

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
JUNE 28, 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 S. Greenwald moved, seconded by T. Puntillo, approval of the agenda as submitted. 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 – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of §54956.9: one case.

B. 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 Council took no reportable action.

Ceremonial Presentation: Proclamation Declaring July as Parks and Recreation Month Mayor Pro Tem Greenwald presented a Proclamation Declaring July as Parks and Recreation Month to Charles Russell, Chair of the Recreation and Parks Commission.

Proclamation Declaring the National Anthem Be Sung in G-Major. Councilmember Stephen Souza presented a Proclamation Declaring When the National Anthem is sung in Davis that it be sung in G-Major. She presented the proclamation to Benjamin Fingler, nephew of the individual supporting singing of the National Anthem in g-major.

Council, City Manager and City Attorney Communications None.

Public Comments James Forack spoke about Measure J and the voting power of the citizens to vote on Covell Village. He said that Kevin Wolf represented himself as spokesperson of the Friends of the River. He called the Friends of the River and was told Mr. Wolf was not the spokesperson and has asked for a statement from Mr. Wolf.

Joe Kovoza spoke about the fire pit at Arroyo Park and Mace Ranch Park and the

concerns expressed by the neighbors. He said it is something that the city can work together to resolve so that citizens that live and use the parks will not be disturbed.

Bill Camp, Sacramento Central Labor Council, spoke about Comcast extension. He outlined the history of Comcast alleging problems with labor laws and their standards in the community. He said his organization will be bringing this issue to Council.

Council suggested that a meeting be set up with the City Attorney regarding any allegations.

Consent Calendar

Resolution No. 05-97 - Authorizing the City Manager to Enter Into an Assignment of Lease Agreement from Davis Educational Foundation to Davis Public Schools Education Foundation for the Carousel in Central Park.
Approved.

Resolution No. 05-98 - Authorizing the City Manager to Submit and Execute the Federal Transit Administration Grant Application for the University of California-Davis, for Operations and Capital Assistance Project Number CA-90-Y370-00.
Approved.

Resolution No. 05-99 - Allowing the City Manager to Execute an Agreement with Becker Bell Incorporated for Negotiation Consultant Services.
Approved.

Revised Budget Estimate for Mace Ranch Neighborhood Park, CIP No. 8136.
This item was removed by staff for further discussion.

Budget Adjustment #92 (\$149,500) Allocating Funds for Police In-Car Video System.
Approved.

Proposed Removal of Commissioner Singh from the Social Services Commission.
Approved.

New Job Specification – Assistant Police Chief.
Approved.

Resolution No. 05-100 - to Approve Summarily Vacating the Public Right of Way on the Northwest Side of the Intersection of Mills Drive and Beech Lane on the Property Located at 333 Mills Drive.
Approved.

Commission Minutes:
Safety Advisory Commission Regular Meeting of May 5, 2005 and Special Meeting of May 12, 2005.
Informational.

Planning Commission Regular Meetings of January 26 and May 11, 2005.
Informational.

Recreation and Park Commission Regular Meeting of June 16, 2005.
This item was removed by S. Souza for further discussion and separate vote.

Ordinance No. 2209 - Amending Section 8.01.010, Deleting and Readopting Section 8.01.040 of the Davis Municipal Code, and Adopting by Reference the 2002 Edition of the National Electrical Code, Subject to the Definitions, Clarifications and Amendments Set Forth in This Ordinance.

Approved (Introduced 6/21/05).

Ordinance No. 2211 - Amending Sections 12.01.020, 12.01.030 and 12.01.090 of Chapter 12, Elections, of the Davis Municipal Code to Define the Term "Spouse" to Include a Registered Domestic Partner Recognized Under State Law and to Increase the Maximum Penalty for Violating Any Provision of Chapter 12.

Approved (Introduced 6/21/05).

Resolutions Authorizing Cable Franchise Extension:

Resolution No. 05- 101 - Extending Ordinance 1482, the Cable Television Franchise, Through September 30, 2005.

Resolution No. 05-102 - Extending Agreement for Educational Television Services Between Davis Joint Unified School District and the City of Davis Through September 30, 2005.

Resolution No. 05- 103 - Extending Agreement for Public Television Services Between Davis Community Television and the City of Davis Through September 30, 2005.

Approved.

Proposed Letter of Support for AB 1747 Regarding Inclusion of the Tribal Council of the Rumsey Band of Wintun Indians in the Conaway Ranch Joint Powers Authority.

Approved.

Budget Adjustment #94 (\$35,000) Allocating Funds for Historic City Hall Improvements.

This item was removed for separate vote.

Resolution No. 05-104 - Authorizing the City Manager or His Designee to Execute an Agreement with the Davis Cemetery District for Use of the City-Owned Fuel Facility.

Approved.

Resolutions Nos. 05-105 Through 05-110 - Fixing Tax Rates for Community Facilities Districts 1990-1, 1990-2, 1990-3, 1990-4, 1990-5 and 1991-2 for the Fiscal Year 2005-2006; Certification of Special Tax.

Approved resolutions and authorized Mayor to sign Certifications of Special Tax.

Resolutions Determining Excess Funds and Directing Application Thereof for University Research Park Assessment District and Parking District No. 3; Certifications of Assessment.

This item was removed by T. Puntillo for further discussion and separate vote.

Park Maintenance and Open Space Protection Tax Certifications.

Authorized Mayor to sign Certifications.

City Council Minutes from the Regular Meeting of April 26, 2005.

Approved.

Resolution Authorizing the City Manager to Enter Into an Agreement for Use and Maintenance of the Tennis Courts and Related Landscaping Maintenance at Davis Senior High School with the Davis Joint Unified School District.

This item was removed by D. Saylor for further discussion and separate vote.

Budget Adjustments #95 & #96 – Adjustment for Year End Accounting/Balancing.

Approved.

T. Puntillo moved, seconded by S. Souza, approval of the consent calendar as modified. The motion passed by the following vote:

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

Budget Adjustment #94 (\$35,000) Allocating Funds for Historic City Hall Improvements.

Mayor Asmundson recused herself from discussion on this matter as she owns property within 500 feet of this project.

T. Puntillo moved, seconded by S. Souza, approval of the budget adjustment allocating funds for Historical City Hall improvement. The motion passed by the following vote:

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

Recreation and Park Commission Regular Meeting of June 16, 2005.

Parks and Community Services Director Donna Silva, in response to question from the City Council regarding the fire pit at Arroyo Park, stated the signs went up last week stating the fire pit is closed until a long term solution is reached. As for the fire pit at Mace Park, that item will be discussed by the Recreation and Park Commission in July and staff has begun a noticing process.

Resolution Nos. 05-111 through 05-112 - Determining Excess Funds and Directing Application Thereof for University Research Park Assessment District and Parking District No. 3; Certifications of Assessment.

Following discussion, T. Puntillo moved, seconded by S. Souza, approval of Resolutions Resolution Nos. 05-111 through 05-112 - Determining Excess Funds and Directing Application Thereof for University Research Park Assessment District and Parking District No. 3; Certifications of Assessment. The motion passed by the following vote:

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

Resolution Authorizing the City Manager to Enter Into an Agreement for Use and Maintenance of the Tennis Courts and Related Landscaping Maintenance at Davis Senior High School with the Davis Joint Unified School District.

Assistant to Parks & Community Services Director Michele Wierschem explained the School District requested the "percentage of use of the facility" be placed in the agreement. She spoke about a safety hazard on the school district property stating this issue has been brought to the attention of the District. She suggested that staff could send a letter reminding the district that the safety hazard needs to be resolved.

Following discussion, Council deferred this matter to the City/School District 2X2 meeting.

Revised Budget Estimate for Mace Ranch Neighborhood Park, CIP No. 8136.

Public Works Director Bob Weir stated this item is an informational item to alert the Council that there will be budget problems if the Mace Park were to have the typical amenities of a neighborhood park. This will come back to City Council in July after the Recreation & Parks Commission reviews the completed Park Master Plan and the budget issues and what can and can not be done. He said staff will look at revenue options.

Adoption of Fiscal
Year 2005/06
Budget

Finance Director Paul Navazio summarized the fiscal year 2005/06 budget, which maintains current service levels across all programs; limits additional funding to selected high-priority, one-time needs and maintains the General Fund reserve at a projected level of 15%. Council will be voting on the appropriation ordinance which addresses the legal requirements and technical aspect of adopting the budget. The carryovers are not included in this item and will be to Council as a supplemental item prior to summer recess for some of the critical projects that are funded in the current year budget.

Following discussion, S. Souza moved, seconded by T. Puntillo, adoption of Urgency Ordinance No. 2210 – Final Budget of the City of Davis for the Fiscal Year 2005-2006, Providing for the post-Auditing of Paid Demands Certified or Approved as Conforming to Such Approved Budget and Determining the Appropriations Limit of the City of Davis Pursuant to Article XIII-B of the State Constitution. The motion passed by the following vote:

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

Covell Village Appli-
cations

Community Development Director Bill Emlen explained that staff will return with information on the zoning of Covell Village in the fall prior to the November election.

Community Development Administrator Katherine Hess explained that on June 21, 2005, the City Council approved the General Plan Amendment for the Covell Village project. Staff will prepare a fact sheet which will be on the city webpage.

City Attorney Harriet Steiner in response to Council for clarification of the Covell Village General Plan amendment baseline project features clause “Measure J Expiration and Extension”, stated if the voters do not extend Measure J voter requirements, then the voter requirement provision would go away but the development agreement will remain in place. She said on the ballot will be the General Plan amendment and the baseline features approved by Council on June 21, 2005. She stated the law requires noticing on the General Plan amendment and the development agreement but not on the baseline feature.

After consultation with staff, Ms. Steiner stated If Council were to determine to change the baseline features, noticing would not be required because it doesn't change the land uses. Council could then approve a resolution amending the resolution approved the previous week to change the last paragraph to read “If Measure J was not extended by the voter, Covell Village shall not expire.”

Following discussion, D. Saylor moved, seconded by S. Souza, to determine to change the time period in the baseline features does not affect the General Plan amendment nor does it require any re-noticing as it does not change the substantive baseline project features and clarifies the intension that all parties had at the outset. 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. 05-113 – Amending Resolution No. 05-96 to Amend the Baseline Project Features to Provide that Voter Approval Requirements Will Apply for the Life of the Covell Village Project. The motion passed by the following vote:

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

NOES: None.

D. Saylor moved, seconded by T. Puntillo, approval of Resolution No. 05-114 – Calling a Special Election to be Held in the City on Tuesday, November 8, 2005, for Submission to the Voters of a Measure Amending the General Plan to Change the Land Use Designations for the Covell Village Property and Establishing the Covell Village Baseline Project Features and Directing the City Clerk to Specify the Deadline for Submission of Arguments for and Against the Measure. The motion passed by the following vote:

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

D. Saylor moved, seconded by T. Puntillo, approval of Resolution No. 05-115 - Requesting the Board of Supervisors of the County of Yolo to Consolidate a Special Election to be Held on November 8, 2005 with the Statewide Special Election to be Held on That Date Pursuant to §10403 of the Election Code. The motion passed by the following vote:

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

D. Saylor moved, seconded by S. Souza, re- introduction of ordinance of the City Council of the City of Davis approving a development agreement with Covell Village Partners regarding the project commonly known as Covell Village modifying Exhibit B-2 to reflect the changes to the baseline features to provide the voter approval requirements will apply for the life of the Covell Village project. The motion passed by the following vote:

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

T. Puntillo moved, seconded by S. Souza, appointment of Mayor Ruth Asmundson and Councilmember Don Saylor as Council Subcommittee to prepare the argument in favor of Covell Village. The motion passed by the following vote:

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

S. Souza moved, seconded by S. Greenwald, that prior to submitting the argument in favor of Covell Village project, the argument and rebuttal be reviewed by the Council. The motion failed by the following vote:

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

S. Greenwald moved, seconded by S. Souza, that the City not spend extra amount of taxpayers' money to send out factual information regarding the Covell Village project. The motion passed by the following vote:

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

Adjournment

The meeting adjourned at 9:00 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
June 28, 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, Don Saylor, Stephen Souza, Ruth Asmundson.

Absent: None.

Other Officers Present: Executive Director James Antonen, RDA Counsel Harriet Steiner, Secretary Bette E. Racki.

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

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

Public Comments. None.

Budget Adjustment #94 Allocate Funds for Historic City Hall Improvements. Chair Asmundson recused herself from discussion on this matter as she owns property with 500 feet of this project.

Following discussion, T. Puntillo moved, seconded by S. Souza, approval of budget adjustment #94 (\$35,000) allocating funds for Historic City Hall improvements. The motion passed by the following vote:

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

Adoption of Fiscal Year 2005/06 Redevelopment Agency Budget. S. Souza moved, seconded by T. Puntillo, adoption of fiscal year 2005/06 Redevelopment Agency budget. The motion passed by the following vote:

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

Adjournment. The meeting adjourned at 10:05 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI, Secretary