

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
MAY 24, 2005

The City Council of the City of Davis met in regular and closed session at 5:30 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 E. Racki.

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, Saylor, Souza, Asmundson.
NOES: None.

Ceremonial Presentations:

A. Student Presentation of Video on Racial Issues Jeannie Reid, teacher, introduced students from the GATE program at Holmes Middle School. The students presented a video they produced on racial issues stating they wanted to be proactive and to relate some of their experiences and thoughts about racial issues in the school and community.

Council thanked the students and Ms. Reid for producing the film.

B. Ratifying the Recipients of the 2005 Thong Hy Huynh Awards S. Greenwald moved, seconded by T. Puntillo, approval of Resolution No. 05-62 – Ratifying the Selections n of the Recipients of the 2005 Thong Hy Huynh Memorial Awards by the Human Relations Commission. The motion passed by the following vote:

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

Recipients of the 2005 Thong Hy Huynh Memorial Awards are as follows:

1. Hannah & Ernie Biberstein Humanitarian Award
2. Jann Murray-Garcia Civil Rights Advocacy Award
3. Rick Gonzales for Concilio of Yolo County Excellence in Community Involvement Award
4. Tansey Thomas Lifetime Achievement Award
5. Cindy Litman Community Education and Awareness Award
6. Keirith Breisenick & Steve Pierce Peace Officer Award

Public Comments Dick Holdstock stated there was recently a police incident resulting in helicopters flying over head in Davis. He said he was unable to get information as to what was happening and felt that citizens should be made aware of what is taking place for their own safety.

Chris Fields spoke about the housing on Olive Drive alleging the traffic study was in-

correct. He said traffic is congested and number of pedestrians trying to cross Richards Boulevard at the tunnel.

Sydney Alison Vergie introduced herself as an applicant for the Planning Commission.

Norbie Kungia spoke about ongoing labor negotiations taking place at the University of California Davis alleging that researchers are leaving the university over bad faith practices.

Resolution No. 05-64 - Awarding Contract of \$706,170 to Civil Engineering Construction, Inc., for 2004 Water Main Replacement, CIP No. 8786; Budget Adjustment #76 (\$276,000) Water Capital Replacement Funds.
Approved.

Resolution No. 05- 65 - Authorizing the Public Works Director to Execute Application for Used Oil Recycling Grant.
Approved.

Resolution No. 05-66 - Authorizing the City Manager to Enter Into a License and Use Agreement for Construction of a Building at Civic Center Pool Between the City of Davis, Davis Aquadarts, Inc., and Davis Aquatic Masters on City Property at 23 Russell Boulevard.
Approved.

Resolution No. 05-67- Accepting Bid of \$208,208.56 from Hi-Tech Fire Apparatus, Inc., for One (1) Wildland Type III Fire Engine.
Approved.

City Manager Contract Amendment:
Resolution No. 05-69 - for Paying and Reporting the Value of Employer Paid Member Contributions for the City Manager.
Approved.

Resolution No. 05-68 - of the City Council of the City of Davis Approving Second Amendment to the Employment Agreement with City Manager and Authorizing Mayor to Execute Same.
Approved.

Police Department Summary of 2005 Picnic Day Events.
This item was removed by T. Puntillo for further discussion.

Commission Minutes:
Safety Advisory Commission Regular Meeting of April 7, 2005.
Informational.

Planning Commission Regular Meetings of January 12 and March 23, 2005.
Informational.

City-DDBA 2x2 Regular Meetings of March 7 and 28, 2005.
Informational.

Historical Resources Management Commission Regular Meeting of January 24, 2005.
Informational.

Budget Adjustment #77 (\$17,800) – Purchase of On-line Parking Citation System.
Approved.

Ordinance No. 2205 - Amending Section 40.01.090 of Chapter 40 of the City of Davis Municipal Code to Rezone Approximately 5.14 Acres of the Parcel Located at 3058 & 3060 Sycamore Lane from Planned Development (P-D) #2-90 (Single-Family Residential) to Planned Development (P-D) #17-03 (Single-Family Residential) – Cassel Estates Subdivision.
Removed for separate vote.

New Job Specification – Community Services Manager.
Approved.

Tree Removal Requests from the Tree Commission Regular Meeting of April 21, 2005.
Approved Commission recommendations.

Resolution No. 05-70 - Authorizing the City Manager to Execute an Agreement Between Raney Planning and Management, Inc., and City of Davis for Preparation of an Environmental Impact Report for the Second Street Crossing (Target Store) Project Application; Budget Adjustment (\$251,357) – Transfer Funds from Applicant Payment.
Removed for separate vote.

Resolution No. 05-63 - of the City Council of the City of Davis Declaring June 12, 2005 Yolo County Gay Pride Day in Davis.
Approved.

Resolution of the City Council of the City of Davis Declaring June 12, 2005 Yolo County Gay Pride Day in Davis.

Mayor Pro Tem Greenwald presented to Shelly Bailes and Ellen Pontac a Resolution Declaring June 12, 2005 Yolo County Gay Pride Day in Davis.

T Puntillo recognized the Police Department.

Councilmember Puntillo thanked the Police Department for a job well done during Picnic Day.

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

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Resolution No. 05-70 - Authorizing the City Manager to Execute an Agreement Between Raney Planning and Management, Inc., and City of Davis for Preparation of an Environmental Impact Report for the Second Street Crossing (Target Store) Project Application.

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

Public Hearing: Proposed Master Fees

Finance Director Paul Navazio presented the proposed Master Fee Schedule for FY2005/06, which are expected to generate a total of \$6,948,690 in departmental fee revenue, an increase of 8.2%. Staff responded to questions from the City Council.

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

Following discussion, D. Saylor moved, seconded by S. Souza, approval of Resolution No. 05-71 of the City Council of the City of Davis Establishing Fees and Charges for the Provision of Services by City Departments. The motion passed by the following vote:

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

Consider Open Container Ordinance Amendments

Assistant to City Manager Kelly Stachowicz explained that on May 3, 2005, City Council received a petition requesting Chestnut Park be added to the open container ordinance.

Police Chief Hyde in response to question about anticipating problems in other parks explained the attraction for certain groups to parks and the methods that could be used to discourage such gatherings and inappropriate behavior.

Following discussion, S. Souza moved, seconded by T. Puntillo, adoption of Urgency Ordinance No. 2206 of the Municipal Code of the City of Davis to Prohibit the Consumption of Alcoholic Beverages and Possession of Any Open Container of Alcoholic Beverages in Chestnut Park for the Immediate Preservation of the Public Peace, Health and Safety. The motion passed by the following vote:

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

S. Souza moved, seconded by T. Puntillo, introduction of ordinance of the Municipal Code of the City of Davis to prohibit consumption of alcoholic beverages and possession of any open container of alcoholic beverages in Chestnut Park. The motion passed by the following vote:

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

S. Greenwald moved, seconded by S. Souza, to direct staff to seek long-term solutions to the problems associated with open containers of alcohol in city parks and greenbelts and report back to Council in six months. The motion passed by the following vote:

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

S. Greenwald moved, seconded by S. Souza, to direct staff to review statistics on open containers implementation and citations.

S. Souza requested an amendment to the motion that when the statistic information is received that it be forwarded to the appropriate commissions for review. Accepted by mover of the motion.

The motion, as amended, passed by the following vote:

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

Analysis of Governance Task Force Recommendations

City Clerk Bette Racki explained that the Governance Task Force was charged with studying issues related to governance and on April 5, 2005 submitted a final report with recommendations to Council. Racki presented an overview of staff analysis of the recommendations.

Task Force Vice Chair Gerald Adler reviewed the ordinance regarding the selection of mayor. He stated establishing a choice voting system is a political decision. The Task Force discussed establishing a broad charter as there is significant differences between Charter City and General Law cities. He pointed out that it is not necessary to increase the number of council members to be a charter city.

Five citizens spoke in support of choice voting along with making Davis a charter city to accomplish that goal.

Chris Jerdonek stated the Task Force reviewed choice voting very carefully over the past six months and recommended choice voting. He encouraged Council to approve a broad charter on the November ballot in conjunction with a choice voting ordinance wherein the voters would see the reason for the charter is to adopt choice voting.

Task Force member Joan Poulos remarked that the Task Force reviewed governance in general and there was input from a number of citizens which was taken into consideration during their deliberations.

Michael Levy, Chair of the Task Force, joined in the comments made by Joan Poulos and Gerald Adler stating the entire final report from the task force should be considered.

Norbie Kumigai spoke about the number of propositions that will be on the November ballot and that the issue of choice voting and charter city will be lost in the number of items on the ballot.

Following discussion. T. Puntillo moved, seconded by S. Souza, to streamline the commission system as follows:

- a. Review commissions to determine if their charges should be changed or discontinued
- b. Stagger the review period with similar commissions being reviewed at the same time beginning 2006.
- c. The review to include consideration of reducing the redundancy of sending issues to multiple commissions.

The motion passed by the following vote:

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

T. Puntillo moved, seconded by S. Souza, that more comprehensive records of commission meeting be provided when an item on the commission agenda is of particular interest to the public and Council and that type of meeting be televised or taped. The motion passed by the following vote:

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

T. Puntillo moved, seconded by S. Souza, allow public comment period regarding commission appointments which includes establishing a deadline for receiving commission applications seven days before appointment and placing the names of potential commissioners on the city webpage/newspaper. The motion passed by the following vote:

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

T. Puntillo moved, seconded by S. Souza, approve timing of commission appointments three months after municipal election (i.e. September). The motion passed by the following vote:

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

S. Greenwald moved, to adopt district elections. No second.

D. Saylor moved, seconded by T. Puntillo, approval of task force recommendation to not adopt district election. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor, to not change the executive/legislative powers of the mayor. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor, to not change campaign contribution limits. The motion passed by the following vote:

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

S. Greenwald moved, seconded by S. Souza, to not establish term limits for council members. The motion passed by the following vote:

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

D. Saylor moved, seconded by T. Puntillo, to not increase the size of the city council from five members to seven members. The motion passed by the following vote:

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

D. Saylor moved, seconded by S. Souza, to not move the city council election from June to November. The motion passed by the following vote:

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

S. Souza moved to put on the November ballot an advisory vote for choice voting. No second.

T. Puntillo moved, seconded by D. Saylor, to direct the City Attorney to provide legal analysis on establishing choice voting system, assess the efficacy of the city's campaign finance ordinance, establish a charter city as necessary to implement other recommendations and adopt a broader charter if needed with a possible timeline of June 2006.

S. Souza moved substitute motion, seconded by T. Puntillo, to place on the June ballot 2006 a measure for choice voting.

D. Saylor moved second substitute motion, seconded by R. Asmundson, to direct the City Attorney to provide legal analysis on establishing choice voting system, charter city and timeline for June 2006 election.

Both substitute motions withdrawn.

The original motion passed by the following vote:

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

T. Puntillo moved, seconded by S. Souza, to direct the City Attorney to provide language that coincides with Part A of the *Inter-Related Proposals Regarding the Structure of City Government* from the Governance Task Force final report that the Council selects the mayor from among present council members.

S. Greenwald suggested amendment to the motion that the Council enacts the change in 2006 abiding by the results of the last election. Not accepted by the mover or second.

The motion passed by the following vote:

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

City Council thanked the member of the Governance Task Force.

Appointment to the Planning Commission

Michael Braly and Dan Reeves introduced themselves as applicants for the Planning Commission.

S. Greenwald moved, seconded by S. Souza, appointment of Jennie Baker as a regular member of the Planning Commission. The motion passed by the following vote:

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

City Council voted through use of a grid system as follows:

Greenwald:	Mark Braly, Dan Reeves
Puntillo:	Mark Braly, Greg Clumpner
Saylor:	Mark Braly, Greg Clumpner
Souza:	Mark Braly, Greg Clumpner
Asmundson:	Mark Braly, Greg Clumpner

As result of the votes cast, the following were appointed to the Planning Commission: Mark Braly as regular member and Greg Clumpner as an alternate.

Varsity Theater Re-use Proposals

Mayor Asmundson recused herself as she was the former owner of a building at 2nd and G Street thus resulting in a conflict of interest.

Community Partnership Coordinator Anne Brunette provided background on the Varsity Theater, stating Council directed staff to circulate a Request for Proposals/Qualifications for the development and management of the theater. Four proposals were received and reviewed by an evaluation panel consistent of Matt Kowta, Bill Roe, Dean Labadie, Joshua Clover, Eric Smoodin, Jeff Adamki, Ken Hiatt, Anne Brunette and Greg Wershing. She explained that negotiations are open as to costs such as rental and willingness to negotiate improvements to the theatre.

Joshua Clover said there was a dynamic mix on the evaluation panel and summarized the discussion with the applicants. He said Fenske/Novakovic was selected. They proposed to use the theater for acclaimed independent and foreign films.

Bill Fairfield spoke about his background as an entertainer.

Sherry Cauchois, Varsity Production, stated live entertainment is needed in Davis and expressed disappointment that they were not selected.

Staff and evaluation panel responded to questions from the City Council.

Following discussion, D. Saylor moved, seconded by T. Puntillo, to proceed with negotiation with two applicants to develop proposals.

S. Greenwald moved substitute motion, seconded by S. Souza, to direct staff to proceed with exclusive negotiations agreement between the City of Davis/Redevelopment Agency and Fenske/Novakovia for the development and management of the Varsity Theater. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor, to direct Council Subcommittee to work with assessing additional opportunities to create arts and entertainment in downtown and reuse options for Hunt Boyer Mansion. The motion passed by the following vote:

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

Mace Ranch Neighborhood Park

Parks & Community Services Director Donna Silva stated the Mace Ranch Park Committee has met twice and at the first meeting the committee addressed the Council's direction to look at the Target site. The committee expressed no interest in the connection between the park and the Target site and added a concern for safety between the two. At the second meeting staff asked for clarification from the committee and the committee commented they have no official position on the retail site but want to have input. The committee could not support an additional connection as there is no funding for the park and if the connection is funded by the adjacent development at Council direction, they would expect to see a substantial contribution to the park. They expressed concern that the park not be considered the only open space associated with any adjacent development and that the site have its own open space areas on the South side of the channel.

Christal Loon, Christine Iams and Don Swift, Mace Park Committee, stated the park is under funded, concern that people that will come to the park are not part of the neighborhood, the neighborhood has expressed opposition to the Target plans; however if Target were to participate in funding the park the opposition may be softening.

Following discussion, S. Souza moved, seconded by T. Puntillo, to receive the update from the Park Planning Committee regarding the master planning of Mace Ranch Neighborhood Park. The motion passed by the following vote:

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

T. Puntillo moved, seconded by S. Souza, to provide further direction to the Committee regarding the master planning of the park as it relates to the site and impact and/or potential connection to the park. Encourage the committee to work with developers of the site to receive funding for the park. The motion passed by the following vote:

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

D. Saylor moved, seconded T. Puntillo, that the neighborhood park planning includes options for integrating with the Target site open space. The motion passed by the following vote:

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

S. Souza moved, seconded by T. Puntillo, staff recommendation to direct Public Works staff to refine the budget estimate for the construction of the park, to include the basic amenities of a neighborhood park, and return to Council with a revised budget estimate. The motion passed by the following vote:

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

Workshop: City Operating Budget

Finance Director Paul Navazio presented an overview of the proposed FY2005/06 budget, focusing on review of revenue trends and estimates and expenditure trends and baseline assumptions. In addition, Navazio summarized proposed department budgets and reviewed operational issues, funding needs and council priorities.

Sales tax is lagging behind projections. Personnel cost assumptions have experienced steep increases however some positive note is that pensions are leveling off. Salaries averages 3 ½ growth but depend on the negotiation contracts. Included in the budget are salary negotiations.

Reserved to be utilized and come up with framework and plans including replacement of the tax.

Written Communications

Correspondence from Boris and Susan Ruebner regarding rental properties.
Informational.

Correspondence from DJUSD Superintendent David Murphy regarding the school district Grande property.
Informational.

Correspondence and resolution from ASUCD Senate in opposition to tobacco-industry sponsored events.
Informational.

Correspondence from Ken Walker regarding proposed city budget.
Item discussed on this agenda.

Correspondence from members of Davis Area Cooperative Housing Association regarding affordable housing.
Referred to Affordable Housing Coordinator.

Petition urging use of choice voting for Davis City Council elections from 90 individuals.
Item discussed on this agenda.

Adjournment.

The meeting adjourned at 12:02 a.m. in memory of Margaret Antonen to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI
City Clerk