

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of August 3, 2009

The City Council of the City of Davis met in regular session beginning at 9:03 a.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

Approval of Agenda Lamar Heystek moved, seconded by Don Saylor, approval of the agenda. Motion passed unanimously.

Public Comments None

Consent Calendar Resolution No. 09-138 - Authorizing the City Manager to Execute an Agreement with Dr. Ed Schroeder and Dr. George Tchobanoglous to Conduct a Wastewater Planning Charrette, CIP No. 8119, in an amount not to exceed \$50,000.
Approved

Sue Greenwald moved, seconded by Stephen Souza, approval of the consent calendar as listed above. Motion passed unanimously.

Items removed from consent: Lamar Heystek removed the following consent calendar items and read the resolutions in their entirety into the record. Resolutions appeared on the 07/28/2009 consent calendar for review and are appearing a second time for actual approval.

Resolution in Support of SB 460 L. Heystek moved, seconded by D. Saylor, approval of Resolution No. 09-135 - in Support of SB 460, a Bill Outlining Guidelines for Publicly-Owned Utilities Related to High Voltage Transmission Lines. Motion passed unanimously.

Resolution in Support of SB 676 L. Heystek moved, seconded by D. Saylor, approval of Resolution No. 09-136 - in Support of SB 676, a Bill to Remove State-Mandated Caps on Fees Charged by Local Jurisdictions. Motion passed unanimously.

Resolution in Support of SCA 22 L. Heystek moved, seconded by D. Saylor, approval of Resolution No. 09-137 - in Support of SCA 22, a Proposed State Constitutional Amendment to Exempt Specified State Budget Bills and State Tax Changes from the 2/3 Vote Requirement. Motion passed by the following vote:
AYES: Greenwald, Heystek, Saylor, Asmundson
NOES: None

ABSTAIN: Souza

Public Hearing:
Resolution Ap-
proving Changes
to Certain Fees
and Charges for
the Provision of
Services by the
Police Depart-
ment – Correcting
Errors and Omis-
sions on the Mas-
ter Fee Schedule
for 2009-2010

Administrative Services Manager Jim Ivler summarized the staff recommenda-
tion and indicated the resolution corrects errors from the May citywide fee
schedule, namely, off duty police security fee needed to be corrected as did oth-
er violation fees and the parking violations fee was inadvertently left off the
schedule.

Mayor Asmundson opened the public hearing, and hearing no comment, closed
the public hearing.

L. Heystek moved, seconded by D. Saylor, approval of Resolution No. 09-138 -
Approving Changes to Certain Fees and Charges for the Provision of Services
by the Police Department – Correcting Errors and Omissions on the Master Fee
Schedule for 2009-2010. Motion passed unanimously.

Use of Target
Community En-
hancement Dol-
lars

City Manager Bill Emlen explained that Target was required to provide
\$100,000 in funds from the Target Development Agreement, and the Davis
Downtown Business Association (DDBA) submitted a proposal to request use
of those funds.

Deputy City Manager Kelly Stachowicz reported the city has full discretion on
how to spend the funds. The DDBA proposal is for a \$100,000 marketing
campaign in conjunction with the Target opening; however, staff recommends
\$65,000 be allocated to DDBA, \$25,000 be held for the UDASH and \$10,000
be spent on purchasing a permanent holiday tree. Staff concurred that funds
should be spent in and for the downtown.

Rosalie Payne, Davis Downtown Business Association Co-President, stated
DDBA is a marketing organization, the holiday tree is not a priority for fund-
ing, and the Association wanted to see how UDASH performed before commit-
ting additional funds to it.

Jennifer Anderson, Davis Downtown Business Association Co-President, stated
the holiday tree concept is not fiscally conservative and that \$100,000 is actual-
ly a small amount for a media campaign. Further, DDBA would coordinate
their efforts with the Yolo County Visitors Bureau.

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

1. Determine the Target community enhancement funds should go to benefit
downtown programs/projects.
2. Direct staff to work with the Davis Downtown Business Association
(DDBA) to flesh out details of a multi-media marketing campaign focused
on the downtown.
3. Approve Resolution Authorizing the City Manager to Execute Contract
with DDBA for Downtown Marketing Campaign, in an amount not to ex-
ceed \$65,000.

S. Greenwald moved substitute motion to allot DDBA the entire \$100,000 Target community enhancement dollars with an understanding that the City cannot backfill funds for UDASH and the holiday tree, and to work with staff to determine the best method of funding them. No second.

S. Souza moved substitute motion as follows:

1. Determine the Target community enhancement funds should go to benefit downtown programs/projects.
2. Direct staff to work with the Davis Downtown Business Association (DDBA) to flesh out details of a multi-media marketing campaign focused on the downtown.
3. Approve Resolution Authorizing the City Manager to Execute Contract with DDBA for Downtown Marketing Campaign, in an amount not to exceed \$75,000 and direct staff to work with DDBA to flesh out details for direct mailing and outdoor advertising.

No second.

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

1. Determine the Target community enhancement funds should go to benefit downtown programs/projects.
2. Direct staff to work with the Davis Downtown Business Association (DDBA) to flesh out details of a multi-media marketing campaign focused on the downtown.
3. Approve Resolution Authorizing the City Manager to Execute Contract with DDBA for Downtown Marketing Campaign, in an amount not to exceed \$50,000. Remaining \$50,000 should be retained by the City to determine use.

S. Greenwald moved substitute, substitute motion, seconded by S. Souza, to resurrect S. Souza's motion as follows:

1. Determine the Target community enhancement funds should go to benefit downtown programs/projects.
2. Direct staff to work with the Davis Downtown Business Association (DDBA) to flesh out details of a multi-media marketing campaign focused on the downtown.
3. Approve Resolution No. 09-140 - Authorizing the City Manager to Execute Contract with DDBA for Downtown Marketing Campaign, in an amount not to exceed \$75,000 and direct staff to work with DDBA to flesh out details for direct mailing and outdoor advertising.

Motion failed by the following vote:

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

The substitute motion made by L. Heystek to allocate \$50,000 to the DDBA and retain \$50,000 for the city, passed by the following vote:

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

K. Stachowicz stated staff will consider councilmember comments about ways to use direct mailing for outreach, utilizing the new water tank, and using the funds to benefit the downtown when deciding use of the remaining \$50,000.

Resolution Approving the Application for Grant Funds from the SACOG 2009 Community Design Grant Program for the First Street / Third Street / B Street Corridors

Harriet Steiner noted that Sue Greenwald and Lamar Heystek had potential conflicts of interest on different portions of the grant proposal: S. Greenwald had a conflict with the First Street bike/pedestrian improvements and L. Heystek had conflicts with the Cowell Boulevard project. As a result, City Council either needed to separate those projects out from the rest of the discussion, or S. Greenwald and L. Heystek will be conflicted out for the entire discussion.

S. Greenwald stated she had a conflict on the First Street and B Street Corridor Improvements, as she owns a home on Rice Lane and left the dais.

L. Heystek stated he had a conflict on the Cowell Boulevard Improvements, as he owns a home on Greene Terrace and left the dais.

City Manager Bill Emlen explained staff wanted to provide an opportunity for Council to weigh in on the ranking of priorities before the city submits the grant application. City Engineer Bob Clarke reported that the city plans to apply for a SACOG grant to assist in implementation of Blueprint Project concepts, which is due on September 3, 2009.

S. Souza requested the City Council exclude discussion of Cowell Boulevard and access to US 40 bike path. R. Asmundson and D. Saylor concurred.

L. Heystek returned to the dais.

Russell Natches; Ron Hubbard and Crystal Waters, Davis Bicycles!; Russell Reagan; Leo Rainer; and Ken Bradford requested City Council include the Fifth Street Complete Street proposal in the grant application. Comments included: city may apply for more than one project; not applying would be a wasted opportunity; improvements needed for safety since this stretch has a large number of accidents compared with other streets; city could highlight the need for connectivity between neighborhoods; unsafe bicycle connectivity on Fifth Street between A and L Streets, and unsafe crossings for pedestrians; project can be withdrawn at later time if needed; and project has significant public support and meets Blueprint Principles.

B. Clarke explained some elements of the Olive Drive/Amtrak parking may not qualify for the grant and requested staff be allowed to apply for a phased project. Also, although an environmental analysis would encompass the entire project, construction would be done in phases.

D. Saylor moved, seconded by S. Souza, approval of Resolution No. 09-141 - Approving the Application for Grant Funds from the SACOG 2009 Community Design Grant Program for the First Street / Third Street / B Street Corridors,

and directed staff to submit the following three projects:

1. Campus-Community Connection
2. Fifth Street Complete Street
3. With flexibility to staff, craft proposal for this funding round that moves toward a pedestrian bicycle safety corridor connection to downtown combined with multi-modal facilities on Olive Drive from Interstate-80 to Richards Boulevard

Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSENT: Greenwald

B. Emlen stated staff would continue to have discussions regarding downtown parking and would return to Council with a proposal and baseline entitlement process.

Resolution Establishing City Council Meeting Dates for Legislative Calendar Year 2009-2010

R. Asmundson presented the proposed 2009-2010 City Council calendar.

D. Saylor moved, seconded by S. Souza, approval of Resolution No. 09-142 - Establishing City Council Meeting Dates for Legislative Calendar Year 2009-2010, with the understanding that conflicts will be resolved between the Mayor and the City Manager as needed. Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: None

ABSTAIN: Heystek

City Council recessed at 11:29 a.m. and reconvened at 11:34 a.m.

City Council Meeting Self Evaluation

R Asmundson requested City Council conduct a self evaluation at the first meeting of every month and that the Ground Rules be read aloud at every meeting.

S. Greenwald expressed concern that there are too many agenda items and not enough meetings.

D. Saylor requested that the Council focus on the Ground Rules and have a systematic review of how meetings are conducted. Also recommended short staff presentations, using Rosenberg's Rules of Order, and being consistent with time limits.

L Heystek suggested that points of order should be raised in as timely a manner as possible and that Council should follow Roberts Rules of Order regarding points of order.

S Souza suggested council members provide succinct comments and questions and wait to be recognized.

R. Asmundson asked the Council if she should limit public comment to fifteen

minutes and also provide two rounds of discussion on issues. L Heystek stated he was not in favor of limiting public comment but that staff presentations should be limited. S. Greenwald concurred with L Heystek. S Souza suggested a minimum of 30 minutes for public comment, with more time if the Council wants to extend it.

Update on State Budget and Potential Impacts to City of Davis

B. Emlen reported that staff would return on September 1 with different options and strategies to address state budget impacts on the city.

Brief Communications

S. Souza requested a status update on the 3rd & B Teen Center and Bicycle Museum. B. Emlen responded that staff will come back in September with a report on the use of additional funds for teen programming and discussion regarding teen drop in center, and a report on the museum to include lease agreements.

S. Souza requested Council agendaize a discussion of Historic Resource Management Commission recommendations. L. Heystek suggested the Commission should bring the recommendations to the Council.

Closed Session

City Council convened a closed session for the following: 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. There was no reportable action.

Adjournment

The meeting was adjourned at 12:45 pm.

Zoe S. Mirabile, CMC
City Clerk