

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
FEBRUARY 7, 2006

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: Interim City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Approval of Agenda S. Sousa 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 Council went into closed session at 5:30 regarding public employment (City Manager) and conference with labor negotiations (Interim City Manager). They returned to open session with no reportable action on the labor negotiation item and the City Manager item will be pulled from the consent calendar for action.

Ceremonial Presentations S. Greenwald moved, seconded by T. Puntillo, approval of Resolution No. 06-17 - Revoking the 1943 Resolution to Oppose a Return of Japanese to the Pacific Coast. The motion passed by the following vote:

Resolution No. 06-17 - Revoking the 1943 Resolution to Oppose a Return of Japanese to the Pacific Coast
AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson
NOES: None

Mayor Asmundson read the resolution and it was presented to Yolo County Supervisor Yamada and School Board Member Provenza, Alice Nishi and Jerry Kaneko. The recipients thanked the City for the honor of receiving this resolution. It is never too late to correct an injustice.

Presentation of Resolution 05-288 – Appreciation to Clarence C. Cooper and Sons Insurance for 55 years of business in the Varsity Theater Building
Mayor Asmundson presented Resolution 05-288 was presented to Clarence C. Cooper and Sons Insurance to Mr. Clarence C. Cooper for appreciation for 55 years of business in the Varsity Theatre building. Mr. Cooper stated that it is really about his Dad who started the business.

Consent Calendar Resolution No. 06- 18 - Resolution Approving the License Agreement for a Food Cart Vendor in the E Street Plaza and Authorizing the City Manager to Execute the Agreement (*Economic Development Manager Ken Hiatt*).
Approved

Resolution No. 06-19 - Resolution Awarding Contract of \$93,017 to Allied-West Construction Co., for Corporation Yard Bins (Rebid), CIP No. 8512
Approved

Resolution No. 06-20 - Resolution Amending the General Plan Lane Use Map of the City of Davis Relating to the Following: (1) Land Use Map Amendments Pursuant to Map Errors Relative to Evergreen Site, Cowell Boulevard Sites and Kennedy Place Sites (Resolution No. 06-21); (2) Redesignate a Portion of the Approximately 5.14-Acre Parcel Located at 3058 and 3060 Sycamore Lane From Public/Semi-Public to Residential Low Density(Resolution No. 06-22); (3) Maximum Allowable Floor Area Ration for General Commercial Designated Parcels, Section E of the General Plan, Within the City Limits(Resolution No. 06-23); (4) Core Area Specific Plan Area Boundary(Resolution No. 06-24); and (5) Property at 435 G Street From Core Service Commercial to Core Retail with Offices(Resolution No. 06-25).

Approved

Resolution No. 06-26 - Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Consultant Agreement with Carollo Engineers for Preliminary Design and CEQA Documentation for Wastewater Treatment Plan Improvements, CIP No. 8119; Budget Adjustment #39 (\$335,000) Allocating Sanitary Sewer Funds.

Approved (1) Approve resolution; (2) Authorize 10% contingency fund to be administered by city's project manager, and (3) Approve budget adjustment.

Resolution No. 06-27 - Resolution Authorizing the City Manager to Renew Agreement Between Community Housing Opportunities Corporation ("CHOC") and the City of Davis, Making CHOC the Program Manager of the City's Right of First Refusal at Southfield Park/Greene Terrace for the Next Three Years.

Approved

Establishment of CIP Program Number for Elevated Tank Controls Replacement; Budget Adjustment #40 (\$128,000); Plans, Specifications and Estimate Approval.

Approved (1) Approve CIP establishment; (2) Approve budget adjustment; (3) Approve plans and specifications; (4) Authorize bid advertisement.

Plans and Specifications Approval for Public Works Modular Building, CIP No. 8512

Approved (1) Approve plans and specifications; (2) Authorize bid advertisement.

Plans and Specifications Approval for Police Impound Storage Buildings, CIP No. 8512.

Approved (1) Approve plans and specifications; (2) Authorize bid advertisement.

City Council Minutes from the Regular Meeting of January 24, 2005, and Special Meeting of January 31, 2005.

Approved

Commission Minutes:

Planning Commission Regular Meetings of September 14 and 28, 2005.

Informational

Business and Economic Development Commission Regular Meetings of November 28 and December 5, 2005.

Informational

Bicycle Advisory Commission Regular Meeting of November 21, 2005.

Informational

Natural Resources Commission Regular Meeting of October 24, 2005.

Informational

Finance and Budget Commission Regular Meetings of July 11, September 12, October 10 and November 14, 2005.

Informational

Historical Resources Management Commission Regular Meetings of June 20, July 25, August 29, September 19 and November 14, 2005, and Joint City Council Meeting of October 17, 2005.

Informational

Tree Commission Regular Meeting of January 19, 2006.

Informational

Civic Arts Commission Regular Meetings of November 14 and December 12, 2005, and January 9, 2006.

Informational with the following exception:

January 9, 2006 Item 6 – 2006 Arts Contracts Applications: Approve commission recommendation regarding arts contracts with the fee waiver for UC Davis Student Craft fair to return to Council separately at a future date.

Report on Street Maintenance Budget Needs.

Informational

S. Souza moved, seconded by D. Saylor, approval of the consent calendar as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Minute Order approving a contract with Interim City Manager Bill Emlen

R. Asmundson moved, seconded by T. Puntillo, approval of the agreement with Interim City Manager Bill Emlen. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Resolution Supporting Local Authority to Determine Use of Right-of-Way for Cable Related Services; Proposed Comments Providing Factual Information Regarding City of Davis Cooperation in Granting Franchises
Resolution Amending Resolution 03-190 Establishing the Requirement that a Candidate for City Office Pay for Processing Their Candidate Statement for City Elections

D. Saylor moved, seconded by S. Greenwald, approval of Resolution No. 06-28 Supporting Local Authority to Determine Use of Right-of-Way for Cable Related Services; Proposed Comments Providing Factual Information Regarding City of Davis Cooperation in Granting Franchises. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

A survey of 108 cities was done and 93 of those charge 100% for candidate statements.

S. Souza moved, seconded by D. Saylor, to approve Resolution No. 06-29 Amending Resolution 03-190 Establishing the Requirement that a Candidate for City Office Pay for Processing Their Candidate Statement for City Elections. The motion passed by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson

NOES: Greenwald

S. Greenwald moved, seconded by S. Souza to have the City Clerk look into signa-

tures in lieu of paying fees, motion carried unanimously.

Public Comments

Two Dixon residents brought out concerns they had over the Dixon Downs Project. S. Souza asked that this item be agendaized for a later meeting for discussion.

There is a Homeless Marathon taking place on February 15 beginning at 4:00 p.m.

Two residents expressed their appreciation for the action taken by the Council regarding revoking the 1943 resolution regarding the return Japanese to the Pacific Coast.

Michael Capruso and Tom Larkin, UCD students, expressed concerns related to comments made by S. Greenwald related to UCD students. S. Greenwald stated that she will attempt to make the next meeting.

Bob Wynne thanked the Mayor for starting the stampede event.

Bob Wynne stated that resolution 03-228 states that members of the HRC serve at the pleasure of the Council and can be removed. A requirement of the commission requires that all members must complete training and as of 5:00 today only 4 have obtained the training. In the minutes of the last six months there is no studying, going on. He quoted Cecilia from the HRC. He has watched her criticize the Chief of Police, the City Council and the Police Department. He does not support the HRC's recommendation but does support the recommendation of Mr. Jim Antonen and he fully supports the Police Department.

Public hearing - Update to the Affordable Housing In-Lieu Fee

Danielle Foster gave an overview of the Affordable Housing In-Lieu Fee that has been in place since the creation of the Affordable Housing Ordinance in 1990. The areas that the in lieu fee can be used is very limited. It is focused on the downtown area and staff is recommending that the increase be implemented over the next two years. Staff recommends that the fee be increased over the next 2½ years.

The public hearing was opened.

Mr. Chuck Roe stated that there are important reasons to give downtown a bit of an advantage. When you redevelop downtown a tax increment comes to the city which goes to affordable housing. There is a lot of language in planning documents encouraging multi-use buildings. The Council will see fewer and fewer proposals for mixed-use buildings in the downtown area. He is concerned about the amount of housing for the downtown.

With no further comments the public hearing was closed.

D. Saylor moved, seconded by t. Puntillo, approval of Resolution No. 06-30 - Establishing a fee increase of the Affordable Housing In-Lieu Fee to be Implemented During the Current Fiscal Year 05-06 and the Two Upcoming Fiscal Years 06-07 and 07-08. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

S. Greenwald moved to instruct staff explore the options of a square footage in lieu fee as well as a square footage affordable housing requirement and to take it to the Social Services Commission, second by D. Saylor, motion carried.

Public Hearing: 435 G Street/Roe Building Mixed-Use Pro-

Ms. Heather Johanson stated that the public hearing is for a rezoning on 5th and G Streets. The project design was previously approved for mixed used by the Council. The project was approved originally with rental units and they are requesting the

ject – Preliminary
Planned Develop-
ment; Final Planned
Development; Tenta-
tive Map; Design
Review and Revised
Negative Declaration

changes so that the townhouses can be sold. Staff is supporting the parking reduction to one space per two bedroom condominiums. The tentative map is required for this project.

The public hearing was opened.

Mr. Mark Rutheiser and Mr. Chuck Roe, partners on the project, addressed parking for the tenants of the proposed project.

Mr. Hastings stated that this project will be beneficial to the downtown. If there is going to be an AC unit on the roof, that there be a visual screen to the street.

With no further comments the public hearing was closed.

T Puntillo moved, second by S. Greenwald to certify the Revised Negative Declaration #07-04 prepared for this project adequately addresses the environmental impacts associated with the proposed project and approves the Preliminary Planned Development #3-05, Final Planned Development #6-05, Tentative Map #7-05, Design Review #18-05 subject to the findings and conditions. The motion passed by the following vote:

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

An ordinance amending Chapter 40.14 of the City of Davis Municipal Code, 1971, as amended, rezoning one parcel located at 435 G Street from Central commercial to preliminary planned development #03-05 will return to the Council on February 21, 2006 for second reading and adoption.

Second Reading:
Ordinance of the
City of Davis Adding
Article 18.07 to the
Davis Municipal
Code to Establish an
“Incentive System
for the Local Work-
force” to be Used in
the Sale of Low,
Moderate, and Mid-
dle Income Owner-
ship Housing Units

S. Sousa and S. Greenwald voiced concerns with this program.

T. Puntillo and D. Saylor expressed their support for this program.

Mayor Asmundson stated that the goal is to have people who work in Davis be able to live in Davis.

B. Emlen advised that this item should come to the Council on an annual basis for a report.

There was no public comment.

D. Saylor moved, second by T. Puntillo approval Ordinance No. 2242 – Adding Article 18.07 to the Davis Municipal Code to Establish an “Incentive System for the Local Workforce” to be Used in the Sale of Low, Moderate, and Middle Income Ownership Housing Units. The item was introduced on December 13, 2005. The motion passed by the following vote:

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

Dresbach-Hunt
Boyer Pump House
Site at 604 Second
Street – Consider
Exclusive Negotiat-
ing Agreement with
Prospective Devel-

Mr. K. Hiatt gave the background on the item and advised that conceptual plans were included in the packet for the site. The concept is to develop a café on the ground floor with businesses on the top floor. Staff is recommending approval. Armisi, Inc. has agreed to pay for fifty percent of the EIR.

Mr. Novakovic, representing Armisi, Inc., stated that he fully understands the history of this site. This is a unique opportunity and he emphasized that if one has an owner-

opers and Tenants Armisi Inc. and Preparation of an Environmental Impact Report

ship where they plan to do a business has a bigger stake in the appearance of the facility. The idea is to build a beautiful building and invigorate a portion of the town.

Mr. John Penske, Mr. Hastings, and Mr. Ellis voiced their support of the project.

Mr. Herbert, Ms. Nelson, and Ms. Van voiced concerns over the historical value of the building.

T. Puntillo moved, seconded by D. Saylor approval of Resolution No. 06-33 re-establishing the Exclusive Negotiating Agreement (ENA) with Armisi Inc. for the preparation of either a Development Lease Agreement or a Development and Disposition Agreement for the Hunt Boyer pump house property based on the terms outlined in the attached ENA.

Substitute motion by S. Souza to release an RFP for the pump house location, motion died lack of second.

The original motion passed by the following vote:

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

D. Saylor moved, seconded by S. Souza to direct staff to prepare an Environmental Impact Report to assess the potential environmental impacts of removal of the Dresbach-Hunt-Boyer pump house structure and remnant orange tree grove and construction of a new building on the site. The motion passed by the following vote:

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

The Council took a five minute break.

Final City Council Action on Establishing a Park Maintenance Tax to Fund Parks, Street Trees, Greenbelts, Bike Paths, Median, Public Landscaping, Urban Wildlife and Habitat, Swimming Pools and Recreational Facilities Subject to the Approval of Voters –

Mr. Navazio gave the background and update on the item.

S. Sousa moved, seconded by T. Puntillo, approval of Ordinance 2243 - Amending Article 15.14 of Chapter 15 of the Davis Municipal Code establishing a Park Maintenance Tax to fund maintenance of parks, street trees, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools and recreational facilities subject to the approval of the voters. The motion passed by the following vote:

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

Resolution Calling for a General Municipal Election and Special Election on June 6, 2006

S. Sousa moved, seconded by D. Saylor, approval of Resolution No. 06-31 – Calling a General Municipal Election for the election of two Council Members and calling a special election to be held in the City on June 6, 2006, for the purpose of submitting a special tax measure, the Park Maintenance Tax, which would continue the Park Maintenance Tax and increase the tax amount and would fund maintenance of parks, street trees, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools and recreational facilities, to the voters. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Resolution Consoli-
dating with the
Statewide Primary

S. Sousa moved, seconded by D, Saylor, approval of Resolution No. 06-32 – requesting the Board of Supervisors of the County of Yolo to consolidate a General Municipal Election and a Special Election to be held on June 6, 2006, with the statewide Primary Election to be held on that date pursuant to §10403 of the Election Code. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Ms. Steiner stated that she will be writing the impartial analysis on the item. The Council has the opportunity to write in favor of the ballot measure. The subcommittee will handle this task.

Proposed Fifth
Street Reconfigura-
tion, CIP No. 8138

B. Weir stated that they would love to have a solution and plan that addresses all of the concerns brought forward. The Council considered this issue last July with several hours of discussion. Staff was directed to bring back a plan that addressed five issues.

B. Clarke stated there are no easy answers to address what needs to be accomplished. From an objective point of view, he looked at the traffic model and there are different assumptions and traffic considerations that need to be realized. The other issue he looked at was the cost estimates. The estimate boils down to two elements; the traffic signals at F and G Streets and the other issue is the ADA obligations.

R. Namazi stated there was an extensive analysis done by Fehrs and Pierce. Two of the five goals that Council asked staff to evaluate are more difficult to accommodate; bicycle network and protected left turns. The only option to meet all five goals would be to go to two-lanes, which staff would not recommend.

The following residents spoke to the issue raising either concerns or support for the issue; Mr. Bruce, Ms. Mitchell, Mr. Singleton, Mr. Salem, Ms. Sents, Ms. Goldstein, Mr. Dans, Mr. Baker, Mr. Schaffer, Mr. Sullivan, Mr. Greenfield, Mr. Allens, Ms. Lott, Mr. Ramos, Mr. Palmier, Ms. Monroe, Ms. Williams, Ms. Leonard, and Ms. Polito. Their comments included concern over pedestrian and bicycle safety, an increase in response time for public safety, potential impacts of downtown businesses, bicycles could use alternative routes other than Fifth Street, synchronize the traffic signals, and concern with traffic backups while buses stop at railroad tracks.

D. Saylor moved, seconded by S. Souza to direct staff to come back shortly with specific steps to address as many of the Council goals as possible with pedestrian safety being primary and secondly that it include bike network suggestions, which do not have to be on Fifth Street but to connect across the community and third to begin a systematic review of traffic in this core area. The motion carried unanimously.

Council, City Man-
ager and City Attor-
ney Communications

a. Various Commis-
sion Meetings

D. Saylor stated that he attended two meetings of the HRC. He would like the Mayor and City Council to place the recommendation of the HRC on an agenda for discussion. He is very concerned with the conduct of this commission. This commission has not exercised due diligence to review events that are being reported. Commissioners were intimidated during a recent election of the chair. T. Puntillo asked if there are commissioners that need to be replaced. S. Sousa stated that he feels it is appropriate, and he has seen this behavior, Ms. Steiner stated that the subcommittee could look at the guidelines and report back. D. Saylor would like this at the earliest convenience. T. Puntillo stated that he thought that the Council already decided on a plan to move forward. Mr. Emlen stated that he plans on bringing the information to the Council on 02/21.

T. Puntillo asked what the city is doing in regards to the Varsity. Mr. Emlen advised that the Council was provided an email with what staff is doing. Staff is continuing to work with them.

S. Greenwald stated that she represented the City at the University Rowanda Dinner and the community was honored.

b. Long Range Calendar The Council retreat is now May 13th not May 6th. The closed session item will not work for February 13th but possibly the following Monday. The schedule for spring break has been changed. The Joint meeting with the school district is scheduled of April 25th.

Adjournment The meeting adjourned at 11:57 p.m. in memory of Jim Plumb.

Respectfully submitted,

Margaret Roberts, CMC
City Clerk

MINUTES OF THE MEETING OF THE DAVIS REDEVELOPMENT AGENCY
MEETING OF FEBRUARY 7, 2006

The Redevelopment Agency 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: Board Members Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson

Board Members Absent: None

Other Officers Present: Interim City Manager Bill Emlen, RDA Counsel Harriet Steiner, Clerk of the Board Margaret Roberts

Approval of Agenda S. Sousa 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

Dresbach-Hunt
Boyer Pump House
Site at 604 Second
Street – Consider
Exclusive
Negotiating
Agreement with
Prospective
Developers and
Tenants Armisi Inc.
and Preparation of
an Environmental
Impact Report

Mr. K. Hiatt gave the background on the item and advised that conceptual plans were included in the packet for the site. The concept is to develop a café on the ground floor with businesses on the top floor. Staff is recommending approval. Armisi, Inc. has agreed to pay for fifty percent of the EIR.

Mr. Novakovic, representing Armisi, Inc., stated that he fully understands the history of this site. This is a unique opportunity and he emphasized that if one has an ownership where they plan to do a business has a bigger stake in the appearance of the facility. The idea is to build a beautiful building and invigorate a portion of the town.

Mr. John Penske, Mr. Hastings, and Mr. Ellis voiced their support of the project.

Mr. Herbert, Ms. Nelson, and Ms. Van voiced concerns over the historical value of the building.

T. Puntillo moved, seconded by D. Saylor approval of RDA Resolution 1182 re-establishing the Exclusive Negotiating Agreement (ENA) with Armisi Inc. for the preparation of either a Development Lease Agreement or a Development and Disposition Agreement for the Hunt Boyer pump house property based on the terms outlined in the attached ENA.

Substitute motion by S. Souza to release an RFP for the pump house location, motion died lack of second.

The original motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Asmundson

NOES: Souza

D. Saylor moved, seconded by S. Souza to direct staff to prepare an Environmental Impact Report to assess the potential environmental impacts of removal of the Dresbach-Hunt-Boyer pump house structure and remnant orange tree grove and

construction of a new building on the site. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Adjournment

The meeting adjourned at 11:57 p.m. in memory of Jim Plumb.

Margaret Roberts, CMC
Clerk of the Board