

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
SEPTEMBER 21, 2004

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 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. Conference with Real Property Negotiator was removed from the agenda and deferred to a later date.

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 - Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b) of §54956.9 (one case)
- C. Closed Session: Conference with Labor Negotiator. Agency Designated Representatives: City Manager James Antonen, Human Resources Administrator Melissa Chaney, Finance Director Paul Navazio, Public Works Director Bob Weir, Community Development Director Bill Emlen. Employee Organizations: Professional and Support Employees Association, Management Unit and Department Heads.

Council moved into closed session and upon returning to open session, Mayor Asmundson stated there were no reportable actions taken in closed session.

Public Comment. Ted Lascher, Michael Levy, Nick Mariano and Rob Hofmann introduced themselves indicating interest in being appointed to the Governance Task Force.

Brian McGinnis, ASUCD, spoke about large parties indicating he will introduce an urgency resolution to the Association Students to oppose this type of behavior and other examples of unacceptable behavior in the community. He stated that in the upcoming months 4,000 undergraduate students will begin their collegiate career at UC Davis. He pointed out that students are a changing population at UC Davis. In the collective efforts to cease the existing unacceptable habits of a small handful of individuals, he urged the City Council and the Police to be patient and exercise discretion in their efforts as thousands of students acclimate to the community.

Norbie Kumagai spoke about supporting Proposition 1A on the November ballot.

Consent Calendar. Treasurer's Report for the Fiscal Year Ending June 30, 2004.
Accepted Treasurer's Report.

Resolution No. 04- 215 - Resolution of the City Council of the City of Davis Authorizing a Lease Purchase Agreement with Motorola Credit Corporation to Finance Up to \$1.2 Million of the Costs of the City's Public Safety Radio System and Amending the Customer Service Agreement Entered Into on July 1, 2004 to Reflect a Revised Payment Schedule Pursuant to the Lease-Purchase Agreement.
Approved.

Resolution No. 04-216 - Approving and Authorizing the City Manager to Sign First Amendment to the Subdivision Agreement for Longview Cottages, Subdivision No. 4588 (Sweetwater Enterprises).
Approved.

Resolution No. 04-217 - Awarding Bid to IES Interactive Training USA for Firearms Training Simulator for Marksmanship Drills, Decision Making and Ethical Scenarios.
Approved.

Budget Adjustment #19 - Appropriation Funds from U.S. Department of Homeland Security Grant Award to Appropriate Expenditure Account (\$152,000).
Approved.

Resolution Authorizing the Mayor to Execute Memorandum of Understanding Between the City of Davis and Davis Joint Unified School District Regarding Placement of a Sign in the Vicinity of the Tennis Courts and Pool at Community Park and Davis High School.
This item was removed by Councilmember Puntillo for further discussion and separate vote.

Resolution Adopting a Memorandum of Understanding with Program, Administrative and Support Employees Association.

Resolution Authorizing the Paying and Reporting the Value of Employer Paid Member Contributions for the Program, Administrative and Support Employees Association.
The two resolutions were removed by S. Greenwald for further discussion and separate vote.

Contracts with the Yolo County Children and Families Commission for Child Care Projects:

Resolution No. 04-220 - Authorizing the City Manager or His Designee to Enter Into a Contract with the Yolo County Children and Families Commission, Proposition 10 for the Child Care Outreach Project.

Resolution No. 04-221 - Authorizing the City Manager or His Designee to Enter Into a Contract with the Yolo County Children and Families Commission, Proposition 10 for the Access to Early Childhood and Early Education Services Project.

Resolution No. 04-222 - Authorizing the City Manager or His Designee to Enter Into a Contract with the Yolo County Children and Families Commission, Proposition 10 for the Child Care School Readiness Project.
Approved.

Commission Minutes:

Human Relations Commission Regular Meeting of April 22, 2004, May 20, 2004 and June 17, 2004.
Informational.

Planning Commission Regular Meeting of June 2, 2004.
Informational.

Ordinance No. 2177 -- Ordinance Rezoning Parcels Located on Chiles Road and El Segundo Avenue (to Include 3620, 3702, 3714, 3720, 3726, and 3732 Chiles Road and 3731 and 3730 El Segundo Avenue) From Planned Development Residential Transition (PD R-T) to Planned Development (PD) R-2.
Adopted (introduced 9/14/04).

Ordinance No. 2178 -- Ordinance Rezoning Parcels Located on Chiles Road and Ensenada Drive (To Include 3820, 4100, and 4120 Chiles Road and 303 Ensenada Drive) from Planned Development Residential Transition (PD R-T) to Commercial Highway (CH).
Adopted (introduced 9/14/04).

Ordinance No. 2179 -- Ordinance Rezoning Parcels Located on Cowell Boulevard and La Vida Way (To Include 4005 Cowell Boulevard and 222 La Vida Way) from Planned Development Residential Transition (PD R-T) to Residential Garden Apartment Medium Density (R-3-M)
Adopted (introduced 9/14/04).

Ordinance No. 2180 --Ordinance Rezoning a Parcel Located on Ensenada Drive (To Include 305 Ensenada Drive) from Planned Development Residential Transition (PD R-T) to Planned Development Mixed Use (PD M-U)
Adopted (introduced 9/14/04).

Ordinance No. 2181 -- Ordinance Repealing Ordinance 2137 (An Urgency Interim Zoning Ordinance Establishing a Moratorium on Any and All New Uses, Building Permits, or Demolitions in the South Davis Planned Development Residential-Transition District), Thereby Ceasing the Moratorium Established by Said Ordinance.
Adopted (introduced 9/14/04).

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 Authorizing the Mayor to Execute Memorandum of Understanding Between the City of Davis and Davis Joint Unified School District Regarding Placement of a Sign in the Vicinity of the Tennis Courts and Pool at Community Park and Davis High School.

Parks & Community Services Director Donna Silva, in response to questions from Council regarding the location of the sign, explained the sign would be located on the south side of the tennis courts as citizens enter the main entrance of the park. Council discussed the costs and location of the sign.

Following discussion, T. Puntillo moved, seconded by D. Saylor, to direct Council-member Puntillo to pursue funding from community organizations to build the signage at the corner of 14th and F Streets and possibly one by the tennis court. The motion passed by the following vote:

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

Resolution Nos. 04-218 and 04-219
Resolution Adopting

Following discussion, S. Greenwald moved, seconded by D. Saylor, approval of Resolution No. 04-218 – Resolution Adopting a Memorandum of Understanding with Program, Administrative and Support Employees Association and Resolution No 04-

a Memorandum of Understanding with Program, Administrative and Support Employees Association and Resolution Paying and Reporting the Value of Employers Paid Member Contributions.

219 -- Authorizing the Paying and Reporting the Value of Employer Paid Member Contributions for the Program, Administrative and Support Employees Association. The motion passed by the following vote:

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

Written Communicationsl.

Correspondence fro John Natoulas requesting the City of Davis subsidize transportation in the amount of \$2,000, waive fees for the use of the Hunt-Boyer Mansion, 3rd and B Teen Center, Varsity Theatre and provide five city staff members to work on his Ceramics Conference.

Referred to the City Manager's Office. Agendize for October 12, 2004 City Council meeting.

Correspondence from Explorit Science Center regarding fee waiver request for Center expansion.

Item was discussed on this agenda. Agendize for October 12, 2004 City Council meeting.

Correspondence from Covell Village Partners regarding their project.

Referred to Community Development Department.

Correspondence from Gregory Gibbs regarding parking on 1600 block of Joshua Tree Street with staff response.

Referred to the Police Department.

Public Hearing: Explorit Science Center, 3559 Second Street Planning Application, Rezone, Conditional Use Permit, Design Review, Mitigated Negative Declaration.

Junior Planner Xzandrea Fowler reported the applicant proposes to lease 27,919 square foot portion of City owned parcel located at 3559 Second Street. The proposal is to construct a two-story 7,248 square foot building designed for hands-on scientific discovery. The project site is a remnant parcel of the Mace Ranch Subdivision and has limited development value. In order to develop the project as proposed, it is necessary to rezone the site from PD 4-88 to Public-Semipublic District to allow for relief from the standards of the existing Planned Development zoning given the physical constraints of site development under the existing Planned Development.

Staff responded to questions from the City Council.

Mayor Asmundson opened the public hearing.

Bill Owens, President of the Board of Trustees for Explorit Center, explained the historical background of the Explorit Center indicating that they have outgrown their current facility. He introduced board members of the Center.

Mayor Asmundson closed the public hearing.

Following discussion, S. Souza moved, seconded by S. Greenwald, approval the following:

- (1) Certified mitigation negative declaration;
- (2) Introduction of ordinance rezoning the property located at 3559 Second Street from Planned Development, Light Industrial/Business Park Subarea to a Conventional District, Public-Semipublic; and
- (3) Conditional Use Permit and Design Review.

The motion passed by the following vote:

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

Community Partnership Coordinator Anne Brunette stated the Explorit Science Center is seeking approval for renewal of the lease for the existing building and new ground lease for the Second Street site, plus Memorandum of Understanding recognizing the relationship between Explorit Science Center and the City. She responded to questions from the City Council.

S. Greenwald moved, seconded by T. Puntillo, approval of Resolution No. 04-223 – Resolution Authorizing the City Manager to Enter into an Amended and Restated Lease Agreement for 3114 Fifth Street, Ground Lease for 3559 Second Street and Memorandum of Understanding with Explorit Science Center. The motion passed by the following vote:

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

Public Hearing:
Comcast Cable Hub
Facility, Research
Park Drive.

Planning Intern Tom Callinan reported the proposed 1,865 square foot Comcast office and switchboard facility presents an opportunity to improve what has been a remnant irregular piece of land in Research Park. This is a one-story structure with on site parking and landscaping. The City Council approved the purchase and sale agreement in March of this year to allow the sale of the parcel to Comcast.

Mayor Asmundson opened the public hearing.

Steve Bradley, Comcast Director of Engineer, stated this new site will have newer technology and will not include antennas or disc. He explained that the facility on Second Street is not owned by Comcast, however, Comcast leases the facility.

Dean Newberry asked where the trucks would be located and whether there are other support sites. Mr. Bradley stated the trucks are parked at a site in Natomas area and that there are no sites in Davis for the vehicles.

Mayor Asmundson closed the public hearing.

Following discussion, T. Puntillo moved, seconded by D. Saylor, approval of the following:

- (1) Negative Declaration #2-04;
- (2) Resolution No. 04-224 – Resolution of the City of Davis Amending the South Davis Specific Plan to Change the Designation for the New Comcast Cable Hub Facility Site from Commercial Recreation to Commercial;
- (3) Introduction of ordinance rezoning the property at Research Park Drive from Planned Development #12-87 to Planned Development #7-95 to accommodate a Comcast Cable hub facility.

The motion passed by the following vote:

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

Public Hearing: 260
Cousteau Place,
East Davis Specific
Plan, Planned De-
velopment Amend-
ments; Lot Adjust-

Associate Planner Ike Njoku stated the applicant is requesting approval of entitlement applications to allow the construction of a two-story 99,399 square foot speculative office building on the 5.82-acre parcel located at 260 Cousteau Place. He has also requested an amendment to the East Davis Specific Plan and P-D #4-88 relative to Floor Area Ratio (FAR) and parking standards. The amendment to the FAR and parking standards are necessary to accommodate the project in a compatible manner

ment, Final Planned Development and Design Review

with adjacent uses and structures. Staff cannot identify any significant issues with the proposed project, including the requested amendments. Staff responded to questions from Council.

Mayor Asmundson opened the public hearing and closed the public hearing noting there were no comments from the public.

S. Souza moved, seconded by T. Puntillo, approval of the following:

- (1) Certification of Negative Declaration #15-03 declaring that there are no adverse environmental impacts associated with the proposed project;
- (2) Resolution No. 04-225—Resolution of the City Council of the City of Davis Approving an Amendment to the Light Industrial/Business Park Designated Areas of East Davis Specific Plan Relative to Floor Area Ratio and Parking Standards for Office Uses;
- (3) Introduction of ordinance amending Ordinance 1504 changing the floor area ratio of this subarea from 35% to 50%, and office use parking standard in the special conditions section from one parking space for each 250 square feet of gross floor area to one parking space for each 400 square feet of gross floor area; and
- (4) Lot line adjustment #01-04, Final Planned Development #01-04 and Design Review #30-03, subject to the findings and conditions.

The motion passed by the following vote:

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

Concept for Location of Agricultural Mitigation.

Community Planning Director Bill Emlen stated agricultural mitigation is one part of a comprehensive approach employed by the City to protect threatened open space resources in the Davis planning area.

Principal Planner Bob Wolcott explained that staff worked with a subcommittee consisting of two Planning Commissioners and one Open Space Commissioner to develop preliminary concepts for how to interpret and implement the concept of adjacent agricultural mitigation called for in General Plan action AG 1.1j. An amendment to the existing Farmland Preservation Ordinance would be drafted after Council provides direction on the recommended concepts. Meetings were held with stakeholders consisting of developers/land owners, community activists, agriculturalist and scientists. There was consensus in comments from the stakeholders in that they wanted clear standards and to provide incentives and disincentives to locate in specific areas and to do long term planning.

Open Space Planner Mitch Sears stated there has been a great deal of effort put in the recommended concepts such as minimum adjacent area and remainder at variable multipliers based on location with an incentive for adjacent location. The plan would be adjacent to the city limits at a 0.5 multiplier; adjacent to the minimum adjacent area or in targeted mitigation areas at a 1.0 multiplier; elsewhere in planning area in non-target areas at a 5.0 multiplier.

He said the recommended concepts are a minimum of ¼ mile width which would provide strong protection against leap frog development and to protect agricultural lands beyond. Provide incentive to locate adjacent or on-site. In-lieu fees are possible for flexibility and that the fees are based on value of an adjacent easement.

Staff responded to questions from the City Council.

Charles Rominger, Land Use Chair for Yolo County Farm Bureau, stated the Bureau submitted a comment letter that indicates support of this effort as it would be a useful

tool in any long term plan. He said the current policies on the books are not going to save agricultural land in Yolo County or California and there needs to be more aggressive policies that are flexible and allows cities to tailor their plans for the future as it comes. The Bureau would be happy to participate with staff as staff fine tunes this ordinance and offer suggestions about the way the ratios are for moving farther and farther out. He said their experience is that if easement areas are too small then this starts a feeding frenzy.

Following discussion, S. Greenwald moved approval of staff recommendation. No second.

D. Saylor moved, seconded by S. Souza, approve Resolution No. 04-226 – Resolution of the City Council of the City of Davis to Direct Staff to Implement Amendments to the Farmland Preservation Ordinance with Regard to the Location of Agricultural Mitigation which directs staff to:

- (1) Proceed with the concept of adjacent agricultural mitigation.
- (2) Draft an amendment to the Farmland Preservation Ordinance based on concept alternative #4 “Minimum Adjacent Mitigation and Remainder at Variable Multipliers With an Incentive for Adjacent Mitigation”. The draft ordinance shall be reviewed by the Planning Commission and Open Space Commission for input to City Council.

The following items may be included in the Ordinance:

- a. What types of land uses should count, and not count, toward mitigation (such as drainage ponds, contaminated areas and existing mitigation lands).
 - b. Home sites on mitigation lands.
 - c. Unacceptable easement configurations (such as a long, narrow strip shape that would not serve the conservation purpose).
 - d. Easement restrictions contained in easement documents.
 - e. Exemptions from requirements (such as affordable housing projects and project boundaries that would not require adjacent mitigation including boundaries adjacent to existing protected lands).
 - f. Definitions (such as “adjacent”, multiplier”, etc).
 - g. Appraisal methodologies.
 - h. An assessment for the purpose of monitoring mitigation lands.
 - i. Should non-targeted lands in the Planning Area be proposed as the remainder agricultural mitigation (per option C), then the agricultural mitigation land shall be comparable in soil quality with the agricultural land whose use is being changed to non-agricultural use.
 - j. A “sunset” provision establishing the duration of the adjacent agricultural mitigation requirements. These mitigation requirements shall remain in effect until the adoption of a new General Plan or 2010 , whichever occurs first.
 - k. Flexibility to allow the City Council to make findings to approve non-adjacent mitigation. Such flexibility may include cases involving unusual circumstances or where a mitigation proposal meets the intent of the ordinance and would have extraordinary community benefits.
- (3) Incorporate the possibility of in-lieu fees in the draft ordinance subject to specific considerations and include the following:
 - a. Base in lieu fees on the equivalent fair market value of an easement adjacent to the project.
 - b. Require an inflator fee which is based on a local index to cover the time it takes for the City to purchase an easement as well as increases in land values.
 - c. Establish a maximum proportion of the required mitigation that can be

satisfied through in lieu fees.

- (4) Initiate a long range 20 to 50 year study of urban limits and agricultural mitigation for the City of Davis. It is anticipated that this project would be initiated in Summer of 2005.

The motion passed by the following vote:

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

Proposed Calendar for Development of FY2005/06 Budget

Finance Director Paul Navazio stated the Budget Calendar identifies key milestones in the development of the annual budget. Some of the highlights of the budget calendar are to start the process earlier and for input from the community and commissions.

Following discussion, S. Souza moved, seconded by T. Puntillo, approval of the calendar for development of the FY 2005/06 budget. The motion passed by the following vote:

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

Appointment of Governance Task Force.

City Council voted using a grid system appointed members to the Governance Task Force as follows:

Greenwald: Douglas Walter, John Garamendi, Christopher Jerdonek, William Hofmann, Edward Lascher, Michael Levy, Joan Poulos, Nicholas Mariano, Val Dolcini.

Puntillo: Gerald Adler, Jon Li, John Garamendi, Shirley Concolino, Edward Lascher, Michael Levy, Joan Poulos, Nicholas Mariano, Val Dolcini. Alternate: Corinne Cooke.

Saylor: Gerald Adler, Jon Li, John Garamendi, David Booher, Shirley Concolino, Edward Lasher, Michael Levy, Joan Poulos, Val Dolcini. Alternate: Corinne Cooke.

Souza: Gerald Adler, Jon Li, John Garamendi, Shirley Concolino, Edward Lasher, Michael Levy, Nicholas Mariano, Val Dolcini, Larmar Heystek. Alternate: Susan Geffer

Asmundson: Gerald Adler, Jon Li, John Garamendi, Shirley Concolino, William Hofmann, Edward Lascher, Michael Levy, Joan Poulos, Val Dolcini. Alternate: Nicholas Mariano.

As result of the votes the following were appointed to the Task Force: Gerald Alder, Jon Li, John Garameni, Shirley Concolino, Edward Lascher, Michael Levy, Joan Poulos, Nicholas Mariano, Val Dolcini

Using a grid system the following votes were recording for alternate:

Asmundson, Greenwald, Saylor, Souza: Susan Geffer as alternate

Puntillo: Corinne Cooke

Appointed as Alternate: Susan Geffer

Adjournment.

The meeting adjourned at 10:25 p.m. to the next regularly scheduled meeting.

Respectfully submitted,

BETTE E. RACKI, City Clerk