

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of February 16, 2010

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 to discuss the following: Conference with Legal Counsel – Existing Litigation:

1. Lewis v. Russell, Federal District Court Civ.S – 032646 WBSKJM
2. Davis Enterprise, Inc. v. Fairfield Publishing Company, et al, Yolo County Superior Court Case No. CV06-68
3. NewPath Networks, LLC v. City of Davis, Federal District Court, Eastern District 2:10 CV-00236-GEB-KJM

City Council returned to open session at 6:32 p.m. City Attorney Harriet Steiner reported the following regarding NewPath Networks v. City of Davis: City Council voted to authorize the City Attorney to defend the case. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSENT: Greenwald

Approval of Agenda S. Greenwald moved, seconded by R. Asmundson, to approve the agenda. Motion passed unanimously.

L. Heystek read Council Ground Rules 1-3 and 9-12 into the record.

Ceremonial Presentations S. Souza presented a Proclamation Recognizing March 1-7, 2010 as Peace Corps Week

L. Heystek presented a Proclamation Recognizing Local Filmmakers Robert Machoian and Rodrigo Ojeda-Beck and Their Sundance Film Festival Featured Short Film, “Charlie and the Rabbit”

City Council presented the Golden Heart Awards Recognizing Outstanding Youth in Grades 7 - 12 in the Community for Service and Personal Challenge.

City Council recessed at 6:57 p.m. and reconvened at 7:13 p.m.

Public Comments

David Thompson, Neighborhood Partners, requested a response from the city to DACHA allegations and demand for DACHA to pay back funds received for share stabilization.

David Greenwald suggested Council consider not pursuing an extension of the Sales Tax and instead assisting the School District and Yolo County with revenue sharing.

Steve McMahon, Davis Community Network, spoke in support of Google's broadband initiative and expressed DCN's interest in cooperating in a combined application or expressions of interest.

Steve Boutan spoke regarding DACHA and explained Neighborhood Partner's efforts to develop and sustain DACHA; questioned why city staff were present at DACHA meetings wherein decisions were made illegally.

Consent Calendar

Resolution No. 10-019 - Authorizing the City Manager to Execute the Agricultural Lease with Richard Dettling for Use of the Howat Ranch
Approved

Resolution No. 10-020 - Authorizing the City Manager to Enter into Field Use Agreements Between the City of Davis and the Davis Youth Soccer League and the Davis Youth Softball Association Regarding the Use of City Fields
Approved

Second Reading: Ordinance No. 2354 Amending Chapter 40 of the Davis Municipal Code, Rezoning the Parcel Located at 2726 Fifth Street, Consisting of Approximately 2.52 Acres, from Planned Development #4-88, Industrial Subarea, to Public-Semi-Public (P-SP) (Rezone/Preliminary Planned Development #04-08)
Adopted (Introduced 02/02/2010)

Budget Adjustment #50 (\$250,643) – Allocating Office of Emergency Services Funding for Reimbursement of Fire Department Strike Team Response
Approved

Central Park Master Plan Update

1. Directed staff to consolidate the various Central Park improvement projects and prepare a draft updated master plan
2. Approved Budget Adjustment #56 (\$25,000) – Allocating funding for use in contracting with Royston Hanamoto, Alley & Abey “RHAA”

Budget Adjustment #57 (\$240,000) – Allocating Funding For Payment of Election Services Provided by Yolo County for the Special Election on November 3,

2009 and Refunding Remaining Developer Deposit to the Applicant
Approved

Business and Economic Development Award Recipients for 2009 – Recognizing Contributions to Local Economic Development
Approved award recipients

Fiscal Year 2009/10 Second Calendar Quarter Treasurer’s Report
Accepted report

Fiscal Year 2009/10 Second Calendar Quarter Administratively Approved Budget Adjustments (*Budget Manager Kelly Fletcher*)
Informational

Fiscal Year 2008/09 Audited Comprehensive Annual Financial Reports
Informational

Citywide Sign Design Guidelines Update
Informational

D. Saylor recused himself from the following item due to a conflict of interest on as he is a Board Member of ACME Theatre Company:

Resolution No. 10-021 - Approving Award of the 2010 Civic Arts Contracts Under the City's Civic Arts Contracts Program and Authorizing the City Manager to Enter into Contracts With Award Recipients; Minutes from the Civic Arts Commission Meetings of January 11 and February 8, 2010.

Approved resolution and accepted minutes as informational by the following vote:

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

Commission Minutes:

1. Historical Resources Management Commission Meeting of November 16, 1009
2. Human Relations Commission Meeting of September 24, October 22 and November 19, 2009
3. Telecommunications Commission Meetings of July 2, August 6, September 3, October 1, November 5, November 13 and December 10, 2008; and January 14, February 11, March 18, May 6, June 10, September 16, October 14 and December 2, 2009

Informational

City Council Minutes from January 5, 2010
Approved

R. Asmundson moved, seconded by S. Greenwald, to approve the consent calendar as listed above. Motion passed unanimously.

Public Hearing:
University Retirement Community at Davis (URCAD) / 1515 Shasta Drive – Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing

S. Souza recused himself due to a conflict of interest as University Retirement Center is a client of his business Ultra Clean Pools and left the room.

City Manager Bill Emlen explained the city is not a direct party to this issue, but must hold a public hearing to determine if we are in agreement with the bond issue.

Mayor Pro Tem Saylor opened the public hearing, and after no comments, closed the public hearing.

R. Asmundson moved, seconded by S. Greenwald, to approve resolution No. 10-022 - Approving the Issuance by the California Statewide Communities Development Authority of its Revenue Refunding Bonds, Series 2010 (University Retirement Community at Davis, Inc. Project) in One or More Series, in an Aggregate Principal Amount Not to Exceed \$45,000,000 for the Purpose of Financing and Refinancing a Retirement Community Facility and Certain Other Matters Relating Thereto. Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Asmundson

NOES: None

ABSENT: Souza

R. Asmundson moved, seconded by L. Heystek, to approve resolution No. 10-023 - Approving a Subordination Agreement in Favor of U.S. Bank National Association as Master Trustee. Motion passed by the following vote:

AYES: Greenwald, Heystek, Saylor, Asmundson

NOES: None

ABSENT: Souza

S. Souza returned to the dais.

Streetlight Conversion Pilot Project

Interim Public Works Director Bob Clarke summarized the pilot project to remove 327 high-pressure sodium (HPS) lights and install LED lights in their place, with an estimated result in reduced energy and maintenance costs of approximately 40%.

Dr. Michael Siminovitch, Director of the California Lighting Technology Center, provided information on recent innovations in the lighting industry and explained technology is moving toward LED lighting in the future. Future opportunities include LED task lighting for offices, lighting controls, bi-level stairwell fixtures, exterior lighting: parking lots, garages, path ways and buildings.

Doug Fetterly question whether there were options for quality of LEDs and

when should they be replaced.

Dr. Siminovitch explained there is a higher standard for interior lighting.

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

1. Approve a pilot project to install LED lights on a small-scale basis at selected locations throughout the city
2. Approve Resolution No. 10-024 - Authorizing the City Manager to Execute an Agreement with PG&E for LED Streetlight Turnkey Replacement Service, CIP No. 7257
3. Approve Budget Adjustment #58 (\$206,000) – Allocating Energy Efficiency and Conservation Block Grant (EECBG) funding
4. Approve the ongoing effort to assess the lighting technologies and to collect feedback from the community on the LED and induction light pilot projects

Motion passed unanimously.

Consider Request for an Annual Exemption from Playfields Park Rules for the Davis High School Freshman Baseball Team Pre-Game Warm-Up

L. Heystek recused himself due to a conflict of interest because he owns property at Greene Terrace, which is within 500 ft of Playfields Park, and left the room.

Community Services Superintendent Christine Helweg explained the City received a request from DJUSD for an annual exemption from the park rule that prohibits players from accessing the fields until 30 minutes prior to official game time. This request was discussed by the City-School 2x2 and the Recreation and Park Commission.

R. Asmundson moved, seconded by S. Greenwald, to approve Resolution No. 10-025 - Authorizing the City Manager to Enter into a Field Use Agreement Between the City of Davis and the Davis Joint Unified School District to Provide an Exemption from the Conditions of Use for a One-Hour Pre-Game Warm Up at Playfields Park Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: None

ABSENT: Heystek

L. Heystek returned to the dais.

Fiscal Year 2009/10 Mid-Year Budget Update – Revenue and Expenditure Results and General Fund Forecast

City Manager Bill Emlen explained sales tax revenues and interest earnings are lower than estimated, as a result, the city has projected ending the fiscal year with a General Fund reserve level below the 15% policy. Staff is working toward cutting \$1.2 to \$1.5 million out of the budget by restructuring the organization and focusing on long-term structural changes. Budget Manager Kelly Fletcher summarized highlights from the mid-year report. Assistant City Manager Paul Navazio explained staff is in the early stages of developing the fiscal year 2010/11 budget.

City Council recessed at 8:40 p.m. and reconvened at 8:52 p.m.

City Attorney Harriet Steiner stated revenue sharing is a complex proposition. Where two jurisdictions share functions, both can enter into an agreement to share costs in ways that make most sense; it may be possible to share some costs, but it is a fact-driven issue. The City does not have the authority to hand over city generated revenue without strings attached, but opportunities may be available in the right set of circumstances.

Appeal of November 19, 2009 Tree Commission Decision to Retain the River She-Oak Located at 1624 Tamarack Lane

City Arborist Rob Cain outlined the staff recommendation to uphold the Tree Commission decision.

Mayor Pro Tem Saylor opened the public hearing, and after no comments, continued the public hearing to March 2, 2010. Appellant will be given the opportunity to address the Council before final action is taken. Staff will notice appellant of continuation.

Telecommunication Commission Roles and Responsibilities

Information Technology Administrator Rick Guidara explained that clarification to the Telecommunication Commission's roles and responsibilities is necessary due to conflicts of interest, primarily related to franchise fee allocations.

Zach O'Donnell, Telecommunications Commission, summarized the subcommittee recommendation, including redesignating current members as ex-officio members; they would be able to provide technical expertise, but not participate as voting members.

City Attorney Harriet Steiner explained individuals may not participate on the commission at all if a conflict exists (prohibit even ex-officio membership).

Steve McMahon, Telecommunications Commission, stated funding recommendations should be removed from the Commission scope.

Peter Peterson, Davis Media Access, suggested the starting point for the discussion should be how is commission going to help the Council; is Commission input necessary, or will staff suffice?

City Council recessed at 10:54 p.m. and reconvened at 10:57 p.m.

City Manager Bill Emlen proposed Council request the Council Subcommittee on Commissions discuss the proposed issues and staff/commission recommendations and return to Council within one month. Council concurred.

Teen Program- ming Update	Community Services Superintendent Christine Helweg provided an informational update on teen programming. Activities since September 2009 have included the hiring of four Teen Activity Specialists to serve as activity planners and liaisons to the junior and senior high school sites, coordination of community-wide teen events, and teen and community-at-large outreach efforts to solicit input related to assessing and determining critical needs.
Removed from Consent Calendar	Item removed by L. Heystek. L. Heystek requested the Council Subcommittee on Commissions to discuss the request for a joint representative from the Recreation and Park Commission to the Open Space and Habitat Commission and vice versa.
Commission Minutes: Open Space Commission Meetings of April 7 and September 8, 2008	L. Heystek moved, seconded by S. Souza, to accept Minutes from the Open Space Commission Meetings of April 7 and September 8, 2008 as informational. Motion passed unanimously.
Long Range Calendar	S. Souza reported he will be attending the Cap-to-Cap on behalf of the Transportation District on April 20. S. Souza stated Council needs to review rules and procedures governing Council. D. Saylor suggested working with S. Souza on this issue and return to Council with recommendations. L. Heystek requested Council consider the possibility of agendizing discussion of revenue sharing with DJUSD and Yolo County. City Attorney Harriet Steiner stated Council will need to consider the legalities involved. City Manager Bill Emlen suggested adding the topic to the budget workshop on March 16.
Adjournment	The meeting was adjourned at 11:35 p.m. in memory of Richard O'Brien.

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of February 16, 2010

The Redevelopment Agency Board of the City of Davis met in regular session beginning at 6:32 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Pro Tem Saylor.

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

Board Members Absent: None

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

Approval of Agenda S. Greenwald moved, seconded by R. Asmundson, to approve the agenda. Motion passed unanimously.

Public Comments None

Consent Calendar Central Park Master Plan Update
1. Directed staff to consolidate the various Central Park improvement projects and prepare a draft updated master plan
2. Approved Budget Adjustment #56 (\$25,000) – Allocating funding for use in contracting with Royston Hanamoto, Alley & Abey “RHAA”

Fiscal Year 2008/09 Audited Comprehensive Annual Financial Reports
Informational

R. Asmundson moved, seconded by S. Greenwald, to approve the consent calendar as listed above. Motion passed unanimously.

Adjournment The meeting was adjourned at 11:35 p.m. in memory of Richard O’Brien.

Zoe S. Mirabile, CMC
City Clerk