

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
April 5, 2005

The City Council of the City of Davis met in regular and closed session at 6:00 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson.

 Councilmembers Absent: None.

 Other Officers Present: City Manager James Antonen, City Attorney Harriet Steiner, City Clerk Bette Racki.

Approval of Agenda T. Puntillo moved, seconded by S. Souza, approval of an amended agenda adding resolutions of appreciation to the Governance Task Force. This item arose after preparation of the agenda and there is need to take action at this time. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Closed Session. The City Council ordered a closed session of the City Council be held for the purpose of discussing and, if necessary, taking action on the following issues:

A. Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of §54956.9. Sacramento Valley Limited Partnership dba Verizon Wireless v. City of Davis, Case Number CIV.S-04-0744 LKK DAD

Council moved into closed session and upon returning to open session, Mayor Asmundson announced no action was taken in closed session.

Ceremonial Presentation. Mayor Pro Tem Greenwald presented a proclamation to Dee Chang and Dave Bakay, licensed family child care providers, declared April 3 – 9, 2005 as The Week of the Young Child.

Mayor Pro Tem Greenwald presented a proclamation recognizing the Davis Film Festival. The proclamation was received by Joseph Hall.

Councilmember Stephen Souza presented a proclamation for Cancer Health Relay for Life Community to be held on April 10, 2005.

Community Service Superintendent Connie Floppino, stated that the Parks and Community Services Department received first prize for a film produced by the department highlighting recreation programs sponsored by the City of Davis. The title of the film is *Come Play With Us*.

City Council, City
Manager and City
Attorney Communi-
cations

A. Open Container Ordinance. City Council has received an email from a citizen living within the Chestnut Park area expressing concerns about people appearing to be living in the park and the consumption of alcohol by various individuals in the park.

Police Chief Hyde stated he received the email and the department is reviewing the situation. If the problem appears to be extensive, the Police Department will request that the open container ordinance be reviewed to address issues of alcohol consumption at Chestnut Park. At that time Council may consider reviewing other parks that may have the same problems.

B. Legislative Bill Regarding Large Parties/Riot Behavior. Chief Hyde reported on a senate bill working its way through the Legislature referencing riot type behavior as well as connecting with university students convicted of riot associated crimes. Sanctions for students involved in this type of behavior could be one year expulsion as well as loss of financial aid for a year. The idea is to bring the State into some type of format for inappropriate and violent behavior by students.

C. Senate Bill 575 – Housing Development Projects. City Attorney Steiner stated that State Senator Torlakson has introduced amendments to a bill that restricts cities and counties ability to deny housing projects. The League of California Cities has put together a committee of City Attorneys, of which Steiner is a member, and they will meet with Senator Torlakson as to how or if State law on anti-NIMBY (not in my back yard) type provisions may or may not be amended. She will keep the Council updated.

D. Resolution 05-43 Best Wishes to Margaret Antonen on Her 100th Birthday. S. Souza moved, seconded by D. Saylor, to add to the agenda a resolution from the City sending best wishes to Margaret Antonen on her 100th birthday. This matter arose after preparation of the agenda and there is need to take action at this time. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

S. Souza moved, seconded by D. Saylor, approval of Resolution No. 05-43 of the City of Council of the City of Davis for Best Wishes on the 100th Birthday Celebration of Margaret Antonen. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

E. Business & Economic Development Commission Meeting. Councilmember Puntillo reported the Business & Economic Development Commission established a subcommittee to work on business climate and business reputation in Davis. The subcommittee will also do an outreach for small business retention.

Public Comment Steven Isaacson, Davis Musical Theatre, stated they have a guarantor to back the loan they received from the city. He asked that a request for an additional loan be place on the agenda for discussion.

Consent Calendar. Resolution No. 05-32 of the City Council of the City of Davis Opposing ACA 5 and ACAx11 and Expressing Support for Legislative Efforts to Promote Meaningful Pension Reform Without Abandoning Defined Benefit Programs.
Approved.

Resolution No. 05-33 Authorizing the City Manger to Execute the Agricultural Lease with Dick Dettling for Use of the Howat Ranch
Approved.

Resolution No. 05-34 Authorizing the City Manger to Execute the Agricultural Lease with Jon C. Dewitt for Use of the Clayton Ranch.
Approved.

Resolution No. 05-36 Accepting Bid of \$41,817.43 from Valley Truck and Tractor Inc. for One (1) 11' Rotary Mower.
Approved

Resolution No 05-37 Accepting Bid of \$42,157.30 from Harley-Davidson of Sacramento for Two (2) Harley-Davidson Police Motorcycles.
Approved

Resolution No. 05-38 Accepting Bid of \$23,580.02 from Dixon Power Equipment for Two (2) Zero Turn Rotary Mowers.
Approved

Resolution No. 05-39 Amending Resolution No. 05-07 – Bicycle Advisory Commission Increase Membership.
Approved

Budget Adjustment #51 – Fee Waiver request from Women Take Back the Night for Use of Central Park and the Mobile Stage (\$256.00)
Approved

Budget Adjustment #52 – Fee Waiver Request from the Davis Film Festival and Davis Religious Community for Sanctuary (\$36.00).
Approved.

Commission Minutes:

1. Natural Resources Commission Regular Meetings of January 24 and February 10, 2005
Recommendation Informational.
2. Space Commission Regular Meetings of January 10, January 24, and February 7, 2005.
Recommendation: Informational.
3. Safety Advisory Commission Regular Meeting of February 3, 2005.
Recommendation: Informational.
4. Senior Citizens Commission Regular Meetings of September 16 and December 9, 2004.
Recommendation: Informational September 16th except of Item 5c – Approved Resolution No. 05-40 Naming of the Interior Multipurpose Room of the Phase III Davis Senior Center Expansion the “Valente Room” and authorize solicitation of naming opportunities for additional interior spaces.

Informational December 9th except Item #6a – Approved Resolution No. 05-40 Authorizing the Naming of the Interior Conference Room of the Phase III Davis Senior Center Expansion to “Joe O’Rourke Memorial Board Room”.

City Council Minutes of January 25, 2005.
Recommendation: Approved.

S. Souza moved, seconded by T. Puntillo, approval of the Consent Calendar as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Workshop: Govern-
ance Task Force
Final Report.

S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-35 of Appreciation to Gerald Adler, Val Dolcini, John Garamendi, Susan Geffer, Tud Lascer, Micharel Levy, Jon Li, Nick Mariano and Joan Poulas for Service to the City of Davis Governance Task Force. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Michael Levy, Chair of the Governance Task Force, summarized the Governance Task Force report covering each section of the report and the recommendations from the Task Force. Task Force members responded to questions from the City Council.

Chair Levy stated the Task Force members did not come to the first meeting with an opinion on choice voting. There was support for status quo and district elections, however that changed as they gained more knowledge about choice voting.. He said choice voting does two things; 1) it guarantees minority representation and 2) prevents a minority from controlling the entire council because the votes are spread amongst all of the candidates. For example, if the voter's first choice candidate does not win, the vote gets passed down to the voter's second choice candidate so the voter's vote still counts even though the voter did not get to elect his/her first choice candidate. This eliminates the concept of minority rule and promotes the concept of broader representation. For example if there is a situation where 35% elected three council members, out of that 35% there is 65% that didn't elect anybody. In choice voting you have the same three council members and essentially 75% of the public would be represented because 75% would have voted for one of the candidates.

Task Force members stated that choice voting by its very creation helps appease the feeling of non-representation.

Nick Mariano explained his abstention vote on choice voting.

A number of citizens spoke in support of choice voting pointing out how the process works, that San Francisco City/County used choice voting in the last election, and that it would reduce negative campaigning.

Kevin Wolf spoke about public financing of elections. He asked that it be considered by the City Council and outlined the process by which public financing could be used.

City Council thanked the task force and presented resolutions of appreciation to each member of the task force.

Council directed staff to provide a glossary of terms, the number of council members for other cities, and how many cities hold districts elections.

Urgency Ordinance
Addressing Floor
Plan Conversions in
Single Family
Homes that Are Re-
flective of a Mini-
Dorm Configuration.

Community Development Director Bill Emlen explained that several neighborhoods in the past year have spoken out about the impacts of "mini-dorm" type modifications of single-family homes. He explained the draft urgency ordinance set before the Council declares a moratorium on any and all new requests for building permits for any additions of bedrooms and/or conversions of interior spaces to bedrooms resulting in more than five bedrooms in the dwelling. A building permit shall require application for and issuances of a Minor Conditional Use Permit. The urgency ordinance will be in place for 45 days and staff will return with an ordinance.

T. Puntillo moved, seconded by S. Souza, adoption of Ordinance No. 2200 – Urgency Interim Zoning Ordinance Establishing a Moratorium on Any and All New Building Permits for Certain Types of Interior Modifications and Building Additions Proposed to Existing Single or Two Family Dwellings that Result in Additional Bedrooms in the R-1, R-2, R-R and Similarly Zoned Planned Developments From April 5, 2005

Through and Including May 20, 2005 Unless Extended by Further Action of the City Council to Take Effect Immediately. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Resolution Opposing the Proposed Elimination of the Community Development Block Grant (CDBG) as Part of Budget Cuts for the U.S. Department of Housing and Urban Development

Social Services Administrator Jerilyn Cochran stated the City of Davis has been granted Community Development Block Grant (CDBG) funds since 1984. The funds were shared by 20 governmental and non-profit organizations focusing on affordable housing, provision of food, healthcare services, transitional housing and removal of architectural barriers. She explained that President's budget recommendation is to eliminate the program from the U.S. Department of Housing and Urban Development budget and proposes transferring 18 community development programs in five Cabinet agencies into a single program entitled "Strengthening America's Community Program."

Following discussion, T. Puntillo moved, seconded by S. Souza, approval of Resolution No. 05-42 of the City Council of the City of Davis Opposing the Elimination of the Community Development Block Grant Program. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson.
NOES: None.

Initiate Public Outreach Process to Begin Defining Land Use Options for the Grande Property.

Community Development Director Emlen summarized the staff report. He outlined the process for soliciting public input by having the Planning and Recreation & Parks Commissions hold meetings with an open mike for citizen input on the Grande site. He said if the School District proceeds with a development partner in the future, it would require amendment to the General Plan. The site is infill in nature and not recommended for higher density because of the street pattern.

Rod Eagle, member of Grande Neighborhood Association, stated the Naylor act clearly does apply for open space. Neighbors have expressed ideas of what to do with the site such as connecting the greenbelt on the east and west side, expand the Covell Park Playground and make it consistent with the rest of the neighborhood open space. They recommended that if the School District is not going to build a school on this site that the City should save part of the site through the Naylor Act for the children. .

Elisa Levy stated there is an established greenbelt path on the east side of the property but over the past 20 years there is also an informal path on the west side of the site that many use. Her hope is that the city can maintain the structure of the neighborhood. She presented comments from other neighbors.

Keith Pfeifer lives across from Grande property and has vested interest in the site. If the property is sold for development there needs to be a transportation plan, housing that reflects current neighborhood homes and bike paths.

Maynard Skinner encouraged an open process and suggested that the School District Offices be moved to the site.

School board member Jim Provenza was introduced.

Following discussion, D. Saylor moved, seconded by R. Asmundson, to direct staff to schedule public meetings before the Planning and Recreation & Parks Commissions to seek input on future options for the Grande property and following the meetings return to Council with summary of input received and potential public process strate-

gies.

Following further discussion, S. Souza moved substitute motion, seconded by T. Puntillo, to table sending this item to the commissions until after May 23 joint meeting with the School Board.

S. Greenwald moved second substitute motion, seconded by R. Asmundson, to direct staff to send this item to the Parks and Recreation Commission for public input and commission analysis including a fiscal analysis along with the report to Council. The substitute motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson.
NOES: Puntillo.

Council requested that the Commission review the need for a park expansion of approximately 2 ½ acres, configuration of the greenbelt that may exceed 10% on the eastern boundary, a western path which may exceed 10% and what can be done in terms of funding.

Public Hearing: 716 N Street and 624 N Street – Revised Preliminary Planned Development, Final Planned Development, Conditional Use Permits.

Mayor Asmundson opened the public hearing and continued this item to April 12, 2005.

Written Communications.

Correspondence from Superintendent David Murphy and response from City staff regarding Grande property.
This item was discussed on this agenda.

Correspondence from Robert Cole regarding vehicular situation at south-west corner of 3rd and D Street and signage on Russell Blvd.
Referred to Public Works Department.

Thank you letters from the Davis Police Department to the Farmer's Wife/Little Prague, Kiwanis Club of Davis, Acorn Veterinary Clinic for contribution to the K-9 Program.
Informational.

Correspondence from David Thompson regarding Greyhound Bus discontinuing services to Davis.
Informational.

Correspondence from Sandy Dietrich, Volunteer Program Coordinator regarding sidewalk stencils.
Informational.

Correspondence from Paul Healey and staff response regarding Comcast activities in Davis.
Informational.

Correspondence from Eduardo Eusebio and staff response regarding Council's decision on appeal to remove a tree and claim for damages.
Referred to risk management.

Correspondence from Pacific Gas & Electric Company regarding Sacramento Municipal Utility District.
Referred to Public Works Department.

Correspondence from Davis Historical Society regarding B/Third Street options.
Referred to Community Development Department.

Adjournment. The meeting adjourned at 10:50 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI
City Clerk