010 Annual Appropriations Ordinance. Motion passed by the following vote:

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

D. Saylor moved, seconded by L. Heystek, to refer supplemental budget recommendations to the City Manager and Finance and Budget Commission for review and return to the City Council with recommendations, as appropriate:
City Manager:

- a. Develop and present budget proposals aimed at generating an additional \$1.5 million in General Fund Savings
- b. Reductions to focus on evaluation of citywide programs and services, with goal of maintaining funding for core/essential services, service reductions in baseline services, and possible elimination of entire programs determined to be discretionary or with limited citywide benefit
- c. Develop and present analysis of cumulative impact of cost of city services on residents and businesses, to include all current property-based taxes and assessments as well as impact of current and projected water and sewer rates

Finance and Budget Commission:

- a. Recommendations on draft Comprehensive Fiscal Management Policies to guide development of future budgets
 - i. Multi-Year Financial Plans for Major City Funds: General Fund, Redevelopment Agency, Enterprise Utility Funds
 - ii. Expand Reserve Policy to Major Operating and Capital Funds
 - iii. Capital Program Management and Financing
- b. Recommendations related to implementation of two-year budget beginning with the fiscal year 2010/11 (and 2011/12) budget
- c. Consideration of implementing performance/outcome metrics for city pro-

grams, aligned with established City Council Goals and Objectives
Motion passed unanimously.

City Council

L. Heystek moved, seconded by S. Souza, as follows:

1. Approve Resolution No. 09-091 – Requesting Collection of Charges on Tax Roll - Park Maintenance Tax for Fiscal Year 2009/10
 2. Approve Resolution No. 09-092 - Requesting Collection of charges on Tax Roll - Open Space Protection Special Tax for Fiscal Year 2009/10
 3. Authorize Mayor to sign Certifications of Special Tax/Assessment
- Motion passed unanimously.

D. Saylor moved, seconded by R. Asmundson, as follows:

Resolutions Requesting Collection of Charges on Tax Roll, and Certifications of Special Taxes/Assessments for the following Districts:

1. Approve Resolution No. 09-093 - Fixing Tax Rate for Community Facilities District 1990-1 for the Fiscal YEAR 2009-2010
2. Approve Resolution No. 09-094 - Fixing Tax Rate for Community Facilities District 1990-2 for the Fiscal YEAR 2009-2010
3. Approve Resolution No. 09-095 - Fixing Tax Rate for Community Facilities District 1990-3 for the Fiscal YEAR 2009-2010
4. Approve Resolution No. 09-096 - Fixing Tax Rate for Community Facilities District 1990-4 for the Fiscal Year 2009-2010
5. Approve Resolution No. 09-097 - Fixing Tax Rate for Community Facilities District 1990-5 for the Fiscal Year 2009-2010
6. Approve Resolution No. 09-098 - Fixing Tax Rate for Community Facilities District 1991-2 for the Fiscal Year 2009-2010
7. Approve Resolution No. 09-099 - Fixing Tax Rate for Community Facilities District 2007-2 for the Fiscal Year 2009-2010

Motion passed unanimously.

D. Saylor moved, seconded by L. Heystek, as follows:

1. Approve Resolution No. 09-100 - Requesting Collection of Charges on Tax Roll for Davis Community Facilities District Series 1999 & 2003 Special Tax for the Fiscal Year 2009-2010
2. Approve Resolution No. 09-101 – Requesting Collection of Charges on Tax Roll for Davis Community Facilities District No 1991-2 (East Davis Mace Ranch Area) Series 2007 Special Tax for the Fiscal Year 2009-2010
3. Approve Resolution No. 09-102 - Requesting Collection of Charges on Tax Roll for Davis Community Facilities District 2007-2 (East Davis Mace Ranch Area II) Series 2007 Special Tax for the Fiscal Year 2009-2010
4. Authorize Mayor to sign Certifications of Special Tax/Assessment

D. Saylor moved, seconded by L. Heystek, as follows:

1. Approve Resolution No. 09-103 – Determining Excess Funds and Directing Application Thereof - University Research Park Assessment District

2. Approve Resolution No. 09-104 - Requesting Collection of Charges on Tax Roll for University Research Park Improvement District #1, Series 1993 for the Fiscal Year 2009-2010
3. Authorize Mayor to sign Certification of Assessment

S. Souza moved, seconded by L. Heystek, to approve Resolution No. 09-105 - Adopting City of Davis Investment Policy. Motion passed unanimously.

S. Souza moved, seconded by L. Heystek, that any revenue or expenditure savings above and beyond the General Fund operating budget that might be achieved through city department reorganization or pending labor negotiations shall be redirected toward transportation fund and reinstatement of appropriate tiered reductions.

P. Navazio provided staff clarification: staff understands Council's intent and will periodically provide updates on the status of the General Fund; Council will then have the opportunity to reinstate tiered reductions. Staff will return to Council with recommendations regarding appropriate uses of savings/additional budget flexibility.

Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Souza

NOES: None

ABSTAIN: Asmundson

S. Souza moved, seconded by L. Heystek, to direct the Mayor and City Manager to agendize the reorganization and restructuring discussion as soon as possible; said discussion will contain the full Council body. Motion passed unanimously.

Brief Communications

S. Greenwald requested the Council discussion on Third and J Street project be postponed to July 21.

D. Saylor requested staff analyze SC 22 (proposed state constitutional amendment to exempt specified state budget bills and state tax changes from the 2/3 vote requirement) and SB 460 (bill to require publicly-owned electric utilities to follow specific approval and planning procedures for proposed high-voltage transmission lines). Council concurred.

L. Heystek moved, seconded by D. Saylor, to appoint S. Souza as a voting delegate for SB777 Task Force (bill to require the State to use performance based budgeting). Motion passed unanimously.

S. Souza moved, seconded by S. Greenwald, to appoint L. Heystek and D. Saylor as alternates for SB777 Task Force. Motion passed unanimously.

Adjournment The meeting was adjourned at 10:00 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of June 30, 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: Board Members Present: Ruth Asmundson, Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza

Board Members Present: None

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

Approval of Agenda D. Saylor moved, seconded by L. Heystek, approval of the agenda. Motion passed by the following vote:
AYES: Heystek, Saylor, Souza, Asmundson
NOES: None
ABSENT: Greenwald

Public Comments None

Fiscal Year 2009/2010 Proposed Budget Assistant City Manager Paul Navazio explained the FY2009/10 proposed budget includes budget-balancing measures to address shortfalls.

City Council and Redevelopment Agency Board

(Joint Discussion with City Council) D. Saylor moved, seconded by S. Souza, to Introduce Ordinance Approving and Adopting the Final Budget of the City of Davis for Fiscal Year 2009/2010, Providing for the Post-Auditing of Paid Demand Certified or Approved as Conforming to Such Approved Budget and Determining the Appropriations Limit of the City of Davis Pursuant to Article XIII-B of the State Constitution.

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

D. Saylor moved, seconded by L. Heystek, to refer supplemental budget recommendations to the City Manager and Finance and Budget Commission for review and return to the City Council with recommendations, as appropriate:

City Manager:

- a. Develop and present budget proposals aimed at generating an additional \$1.5 million in General Fund Savings
- b. Reductions to focus on evaluation of citywide programs and services, with goal of maintaining funding for core/essential services, service reductions in baseline services, and possible elimination of entire programs determined to be discretionary or with limited citywide benefit
- c. Develop and present analysis of cumulative impact of cost of city services on residents and businesses, to include all current property-based taxes and assessments as well as impact of current and projected water and sewer rates

Finance and Budget Commission:

- a. Recommendations on draft Comprehensive Fiscal Management Policies to guide development of future budgets
 - i. Multi-Year Financial Plans for Major City Funds: General Fund, Redevelopment Agency, Enterprise Utility Funds
 - ii. Expand Reserve Policy to Major Operating and Capital Funds
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- b. Recommendations related to implementation of two-year budget beginning with the fiscal year 2010/11 (and 2011/12) budget
- c. Consideration of implementing performance/outcome metrics for city programs, aligned with established City Council Goals and Objectives

Motion passed unanimously.

City Council

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3. Approve Resolution No. 09-095 - Fixing Tax Rate for Community Facilities

- District 1990-3 for the Fiscal YEAR 2009-2010
4. Approve Resolution No. 09-096 - Fixing Tax Rate for Community Facilities District 1990-4 for the Fiscal Year 2009-2010
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1. Approve Resolution No. 09-100 - Requesting Collection of Charges on Tax Roll for Davis Community Facilities District Series 1999 & 2003 Special Tax for the Fiscal Year 2009-2010
2. Approve Resolution No. 09-101 – Requesting Collection of Charges on Tax Roll for Davis Community Facilities District No 1991-2 (East Davis Mace Ranch Area) Series 2007 Special Tax for the Fiscal Year 2009-2010
3. Approve Resolution No. 09-102 - Requesting Collection of Charges on Tax Roll for Davis Community Facilities District 2007-2 (East Davis Mace Ranch Area II) Series 2007 Special Tax for the Fiscal Year 2009-2010
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P. Navazio provided staff clarification: staff understands Council's intent and will periodically provide updates on the status of the General Fund; Council will then have the opportunity to reinstate tiered reductions. Staff will return to Council with recommendations regarding appropriate uses of savings/additional budget flexibility.

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NOES: None

ABSTAIN: Asmundson

S. Souza moved, seconded by L. Heystek, to direct the Mayor and City Manager to agendaize the reorganization and restructuring discussion as soon as possible; said discussion will contain the full Council body. Motion passed unanimously.

Adjournment The meeting was adjourned at 10:00 p.m.

Zoe S. Mirabile, CMC
City Clerk