

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL  
APRIL 12, 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, Stephen Souza, Ruth Asmundson.

Councilmembers Absent: Don Saylor.

Other Officers Present: City Manager James Antonen, City Attorney Harriet Steiner, Deputy City Clerk Zoe Mirabile.

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

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

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  
Mandy vs. City of Davis, et al. CV011261.

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

Reorganization of the Parks and Community Services Department and Proposed Job Descriptions Mayor Asmundson announced this item has been deferred to May 3, 2005.

Ceremonial Presentation Councilmember Souza presented a Proclamation Declaring April 23, 2005 as Arbor Day in the City of Davis.

Consent Calendar Resolution No. 05-45 - Awarding Contract of \$213,204 to Richard A. Heaps Electrical Contractor, Inc., for Traffic Signal Installation at Cowell Boulevard and Drew Avenue. Approved resolution and budget adjustment #54 (\$85,000).

Resolution No. 05-46 - Awarding Contract of \$990,129 to C & C Construction, Inc., for Third Street Corridor Improvements (CIP No. 8140). Item also discussed by the Re-development Agency Board of Directors. Approved resolution and budget adjustment #53 (\$551,000).

Plans and Specifications for the Veterans' Memorial Center Lobby Accessibility. Approved.

Plans and Specifications for the 2004/2005 Water Main Replacement Project. Approved.

Resolution No. 05-47 - Expressing Support for Senate Bill 1020 – Allow Boards of Supervisors to Place a ¼ of One Cent Sales Tax Measure on the Ballot for Purposes of Generating Revenues for the Local Transportation Fund.  
Approved.

Resolution Declaring Weeds Growing Upon Private Property Within the City of Davis to be a Public Nuisance: Directing the Chief of the Fire Department to Post or Mail Notice to Destroy Weeds, and Providing Notice of Hearing on Objections Thereto Pursuant to California Government Coder Article 2, Section 39560 Through 39588  
Item removed by S. Souza for further discussion and separate vote.

Request from Davis Youth Softball Association (D.Y.S.A.) to Replace Existing Storage Shed in Community Park.  
Item removed by R. Asmundson for further discussion and separate vote.

Recreation and Park Commission Regular Meeting of February 17, 2005.  
Informational except Item #5, Item #6 and Item #8

(#5) Approved location for commemorative structure in Arroyo Park in Honor of Loren Frankel.

(#6) Approved overnight camping for Girl Scouts in Slide Hill Park.

(#8) Approved business cards for commissioners provided the cost is borne by the commissioners.

Recreation and Park Commission Regular Meeting of March 17, 2005  
Informational except Item #7. Approved the following recommendations:

1. Host "Movies in the Park" in Central and Community Parks.
2. Rent space in the parks to a limited number of "for profit" and "not for profit" local vendors to sell food and beverages (including beer/wine, similar to the Farmer's Market).
3. Sell advertisement opportunities via a PowerPoint slide show one hour prior to the movie starting.
4. Provide a discount for local non profit organizations for PowerPoint advertisements.
5. Evaluate the pilot program for utilization, fee structure changes and solicit future movie choice recommendations from the community.
6. After the pilot program, staff shall request a report from the Police Department about any problems that may have arisen from the event as a result of selling alcohol.

Commission Minutes:

Human Relations Commission Regular Meetings of January 20 and February 3, 2005.  
Informational.

City Council Minutes of March 15, 2005.  
Approved.

Resolution No. 05-48 – Expressing Support for Assembly Bill 1248 Relative to Police Booking Fees; Proposed Letter in Support of AB 1248.  
Approved.

Proposed Letter in Support of Senate Bill 337 Relative to Providing Procedures for Expelling from Public Colleges Students who Participate in Rioting or Near Rioting Behavior.  
Item removed by T. Puntillo, S. Souza and S. Greenwald for further discussion and separate vote.

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

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

Resolution Declaring Weeds Growing Upon Private Property Within the City of Davis to be a Public Nuisance

Following discussion, S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-41 - Declaring Weeds Growing Upon Private Property Within the City of Davis to be a Public Nuisance: Directing the Chief of the Fire Department to Post or Mail Notice to Destroy Weeds, and Providing Notice of Hearing on Objections Thereto Pursuant to California Government Coder Article 2, Section 39560 Through 39588. The motion passed by the following vote:

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

Request from Davis Youth Softball Association (D.Y.S.A.) to Replace Existing Storage Shed in Community Park

Following discussion, T. Puntillo moved, seconded by S. Souza, approval of request from Davis Youth Softball Association (D.Y.S.A.) to replace existing storage shed in Community Park. The motion passed by the following vote:

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

By consensus, Council directed any further requests for use of city open space to be placed on hold pending established criteria.

Public Comment

Scott Lay, Community College League of California; James Schwab, ACLU Northern California; Avi Singh and Nadia Vala, ASUCD; and Rima Awad-Rashmawi spoke in opposition to Senate Bill 337 – providing procedures for expelling students participating in rioting or near rioting behavior.

Jung Suh spoke regarding an eviction notice he received from his landlord due to a contamination issue, stating that he is being evicted without compensation or sufficient time to find another location for his dry cleaning business. City Attorney Steiner stated that the property in question is the subject of ongoing litigation, currently in mediation, of which the city is a defendant.

Chad Walsh, Labor Union representing UCD service workers, and Norbi Kumagai spoke in support of a UCD service worker strike opposing labor practices.

Steven Worker and Norbi Kumagai requested referral of Senate Bill 337 to the City-UCD Student Liaison Commission.

Proposed Letter in Support of SB 337 - Providing Procedures for Expelling from Public Colleges Students who Participate in Rioting or Near Rioting Behavior

Following discussion, T. Punillo moved, seconded by S. Souza, approval of proposed letter, written and read into the record by S. Souza, in opposition to Senate Bill 337 relative to providing procedures for expelling from public colleges students who participate in rioting or near rioting behavior.

S. Greenwald moved amendment to the motion for creation of a Council Subcommittee of S. Souza and S. Greenwald in order to review proposed letter and provide suggestions as to word usage. Subcommittee will meet during a recess and return to open session for approval of final letter.

Mover and second accepted amendment to the motion. The motion passed by the following vote:

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

Public Hearing:  
1731 Research Park  
Drive – Vacation of  
Sidewalk Easement  
#04-04

Community Development Administrator Katherine Hess explained the applicant previously received approval of a final planned development, conditional use permit, design review permits and negative declaration to construct a 13,902 square foot three-story office building. The dimensions of the approved site plan did not correctly take into account the existing sidewalk located on the east side of the property, therefore, the applicant has applied for a 10-foot vacation of the sidewalk easement and rebuilding of the sidewalk on the public right-of-way adjacent to the street.

Mayor Asmundson opened the public hearing and hearing no comments from the public, closed the public hearing.

T. Puntillo moved, seconded by S. Souza, approval of Resolution No. 05-44 - Summarily Vacating the Sidewalk Easement on the West Side of Research Park Drive on the Property Located at 1731 Research Park Drive. The motion passed by the following vote:

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

Public Hearing: 716  
N Street and 624 N  
Street - Revised Pre-  
liminary Planned  
Development, Final  
Planned Develop-  
ment, Conditional  
Use Permits

Assistant Planner Cathy Camacho provided details of the N Street Co-Housing community, which consists of 15 single family residential homes located on N Street and Lessley Place. The applicants have requested a revision of the Preliminary Planned Development, Lots 166-180; final Planned Development to establish project development parameters for the project; conditional use permit for a second dwelling unit for the common house, located at 716 N Street; and conditional use permit for a second dwelling unit located at 624 N Street.

Mayor Asmundson opened the public hearing.

Stephen Brennan, owner of 624 N Street, provided information on the proposed design of the home.

Kevin Wolf, owner of 716 N Street, relayed information on the history of the co-housing community and details of the current development application.

Sally Latimer, resident adjacent to proposed development, spoke in support of the project and stated her privacy issues have been addressed.

Mayor Asmundson closed the public hearing.

S. Souza moved, seconded by T. Puntillo, approval of Planning Application #112-02: revised Preliminary Planned Development #1-98B. The motion passed by the following vote:

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

S. Souza moved, seconded by T. Puntillo, approval of Final Planned Development #14-02 for Lots 166-180 (Davis Manor No. 5 Subdivision). The motion passed by the following vote:

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

S. Souza moved, seconded by T. Puntillo, approval of Conditional Use Permit #10-04 (716 N Street). The motion passed by the following vote:

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

S. Souza moved, seconded by T. Puntillo, Conditional Use Permit #12-04 (624 N Street) based upon findings and subject to conditions. The motion passed by the following vote:

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

Cable Franchise Fee Audit

Social Services Administrator Jerilyn Cochran explained that on September 14, 2004, City Council instructed staff to initiate an audit of the revenues received from Comcast for the latest fiscal year prior to Council consideration of cable franchise documents. Cochran summarized the audit, which concluded that Comcast may be liable for a \$9,226 underpayment during 2003.

S. Souza moved, seconded by S. Greenwald, acceptance of the franchise fee audit report and direction to staff to discuss underpayment as noted in the report with Comcast in the context of the up-front grant offered to cure alleged violations under the current franchise. The motion passed by the following vote:

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

City Council, City Manager and City Attorney Communications

A. Davis Resident Managers Association

Councilmember Souza attended a Davis Resident Managers Association meeting where discussion included the near riots which occurred last year and various efforts of apartment managers in preventing such occurrences, including meeting with the Office of Traffic Safety and distributing door hangers informing students of the consequences of various activities.

B. Pass-Through Agreement with Yolo County

Councilmember Souza requested clarification from the City Attorney regarding a section of the County Pass-Through Agreement, namely, whether a developer is capable of buying out certain financial obligations. Souza indicated this is a timely issue due to the Yolo County General Plan Summit scheduled within one week. City Attorney Steiner indicated that the Pass-Through Agreement stipulates that if the County approves urban development, then the City and Redevelopment Agency no longer pass through tax increments back to the County they would otherwise be entitled to. It is

possible for the County to decide it would rather have the urban development than the pass through tax dollars; this agreement is a financial incentive agreement, not a prohibition agreement.

C. Long Range  
Agenda

Councilmember Souza requested agendizing discussion of Yolo County Pass-Through Agreement. Council concurred.

Councilmember Souza requested Council consider agendizing a semi-annual update on Frontier Fertilizer Site clean-up efforts.

Mayor Asmundson requested agendizing Blue Max Go Cart lease. Council concurred.

Written Communica-  
tions

Correspondence from Yolo County Board of Supervisors Chamberlain & Siefertman inviting Council to a series of Town Hall Forums on Yolo County water issues.  
Informational.

Correspondence from Andrew Minsk and staff response regarding Slide Hill Park maintenance issues.  
Informational.

Correspondence from Davis Historical Society regarding *Planning Options Summary "Option B"* in the Third and B Streets area.  
Referred to Community Development Department.

Correspondence from Tom Spivey regarding code enforcement issue related to 2377 Roualt Street.  
Referred to Code Enforcement.

Proposed Letter in  
Opposition of Senate  
Bill 337

Mayor Pro Tempore Greenwald and Councilmember Souza read in entirety the revised letter in opposition of SB 337.

Adjournment

The meeting adjourned at 9:01 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

ZOE S. MIRABILE  
Deputy City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY  
April 12, 2005

The Davis Redevelopment Agency of the City of Davis met in regular session at 6:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Chair Ruth Asmundson.

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

Absent: Don Saylor.

Other Officers Present: Executive Director James Antonen, RDA Counsel Harriet Steiner, Secretary Zoe S. Mirabile.

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

AYES: Greenwald, Puntillo, Souza, Asmundson.

NOES: None.

ABSENT: Saylor.

Public Comments. None.

Resolution Authorizing Redevelopment Agency Partial Funding for Third Street Corridor Improvements T. Puntillo moved, seconded by S. Souza, approval of Resolution No. 1171 - Authorizing Redevelopment Agency Partial Funding for Third Street Corridor Improvements, CIP No. 8140. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Souza, Asmundson.

NOES: None.

ABSENT: Saylor.

Adjournment. The meeting adjourned at 9:01 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

ZOE S. MIRABILE, Secretary