

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of September 8, 2009

The City Council 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 Mayor Asmundson.

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

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Ethan Walsh, City Clerk Zoe Mirabile

Approval of Agenda L. Heystek moved, seconded by S. Souza, to approve the agenda as amended to reorder discussion items as follows: Determination of Councilmember Request for Reconsideration of Wood Burning Restrictions will be discussed as the first regular item. Motion passed by the following vote:
AYES: Heystek, Saylor, Souza, Asmundson
NOES: None
ABSENT: Greenwald

S. Greenwald arrived at 6:34 p.m.

Ceremonial Presentations Mayor Asmundson presented a Proclamation Recognizing September 2009 as Prostate Cancer Awareness Month.

Mayor Asmundson presented a Proclamation Recognizing Bicycle Advisory Commissioner Jack Kenward.

Public Comments Randii MacNear, Davis Farmers Market, reported that the Market was voted America's Favorite Farmers Market in the country according to a Farmland Trust contest and thanked the city for 34 years of support.

Francesca Wright, Cities, Counties and School Partnership, spoke in support of the Resolution Establishing Davis' Commitment to Obesity Prevention; Healthy Eating, Active Living Campaign.

Pam Nieberg; Alan Pryor, Yolo Clean Air; and Doug Fetterly, spoke in support of the Request for Reconsideration of Wood Burning Restrictions. Comments included: City Council failed to take decisive action at their July 21, 2009 meeting; nearly 90% of communities from Bakersfield to Chico have mandatory requirements of some kind; city resources are required whether regulations are voluntary or mandatory; and greatest health threat from wood burning comes from nearest neighbor impact.

Joe Sherman spoke regarding civil rights.

Consent Calendar

Resolution No. 09-143 - Authorizing the City Manager to Enter into Field Use Agreement Between the City of Davis and American Youth Soccer Organization (AYSO) Regarding the Use of City Soccer Fields
Approved

Resolution No. 09-144 - Authorizing the City Manager to Enter into Theatre Use Agreements Between the City of Davis and the ACME Theatre Company, Applegate Dance Company, Davis Art Center, and the Pamela Trokanski Dance Theatre Regarding the Use of City Theatre Facilities
Approved

Resolution No. 09-145 - Approving Amendment to the City of Davis' Claim for the Transportation Development Act- State Transit Assistance Funds for FY 08-09 and Budget Adjustment #179 – Allocating Funding in Accordance with the Amended Claim
Approved

Resolution No. 09-146 - Authorizing the City Manager to Execute Amendment No. 1 to the Consultant Agreement with A T.E.E.M. Electrical Engineering Inc. for Electrical Engineering Services, Manganese Treatment Systems, for Well 32 and Well 34, CIP Nos. 8129 and 8174
Approved

Resolution No. 09-147 to Allow Deferral of Building Permit and Plan Review Fees for New Tenant Improvements Until Building Occupancy
Approved

Resolution No. 09-148 - Awarding Contract of \$822,296 to Zim Industries for Production Well 34 (1813 Fifth Street), CIP No. 8174
Approved

Resolution No. 09-149 - Approving Staff to Pre-Purchase Equipment for Pumping and Manganese Treatment Systems for Well 32, CIP No. 8129 and Program 7522
Approved

Ordinance Reinstating the Collection of Business License Taxes for Certain Residential Units
Introduced

Ordinance Modifying Article 18.06 of the Davis Municipal Code to Suspend the “Middle Income Housing” Requirement
Introduced by the following vote:

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

Budget Adjustment #178 (\$156,275) – Allocating FTA Grant Funds and Pass-Through of Funds to Unitrans, and Additional Business Improvement District Assessment and Pass-Through of Funds to DDBA
Approved

Budget Adjustment #181 (\$154,497) - Allocating Funds for Debt Service Payments and Out-of Pocket Expenses for a Potential Bond Refinancing, Wastewater Treatment Line of Credit and to Close the Project Fund for the Mace Ranch Mello Roos Bond – 2007 RDA Taxable Housing; 2003 PFFA Mello Roos; CFD 1991-2 (Mace Ranch) Bonds and Union Bank Line of Credit
Approved

Treasurer's Report for the Quarter Ended June 30, 2009
Approved

2008/09 Fourth Calendar Quarter Administratively Approved Budget Adjustments
Informational

Commission Minutes:

1. Human Relations Commission Meetings of April 23 and June 25, 2009
2. Natural Resources Commission Meeting of June 22, 2009
3. Open Space and Habitat Commission Meeting of May 4, 2009
4. Safety and Parking Advisory Commission Meeting of July 2, 2009

Informational

Proclamation Recognizing September 2009 as National Preparedness Month
Ceremonial

Item Submitted by Councilmember: Resolution No. 09-150 - Establishing Davis' Commitment to Obesity Prevention
Approved resolution and authorized partnership with HEAL Cities to host a regional meeting of elected and appointed officials on September 30, 2009

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

Removed from
Consent Calendar:

Item removed by S. Greenwald.

Willowbank 10
Subdivision Ex-

Community Development Director Katherine Hess explained that the Development Agreement allows for a one-time extension at discretion of the City Council.

tension of Time for Development of Affordable Housing Units

D. Saylor moved, seconded by L. Heystek, to grant a twelve month extension for commencement of the development of the affordable housing units in the Willowbank 10 subdivision to September 28, 2010 pursuant to the Development Agreement. Motion passed unanimously.

Determination of Councilmember Request for Reconsideration of Wood Burning Restrictions

L. Heystek moved, seconded by S. Souza, to direct staff to bring forward information on the implementation of a mandatory program as part of the staff presentation for the agenda item regarding wood burning restrictions scheduled for the next City Council meeting. Further, staff will include a resolution outlining mandatory restrictions based on recommendations from the July 21, 2009 City Council meeting.

Motion clarified as follows: In order for City Council discussion to include a full range of options, staff will provide two resolutions for consideration—one for a voluntary program and one outlining a conceptual mandatory program. Motion passed by the following vote:

AYES: Greenwald, Heystek, Souza, Asmundson

NOES: Saylor

Public Hearing: Varsity Theatre Second Screen and Restroom Addition, CIP Nos. 8195 and 8197

Deputy City Manager Ken Hiatt summarized project details and outlined bid results for the two contract work scopes, general construction and theatrical specialty work.

Mayor Asmundson opened the public hearing, and after no comments, closed the public hearing.

S. Greenwald moved, seconded by L. Heystek, to approve the following:

1. Resolution No. 09-151 - Approving and Authorizing Execution of a Public Improvement Agreement between the City and the Redevelopment Agency for Construction of Certain Publicly Owned Improvements at the Varsity Theatre Building.
 2. Budget Adjustment #4 (\$65,000) (FY09-10) – Allocating Past Year Savings in Community Development Block Grant (CDBG) Program Funds to the Varsity Theatre ADA Restroom Project to Fund the Construction of a New Family-Style Accessible Restroom as Part of the Theatre Addition Project
 3. Resolution No. 09-152 - Awarding Contract of \$532,118.72 to JDS Builders Group Inc. for Varsity Theatre Addition General Construction Work, with a \$50,000 Construction Contingency
 4. Resolution No. 09-153 - Approving Proposed Contract Change Order in Amount Not-to-Exceed \$250,000 to JDS Builders Group Inc. for Varsity Theatre Addition Theatrical Specialty Work
 5. Resolution No. 09-154 - Authorizing the City Manager to Execute Consultant Agreement with Thomas Garner Company for Construction Management Services for Varsity Theatre Addition and ADA Restroom Project
- Motion passed unanimously.

Fifth Street Corridor Workplan and Timeline

City Manager Bill Emlen explained that on August 3, 2009, City Council directed staff to submit a SACOG Community Design Grant application for three projects, one of which was a Road Diet for the Fifth Street Corridor. In order to address some of SACOG's concerns regarding the application, including the lack of evidence of community support, staff requested City Council direction regarding the previously approved workplan and timeline for evaluating options for the Corridor.

Steve Tracy, Cheryl Garrety & Dennis Dingemans, Old North Davis Neighborhood; Alan Miller and Tim Alice, Old East Davis Neighborhood; Crystal Waters, Joe Krovoza, Leo Rainer, and Mont Hubbard, Davis Bicycles; Robert McMurry and Jason Moore, Davis Bike Collective; Reba Vote; Russell Hutchins; Angel York; Christine Swanson; Jim Watson; Val Wood; Pam Nieberg; Rhonda Reed; Matt Biers-Ariel; Elaine Roberts-Musser; Mya Kazack; Ellen Seeley; Ben Pearl; David Harris; and Marit Lavishkav spoke in support of the Fifth Street Corridor Road Diet. Comments included: project would provide calmer and more organized flow of traffic, demonstrates commitment to lowering carbon emissions, unsafe increased safety for pedestrians and bicyclists; and city should monitor side streets before and after implementation of the Road Diet.

Roger Gambetese, Dwayne Copely and Steve Greenfield spoke in opposition to the Road Diet. Comments included: project will substantially increase the waiting time for access to side streets; city should complete all environmental studies before a decision is made; Fifth Street is the major east-west corridor in the area; and may impact public safety access.

Jeremy Brooks, Chamber of Commerce, spoke in support of a full study of all possible options based on the process already established. He requested the Chamber be included in any group community discussions.

Council recessed at 8:41 p.m. and reconvened at 8:50 p.m.

S. Greenwald moved, seconded by L. Heystek, that the City Council supports the reconfiguration of the Fifth Street Corridor, and directs staff to move forward with CEQA and to identify and pursue funding sources.

S. Souza moved substitute motion, seconded by D. Saylor, to approve Resolution No. 09-155 – Endorsing a "Road Diet" to be Implemented on the Fifth Street Corridor Providing for the Re-Configuration to Two Traffic Lanes with Center Left Turn Lane and On-Street Bicycle Lanes Between A and L Streets and Directing Staff to Undertake Implementing Actions.

S. Greenwald proposed a friendly amendment to direct staff to send a cover letter to SACOG, along with a copy of the resolution, which incorporates the following: The Davis City Council supports the reconfiguration of the Fifth Street

Corridor and considers it integral to pedestrian and bicycle friendly planning and our ability to adhere to smart growth planning principles. City Council passed a resolution to this effect. Accepted by mover and second. Motion passed unanimously.

S. Souza moved, seconded by D. Saylor, to reaffirm the approved workplan and timeline for evaluating options for the Fifth Street Corridor.

D. Saylor proposed a friendly amendment to continue the community engagement process with a focus on design details.

Principal Planner Michael Webb clarified that the workplan would be solely focused on the road diet configuration, as opposed to the three options initially proposed, and that the timeline may be different based on this modification. D. Saylor further clarified that this would include review of the necessary measures for streets that may become alternate routes.

Long Range Calendar

S. Greenwald requested the October 27, 2009 on-call meeting not be scheduled as a regular meeting. Council concurred.

Update on E Street Paid Parking and Discussion of Downtown Parking Issues

Deputy City Manager Ken Hiatt explained city staff and the Parking and Transportation Committee of the Davis Downtown Business Association work collaboratively to manage the parking and access needs within the downtown, and provided an update on activities over the past year including adjustments to downtown parking and the paid parking trial in the E Street Plaza lot.

Christine Hildebrand and Rosalie Paine, DDBA Parking Committee, provided details of their educational campaigns and customer parking interviews.

By consensus, City Council directed staff to pursue payment of traffic enforcement in E Street Plaza parking lot with paid parking revenues.

D. Saylor moved, seconded by S. Souza, to direct staff to:

1. Work with the Davis Downtown Business Association (DDBA) to implement the following adjustments to the paid parking in the E Street Plaza parking lot:
 - Eliminate the 4-hour maximum purchase time limit
 - Remove the add-time function
 - Develop and implement a voluntary parking rebate program with downtown businesses
 - Continue to evaluate and monitor use of the lot
 - Continue to reinvest paid parking revenues into improvements in and around the lot
2. Evaluate the current and projected parking demand at the Depot and return with a report summarizing existing parking utilization and options to improve parking availability for local transit riders, including the option of

- implementing paid parking in the lot
 - 3. Work with residents and business owners to analyze parking utilization within the I Street preferential parking district and return to the City Council with a report and any recommendations for amendments to the R Permit District as appropriate
 - 4. Work with downtown businesses to evaluate options for restricting double parking of delivery vehicles during mid-day hours and return to city council with a recommendation
- Motion passed unanimously.

L. Heystek moved, seconded by R. Asmundson to direct staff to analyze what portion of traffic enforcement is covered through parking citations and a means to utilize a pro-rated amount of E Street Plaza paid parking revenues to pay for traffic enforcement. Motion passed with the following vote:

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

Fiscal Year
 2009-10 Budget
 Update – Budget
 Assumptions,
 Contingencies,
 and Preliminary
 Budget Calendar
 to Guide Regular
 Council Updates
 and Periodic
 Workshops Fo-
 cusing on Both
 the Annual
 Budget and
 Long-Range Fi-
 nancial Planning
 Issues

Budget Manager Kelly Fletcher presented a status report on the fiscal year 2009/10 budget including State budget impacts, updates on major revenue and cost-savings assumptions, and an initial timeline for future updates and workshops.

- D. Saylor moved, seconded by S. Greenwald, to approve the following:
1. Direct staff to further explore participation in the statewide program to securitize the State’s Proposition 1A borrowing of local property tax revenues in order to mitigate the impact of the loss of \$1.3 million in General Fund revenues for FY2009/10
 2. Support efforts to mount a legal challenge to the State’s raid on redevelopment agency funding to protect \$3.2 million in FY2009/10 tax increment revenues, and an additional \$664,000 in FY2010/11 tax increment revenues
 3. Direct staff to return to Council on October 13, 2009 with a further update on the savings assumptions included in the FY2009/10 budget, including any recommendations for implementing contingency budget reductions, as needed, to maintain a balanced-budget for FY2009/10
- Motion passed unanimously.

AB1234 Report-
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All Councilmembers except S. Greenwald will attend the League of California Cities conference next week.

Adjournment

The meeting was adjourned at 11:24 p.m. in memory of Pat Williams, Lisa Sutterfield, and Jose Mari Allarey.

Zoe S. Mirabile, CMC
 City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of September 8, 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: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza, Ruth Asmundson

Agency Board Absent: None

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

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

S. Greenwald arrived at 6:34 p.m.

Public Comments None

Consent Calendar Budget Adjustment #181 (\$154,497) - Allocating Funds for Debt Service Payments and Out-of Pocket Expenses for a Potential Bond Refinancing, Wastewater Treatment Line of Credit and to Close the Project Fund for the Mace Ranch Mello Roos Bond – 2007 RDA Taxable Housing; 2003 PFFA Mello Roos; CFD 1991-2 (Mace Ranch) Bonds and Union Bank Line of Credit Approved

Budget Adjustment #3 (FY09-10) (\$152,765) – Allocating Redevelopment Housing Set-Aside Funds to the Yolo County Housing Farmworker Housing Units Rehabilitation Project, consistent with the funding commitment made by the Agency in 2007 Approved

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

Public Hearing: Varsity Theatre Second Screen and Restroom Addition, CIP Deputy City Manager Ken Hiatt summarized project details and outlined bid results for the two contract work scopes, general construction and theatrical specialty work.

Mayor Asmundson opened the public hearing, and after no comments, closed

Nos. 8195 and 8197

the public hearing.

S. Greenwald moved, R. Asmundson seconded, to approve the following:

1. Resolution No. 1228 - Approving and Authorizing Execution of a Public Improvement Agreement between the City and the Redevelopment Agency for Construction of Certain Publicly Owned Improvements at the Varsity Theatre Building
2. Budget Adjustment #8 (FY09-10) (\$145,000) – Allocating Redevelopment Agency Capital Funds to the Project Budget for the Construction Phase of the Project.

Motion passed unanimously.

Update on E Street Paid Parking and Discussion of Downtown Parking Issues

Deputy City Manager Ken Hiatt explained city staff and the Parking and Transportation Committee of the Davis Downtown Business Association work collaboratively to manage the parking and access needs within the downtown, and provided an update on activities over the past year including adjustments to downtown parking and the paid parking trial in the E Street Plaza lot.

Christine Hildebrand and Rosalie Paine, DDBA Parking Committee, provided details of their educational campaigns and customer parking interviews.

By consensus, City Council directed staff to pursue payment of traffic enforcement in E Street Plaza parking lot with paid parking revenues.

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 - Continue to evaluate and monitor use of the lot
 - Continue to reinvest paid parking revenues into improvements in and around the lot
2. Evaluate the current and projected parking demand at the Depot and return with a report summarizing existing parking utilization and options to improve parking availability for local transit riders, including the option of implementing paid parking in the lot
3. Work with residents and business owners to analyze parking utilization within the I Street preferential parking district and return to the City Council with a report and any recommendations for amendments to the R Permit District as appropriate
4. Work with downtown businesses to evaluate options for restricting double parking of delivery vehicles during mid-day hours and return to city council with a recommendation

Motion passed unanimously.

L. Heystek moved, seconded by R. Asmundson to direct staff to analyze what portion of traffic enforcement is covered through parking citations and a means to utilize a pro-rated amount of E Street Plaza paid parking revenues to pay for traffic enforcement. Motion passed with the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSTAIN: Greenwald

Adjournment The meeting was adjourned at 11:24 p.m. in memory of Pat Williams, Lisa Sutterfield, and Jose Mari Allarey.

Zoe S. Mirabile, CMC
City Clerk