

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of March 30, 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 to discuss the following:

A. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 case

B. Conference with Real Property Negotiator:

Property: 1752 Drew Circle

Negotiating Parties: Davis Campus Cooperatives, a Subsidiary of North American Students of Cooperation (NASCO)

Agency Negotiators: City Attorney Harriet Steiner, City Manager Bill Emlen, Housing & Human Services Superintendent Danielle Foster

Under Negotiation: Price and terms of payment

City Council returned to open session at 6:38 p.m. D. Saylor reported the following action took place in closed session:

R. Asmundson recused herself from closed session discussion regarding property negotiation for 1752 Drew Circle due to a conflict of interest.

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

1. Authorize Option 2: Settlement with First Northern, as proposed, to Obtain a Reconveyance of First and Second Liens on the Property and subordination of Third Lien in Exchange for a Discounted Payment on Their Loans. Accept the \$1.6 million loan from the Redevelopment Agency's Housing Set-Aside Fund and authorize budget amendment to utilize its proceeds as an advance under the City's existing Housing Trust Fund loans to Pacifico to stop First Northern's foreclosure by paying the discounted settlement amount of \$1.6 million which will result in the release of First Northern's first and second liens, subordination of its third, the termination of First Northern's foreclosure and the protection of the City's liens, collateral and affordability restriction
2. Authorize this loan and the associated agreement (Pacifico Project Cooperation Funding Agreement), to be brought back to the Agency and City for

- formal action at its next meeting
3. Provide the City Manager the authority to execute necessary documents in carrying out this direction
 4. Direct staff to further pursue project options with the student-oriented entities, such as those described in Option 3: Work with UC Davis Student Housing, University Outreach and International Programs (UOIP), and/or EAH

Motion passed by the following vote:

AYES: Heystek, Saylor, Souza

NOES: None

ABSTAIN: Greenwald

ABSENT: Asmundson

Approval of
Agenda

S. Souza moved, seconded by L. Heystek, approval of the agenda. Motion passed unanimously.

L. Heystek read Council Ground Rules 3-5 and 8-12 into the record.

Mayor Asmundson introduced visitors from Sister City Sanjou, Korea, who presented a flag of Sanjou to City Manger Bill Emlen.

Public Com-
ments

David Greenwald spoke in opposition to proposed additions to the Council Ground Rules.

Deborah Laird and Tim Randstrom spoke regarding the second reading of the Willowbank Park Ordinances Rezoning the Parcel Planned Development (P-D) #2-08 and Approving a Development Agreement, and Resolution Amending the Subdivision Agreement for Willowbank Unit No. 10 . Comments included: request to remove Ordinances and Resolution from Consent Calendar, and neighbors of project concerned that by granting development entitlement approval before Option C is reviewed and approved (townhouse proposal), takes away leverage from the negotiating power of the city.

Consent Calen-
dar

Resolution No. 10-041 - Authorizing the City Manager to Execute the Caltrans Program Supplement No. N026 to Administering Agency-State Agreement No. 03-5238R for Project ESPLE 5238(052), Second Street Pedestrian Improvements, CIP No. 8163, amending the City's Master Agreement with Caltrans for this CIP

Approved

Resolution No. 10-042 - Authorizing City Manager to Execute Contract with Sungard Public Sector (formally known as HTE) to Move Hosting of City's Main Financial Computer Programs Offsite

Approved

Resolution No. 10-043 - Authorizing City Manager to Execute Agreement for Cooperative Communication Cooperative Projects Among the Cities of Davis,

West Sacramento, Winters, Woodland, the County of Yolo, and the Yolo Emergency Communications Agency
Approved

Budget Adjustment #66 (\$15,568) – Appropriating additional assessment district revenue collected by the city for the Downtown Business Improvement District (DBID)
Approved

Commission Minutes (informational only):

1. Finance and Budget Commission Meeting of February 8, 2010
2. Recreation and Park Commission Meeting of January 21, 2010
3. Senior Citizens Commission Meeting of February 11, 2010

Informational

Commission Minutes (action item): Recreation and Park Commission Meeting of February 18, 2010

Received minutes as informational with exception of the following: Approved request from Girl Scouts of Davis to use Slide Hill Park for their annual overnight camp, and authorize staff to administratively approve future requests from this group for this annual event. Additional recommendation regarding the 2010 Commission Work Plan was pulled from the consent calendar by L. Heystek for further discussion and separate vote.

General Plan Annual Progress Report For Calendar Year 2009)

1. Accepted annual progress report required by State of California
2. Directed staff to forward the report to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD)

Residential Development Status Report as of January 1, 2010

Removed from consent calendar by B. Emlen and postponed to April 13, 2010.

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

Items removed from consent

Willowbank items removed by S. Souza.

Resolution Regarding Third Amendment to the Subdivision Agreement for Willowbank Unit No. 10

S. Souza moved, seconded by L. Heystek, approval of Resolution No. 10-044 - Approving and Authorizing the City Manager to Sign Third Amendment to the Subdivision Agreement for Willowbank Unit No. 10, Subdivision No. 4880 (Community Property Trust Agreement and Declaration of Trust, Consisting of Survivor's Trust, Bypass Trust, and Disclaimer Trust). Motion passed unanimously.

S. Greenwald moved to reconsider the item. No second.

Ordinances Re-

S. Souza moved, seconded by D. Saylor, adoption of the following Ordinances:

garding Willowbank Park Subdivision - Rezoning and Approving Development Agreement

1. Second Reading: Ordinance No. 2355 - Amending Section 40.01.090 of Chapter 40 of the Davis Municipal Code Rezoning the Vacant Parcel Located on the West Side of Mace Boulevard (APN #069-490-35) Between San Marino Drive and Redbud Drive, to Planned Development (P-D) #2-08 (Residential Use) – Willowbank Park Subdivision (Introduced 03/16/2010).
2. Second Reading: Ordinance No. 2356 - Approving a Development Agreement Regarding the Willowbank Park Subdivision Project

Motion passed by the following vote:
AYES: Saylor, Souza, Asmundson
NOES: Greenwald, Heystek

Recreation and Park Commission 2010 Work Plan

Item removed by L. Heystek.

L. Heystek moved, seconded by D. Saylor, to approve the Recreation and Park Commission Work Plan for calendar year 2010 as amended: add a comprehensive review of park ordinances and request commission recommendation on whether or not to continue allowing smoking in parks. Motion passed unanimously.

Public Hearing: Updated Housing Element

Mayor Asmundson opened and continued the public hearing to April 13, 2010.

Budget Workshop: Preliminary Fiscal Year 2010/11 Budget Projections, Five-Year Forecast and Budget Balancing Framework

City Manager Bill Emlen stated the city is projected to end the fiscal year with a draw down on the reserves to just under 13%, and presented a \$1.7 million reduction package, focused on position reductions.

Assistant City Manager Paul Navazio provided a review of the revenue and expenditure assumptions being used in the development of the FY2010/11 budget and the updated General Fund five-year forecast, and outlined the proposed budget-balancing framework.

City Council recessed at 8:10 p.m. and reconvened at 8:24 p.m.

David Greenwald spoke regarding the 35 vacant positions slated for elimination and potential ramifications to city services.

S. Souza moved, seconded by L. Heystek to table the purchase of the Third and B Building until there is a chance to discuss further. Motion withdrawn.

City Council recessed at 10:42 p.m. and reconvened at 10:52 p.m.

Proposed Additions to the Council Meeting Ground Rules and Procedures Manual

Item deferred.

Resolution Condemning Recent Hate Crimes and Other Manifes- tations of Intol- erance in the Greater Davis Community	<p>L. Heystek read resolution into the record.</p> <p>Norbie Kumagai requested City Council refer the resolution to staff and the Human Relations Commission for analysis and recommendations, and proposed amendments to include references to racially motivated incidents in Davis' past.</p> <p>By consensus, City Council referred the resolution to staff and the Human Relations and City-UCD Student Liaison Commissions.</p>
Brief Commu- nications	<p>H. Steiner reported the following:</p> <ol style="list-style-type: none"> 1. The city has filed a complaint with the Public Utilities Commission against NewPath Networks, challenging their notice to proceed primarily on CEQA grounds. Also, staff is currently working with NewPath to remove some facility installations and to render other sites safe though concrete fillers and the like. 2. The Whitcombe v. City of Davis lawsuit regarding Measure R ballot language ex parte hearing was denied; Whitcombe filed an appeal to this ruling with the appellate court, said appeal was denied.
Long Range Calendar	<p>R. Asmundson requested Council agendize June 29, 2010 as a regular meeting and July 6, 2010 as a ceremonial meeting recognizing outgoing Councilmembers. Council concurred.</p>
Closed Session	<p>B. Emlen announced the following closed session was deferred: Conference with Labor Negotiators pursuant to Government Code §54954.5:</p> <p>Agency Designated Representatives: City Manager Bill Emlen, Assistant City Manager Paul Navazio, Human Resources Administrator Melissa Chaney, City Attorney Harriet Steiner</p> <p>Unrepresented Employees: Assistant City Manager, City Manager, and Individual Department Heads (Community Development Director, Community Services Director, Fire Chief, Parks & General Services Director, Police Chief, Public Works Director)</p>
Adjournment	<p>The meeting was adjourned at 11:15 p.m.</p>

Zoe S. Mirabile, CMC
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY BOARD
Meeting of March 30, 2010

The Redevelopment Agency 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: 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, Agency Clerk Zoe Mirabile

Closed Session Redevelopment Agency Board convened a closed session pursuant to Government Code §54954.5 to discuss the following:

A. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 case

B. Conference with Real Property Negotiators:

1. Properties: 5524 Marden Street
 3159, 3165, 3186, 3192, & 3198 Albany Circle
 2019 Arena Drive
 5503, 5509, 5515, 5521, 5527, 5533 & 5539
 Tufts Street
 2301, 2303, 2305, 2307, 2309 & 2311 Glacier
 Place

Negotiating Parties: Davis Area Cooperative Housing Association (DACHA)

Agency Negotiators: City Attorney Harriet Steiner, City Manager Bill Emlen, Housing & Human Services Superintendent Danielle Foster

Under Negotiation: Price and terms of payment

2. Property: 1752 Drew Circle
Negotiating Parties: Davis Campus Cooperatives, a Subsidiary of North American Students of Cooperation (NASCO)

Agency Negotiators: City Attorney Harriet Steiner, City Manager Bill Emlen, Housing & Human Services Superintendent Danielle Foster

Under Negotiation: Price and terms of payment

Redevelopment Agency Board returned to open session at 6:38 p.m.

D. Saylor reported the following action took place in closed session:

R. Asmundson recused herself from closed session discussion regarding property negotiation for 1752 Drew Circle due to a conflict of interest.

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

1. Authorize a loan and related budget appropriation allocating \$1.6 million from the Redevelopment Agency's Housing Set-Aside Fund (fund 954) to the City's Housing Trust Fund (fund 160). The purpose of the loan is to enable the City to stop First Northern's foreclosure by paying the discounted settlement amount of \$1.6 million which will result in the release of First Northern's first and second liens, subordination of its third, the termination of First Northern's foreclosure and the protection of the City's liens, collateral and affordability restriction
2. Authorize this loan and the associated agreement presented tonight, to be brought back to the Agency and City for formal action at its next meeting
3. Provide the Agency Executive Director the authority to execute necessary documents in carrying out this direction

Motion passed by the following vote:

AYES: Heystek, Saylor, Souza

NOES: None

ABSTAIN: Greenwald

ABSENT: Asmundson

Approval of Agenda	S. Souza moved, seconded by L. Heystek, approval of the agenda. Motion passed unanimously.
Public Comment	None
Adjournment	The meeting was adjourned at 11:15 p.m.

Zoe S. Mirabile, CMC
City Clerk