



**DAVIS CITY COUNCIL MEETING  
COMMUNITY CHAMBERS  
23 RUSSELL BOULEVARD, DAVIS, CA 95616  
TUESDAY, SEPTEMBER 8, 2009  
6:30 P.M.  
AGENDA**

*Members of the City Council:  
Ruth Uy Asmundson, Mayor  
Don Saylor, Mayor Pro Tempore  
Sue Greenwald  
Lamar Heystek  
Stephen Souza*

*Bill Emlen, City Manager  
Harriet Steiner, City Attorney*

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**PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers.**

Roll Call

Approval of Agenda

Item 1

Ceremonial Presentation: Proclamation Recognizing September 2009 as Prostate Cancer Awareness Month

Item 2

**Public Comments**

At this time, any member of the public may address the City Council on matters which are not listed on this agenda. Speakers will be asked to state their name for the record. Citizens should reserve their comments for matters listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. City Council may not take action on any item not explicitly listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

Item 3

**Consent Calendar**

All matters listed under the Consent Calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items; however, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Item(s) removed will be discussed later in the meeting as time permits.

- A. Resolution 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 (*Community Services Director Elvia Garcia-Ayala/Community Services Supervisor Dennis Hubbard*)

Recommendation: Approve

- B. Resolution 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 (*Community Services Director Elvia Garcia-Ayala/Community Services Supervisor Dennis Hubbard*)

Recommendation: Approve

- C. Resolution Approving Amendment to the City of Davis' Claim for the Transportation Development Act- State Transit Assistance Funds for FY 08-09

Budget Adjustment #179 – Allocating Funding in Accordance with the Amended Claim (*Financial Services Manager Gail Buller*)

Recommendation: Approve

- D. Resolution 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 (*City Engineer Robert Clarke/Civil Engineer Terry Jue*)

Recommendation: Approve

- E. Resolution to Allow Deferral of Building Permit and Plan Review Fees for New Tenant Improvements Until Building Occupancy (*Community Development Director Katherine Hess/Chief Building Official Mark Wood*)

Recommendation: Approve

- F. Resolution Awarding Contract of \$822,296 to Zim Industries for Production Well 34 (1813 Fifth Street), CIP No. 8174 (*City Engineer Robert Clarke/Principal Civil Engineer Dianna Jensen*)

Recommendation: Approve

- G. Resolution Approving Staff to Pre-Purchase Equipment for Pumping and Manganese Treatment Systems for Well 32, CIP No. 8129 and Program 7522 (*City Engineer Robert Clarke/Senior Civil Engineer Michael Mitchell*)

Recommendation: Approve

- H. Ordinance Reinstating the Collection of Business License Taxes for Certain Residential Units (*Assistant City Manager Paul Navazio/Financial Services Manager Gail Buller*)

Recommendation: Introduce

- I. Ordinance Modifying Article 18.06 of the Davis Municipal Code to Suspend the “Middle Income Housing” Requirement (*Housing and Social Services Superintendent Danielle Foster/Community Services Director Katherine Hess*)

Recommendation: Introduce

- J. 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 (*Financial Services Manager Gail Buller*)

Recommendation: Approve

- K. 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 (*Financial Services Manager Gail Buller/Financial Analyst Sheila McCrory*) (Item also on Redevelopment Agency Consent Calendar)

Recommendation: Approve

- L. Willowbank 10 Subdivision Extension of Time for Development of Affordable Housing Units (*Community Development Director Katherine Hess/ Principal Planner Michael Webb*)

Recommendation: Approve grant of 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

- M. Treasurer’s Report for the Quarter Ended June 30, 2009 (*Assistant City Manager Paul Navazio/Financial Analyst Sheila McCrory*)

Recommendation: Accept report

- N. 2008/09 Fourth Calendar Quarter Administratively Approved Budget Adjustments (*Budget Manager Kelly Fletcher*)

Recommendation: Informational

- O. 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

Recommendation: Informational

- P. Proclamation Recognizing September 2009 as National Preparedness Month (*Fire Chief Rose Conroy*)

Recommendation: Ceremonial

Q. Item Submitted by Councilmember: Resolution Establishing Davis' Commitment to Obesity Prevention (*Mayor Pro Tem Don Saylor*)

Recommendation: Approve resolution and authorize partnership with HEAL Cities to host a regional meeting of elected and appointed officials on September 30, 2009

## Regular Calendar

### Item 4

Public Hearing: Varsity Theatre Second Screen and Restroom Addition, CIP Nos. 8195 and 8197 (*Deputy City Manager Ken Hiatt/Property Management Coordinator Anne Brunette*) Item will also be heard by the Redevelopment Agency

Recommendation:

1. Approve Resolution 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. Approve 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. Approve Resolution 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. Approve Resolution 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. Approve Resolution Authorizing the City Manager to Execute Consultant Agreement with Thomas Garner Company for Construction Management Services for Varsity Theatre Addition and ADA Restroom Project

### Item 5

Fifth Street Corridor Workplan and Timeline (*Community Development Director Katherine Hess/Public Works Director Bob Weir/City Engineer Bob Clarke/Principal Planner Michael Webb*)

Recommendation: Re-affirm the approved workplan and timeline for evaluating options for the corridor

### Item 6

Update on E Street Paid Parking and Discussion of Downtown Parking Issues (*Deputy City Manager Ken Hiatt*) Item will also be heard by the Redevelopment Agency Board

Recommendation: Direct staff to:

1. Work with the Davis Downtown Business Association 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

Item 7

Fiscal Year 2009-10 Budget Update – Budget Assumptions, Contingencies, and Preliminary Budget Calendar to Guide Regular Council Updates and Periodic Workshops Focusing on Both the Annual Budget and Long-Range Financial Planning Issues (*City Manager Bill Emlen/Budget Manager Kelly Fletcher*)

Recommendation:

1. Direct staff to pursue 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 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

Item 8

Determination of Councilmember Request for Reconsideration of Wood Burning Restrictions (*Councilmember Lamar Heystek*)

Item 9

City Council, City Manager and City Attorney Brief Communications:

- A. This item includes brief announcements, questions to be referred to staff and reports on various 2X2 meetings with other agencies
- B. City Council/Redevelopment Agency Long Range Calendar. The Council/ Agency calendar is a fluid, working document used by the Mayor and City Manager to support efficient and effective Council meetings. The calendar is subject to change to best fit items into the time schedule of the Council meetings. At this time, Council may request items be placed on a future meeting agenda.

### C. AB 1234 Reporting of Meetings Attended at City Expense

#### Adjournment

I declare under penalty of perjury that the foregoing agenda for the September 8, 2009, regular meeting of the Davis City Council was personally delivered to each Councilmember and posted on the outside public bulletin board at City Hall, 23 Russell Boulevard on September 4, 2009, and made available to the public during normal business hours.

Zoe S. Mirabile, CMC  
City Clerk

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**Review:** Davis Branch Library – 315 E 14th Street; Peter Shields Library, Government Documents Section – U.C. Davis; City Hall, main hallway - 23 Russell Boulevard; During Council meetings: left rear side of Community Chambers

**Copying:** Kinko's Copy – 313 F Street (corner of F & Third Streets); Navin's Copy Shop – 231 Third Street (corner of Third Street & University Avenue); Postmark's - 417 Mace Boulevard (in the El Macero Shopping Center)

City Council meetings are televised live on City of Davis Government Channel 16 (available to those who subscribe to cable television) and replayed at the following schedule: Wednesday at 9:00 a.m.; Thursday at 7:00 a.m., 1:00 p.m. and 7:00 p.m.; and Saturday at 1:00 p.m. Meetings are also televised live on the web at [www.cityofdavis.org/media/](http://www.cityofdavis.org/media/). Meetings from the previous three months are also available for review. Videotapes of City Council meetings since 1995 are available for review at the Davis Branch of the Yolo County Library. The tape of the most recent meeting will normally be available by the Monday following the meeting. If you have any questions regarding televised meetings or the Government Channel in general, please call 757-5667 or visit <http://www.cityofdavis.org/pcs/>

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- Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, contact the City Clerk by calling 757-5648 (voice) or 757-5666 (TDD).
- Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at City Hall, 23 Russell Blvd., Davis in the City Clerk's Office. These writings will also be available for review at the City Council meeting in the public access binder in the rear of the Community Chambers.
- Staff recommendations are guidelines to the City Council. On any item, the Council may take action which varies from that recommended by staff.
- The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.
- Questions about this agenda – Please call the City Clerk's Office (530) 757-5648.



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Sue Greenwald  
Lamar Heystek  
Stephen Souza*

*Bill Emlen, Executive Director  
Harriet Steiner, Agency Counsel*

Roll Call

Approval of Agenda

**Item 1 Public Comments**

At this time, any member of the public may address the Agency Board on matters which are not listed on this agenda. Citizens should reserve their comments for matters listed on the agenda when that matter is considered by the Agency. No formal action may be taken on any issue unless it is included on this agenda.

**Item 2**

**Consent Calendar**

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- A. Budget Adjustment #181 (FY08-09) (\$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 (*Financial Services Manager Gail Buller/Financial Analyst Sheila McCrory*) (Item also on City Council Consent Calendar)

Recommendation: Approve

- B. 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 (*Community Services Director Elvia Garcia-Ayala/Housing & Human Services Superintendent Danielle Foster*)

Recommendation: Approve

## Regular Calendar

### Item 3

Public Hearing: Varsity Theatre Second Screen and Restroom Addition, CIP Nos. 8195 and 8197 (*Deputy City Manager Ken Hiatt/Property Management Coordinator Anne Brunette*) Item will also be heard by the City Council

Recommendation:

1. Approve Resolution 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. Approve Budget Adjustment #8 (FY09-10) (\$145,000) – Allocating Redevelopment Agency Capital Funds to the Project Budget for the Construction Phase of the Project

### Adjournment

I declare under penalty of perjury that the foregoing agenda for the September 8, 2009 regular meeting of the Davis Redevelopment Agency was personally delivered to each Board Member and posted on the outside public bulletin board at City Hall, 23 Russell Boulevard, on September 4, 2009 and made available to the public during normal business hours.

Zoe S. Mirabile, CMC, City Clerk

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