

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL  
May 14, 2003

The City Council of the City of Davis met in regular session at 6:00 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. The meeting was called to order by Mayor Susie Boyd.

Roll Call: Councilmembers Present: Ruth Asmundson, Sue Greenwald, Michael Harrington, Ted Puntillo (arrived at 6:05 p.m.), Susie Boyd.

Councilmembers Absent: None.

Other Officers Present: City Manager James Antonen, City Attorney Harriet Steiner, City Clerk Bette E. Racki.

Approval of Agenda. R. Asmundson moved, seconded by M. Harrington, approval of the agenda as submitted. The motion passed by the following vote:

AYES: Asmundson, Greenwald, Harrington, Boyd.  
NOES: None.  
ABSENT: Puntillo.

Closed Session. The City Council ordered a closed session of the City Council be held for the purpose of discussion and, if necessary, taking action on the following issue:

Conference with Legal Counsel – anticipated litigation. Initiation of litigation pursuant to subdivision (c) of §54956.9 (2 cases)

The City Council moved into closed session and upon returning to open session, Mayor Boyd reported that one of the closed sessions would be taken up at the end of the agenda. She stated Council took no actions in reference to two of the closed session issues.

Reconsider Approval of Agenda. S. Boyd moved, seconded by M. Harrington, reconsideration of the agenda to removed Item No. 6-O – Report on Yolo County permit Approval of Wild Bird Market. The motion for reconsideration of the agenda and removal of Item No. 6-0 was approved by the following vote:

AYES: Asmundson, Greenwald, Harrington, Puntillo, Boyd.  
NOES: None.

Ceremonial Presentation:

A. Resolution in Recognition to Ralph Villanueva. Mayor Susie Boyd presented to Ralph Villanueva Resolution No. 03-62 – Resolution of the City Council of the City of Davis in Recognition of Ralph Villanueva on Having Been Inducted into the Sacramento Mexican American Sports Hall of Fame. Mr. Villanueva expressed appreciation to the Council and spoke about his career as a teacher and coach. He introduced his family members.

Presentation by the American Lung Association to Brief the City Council on “Clean Air is a Choice” Jane Hagedorn, Executive Director of the American Lung Association introduced the three youth advisory board members and adult member of the Yolo County Association. She said the youth are Davis High School students and are active volunteers on the association youth advisory board.

She stated the American Lung Association adopted a Clean Air Agenda in 2002. She spoke about the Sacramento region being one of the dirty dozen of cities rated for air

pollution and explained the health problems associated with air pollution. She stated the Association developed an agenda that has a vision of energy and transportation and efficient land use that supports healthy air quality. She said land use means infill, community design utilizing SACOG's half billion dollar support, growth management and affordable housing. She stated the agenda is about choice and those choices are a balanced transportation system that supports all users, land use that enable people to live near where they work and go to school and quality of life for all.

Ms. Hagadorn spoke about strategic actions that a community could take such as smart growth, transit, biking, walking and incorporation of air quality data and innovative measures into land use models. She responded to questions from the City Council. City Council requested that this issue be referred to the Natural Resources Commission.

Showing of Film from the League of California Cities Titled "Cloudy Skies over California's Cities".

A film from the League of California Cities titled "*Cloudy Skies Over California Cities*" was shown to the public and Council.

Proclamation in Recognition of National Public Works Week.

Mayor Susie Boyd presented to Public Works Director Bob Weir a proclamation in recognition of National Public Works Week. Mr. Weir outlined the events that will take place over the course of the week.

Proclamation In Recognition of the California Bike Commute Day.

Mayor Susie Boyd presented to City of Davis Bicycle & Pedestrian Coordinator Tim Busto a proclamation in recognition of California Bike Commute Day. Mr. Busto invited the Council and public to ride to work on Thursday and attend a breakfast in Central Park.

Mr. Busto stated that staff is currently reviewing the Bicycle Task Force report prioritizing items and will return to Council with a report on the immediate and long term strategies.

Proclamation In Recognition of Older Americans Month.

Mayor Boyd presented to Senior Center Administrator Chris Helweg a proclamation in recognition of Older Americans Month. Ms. Helweg invited the Council and public to participate in a Senior Walk on Friday morning.

City Council, City Manager and City Attorney Communications.

a. Report on City/UCD Student Liaison Commission.

Councilmember Harrington reported that the City/UCD Student Liaison commission discussed televising a meeting to review open container ordinance and rental inspection for older homes.

b. Report on Meeting of Lower Putah Creek Council.

Mayor Pro Tem Asmundson reported on the Lower Putah Creek Coordinating Council meeting and the request for members and interested parties to write a letter in support of a grant that LPCC has applied for that will become a community base restoration of the Lower Putah Creek water shed. Council concurred that the Mayor and Mayor Pro Tem send a letter in support of the grant.

c. Request to Agendize Report on Senate Bill 744.

Mayor Pro Tem Asmundson requested agendize a discussion about Senate Bill 744 regarding planning and housing. City Council concurred and directed staff to prepare a report on the pros and cons of the bill.

- d. Update on Sports Field Needs. Mayor Pro Tem Asmundson reported that the Council Ad Hoc Committee has been meeting with the various sports organizations on sport facility needs. She said that they would be touring potential areas for sports facilities.
- e. Agendize Appointment of Council Alternative for Telecommunications Task Force. Mayor Pro Tem Asmundson asked to agendize appointment of Council alternative to the Telecommunications Task Force.
- f. Report on City/Chamber 2X2 Meeting. Councilmember Puntillo reported on the City/Chamber 2x2 meeting stating they discussed the vendor carts at E Street plaza. He said the carts are being made available to merchants that are currently in business downtown.
- g. Report on SACOG Workshop. Councilmember Puntillo spoke about the SACOG workshop. He said the city scored high on coming up with plans where citizens can live and work in the same area.
- h. Report on the Finance and Budget Commission Meeting. Councilmember Greenwald reported on the Finance and Budget Commission meeting stating the topic of discussion was the city budget and supplementary tax on the ballot to try to address issues related to city services.
- i. Report on Open Space Commission Meeting. Councilmember Greenwald reported on the Open Space Commission indicating the discussion was about the University Long Range Development Plan and mitigation provisions for open space.
- j. Report on Telecommunications Task Force. Councilmember Greenwald reported on the Telecommunication Task Force meeting stating that they received a presentation from Comcast.

Public Comments. Joe Sherman alleged he was threaten by a Davis police officer that he would be arrested if he did not leave a place of business.

Rick Grossberg presented a children book to the City Council stating the book is an allegory about some of the issues that faces the community in dealing with development and in particularly burrowing owls. He said it has been three years since the burrowing owls were destroyed by the plowing event. He requested a status update from the Council. Mayor Boyd stated there should be a report to Council in the near future.

Larry Garrett spoke about the retail study that is on the agenda.

Glenn Rice said there are problems at the Davis Co-op. He listed a number of complaints he had with the Co-op. He asked for an apology from the City of Davis and a written apology from the Davis Co-op.

Consent Calendar. Ordinance No. 2120 -- Ordinance Amending Section 22.08 of the Municipal Code of the City of Davis Relating to Timed Parking Zones, and Adding Section 22.08.245 – West Fourteenth Street East of Oak Avenue Creating 45-Minute Parking on the North Side of West Fourteenth Street.  
Adopted. (introduced 4/23/03).

Resolution No. 03-63 -- Awarding Contract of \$380,340 to B & W Construction for Water Main Replacement – 2003 Oak Avenue, Elmwood Drive, Princeton Place Del Rey Court, and Espana Court. *(City Engineer Pat Fitzsimmons)*  
Approved.

Plans and Specifications for Water Meter Retrofit – 2003 [El Macero Service District of Yolo County]  
Approved.

Plans and Specifications for City Hall Parking Lot Expansion.  
Approved.

Resolution No. 03-64 -- Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with Davis Waste Removal Company, Inc. for Waste Removal Services.  
Approved.

Treasurers Report Period 8-10 Ending 3/30/03.  
Informational.

Resolution No. 03- 62 -- Resolution of the City Council of the City of Davis in Recognition of Ralph Villanueva on Having Been Inducted into The Sacramento Mexican American Sports Hall of Fame.  
Approved.

Request Mayor Send Letter of Support for Ford Fuel Cell Vehicle City Demonstration.  
This item was removed by M. Harrington for further discussion and separate vote.

Budget Adjustment Allocating Grant Funds Received from Area IV Agency on Aging for the Senior Center (\$12,213.00).  
Approved.

Resolution No. 03-65 -- Resolution Authorizing the City Manager to Execute the Change in Scope of the Existing Consultant Agreement with Macro Corporation.  
Approved.

Commission Minutes:

Planning Commission Regular Meeting of March 18, 2003.  
Informational.

Recreation and Park Regular Meeting of April 17, 2003.  
All Items Informational except for Item #5 Council approved Yolo Amateur Radio Club to Camp Overnight in Central Park on Saturday, June 28, 2003 Davis Joint Unified School District Related to Tennis Courts. Item #6 Mace Ranch Community Park Design, the Commission recommends that the Council approve the park design as presented including a "full court" basketball court and a full size soccer field and two Little League backstops in the park.

Resolution No. 03-66 -- Resolution of the Davis City Council Finding the Mace Ranch Community Park Project Consistent with the City General Plan, and Approving the Mace Ranch Community Park Project.  
Approved.

Resolution Authorizing the City Manager to Execute An Agreement Between Raney Planning and Management, Inc. and City of Davis Regarding Environmental Consultant Contract for Covell Village.  
This item was removed by S. Greenwald for further discussion and separate vote.

Resolution of the City Council of the City of Davis Whereby the City Council Intends to Vacate the Below Described Right-of-Way and Hold a Public Hearing for Consideration of Formal Vacation on June 4, 2003. (Northerly Portion of H Street Alley Behind

240 G Street)

This item was removed for separate vote.

M. Harrington moved, seconded by R. Asmundson, approval of the Consent Calendar, as modified. The motion passed by the following vote:

AYES: Asmundson, Greenwald, Harrington, Puntillo, Boyd.  
NOES: None.

Request Mayor to Send Letter of Support for Ford Fuel Cell Vehicle City Demonstration.

Following discussion, M. Harrington moved, seconded by R. Asmundson, to direct staff to send a letter of support for Ford fuel cell vehicle city demonstration. The motion passed by the following vote:

AYES: Asmundson, Greenwald, Harrington, Puntillo, Boyd.  
NOES: None.

Resolution No. 03-67 – Resolution Authorizing the City Manager to Execute an Agreement Between Raney Planning and Management, Inc. –and City of Davis.

In response to question from the City Council regarding the need to move forward on an environmental review of Covell Village, Planning & Building Director Emlen explained the city is obligated to follow timelines under CEQA and state law that requires the city to act. He said in addition to this contract, staff will bring to Council in the next week or so a contract with consultants to analyze the fiscal impacts of Covell Village including the fiscal impacts of the affordable housing program that the developer has submitted.

City Attorney Steiner stated since this project is a General Plan amendment and rezone there is not the same obligation that city has with administrative projects. She said there is tendency in state law to have projects move forward in a timely manner. She said from the staff's prospective for these types of projects is to bring them forward either for processing or for denial so they do not sit with no action. She said CEQA does have timelines and there is obligation to take some action on the application.

Emlen stated that this is the twelve-month requirement under CEQA and because of the time it takes to prepare a environmental report, staff request that the process begin at this time to meet the twelve-month deadline.

T. Puntillo moved, seconded by R. Asmundson, approval of Resolution No. 03-67 – Resolution Authorizing the City Manager to Execute an Agreement Between Raney Planning and Management, Inc. and City of Davis.

Staff responded to questions from the City Council regarding the accountability of the consultant. Staff explained that the consultant would have a fiduciary obligation to the city and this is stated in the contract.

Joe Sherman spoke about the city budget and the need for new development.

Larry Garrett stated the city must provide its fair share of low and very low income and development provides that type of housing.

Following discussion, M. Harrington moved substitute motion approval of staff recommendation to hire the consultant with a deadline for submittal of the consultant report of February 1, 2004, and that the City Council take action no later than two weeks from submittal date. No second.

S. Greenwald moved substitute motion, seconded by M. Harrington, to postpone hiring the environmental consultant until Council has more information on this subdivision. The motion failed by the following vote:

AYES: Greenwald, Harrington.  
NOES: Asmundson, Puntillo, Boyd.

The original motion passed by the following vote:

AYES: Asmundson, Puntillo, Boyd.  
NOES: Greenwald, Harrington.

Resolution of the City Council of the City of Davis to Vacate the Below Described Right-of-Way and Hold a Public Hearing for Consideration of Formal Vacation on June 4, 2003 (H Street Alley Behind 240 G Street).

T. Puntillo moved, seconded by S. Greenwald, approval of Resolution No. 03-68 -- Resolution of the City Council of the City of Davis to Vacate the Below Described Right-of-Way and Hold a Public Hearing for Consideration of Formal Vacation on June 4, 2003 (H Street Alley Behind 240 G Street). The motion passed by the following vote:

AYES: Greenwald, Harrington, Puntillo, Boyd,.  
NOES: None.  
ABSTAIN: Asmundson.

Public Hearing: Community Development Block Grant/Housing Investment Partnership Program One Year Action Plan 2003-2004.

Social Services Administrator Jerilyn Cochran summarized the staff report by providing background information on the submission of the One-Year Action Plan 2003-2004 to the U.S. Department of Housing and Urban Development.

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

M. Harrington moved, seconded by R. Asmundson, approval of submission of the One-Year Action Plan to the U.S. Department of Housing and Urban Development. The motion passed by the following vote:

AYES: Asmundson, Greenwald, Harrington, Puntillo, Boyd.  
NOES: None.

Public Hearing: Weed Abatement – for Property Owners who wish to Protest the Abatement of Weeds on their property.

Fire Chief Rose Conroy summarized the staff report by explaining that on April 23, 2003, the City Council adopted the 2003 Weed Abatement Resolution declaring weeds growing upon private properties within the city a fire hazard and therefore, a public nuisance. Council authorized the Fire Chief to notify owners of parcels that require abatement.

She explained that the notices have been mailed to all property owners notifying them of this hearing date and the deadline for weed removal.

Mayor Boyd opened the public hearing and hearing no comments from the public, closed the public hearing. No action by the Council.

Public Hearing: Sanitary Sewer and Storm Utility Rates.

Public Director Bob Weir summarized the staff report by providing background information on the Sanitary and Storm Sewer Utility Rates. He said that in March Council approved the prop 218 requirements for mailing notices to the ratepayers.

He explained that the Public Works Department acknowledges that these increases are high pointing out the largest increase is the sanitary rates. Because of the complex issues affecting these rates, the Public Works Department has begun a heightened public information process.

Weir explained the background for these rates pointing out that the largest increase is

on the sanitary sewer rates. He stated staff has been speaking to Council for a number of years regarding the 2001 National Pollution Discharge Elimination System (NPDES) permit resolution that affects the City's Wastewater Treatment Plant. He stated that obtaining a new permit put requirements on the city's Wastewater Treatment Plant that the current plant could not handle. The preliminary estimate completed two years ago for a conventional upgrade of the Wastewater Treatment Plant was in the neighborhood of \$40 million.

Weir said Council has agreed with staff's analysis that this was an onerous change for the city despite cleaning up the wastewater discharge from the plant. He said the city appealed the decision of the Regional Water Quality Control Board and that appeal is still in progress. He believes the decision will be to go back to the beginning of the permit process and start over again. He said the new permit that does come would probably have a number of these same issues and the city will have the same situation wherein the existing treatment plant is unable to meet those requirements.

He said this translates into additional costs to the ratepayer and the estimate for the upcoming year 2003-04 starting August 1 is an increase to the residential customer of 44% or \$7.00 a month. He stated included in the staff report is a four-year projection of where these same rates are going to go. Staff projects an additional increase next year, a little less the third-year, and then a large increase the fourth year if the projections are correct. He explained that most of the increase is associated with the NPDES permit issue and will go towards professional services to do a number of studies that need to be done.

Weir stated even if the city is successful with the appeal there still needs to be major capital improvements to the Wastewater Treatment Plant. These are based on standards that are required pointing out there are major changes to standards since the year 2000.

Staff responded to questions from the City Council.

Mayor Boyd opened the public hearing.

Valarie Ward said she doesn't understand where the money goes but has learned more listening to staff and the questions posed by Council. She asked questions about how condos were charged.

Mayor Boyd closed the public hearing.

Following discussion, M. Harrington moved, seconded by S. Greenwald, introduction of the two ordinances adjusting the utility rates with the proviso that none of the funds collected shall be used for any planning of the expansion of the Wastewater Treatment facilities.

T. Puntillo moved substitute motion, seconded by R. Asmundson, introduction of ordinance amending Chapter 33.07 to the City Code relating to storm sewer water quality rates and ordinance amending Chapter 33 of the Davis Municipal Code related to sewer rates. The substitute motion passed by the following vote:

AYES: Asmundson, Greenwald, Puntillo, Boyd.  
NOES: Harrington.

Continued Public  
Hearing: Demolition  
Ordinance.

Four members of the City Council were determined to have legal conflict related to the Demolition Ordinance. The reasons for the conflict is that this item involves the Conservation Overlay District and four members either have a residence or business within the District. Straws were drawn at the March, 2003 meeting and Councilmember Greenwald and Mayor Boyd were recused from participating in discussions on

this item.

Associate Planner Michael Webb summarized the staff report by providing background information on the Citywide Demolition Ordinance. He said that at the September 20, 2000 City Council meeting, Council directed staff to explore available options for a citywide demolition ordinance. Currently, the city regulates the issuance of demolition permits on a non-discretionary basis through the building department. He said that demolition permits generate a flat fee of \$100 regardless of the size of the structure on the property.

He explained the proposed changes to the ordinance are: 1) to provide public notice for all demolition permit applications to inform the public of a pending demolition and to an opportunity to explore alternative to demolition. 2) requires a site management plan to ensure public safety, sidewalk access, tree preservation, material recycling, site grading, fencing, and site appearance. 3) Require that structures 50 years or older (other than production homes) undergo a screening to ensure that buildings of potential historic significance are not demolished prematurely. 4) Require discretionary approvals for the replacement project prior to issuance of a demolition permit in the conservation overlay district or any historic district.

Staff responded to questions from the City Council.

Mayor Pro Tem Asmundson opened the public hearing.

Wendy Nelson, Chair of Historic Resources Management Commission, stated the Historic Resources Management Commission has been involved in reviewing the ordinance over the past six years. She stated the commission has not seen the new revision to the ordinance but commented on the 50-year old structure requirements. She stated the commission is supportive of the proposed ordinance.

Mayor Pro Tem Asmundson closed the public hearing.

Following discussion, M. Harrington moved, seconded by T. Puntillo, introduction of ordinance of the City of Davis Amending Chapter 8 of the Municipal Code and Adding Section 8.18 "Demolition Ordinance" as amended. The motion passed by the following vote:

AYES: Asmundson, Harrington, Puntillo.  
NOES: None.  
ABSTAIN: Greenwald, Boyd.

R. Asmundson moved, seconded by M. Harrington, to direct staff to return in one year with a status report on the ordinance. The motion passed by the following vote:

AYES: Asmundson, Harrington, Puntillo.  
NOES: None.  
ABSTAIN: Greenwald, Boyd.

Councilmember Greenwald and Mayor Boyd returned to the dais.

Continued Public Hearing: Zoning Ordinance Amending Chapter 40 - Historical Resources Management.

Cultural Services Manager Esther Polito summarized the staff report by providing background information on replacing section 40.23 related to Historical Resources Management. She said that in addition to the Planning and Historic Resources Management Commissions joint meeting in March, the Historic Commission reviewed earlier drafts of the ordinance at two public meetings, and held a public workshop in early September.

She explained that staff also met twice with the Davis Downtown Business Associa-

tion (DDBA) Design Committee and once with the DDBA Board. Discussion at these meetings focused on architect/builder issues, particularly codes and standards that apply to projects involving historic buildings and proposed demolitions. In October the DDBA unanimously recommended approval of the proposed ordinance. A letter from DDBA Coordinator Laura Cole Rowe has been provided to Council Members as part of the staff report.

Polito said that the proposed changes to section 40.23 of the city's zoning code would bring the city's standards for historical resources management into full compliance with CEQA. She stated it would bring the city's historic preservation standards into alignment with California Register standards, streamline the alteration review process, and improve historic preservation management.

Staff responded to questions from the City Council.

Mayor Boyd opened the public hearing.

Wendy Nelson, Chair of the Historic Resources Management Commission, spoke in support of the ordinance.

Mayor Boyd closed the public hearing.

Following discussion, T. Puntillo moved, seconded by M. Harrington, adoption of Negative Declaration #2-02 and introduction of ordinance amending section 40.23.0, of the City of Davis Zoning Code, "Historical Resources Management". The motion passed by the following vote:

AYES: Asmundson, Greenwald, Harrington, Puntillo, Boys.  
NOES: None.

Public Hearing:  
Proposed Extension  
of Urgency Ordinance  
Establishing a  
Moratorium on the  
Issuance of Permits  
for Wireless Tele-  
communications Fa-  
cilities.

Planning and Building Director Bill Emlen summarized the staff report by providing background information regarding the proposed urgency ordinance on wireless telecommunication facilities. He explained the continuing public hearing was because of noticing requirements. He said that the City Council is aware of the issues that have emerged in the past year regarding community concerns with the current wireless antenna ordinance. He indicated that these include concerns with the adequacy of notification procedures, that facilities not be allowed close to residential, submittal requirements be defined; and that analysis of criteria and noise impacts of camouflaged facilities be considered such as equipment service shelters. He spoke about ordinances from other cities and spoke about some of the differences of those ordinances with the city of Davis current ordinance.

Emlen displayed maps that explained alternative placements of antennas going from one extreme to another with the least being no antennas in residential areas. He said no antennas in residential area would restrict almost any antennas within the city. He said staff would work with the industry to facilitate site of facilities throughout the community in a seamless way as possible.

He explained that the extended urgency ordinance will be for an additional 10 months and 15 days to allow further study.

Mayor Boyd opened the public hearing.

Kevin Iams, Watson, Khachadourian & Iams, representing AT&T Wireless Services, expressed legal concerns with the urgency ordinance. He stated the city ordinance already provides adequate provisions. He said a ten-month ban would make it difficult for any provider to service the community for gaps that are a concern of the citizens. He said every site is different and the current ordinance takes that into consid-

eration. He indicated that he has read the concerns regarding health issues and would encourage the Council not to make decisions based upon unproven signs that are often in articles and on the internet but come from unknown sources.

Karen Learner stated they are new carriers in the market and are concerned about not being able to market their services for a year in Davis.

The public hearing was continued to Friday, May 16<sup>th</sup> at 8:30 a.m.

Business and Economic Development Commission Request for Citywide Retail Survey to Gauge Community Retail Needs.

ATCM Kelly Stachowicz summarized the staff report by providing background information on the Citywide Retail Survey from the Business and Economic Development Commission.

Stachowicz said that in order to make effective recommendation to the City Council, the commission believes that it needs more realistic, conclusive and representative data. The commission would like to know more about how residents want to compare to the statewide averages and what types of retail opportunities the community would like to see or not see in the future. She explained that to gather this information, the commission has developed a retail survey for citywide distribution.

She said the survey tries to determine what would cause people to shop more frequently in Davis, asks how much shopping they do outside of Davis and asks if they would shop at certain types of stores if they were located in Davis. She estimated the costs for the survey would be \$16,000 and would come from the economic development budget.

Staff responded to questions from the city council.

Larry Garrett says he agrees but wants it expanded to other communities to find out what they are doing in the way of economic development.

Following discussion, R. Asmundson moved, seconded by T. Puntillo, approval of conducting a retail survey. The motion passed by the following vote:

AYES: Asmundson, Puntillo, Boyd.  
NOES: Greenwald, Harrington.

Items Submitted by Councilmembers:

- a. Council Considers request to agendaize discussion of the capacity of city water treatment plant. M. Harrington moved to agendaize discussion establishing an official city policy that the current wastewater treatment facility will be used only for new growth within the current city limits. No second.
- b. Council considers request to agendaize discussion regarding sending letter to radio station KPFA. City Council directed staff to draft a letter for Council review to KPFA Radio asking the station to continue its signal in this area..

Consideration of City Council Minutes. S. Boyd moved, seconded by T. Puntillo, approval of the March 12, 2003 and March 19, 2003 City Council minutes as submitted. The motion passed by the following vote:

AYES: Asmundson, Greenwald, Harrington, Puntillo, Boyd.  
NOES: None.

T. Puntillo moved, seconded by S. Greenwald, approval of the April 23, 2003 City Council minutes as submitted. The motion passed by the following vote:

AYES: Greenwald, Harrington, Puntillo, Boyd.  
NOES: None.  
ABSTAIN: Asmundson.

Written Communications. Correspondence from Joe Sherman regarding Unsafe Sidewalks, Sixteen and Seventeenth Addendum to his Claim against the City of Davis and issues with the Davis Police Department.  
Informational.

Correspondence from Paul Healey regarding publication of Telecommunications Task Force documents.  
Referred to Parks and Community Services Department.

Correspondence from Samantha McCarthy regarding Arsenic an Endocrine Disruptor.  
Referred to Parks and Community Services Department.

Correspondences regarding UC Davis Biodefense Lab.  
T. M. Photane, David Suder, Marian Wells, Chris Brunner  
Informational.

Correspondence from Becky Pacheco regarding racial Issues.  
Referred to the City Manager's Office.

Correspondence from Dick Livingston regarding fraudulent letter to the Enterprise.  
Informational.

Correspondence from Tania A. Pshevlozky regarding Polygraph Examinations.  
Informational.

Correspondence from Michael and Caroline Ziser regarding Moore Blvd. Apartments.  
Referred to Planning & Building Department.

Thank you letter from neighbors for staff quick response to quieting the bell at the parking garage at 3<sup>rd</sup> and 5<sup>th</sup> Street.  
Informational.

Correspondence from Thomas Cross, Old North Davis Neighborhood Association, regarding traffic and safety issues related to 5<sup>th</sup> Street between A and L Streets.  
Referred to Public Works Department and Safety Advisory Commission.

Correspondence from Samantha McCarthy regarding Radio Station KPFA's signal.  
Informational.

Continued Closed Session. The City Council continued the closed session on the following issue:

Conference with Legal Counsel – anticipated litigation. Initiation of litigation pursuant to subdivision (c) of §54956.9 (1 cases)

Upon returning to open session, Mayor Boyd announced no actions were taken in closed session.

Adjournment.

The meeting adjourned at 11:40 p.m. to Friday, May 16, 2003 at 8:30 a.m. in the Community Chambers.

Respectfully submitted,

BETTE E. RACKI  
City Clerk