



Davis City Council
COMMUNITY CHAMBERS
23 Russell Boulevard
TUESDAY, JULY 26, 2005
5:00 P. M.
AGENDA

Members of the City Council:

*Ruth Asmundson, Mayor
Sue Greenwald, Mayor Pro Tempore
Ted Puntillo
Don Saylor
Stephen Souza*

*James Antonen, City Manager
Harriet Steiner, City Attorney
Bette Racki, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Council Members. Items listed for public hearing will **not** be heard prior to 7:30 p.m., unless otherwise listed on the agenda. Public comments time may be limited and speakers will be asked to state their name.

Roll Call.

Approval of Agenda.

Item 1

Closed Session:

- A. Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to subdivision (c) of §54956.9: one case.
- B. Conference with Legal Counsel – Existing Litigation pursuant to subdivision (a) of §54956.9. Union Pacific v. City of Davis, Case No. CV05903.
- C. Conference with Labor Negotiator.
Agency Designated Representatives: City Manager Jim Antonen, Human Resources Administrator Melissa Chaney, Finance Director Paul Navazio, Consultant Gene Bell.
Employee Organizations: Davis City Employee Association, Professional and Support Employee Association, Management Unit, Department Heads, Firefighters Local 3494.

Questions about this agenda – Please call the City Clerk's Office (530) 757-5648. Staff reports are available on the city web page www.cityofdavis.org/meetings/councilpackets

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The City Council will not generally take up agenda items after 10:30 p.m. To continue new business past 11:30 p.m. requires a 4/5 vote.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action which varies from that recommended by staff.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

- D. Public Employee Performance Evaluation. Title: City Manager.

Item 2

City Council, City Manager and City Attorney Brief Communications:

- A. This item includes brief announcements, questions to be referred to staff and reports on various 2X2 meetings with other agencies.
- B. City Council/Redevelopment Agency Long Range Calendar. The Council/Agency calendar is a fluid, working document used by the Mayor and City Manager to support efficient and effective Council meetings. The calendar is subject to change to best fit items into the time schedule of the Council meetings. At this time, Council may request items be placed on a future meeting agenda.

Item 3

7:00 **Public Comments**

At this time, any member of the public may address the City Council on matters which are not listed on this agenda. Citizens should reserve their comments for matters listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. City Council may not take action on any item not explicitly listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

Consent Calendar

All matters listed under the CONSENT CALENDAR are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items unless; however, before the City Council votes on the motion to adopt, Members of the City Council, staff, or the public may request specific items be removed from the Consent Calendar for separate action. Item removed will be discussed later on the agenda.

Item 4

- A. Resolution Authorizing the City Manager to Enter Into Agreement (71-01-57-06) with the Area 4 Agency on Aging for Information and Assistance Services Contract Renewal for Fiscal Year 2005-2006 in the Amount of \$34,614, and to Authorize the Partial Subcontract to the Cities of West Sacramento and Woodland (*Community Services Supervisor Christine Helweg*).
Recommendation: Approve.
- B. Resolution Rejecting All Bids for Corporation Yard Bins, CIP No. 8512 (*City Engineer Pat Fitzsimmons*).
Recommendation: Approve.
- C. Resolution Authorizing the City Manager to Execute Amendment No. 2 to the Consultant Agreement with Brown and Caldwell for AB303 Groundwater Management Plan, CIP No. 8543 (*Public Works Director Bob Weir*).
Recommendation: Approve.
- D. Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein – Community Facilities District No. 1990-3 (North Central Davis) Annexation No. 3 (Cassel Lane Subdivision) (*Financial Analyst Sheila McCrory*).
Recommendation: Approve.

- E. Resolution Authorizing the City Manager to Enter Into the Agreements Necessary to Extend the Site Lease Agreement with the Tierra Del Oro Girl Scout Council for Public Building (Also Known as the Girl Scout Cabin) in Slide Hill Park Through September 30, 2005 (*Assistant to the Parks & Community Services Director Michelle Wierschem*).

Recommendation: Approve.

- F. Resolution Authorizing the City Manager to Enter Into an Agreement for Use and Maintenance of the Tennis Courts and Related Landscaping Maintenance at Davis Senior High School with the Davis Joint Unified School District (*Assistant to the Parks & Community Services Director Michelle Wierschem*).

Recommendation: Approve.

- G. Yolo Regional Treated Surface Water Project (*Public Works Director Bob Weir*):

1. Resolution Authorizing the City Manager to Execute the Memorandum of Understanding for Environmental Review of the Yolo Regional Treated Surface Water Project, CIP No. 8543.
2. Resolution Authorizing the City Manager to Execute Amendment No. 1 to City of Davis/UC Davis Water Management Memorandum of Understanding, CIP No. 8543.
3. Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Consultant Agreement with West Yost & Associates for City of Davis/UC Davis/Woodland/YCFCWCD Joint Water Supply Feasibility Study, Environmental Impact Report Support for 2006 and 2007, CIP No. 8543.
4. Proposed Letter to Potential Water Sellers on Behalf of All Entities Regarding Summer Water Rights and the Project Environmental Impact Report Process.
5. Budget Adjustment #7 (\$355,500) Allocation of Participating Agency Project Funding Contributions.

Recommendation: Approve.

- H. Budget Adjustment #5 (\$23,860) Allocating Funds for Purchase of SymPro Treasury Management Software (*Finance Director Paul Navazio*).

Recommendation: Approve.

- I. Budget Adjustment #6 (\$1,082,500) Allocating Funds for the Acquisition of the McConeghy Farm.

Recommendation: Approve.

- J. Human Relations Commission Draft Diversity and Discrimination Survey (*Assistant to City Manager Kelly Stachowicz*).

Recommendation: Informational.

- K. Job Specification Updates – Housing Programs Manager; Wastewater Treatment Plant Maintenance Technician I/II; Wastewater Treatment Plant Senior Maintenance Technician; Senior Engineering Technician; Senior Civil Engineer; Assistant/Associate Civil Engineer; Senior Engineering Assistant; Engineering Assistant (*Human Resources Administrator Melissa Chaney*).

Recommendation: Approve.

- L. Report on City of Davis and UCD Fire Departments Partnership Study (*Fire Chief Rose Conroy*).

Recommendation: Direct staff to continue to identify and implement opportunities to maximize existing resources.

- M. Second Reading: Ordinance Amending Section 22.04.010 of the Municipal Code of the City of Davis Relating to the Decrease of Prima Facie Speed Limit – Speed Limit Increase on Portions of Chiles, John Jones and Pole Line Roads
Recommendation: Adopt (Introduced 7/19/05).
- N. Second Reading: Ordinance Amending Section 22.04.010 of the Municipal Code of the City of Davis Relating to the Decrease of Prima Facie Speed Limit – Speed Limit Reduction on Portions of Covell/Mace and Lake Boulevards
Recommendation: Adopt (Introduced 7/19/05).
- O. Commission Minutes
1. Planning Commission Regular Meetings of February 9 and June 8, 2005.
Recommendation: Informational.
 2. Safety Advisory Commission Regular Meeting of June 9, 2005.
Recommendation: Informational.
 3. City of Davis/Yolo County 2x2 Regular Meeting of June 14, 2005.
Recommendation: Informational.
 4. Bicycle Advisory Commission Regular Meeting of May 16, 2005.
Recommendation: Informational.
 5. City of Davis/Davis Downtown Business Association 2x2 Regular Meeting of May 23, 2005.
Recommendation: Informational.
 6. Social Services Commission Regular Meetings of May 2, June 20 and July 11, 2005.
Recommendation: Informational.
 7. Finance and Budget Commission Special Meetings of May 25 and June 2, 2005 and Regular Meeting of June 13, 2005.
Recommendation: Informational.
- P. Proposed Letters in Opposition to the Federal Energy Bill H.R. 6 Provision Exempting Methyl Tertiary Butyl Ether (MTBE) Manufacturers from Liability.
Recommendation: Approve.
- Q. Resolution of the City Council of the City of Davis in Support of the Third Annual Governor's Ball for the Benefit of Yolo County SPCA and the Agora Project.
Recommendation: Approve.

REGULAR ITEMS WILL BEGIN AT 7:30 P.M. Regular Calendar

Item 5

Public Hearing: Medical Marijuana Dispensaries – Ordinances Addressing Land Use and Establishment of Dispensaries and Extending the Moratorium and Requiring a Conditional Use Permit on Any and All Dispensaries Through July 31, 2006 (*Assistant Police Chief Steven Pierce*).

Comment: On June 6, 2005 the United States Supreme Court in *Gonzalez v. Raich* ruled that California's law allowing marijuana to be used for medical purposes violates the U.S. Constitution Commerce Clause. Proposed ban on medical marijuana dispensaries would alleviate the necessity of reconciling inconsistencies of federal v. state law.

Recommendation: (1) Introduce Ordinance Addressing Land Use and Dispensary Establishment; (2) Approve Ordinance Extending the Moratorium.

Item 6

Public Hearing: Nuisance, Administrative Citation, Resale and Noise Ordinance Revisions (*Community Development Director Bill Emlen/Chief Building Official Mark Wood*).

Comment: Proposed ordinance amendments will improve the efficiency of the Code Enforcement Program.

Recommendation: (1) Introduce Ordinances Amending Nuisance, Administrative Citation, Resale and Noise, and (2) Approve Resolution Amending the Master Fee Schedule.

Item 7

Public Hearing: Ordinance Approving Cable Franchise Renewal Agreement with Comcast of California (*Social Services Administrator Jerilyn Cochran*).

Comment: Proposed ordinance agreement to renew the franchise with Comcast. Agreement describes the manner in which Comcast will operate and defines the compensation to the community for the use of streets and right-of-way for cable business.

Recommendation: (1) Introduce Ordinance Approving Franchise Renewal, and (2) Approve side letters to the Agreement regarding settlement, interconnection and institutional network.

Item 8

Affordable Housing Projects – Ownership Structures and Developer Fee Issues (*Social Services Administrator Jerilyn Cochran/Housing Coordinator Danielle Foster*).

Comment: Consideration of Social Services Commission recommendations regarding standards for ownership structures and developer fees in affordable housing projects utilizing city resources.

Recommendation: (1) Approve Development Fee and Ownership Structure Standards, and (2) Direct the Social Services Commission to develop recommendations regarding underwriting standards to be used in all affordable housing projects utilizing city resources.

Item 9

Eleanor Roosevelt Circle Affordable Housing Project Funding Commitments (*Social Services Administrator Jerilyn Cochran/Housing Coordinator Danielle Foster*).

Comment: Consideration of funding commitments for the 60-unit Eleanor Roosevelt Circle Affordable Housing Project. The special needs project is developed in partnership with Davis Senior Housing Cooperative Neighborhood Partners, LLC and Yolo County Housing Authority. **Item will also be heard by the Redevelopment Agency.**

Recommendation: Approve Resolutions Authorizing Project Funding.

Item 10

Item Submitted by Councilmember:

Resolution of the Davis City Council Supplementing the Passage of a Franchise Renewal Agreement Between the City and Comcast of California, Calling for Quality Service and Labor Harmony (*Councilmember Don Saylor*).

Adjournment.

DAVIS CITY COUNCIL GOALS AND KEY OBJECTIVES

2004 – 2006

(Detailed information available: http://www.ci.davis.ca.us/story/pdfs/council_goals.pdf)

1. Fiscal Stability
2. Economic Development
3. Public Safety
4. Parks and Recreation

5. Downtown
6. Housing & Growth
7. Inter-jurisdictional

I declare under penalty of perjury that the foregoing agenda for the July 26, 2005, regular meeting of the Davis City Council was personally delivered to each Councilmember and posted on the outside public bulletin board at City Hall, 23 Russell Boulevard on July 22, 2005 and made available to the public during normal business hours.

ZOE S. MIRABILE, Deputy City Clerk

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City Hall, main hallway - 23 Russell Boulevard.

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Wednesday at 9:00 a.m.

Thursday at 7:00 a.m., 1:00 p.m. and 7:00 p.m.

Saturday at 1:00 p.m.

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