

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
JULY 12, 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, 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, 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 issue:

 Conference with Labor Negotiator. Agency Designated Representatives: City Manager Jim Antonen, Human Resources Administrator Melissa Chaney, Finance Director Paul Navazio, Consultant Gene Bell. Employee Organizations: Davis City Employee Association, Professional and Support Employee Association, Management Unit, Department Heads, Firefighters Local 3494.

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

Council, City Manager and City Attorney Communications

- a. City-County 2x2 Mayor Asmundson and Councilmember Saylor attended the City-County 2x2 where discussion included an update on plans to upgrade the current library facility and parking lot at 14th Street, and consideration of re-examining cost shares for homeless services.
- b. Yolo County Transportation District Councilmember Puntillo attended the Yolo County Transportation District Board meeting where a new chair and vice chair were appointed, Harold Anderson and Mike McGowan. Appointments were also made to the Citizens Advisory Committee; out of five members representing Yolo County, three are Davis residents: Crilly Butler, Dappo Okupe and George Moore.
- c. Finance and Budget Commission Mayor Pro Tem Greenwald and Councilmember Souza attended the Finance and Budget Commission where discussion included the proposed recreation fee cost recovery plan and parameters for the Environmental Impact Report on the Target proposal.

Consent Calendar

Ordinance No. 2212 - Approving a Development Agreement with Covell Village Partners Regarding the Project Commonly Known as Covell Village.
Adopted (re-introduced 6/28/05) by the following vote:

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

Resolution No. 05-116 - Establishing Meeting Dates for Legislative Year 2005-2006.
Approved.

Budget Adjustment #1 (\$80,000) – Allocate Funds for November 8, 2005 Measure J Election.
Approved.

Proposed Letter in Support of the Principles Developed by the Sacramento Municipal Utility District (SMUD) for Implementation of Surcharge to Pay the Costs of Annexation of the Yolo Territory to SMUD.
Approved.

Resolution Reaffirming Opposition to the USA Patriot Act.
Removed by T. Puntillo and S. Souza for further discussion and separate vote.

Plans and Specifications for Solid Removal from Digesters, Wastewater Treatment Plant, Program No. 7313.
Approved.

Resolution No. 05-118 - Amending Resolution No. 04-282 for Paying and Reporting the Value of Employer Paid Member Contribution for Individual Department Heads, Assistant City Manager and City Manager.
Approved.

Annual Natural Resources Commission Hazardous Waste Site Report.
Removed by S. Souza for further discussion and separate vote.

Commission Minutes:
Natural Resources Commission Regular Meeting Minutes of April 25, 2005.
Informational.

Senior Citizens Commission Regular Meeting of May 12, 2005.
Informational.

City of Davis/Chamber of Commerce 2x2 Regular Meeting of April 21, 2005.
Informational.

City of Davis/Yolo County 2x2 Regular Meeting of March 8, 2005.
Informational.

Civic Arts Commission Regular Meeting of May 25, 2005.
Informational.

City Council Minutes from the Regular Meeting of May 10, 2005.
Approved.

Grant Application Submitted to PG&E Charitable Contributions Department to Replace "McGruff" Crime Prevention Awareness Costume.
Informational.

Budget Adjustment #105 (\$83,765 - FY 2004/05 budget) – Allocate Funds for Historic City Hall Roof Replacement.

Approved.

Resolution No. 05-119 - Extend the Additional Temporary Partially Paid Military Leave of Absence for City Employees Called to Active Duty with the Armed Forces and Continuation of Benefits for Their Dependents.

Approved.

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

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

NOES: None.

Resolution Reaffirming Opposition to the USA Patriot Act

D. Saylor moved, seconded by T. Puntillo, approval of Resolution No. 05-117 - Reaffirming Opposition to the USA Patriot Act with the following amendments: elimination of paragraphs three and four, and addition of paragraph as follows: "WHEREAS, the alternative of the SAFE Act would place reasonable limitations on the use of surveillance and the issuance of search warrants, among other things, is more appropriate for our security"; and direction to staff to transmit resolution to all elected officials.

S. Greenwald moved substitute motion approval of Resolution Reaffirming Opposition to the USA Patriot Act with the following amendments: elimination of paragraph three and last sentence of paragraph four, modify first sentence of paragraph four to read "should not have to live" in stead of "are living in", and addition of paragraph as noted above. No second.

The original motion passed by the following vote:

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

NOES: None.

Public Comments

Doug Brewer, Davis Aquatic Masters, announced the scheduled groundbreaking for the Civic Pool Building construction project will be in August and provided details of fundraising efforts.

Nora Oldwin spoke in support of the Fifth Street lane reconfiguration proposal.

Kristen Burdsall, Davis Citizens for Representation, spoke in support of Council consideration of choice voting and explained an education effort is underway.

Kemble Pope requested support of an event to benefit the Yolo County SPCA.

Annual Natural Resources Commission Hazardous Waste Site Report

S. Souza requested Council agendaize an update from the Environmental Protection Agency regarding the Frontier Fertilizer site. Council concurred.

By consensus, Council accepted hazardous waste site report as informational.

Continued Communications

d. Cable Franchise Negotiations

City Attorney Steiner provided an update on the cable franchise negotiations and explained that a proposed agreement is anticipated by July 26, 2005.

Public Hearing: 912 Fifth Street/904, 907-911 Fourth Street/901-919 Third Street - Negative Declaration; General Plan Amendment; Specific Plan Amendment; Rezone and Zoning Ordinance Amendment

Economic Development Specialist Sarah Worley provided details of the proposal to expand the boundaries of the Core Area Specific Plan to include four properties located between Third and Fifth Streets, change land use designations from General Plan General Commercial to Core Area Specific Plan Retail with Offices, and rezone from Commercial Service to Mixed Use.

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

T. Puntillo moved, seconded by D. Saylor, adoption of Negative Declaration #11-04 determining that the project would have a less than significant environmental impact. The motion passed by the following vote:

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

S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-220 - Intent to Amend the General Plan (#6-04) and Core Area Specific Plan (#6-04) of the City of Davis Relating to the Core Area Specific Plan of the City of Davis. The motion passed by the following vote:

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

D. Saylor moved, seconded by T. Puntillo, introduction of Ordinance Rezoning Four Parcels Located at 901-919 Third Street, 904, 907-911 Fourth Street and 912 Fifth Street from Commercial Service to Mixed Use. The motion passed by the following vote:

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

T. Puntillo moved, seconded by D. Saylor, introduction of Ordinance Amending Article 40.15 of the Municipal Code Pertaining to the Mixed Use Zoning District. The motion passed by the following vote:

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

Public Hearing: Mixed Use (M-U) Zoning District - Zoning Ordinance Amendments Pertaining to Development Standards; Negative Declaration

S. Greenwald announced a conflict of interest as her residence is within 500 feet of the Mixed Use District.

Economic Development Manager Ken Hiatt explained the Mixed Use District surrounds the downtown commercial core and provides a transition to the adjacent residential neighborhoods; the proposed amendments to the District will improve standards and provide continuity with the Davis Downtown and Neighborhood Design Guidelines.

Mayor Asmundson opened the public hearing.

Tedda Oldna requested deferment of Council decision pending further neighborhood outreach.

Mayor Asmundson closed the public hearing.

T. Puntillo moved, seconded by D. Saylor, adoption of Negative Declaration #16-04 determining that the proposed ordinance amendments would have a less than significant environmental impact. The motion passed by the following vote:

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

S. Souza moved, seconded by D. Saylor, introduction of Ordinance Repealing and Replacing Article 40.15 of the Municipal Code Pertaining to the Mixed Use District and direction to staff to defer final adoption until after additional neighborhood outreach. The motion passed by the following vote:

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

Report on Fifth
Street Traffic Opera-
tion Study

Senior Civil Engineer Roxanne Namazi provided details of the Old North Davis Neighborhood Association proposal for lane reduction on Fifth Street between B and L Streets from four to two travel lanes and bike lanes. Namazi explained that after significant study and analysis by staff and transportation consultants Fehr & Peers, the proposal was deemed unsuitable and outlined alternative proposals for safety improvements.

Bruce Winterhalder, Old North Davis Neighborhood Association, explained the proposal is to reconfigure Fifth Street on a three-year trial basis with the goal of increasing safety and capacity to all users including pedestrians and cyclists.

Twenty individuals spoke in support of the reconfiguration proposal. In addition, a representative from the Bicycle Advisory Commission related their unanimous support. Rationale for support included increased traffic, bicycle and pedestrian safety; consistency with Davis' designation as bicycle city; and better aesthetics.

Four individuals spoke in opposition to the reconfiguration proposal, stating safety concerns could be better remedied through tickets for speeding violations or limiting right turn access during peak hours. Also, opposition was expressed toward staff proposed pedestrian actuated flashing signals.

Six individuals and representatives from the Safety Advisory Commission, Davis Chamber of Commerce, Hibbert Lumber and Davis Ace Hardware spoke in support of retaining the current configuration and staff proposals for safety improvements. Rationale for support included traffic congestion concerns and consideration for needs of entire community. Additionally, requests were made for the following: split phase signal on L Street, mingled sidewalks and bike paths to conserve on space, and reduction in speed limit to 25 mph.

Ladd Woodland, Davis Downtown Business Association, spoke in opposition to proposed pedestrian actuated flashing signals.

Adam Ridge requested clarification of the discrepancies between the estimated costs for proposed safety improvements by the City and Old North Davis Neighborhood Association.

John Waterman requested deferment of decision until additional study undertaken.

D. Saylor moved, seconded by S. Souza, direct staff to develop a plan for Fifth Street that incorporates the following elements: bicycle route network connectivity, improved pedestrian safety at street crossings, reduced effective speeds, protected left turns, and seek out grant funds to implement plan.

T. Puntillo moved substitute motion to maintain the current configuration of four lanes on Fifth Street between B and L Streets. No second.

S. Greenwald moved substitute motion approval of trial re-striping in concept, and direct staff to return to Council with a comparison of the cost of the re-striping project, minus pedestrian actuated flashing signals, and the cost of designing and implementing an entirely new project. No second.

The original motion passed by the following vote:

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

Adjournment

The meeting adjourned at 11:05 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

ZOE S. MIRABILE
Deputy City Clerk