

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
AUGUST 1, 2005

The City Council of the City of Davis met in regular, special meeting and closed session at 8:30 a.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, Acting City Attorney Kara Ueda, 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.

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:

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.

B. Conference with Real Property Negotiator.
Property: City right-of-way immediately south of APN 035-270-08.
Agency Negotiator: Jim Antonen, City Manager.
Negotiating Party: City of Davis.
Under Negotiation: Lease price and terms of payment.

C. Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to subdivision (c) of §54956.9: one case.

Special meeting closed session:

Conference with Legal Counsel – Existing Litigation.
City of Davis v. Ernest E. Head et al., Yolo Superior Court Case No. CV02-933.

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

Public Comments Bill Fairfield, Varsity Productions, requested re-evaluation of the proposals for the Varsity Theater.. He cited problems with the process and wants to present proof of some false numbers that were presented.

Valarie Vann alleged that the ordinance pertaining to the mixed use (M-U) zoning district was not properly noticed for a hearing before the Planning Commission. She spoke about the content of the amendment and lack of consultation with the

neighborhood. She said that re-zoning needs to be defined or deleted from the section. She is asking that this process be returned to the beginning for an amendment that agrees with the guidelines and addresses the issues of concern.

Consent Calendar,

Resolution No. 05-243 - Authorizing the City Manager to Execute Agreement No. C05-00261E with the University of California-Davis, Transportation Development Act Pass-Through for Partial Funding of the Operation and Maintenance of Unitrans.
Approved.

Resolution No. 05-244 - Authorizing the City Manager to Execute Amendment No. 3 to the Consultant Agreement with Brown and Caldwell for Phase II Deep Aquifer Study, CIP No. 8543.
Approved.

Resolution Authorizing the City Manager to Sign an Agreement for the Acquisition of Drinking Water Via Lease Agreement and the Potential Purchase of a Municipal Water Well.
This item was removed by S. Greenwald for further discussion and separate vote.

Proposed Letter of Support for Senate Bill 51 Regarding Notice for Eviction Actions.
Approved.

Report on Phase II Deep Aquifer Study.
Directed staff to submit to California Department of Water Resources.

Revised Job Specifications – Parking Enforcement Officer and Tree Grounds Person.
Approved.

Resolution No. 05-246 - of the City Council of the City of Davis Forgiving an Operational Loan Between Davis Community Television and the City of Davis.
Approved.

Commission Minutes:
Human Relations Commission Regular Meeting of May 26, 2005.
Informational. Item VII-A, B and E of the minutes will be discussed under the Regular Calendar.

Budget Adjustment #8 (\$25,500) Allocating Funds for Street Smarts Traffic Calming Program.
Approved establishment of Street Smarts Program and Budget Adjustment #8.

Second Reading: Ordinance of the City of Davis Repealing and Replacing Article 40.15 of the Municipal Code Pertaining to the Mixed Use (M-U) Zoning District.
This item was removed by S. Souza for further discussion.

Second Reading: Ordinance of the City of Davis Amending Article 40.15 of the Municipal Code Pertaining to the Mixed Use (M-U) Zoning District.
This item was removed by S. Souza for further discussion.

Ordinance No. 2217 - of the City Council of the City of Davis Granting Comcast of California X, Inc. Renewal of its Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Davis Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement.
Adopted (Introduced 7/26/05).

Ordinance No. 2218 - Amending Section 40.01.010 (Definitions) and Adding Section

40.26.275 (Medical Marijuana Dispensaries) of Chapter 40 of the City of Davis Municipal Code to Address Current Concerns Regarding Land Use and Establishment of Medical Marijuana Dispensaries Within the City of Davis.
Adopted (Introduced 7/26/05).

Ordinance No. 2219 - of the City of Davis Replacing Articles 23.01, 23.02, 23.03, 23.04, 25.05 and 23.06 of Chapter 23 of the Davis Municipal Code Related to Nuisance Abatement and Enforcement and Establishing Administrative Citation Authority to Specified City Staff in Certain Circumstances.
Adopted (Introduced 7/26/05).

Ordinance No. 2220 - of the City of Davis Replacing Articles 8.10, 8.11 and 8.12 of the Davis Municipal Code Related to Resale of Property.
Adopted (Introduced 7/26/05).

Ordinance No. 2220 - of the City of Davis Replacing Article 24 of the City of Davis Municipal Code Providing Standards, Procedures and Penalties to Regulate Noise Sources and Levels Within the City.
Adopted (Introduced 7/26/05).

Ordinance No. 2221 - of the City Council of the City of Davis Amending Chapter 1 General Provisions to Include Section 1.02 to the Municipal Code of the City of Davis to Provide for the Authority to Issue Administrative Citations to Enforce Any Provision of the Municipal Code.
Adopted (Introduced 7/26/05).

Plans, Specification and Estimate Approval for Central Park/Farmers Market Improvements, CIP No. 8155.
Approved.

Resolution No. 05-242 - of the City Council of the City of Davis in Recognition of the 82nd Year of the Annual Giving Campaign of the California Capital Region of the United Way.
Approved.

Resolutions Authorizing MBIA MuniServices Company to Perform Audit Services:

Resolution No. 05-247 - Authorizing the City Manager to Execute a Consultant Services Agreement with MBIA MuniServices Company to Perform Property Tax and Sales and Use Tax Compliance Audit Services.

Resolution No. 05-248 - of the City Council of the City of Davis Designating a City Consultant as the Authorized City Representative to Examine Sales and Use Tax Records.

Resolution No. 05-249 - Authorizing the Examination of Transactions (Sales) and Use Tax Records.
Approved.

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

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

Resolution No. 05- Mayor Asmundson presented to Steve Heath, Chair of the United Way Campaign, a

242 - of the City Council of the City of Davis in Recognition of the 82nd Year of the Annual Giving Campaign of the California Capital Region of the United Way.

Resolution of the City Council of the City of Davis in Recognition of the 82nd Year of the Annual Giving Campaign of the California Capital Region of the United Way.

Proclamation Declaring August 26, 2005 as Women's Equality Day in the City of Davis.

Mayor Asmundson presented to Dorothy Brazelton a proclamation declaring August 26, 2005 as Women's Equality Day in the City of Davis. Ms. Brazelton spoke about the history of Women's Equality Day.

Public Hearing: Proposed Use of Automated Red Light Photo Enforcement Program

Police Chief James Hyde summarized the staff report for a red light photo enforcement program.

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

Staff responded to questions from the City Council

T. Puntillo moved, seconded by D. Saylor, approval of Resolution No. 05-250 - Resolution Awarding Contract to Nestor Traffic Systems for Red Light Photo Enforcement Program. The motion passed by the following vote"

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

Well Capacity Replacement Project – Environmental Impact Report Certification, Statement of Overriding Considerations and Mitigation Monitoring Plan

Public Works Director Bob Weir introduced the item for environmental impact report for well capacity replacement project. He stated this is a necessary project to replace the loss of capacity.

Senior Utility Resource Specialist Jacques DeBra spoke about minor adjustments to the environmental impact report. Staff responded to questions from the City Council.

S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-251 for the Well Capacity Replacement Project, Certifying the Program-Level Environmental Impact Report; adopting CEQA findings of Fact: Adoption a Statement of Overriding Considerations;; Adoption Mitigation Monitoring Plan; and Approving the Well Capacity Replacement Project. The motion passed by the following vote:

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

Consideration of Verizon Wireless Cell Tower Lease Agreement

Information Technology Administrator Rick Guidara summarized the staff report.

T. Puntillo moved, seconded by S. Souza, approval of Resolution No. 05-252 - Authorizing the City Manager to Enter Into an Telecommunications Agreement with Verison Wireless for Use of Land for a Cell Tower Site. The motion passed by the following vote:

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

Consideration of
Covell-Mace Gate-
way Preapplication
Appeal

Community Development Director Bill Emlen stated the City received a pre-application appeal for consideration of Covell-Mace Gateway project which has been before the Council previously. This also shows conceptual development between the two sites although it is not part of this pre-application. He outlined the proposed project pointing out that Council previously discussed various sites and at that time discouraged submittal. The applicant can appeal that decision and is now before the Council for consideration. He responded to questions from the City Council.

Kevin Kemper, representing the applicant, spoke about the value of the project pointing out the need for more housing and commercial projects. He said they are looking to the City Council for dialogue.

Steve Strater stated this is too early to review this project as it is currently zoned as agricultural and at this time Measure J results are unknown. He asked that Council discouraged this pre-application.

Following discussion, D. Saylor moved, seconded by T. Puntillo, to deny the appeal and to continue to discourage further applications for this project. The motion passed by the following vote:

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

Items Submitted by
the Human Relations
Commission for
Council Considera-
tion

A. Draft letter to Dis-
trict Attorney re-
questing informa-
tion on graf-
fiti/vandalism in-
cidents.

S. Souza moved, seconded by D. Saylor, approval to send the letter from the Human Relations Commission/City Council to the District Attorney's office requesting information on graffiti/vandalism recent incident. The motion passed by the following vote:

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

B. Draft letter to
Davis Joint Uni-
fied School Dis-
trict on Diversity
and Discrimina-
tion.

S. Greenwald moved, seconded by S. Souza, approval to send letter from the Human Relations Commission/City Council to Davis Joint Unified School District supporting proposed high school classes on diversity and discrimination. The motion passed by the following vote:

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

C. Request Revision
of Human Rela-
tions Commission
Membership.

S. Souza moved, seconded by T. Puntillo, to deny revising the membership of the Human Relations Commission to include someone with a developmental disability. The motion passed by the following vote:

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

City Council, City
Attorney Communi-
cations.

a. Designation of Voting Delegate for League of California Cities 2005 Annual Conference.

S. Greenwald moved, seconded by D. Saylor, appointment of Mayor Asmundson as delegate to the League of California Cities conference. The motion passed by the following vote:

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

D. Saylor moved, seconded by T. Puntillo, appointment of Mayor Pro Tem Greenwald as alternate to the League of California Cities conference. The motion passed by the following vote:

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

Resolution No. 05-245 – Authorizing the City Manager to Execute an Agreement for the Acquisition of Drinking Water Via Lease Agreement and the Potential Purchase of a Municipal Water Well.

Following discussion, T. Puntillo moved, seconded by D. Saylor, approval of Resolution No. 05-245 – Authorizing the City Manager to Execute an Agreement for the Acquisition of Drinking Water Via Lease Agreement and the Potential Purchase of a Municipal Water Well. The motion passed by the following vote:

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

Second Reading: Ordinances Repealing and Replacing Article 40.15 Pertaining to the Mixed Use (M-U) Zoning District.

Mayor Pro Tem Greenwald recused herself as she lives within 500 ft. of the project. Economic Development Manager Ken Hiatt explained staff met with residents of the Old North, Old East and University Avenue/Rice Lane Neighborhood Associations on July 27, 2005. Based on those meetings, staff has incorporated several revisions to the proposed ordinance to address concerns expressed at the meeting. Since the changes are not time sensitive the staff recommends that staff continues to work with the neighborhoods and bring this matter back through the process for re-introduction.

Mayor Pro Tem Greenwald Report on Visit to Sister City Wuxi, China

Mayor Pro Tem Greenwald distributed gifts from the City of Wuxi, China outlining the events of her visit to the Sister City of Wuxi, China. She stated Wuxi is located in the Central Yenglye River Delta, has a population of 4.32 million. She said it is similar to Davis as there are a large number of bicyclists and has a interest in education and agriculuture.

Sharon Shoemaker, representative to the Wuxi, China Sister City, gave a slide presentation of the delegates visit to Wuxi, Chinat.

Adjournment

The meeting adjourned at 11:20 a.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY
August 1, 2005

The Davis Redevelopment Agency of the City of Davis met in regular session at 8:30 a.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. 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 Board ordered a closed session of the Agency be held for the purpose of discussion, and if necessary, taking action on the following item:

Real Estate negotiations on APN 070-312-14-15. Agency negotiator was James Antonen, Executive Director and other negotiation party was the Estate of Patricia Loomis. The discussion was purchase price and terms of payment.

The board moved into closed session and upon returning Chair Asmundson announced that no actions were taken in closed session.

Public Comments. None.

Plans, Specification and Estimate Approval for Central Park/Farmers Market Improvements. Randi MacNear, Manager of the Farmers Market, explained the proposed improvements that will take place at the Market at the south end near 3rd Street. This includes an extension of the plaza paving, additional trees and landscaping and improving and adding bike racks.

Following discussion, T. Puntillo moved, seconded by S. Souza, approval of the plans a specifications for the improvements of Central Park and authorizing bid advertisement. The motion passed by the following vote:

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

Resolution Authorizing Set-Aside to Pay Tax Credit Year 15 Investor Losses for Davis Senior Housing Cooperative Eleanor Roosevelt Housing Project. Social Services Administrator Jerilyn Cochran, summarized the staff report speaking about setting aside tax credits Year 15.

S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-1176 – Redevelopment Agency Authorizing Set-Aside to Pay Tax Credit Year 15 Investor Losses for Davis Senior Housing Cooperative Eleanor Roosevelt Housing Project. The motion passed by the following vote:

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

Resolution No. 05-1177 – Resolution Authorizing Purchase of APN 07-312-14 and Budget Adjustment Allocating Redevelopment Agency Low and Moderate Income Housing Fund Monies for the Purchase.

Agenda amendment authorization purchase agreement SS/DS 5-0

JC explained the project but authorize in the resolution for permanent affordable homes.

TP/SS approve resolution

SG sub motion purchase the property if attach resolution to be used for histo structures to the property for affordable ownership housing. No second.

4-1 (SG)

Item 4

Resolution Authorizing Purchase of APN 070-312-14, 15 and Budget Adjustment Allocating Redevelopment Agency Low and Moderate Income Housing Fund Monies for the Purchase.

Recommendation: This action is pending the closed session on the property acquisition. Item may be cancelled or deferred to a future date.

Adjournment.

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

Respectfully submitted,

BETTE E. RACKI, Secretary