

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of November 10, 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 Employees Association; Davis Police Officers Association; Department Heads; Executive and General Management; Firefighters Local 3494; Police Lieutenants; Program, Administrative and Support Employees Association.

City Council returned to open session at 6:30 p.m. Mayor Asmundson announced there was no reportable action and that City Council will continue the closed session discussion following the regular meeting.

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

Public Comments Geoff Straw introduced himself as an applicant for the Safety and Parking Advisory Commission.

Talyon Sortor introduced himself as an applicant for the Finance and Budget Commission.

Consent Calendar Davis Business Improvement District (BID) 2009 Core Area Report; Proposed Fiscal Year 2010-2011 Budget; and Resolution of Intention to Levy and Collect an Assessment:

Approved 2009 Core Area BID Report including FY 2010-2011 proposed budget and programs from the Davis Downtown Business Association (DDBA) subject to any changes or modifications that may be made subsequent to a public hearing on the request to increase, levy and collect an annual assessment, held on December 1, 2009

Approved Resolution No. 09-176 - Intention to Levy and Collect the Business Improvement District Annual Assessment Fee for the Core Area Benefit Zone and Periphery Core Benefit Zone Pursuant to the Parking and Business Improvement Area Law of 1989 for the Davis Business Improvement District for Fiscal Year 2010-2011

Resolution No. 09-177 - Authorizing the City Manager to Execute a Contract with Neighborworks Homeownership Center Sacramento Region (Neighborworks) to Assume Administration of the City's Right of First Refusal of Existing and Future Affordable Low/Moderate Income Units
Approved

S. Souza recused himself from the following item due to a conflict of interest because of his business relationship with University Retirement Community:
Resolution No. 09-178 - Approving the Partial Reconveyance of Approximately 0.36 Acres of the Shasta Point Retirement Community Parcel Located at 1501 Shasta Drive for an Approved Lot Line Adjustment with the Adjacent University Retirement Community Parcel

Approved by the following vote:

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

Resolution No. 09-179 - Authorizing the City Manager to Execute the Relocation Agreement with the Aikins Family Revocable Trust of 1990 for Agreement and Approval of Use of the \$93,000 Project Payment – 233 and 239 J Street Project/Relocation of 315 B Street Houses
Approved

Ordinance Amending Section 33.02.042 of the Davis Municipal Code to Extend Until July 1, 2010 the Temporary Reduction of Sewer Connection Fees for Reuse of Existing Space for Nonresidential Purposes
Introduced

Second Reading of Ordinance No. 2348 - Amending the Budget of the City of Davis for the Fiscal Year 2009-2010, Providing for the Post-Auditing of Paid Demands 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 (Item also on Redevelopment Agency Consent Calendar)
Adopted (Introduced 10/20/2009)

Development Impact Fee Annual AB1600 Report – Schedule of Revenues, Expenditures and Beginning and Ending Unexpended Balances of Development Impact Fees Collected by the City for the 2008/2009 Fiscal Year
Accepted report

Commission Minutes:

1. Finance and Budget Commission Meetings of September 14 and 28, 2009
2. Historical Resources Management Commission Meeting of September 21, 1009
3. Open Space and Habitat Commission Meetings of October 8 and November 5, 2007

Informational

Proclamation Recognizing National Family Caregivers Month, November 2009

Informational

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

Items Removed from Consent Calendar:

Item removed by S. Souza

Request from Davis Korean Church for Relief from Conditional Use Permit (CUP) Requirement for Installation of a Photovoltaic System (Planning Application #07-07, CUP #03-07)

Mark Lee, Davis Korean Church Project Coordinator, explained the Church has requested relief from the requirement due to financial constraints as donations have significantly decreased over the past few years. If relief is not granted, he requested an extension of time to comply.

S. Souza moved, seconded by R. Asmundson, to retain the Conditional Use Permit requirement for installation of a photovoltaic system without specifying a timeline for completion.

D. Saylor moved substitute motion, seconded by S. Greenwald, to approve request to grant relief from installation of photovoltaic system (CUP condition of approval #61).

L. Heysek moved substitute, substitute motion, seconded by S. Souza, to retain the Conditional Use Permit requirement, and to extend the deadline for compliance to five years from today. Motion failed by the following vote:

AYES: Heystek, Souza

NOES: Greenwald, Saylor, Asmundson

Substitute motion passed by the following vote:

AYES: Greenwald, Saylor, Asmundson

NOES: Heystek, Souza

Mace Parke Project/2990 Fifth Street – Community Housing Opportunities Corporation (CHOC) Project Model and

Housing and Human Services Superintendent Danielle Foster summarized the proposed project, a residential and office mixed-use subdivision on the land dedication site at 2990 Fifth Street with 29 affordable ownership units and 9,764 square feet of non-profit office space and project community space. She explained that CHOC has requested approval to proceed with a project that does not use the community land trust model because of obstacles related to financing, gaining approval from the Department of Real Estate, and admin-

Final Funding Request (item also heard by Re-development Agency Board)

istrative expenses.

Scott Sherpard, CHOC, provided details of the project and reasons for the funding request: overall total amount of cost has been reduced substantially, CHOC has met and/or exceeded benchmarks, already secured construction financing, yet there has been an erosion of other public funds that were at one time considered to be available for project (state level funds), and CHOC intends to accelerate the construction process as much as possible.

S. Souza moved, seconded by D. Saylor, as follows:

1. Deny the subsidy request
2. Direct staff to return to City Council with a new Request for Proposals (RFP)
3. Direct the City Manager and City Attorney to unwind the project, determine the total cost the city has to pay, and negotiate for delivery of plans entitled at this point in time and payment of development and processing fees

R. Asmundson proposed a friendly amendment to wait for a final decision on a new RFP until after the affordable housing workshop in January. Accepted by mover and second. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: Greenwald

City Council recessed at 7:37 p.m. and reconvened at 7:48 p.m.

Reorganization of Fire Department / Proposed Staffing Model

City Manager Bill Emlen explained recent retirement announcements from the city and UC Davis have provided an opportunity to pursue consideration of a Battalion Chief model for the Fire Department and to enter into preliminary discussions with UC Davis regarding our mutual relationship for provision of fire services.

Deputy City Manger Kelly Stachowicz provided details of the conceptual re-organization to the Battalion Chief model.

D. Saylor moved, seconded by S. Souza, to endorse, in concept, the proposed Battalion Chief command structure and overall long term Fire Department re-organization plan. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

D. Saylor moved, seconded by S. Souza, to direct staff to continue exploratory discussions with UC Davis on potential opportunities that would lead to a single operational model or some variation thereof. Motion passed unanimously.

D. Saylor moved, seconded by S. Souza, to direct staff to return to Council upon refinement of the Battalion Chief job classification and related job speci-

fications (Assistant Fire Chief, Fire Marshal and Fire Chief) to include full descriptions of proposed amendments (red-line versions), that would facilitate implementation of the department reorganization, along with a progress update on discussions with UC Davis; with full descriptions outlining changes. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

S. Greenwald moved, seconded by L. Heystek, to strike language “with an estimated ongoing savings of \$208,000” from staff recommendation to “Receive information in attached report, including a proposed Fire Department staffing model with an estimated ongoing annual savings of \$208,000”

D. Saylor moved substitute motion, seconded by R. Asmundson, that City Council received the report. Motion passed by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

City Council Appointments to Advisory Commissions

City Council voted to appoint members to the Bicycle Advisory, Finance and Budget, Recreation and Park, and Safety and Parking Advisory Commissions through the use of a grid system. After votes were tallied, applicants were appointed as follows:

COMMISSION / APPLICANT		RA	LH	SG	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name							
BAC -- Vote for 1: 1 Regular (term ends 09-30-10)								
*If you vote for Joseph Krovoza (current alternate), also vote for a replacement Alternate by using "A"								
Bourne	Elisabeth	A	A	A	A	A	5A	Alternate
Krovoza	Joseph	R	R	R	R	R	5R	Regular
FBC -- Vote for 2: 1 Regular & 1 Alternate								
Miller	Jeff		A	A	R	R	2A/2R	Alternate
Sortor	Talyon	R	R	R	A	A	2A/3R	Regular
Westlund	Travie						0	
Zhu	Jack	A					1A	
RPC -- Vote for 2: 1 Regular & 1 Alternate								
Bray	Ira			A	A		2A	
Earthman	Elizabeth	A	A			A	3A	Alternate
Russell	Charles	R	R	R	R	R	5R	Regular
Westlund	Travie						0	
SPAC -- Vote for 1: 1 Regular								
Straw	Geoff	R	X	X	R	R	5	Regular

D. Saylor moved, seconded by L. Heystek, to approve commission appointments as outlined above. Motion passed unanimously.

Fiscal Year 2009/10 First Quarter Budget Update Financial Manager Gail Buller and Budget Manager Kelly Fletcher presented the final, unaudited year-end all funds revenue and expenditure results for Fiscal Year 2008/09, and revenue and expenditure results through the first three periods of Fiscal Year 2009/10. Assistant City Manager Paul Navazio outlined budget budget-balancing contingency proposals, approximately \$2.0 million of potential measures that could be implemented in order to maintain a balanced-budget should one or more of the major revenue or cost-savings assumptions not be realized.

Closed Session City Council returned to closed session at 10:52 p.m. for further Conference with Labor Negotiators.

Adjournment The meeting was adjourned at 11:15 p.m.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of November 10, 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 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 D. Saylor moved, seconded by S. Souza, approval of agenda. Motion passed unanimously.

Public Comments None

Consent Calendar RDA Resolution No. 1231 - Approving the Partial Reconveyance of Approximately 0.36 Acres of the Shasta Point Retirement Community Parcel Located at 1501 Shasta Drive for an Approved Lot Line Adjustment with the Adjacent University Retirement Community Parcel
Approved

S. Souza recused himself from the following item due to a conflict of interest because of his business relationship with University Retirement Community:
RDA Resolution No. 1232 - Authorizing the Redevelopment Agency Board of Directors for the Redevelopment Agency of the City of Davis to Authorize the Agency Director to Execute the Relocation Agreement for the Houses at 311 and 315 B Street.

Approved by the following vote:

AYES: Greenwald, Heystek, Saylor, Asmundson

NOES: None

ABSENT: Souza

Second Reading of Ordinance No. 2348 - Amending the Budget of the City of Davis for the Fiscal Year 2009-2010, Providing for the Post-Auditing of Paid Demands 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

Adopted (Introduced 10/20/2009)

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

Mace Parke Project/2990 Fifth Street – Community Housing Opportunities Corporation (CHOC) Project Model and Final Funding Request (item also heard by City Council)

Housing and Human Services Superintendent Danielle Foster summarized the proposed project, a residential and office mixed-use subdivision on the land dedication site at 2990 Fifth Street with 29 affordable ownership units and 9,764 square feet of non-profit office space and project community space. She explained that CHOC has requested approval to proceed with a project that does not use the community land trust model because of obstacles related to financing, gaining approval from the Department of Real Estate, and administrative expenses.

Scott Sherpard, CHOC, provided details of the project and reasons for the funding request: overall total amount of cost has been reduced substantially, CHOC has met and/or exceeded benchmarks, already secured construction financing, yet there has been an erosion of other public funds that were at one time considered to be available for project (state level funds), and CHOC intends to accelerate the construction process as much as possible.

S. Souza moved, seconded by D. Saylor, as follows:

1. Deny the subsidy request
2. Direct staff to return to City Council with a new Request for Proposals (RFP)
3. Direct the City Manager and City Attorney to unwind the project, determine the total cost the city has to pay, and negotiate for delivery of plans entitled at this point in time and payment of development and processing fees

R. Asmundson proposed a friendly amendment to wait for a final decision on a new RFP until after the affordable housing workshop in January. Accepted by mover and second. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: Greenwald

Adjournment The meeting was adjourned at 10:52 p.m.

Zoe S. Mirabile, CMC
City Clerk