

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
OCTOBER 18, 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, 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 S. Souza 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 issue:

Conference with Real Property Negotiator. Property: APN's 110-090-05, 06, 07, 08, 09 and 10; 110-170-01. Agency Negotiator: City Manager Jim Antonen and Open Space Planner Mitch Sears. Negotiating Parties: Jean McConeghy, Jo Ellen McConeghy Geissler, John McConeghy. Under Negotiation: Property Acquisition.

Mayor Asmundson announced there was no reportable action.

Ceremonial Presentations:

A. Proclamation Recognizing United Nations Day and Support UNICEF Week Mayor Asmundson presented a Proclamation Recognizing October 24, 2005 as United Nations Day and October 24 through 31, 2005 as Support UNICEF Week to Cindy Littman. The Davis High School Advanced Treble Choir performed.

B. Resolution No. 05-280 – of Appreciation to Bette E. Racki Upon Her Retirement T. Puntillo moved, seconded by S. Greenwald, approval of Resolution No. 05-280 – of Appreciation to Bette E. Racki Upon Her Retirement as City Clerk for the City of Davis. The motion passed by the following vote:

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

Mayor Asmundson and Councilmember Puntillo presented the resolution to Bette Racki.

C. Resolution No. 05-279 – of Appreciation to Hurricane Katrina Relief Fundraiser Volunteers S. Souza moved, seconded by T. Puntillo, approval of Resolution No. 05-279 – of Appreciation to Hurricane Katrina Relief Fundraiser Volunteers on October 2, 2005. The motion passed by the following vote:

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

City Council presented the resolution and Certificates of Appreciation.

Public Comments Bob Schelen requested Council consider taking positions in opposition to Propositions 75 and 76 on the November 8, 2005 ballot.

Consent Calendar Resolution No. 05-281 – Authorizing the City Manager to Execute a Contract with the California Department of Education, Related to the Administration of Yolo County Child Development Services – Exempt Care Outreach and Training Project.
Approved.

Resolution No. 05-282 – Approving and Supporting the Application for Grant Funds for the California River Parkways Grant Program Under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50).
Approved.

Budget Adjustment #13 (\$735,000) Allocate Funds for City’s Share of Open Space Easement Acquisition, Ebay/Laughtin Farm.
Reaffirmed funding and approved budget adjustment #13.

Resolution Authorizing the City Manager to Take Actions Necessary to Provide a Reimbursable Loan from the City to the Project of Up to One-Half of the Natural Resource Conservation Services Funding Commitment for the Acquisition of a Conservation Easement on the McConeghy Farm for the Purposes of Permanently Protecting the Agricultural Values and Character of the Property; Budget Adjustment #14 (\$360,000).
Item removed from discussion.

Resolution No. 05-283 – Authorizing the City Manager to Sign an Agreement Allowing Access Across the City’s Wildhorse Agricultural Buffer for Construction of Communication Tower.
Approved.

Putah Creek Parkway Bike Path Improvements at Drummond Road South of Montgomery Avenue. Item also on the Redevelopment Agency Consent Calendar.
Item removed by R. Asmundson for further discussion and separate vote.

Resolution of the City Council of the City of Davis Authorizing the City Manager to Execute a Settlement Agreement with Friends of Swainson Hawk v. City of Davis.
Item removed by S. Souza for further discussion and separate vote.

Ordinance Amending Section 22.04.010 of the Municipal Code of the City of Davis Relating to the Decrease of Prima Facie Speed Limit – Covell Boulevard Between Manzanita Lane and Wright Boulevard.
Introduced.

Petition of the City of Davis to the Public Utilities Commission of the State of California to Extend the Yolo County Energy Efficiency Program (YEOP-1).
Approved.

Resolution of the City Council of the City of Davis Adopting a Mitigated Negative Declaration for Covell Boulevard Bicycle/Pedestrian Crossing Project, CIP No. 8121.
Item removed by S. Souza for further discussion and separate vote.

Budget Adjustment #22 (\$82,474) Allocating Funds From Roadway Impact Fees to Developer Reimbursement for Marketplace Improvements.
Approved.

Resolution Awarding Contract of \$98,125 to Q&D Construction for Central Park and Farmers Market Improvements; Budget Adjustment #23. Item also on the Redevelopment Agency Consent Calendar.
Item removed by R. Asmundson for further discussion and separate vote.

Commission Minutes:

Business and Economic Development Commission Regular Meetings of May 23 and August 1, 1005.
Informational.

Senior Citizens Commission Regular Meetings of July 14 and September 29, 2005.
Informational.

City Council Minutes from the Regular Meetings of July 19 and 26, August 1, September 13 and 20, 2005.
Approved.

Resolution of Appreciation for the Hurricane Katrina Relief Fund Raiser Volunteers on October 2, 2005.
Approved by separate vote under Ceremonial Presentations.

Resolution of Appreciation to Bette E. Racki Upon Her Retirement as City Clerk for the City of Davis.
Approved by separate vote under Ceremonial Presentations.

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

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

Putah Creek Parkway Bike Path Improvements at Drummond Road South of Montgomery Avenue

T. Puntillo moved, seconded by S. Greenwald, direction to staff to develop and implement recommendations for improvements at intersection of Putah Creek bike path and Drummond Road. The motion passed by the following vote:

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

Resolution No. 05-286 – Awarding Contract to Q&D Construction for Central Park and Farmers Market Improvements; Budget Adjustment #23

Randii MacNear, Davis Farmers Market, spoke in support of proposed improvements.

T. Puntillo moved, seconded by D. Saylor, approval of (1) Resolution No. 05-286 – Awarding Contract of \$98,125 to Q&D Construction for Central Park and Farmers Market Improvements, and (2) Budget Adjustment #23. The motion passed by the following vote:

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

Resolution No. 05-284 – Authorizing the City Manager to Execute a Settlement Agreement with Friends of Swainson Hawk v. City of Davis

D. Saylor moved, seconded by T. Puntillo, approval of Resolution No. 05-284 – Authorizing the City Manager to Execute a Settlement Agreement with Friends of Swainson Hawk v. City of Davis. The motion passed by the following vote:

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

Resolution No. 05-285 – Adopting a Mitigated Negative Declaration for Covell Boulevard Bicycle/Pedestrian Crossing Project, CIP No. 8121

S. Souza moved, seconded by D. Saylor, approval of the following:

1. Resolution No. 05-285 – Adopting a Mitigated Negative Declaration for Covell Boulevard Bicycle/Pedestrian Crossing Project, CIP No. 8121.
2. Authorization of initiation of property acquisition negotiations for the necessary farmland property (approximately 0.7 to 1.0 acre) adjacent and north of Covell Boulevard.

The motion passed by the following vote:

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

Public Hearing:
2525 Second Street
– Proposed Project
to Remodel the Interior of an Existing
28,490 Sq. Ft. Industrial Building to a
Two-Story 400 Unit
Mini-Storage Facility

Assistant Planner Rhys Rowland outlined the proposal for a mini-storage facility at 2525 Second Street.

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

T. Puntillo moved, seconded by D. Saylor, approval of Negative Declaration #02-05 determining that the project will not have a significant effect on the environment. The motion passed by the following vote:

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

S. Greenwald moved, seconded by T. Puntillo, the following:

1. Approval of Resolution No. 05-287 – Passing an Intent to Adopt an Amendment to the General Plan Relating to Maximum Allowable Floor Area Ratio for General Commercial Development Projects.
2. Introduction of Ordinance Amending Chapter 40 of the Davis Municipal Code for the Property Located Between Second Street and Fifth Street Approximately 1,300 Feet East of Pole Line Road and West of Pena Street, a Portion of Planned Development #2-99B, to Planned Development #2-99C, Consisting of Approximately 22 Acres.
3. Approval of Planning Application #39-02 entitlements subject to findings and conditions: Final Planned Development #05-02, Conditional Use Permit #10-02, Design Review #18-02, and Minor Modification #02-05.

The motion passed by the following vote:

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

Varsity Theater
Lease Agreement
with Fenske/Novakovic, Inc.

Mayor Asmundson announced she had a conflict of interest when this item was previously discussed; this conflict no longer exists.

City Attorney Harriet Steiner explained the Redevelopment Agency previously entered into an exclusive negotiating agreement and the only item under discussion is a lease agreement with Fenske/Novakovic, Inc. However, the Redevelopment Agency agenda item regarding the lease agreement was not properly noticed, therefore, no action is currently admissible under the Agency. City Council has the option to agendaize approval of the lease agreement for next week on the City Council agenda.

Jon Fenske and Sinisa Novakovic spoke in support of the proposed lease and provided details regarding their proposal to operate the Varsity Theater as a venue for independent films.

Twelve individuals and a representative from the Davis Downtown Business Association spoke in support of the independent film proposal. Reasons cited: unanimous approval by selection committee; film proposal offered most benefits to downtown; other venues available for live music, independent films attract different demographics; and music venues generate noise and traffic that is not appropriate for the downtown location.

Nine individuals spoke in opposition to the independent film proposal. Reasons cited: major movie theaters can inhibit the Varsity from getting first run independent films; single screen theaters not proven profitable; a live music venue would be a greater regional draw; and support for a venue dedicated to performing arts instead.

T. Puntillo moved, seconded by S. Greenwald, approval of agenda item for City Council discussion on October 25, 2005 consideration of the Varsity Theater Lease Agreement with Fenske/Novakovic, Inc. The motion passed by the following vote:

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

S. Souza moved, seconded by S. Greenwald, approval of Resolution No. 05-288 – Appreciation to Clarence C. Cooper and Sons Insurance for 55 Years of Business in the Varsity Theater Building. The motion passed by the following vote:

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

Public Hearing:
Parque Santiago
Subdivision – 303
Ensenada Drive

Mayor Asmundson opened the public hearing and continued to November 15, 2005.

Council, City Manager and City Attorney Communications

a. Long Range Calendar

Councilmember Saylor requested Council agenda reconsideration on November 15, 2005 of October 4, 2005 City Council action regarding the Recreation and Park Commission recommendation relative to the location of the Frankel Memorial/amenity structure within Arroyo Park. Council concurred.

Councilmember Saylor requested Council agenda discussion on October 25, 2005 of resolutions in opposition to Proposition 75 and 76 on the November ballot. Council concurred.

Adjournment

The meeting adjourned at 9:52 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

ZOE S. MIRABILE
Deputy City Clerk

MINUTES OF THE CITY OF DAVIS REDEVELOPMENT AGENCY
OCTOBER 18, 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 Zoe Mirabile.

Approval of Agenda S. Souza 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.

Consent Calendar Putah Creek Parkway Bike Path Improvements at Drummond Road South of Montgomery Avenue. Item also on the City Council Consent Calendar. Item removed by R. Asmundson for further discussion and separate vote.

Budget Adjustment #23 Allocate Funds for Improvements to Farmers Market Structure in Central Park. Item also on the City Council Consent Calendar. Item removed by R. Asmundson for further discussion and separate vote.

Putah Creek Parkway Bike Path Improvements at Drummond Road South of Montgomery Avenue T. Puntillo moved, seconded by S. Greenwald, authorization of the following:

1. Expenditures up to \$2,500 to implement improvements at intersection of Putah Creek bike path and Drummond Road.
2. Allocation of \$25,000 for design, landscaping and engineering of the west side of Drummond Road to correct drainage and provide minimal landscaping.

The motion passed by the following vote:

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

NOES: None.

Budget Adjustment #23 Allocate Funds for Improvements to Farmers Market Structure in Central Park T. Puntillo moved, seconded by D. Saylor, approval of budget adjustment #23. The motion passed by the following vote:

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

NOES: None.

Varsity Theater Lease with Fenske/ Novakavic, Inc. Mayor Asmundson announced she had a conflict of interest when this item was previously discussed; this conflict no longer exists.

City Attorney Harriet Steiner explained the Redevelopment Agency previously entered into an exclusive negotiating agreement and the only item under

discussion is a lease agreement with Fenske/Novakovic, Inc. However, the Redevelopment Agency agenda item regarding the lease agreement was not properly noticed, therefore, no action is currently admissible under the Agency. City Council has the option to agendaize approval of the lease agreement for next week on the City Council agenda.

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Adjournment

The meeting adjourned at 9:52 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

Zoe S. Mirabile
Secretary