

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of April 3, 2012

The City Council of the City of Davis met in regular session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Krovoza.

Roll Call: Councilmembers Present: Sue Greenwald, Joe Krovoza, Stephen Souza, Rochelle Swanson, Dan Wolk

Councilmembers Absent: None

Other Officers Present: City Manager Steve Pinkerton, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda R. Swanson moved, seconded by D. Wolk, to approve the agenda. Motion passed unanimously.

Closed Session City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:

A. Conference with Legal Counsel – Existing Litigation: People’s Vanguard of Davis, Inc. v. City of Davis, Yolo County Superior Court Case No. PT12-480

B. Conference with Labor Negotiators.

Agency Designated Representatives: City Manager Steve Pinkerton; City Attorney Harriet Steiner; Assistant City Manager Paul Navazio; Human Resources Administrator Melissa Chaney; Tim Yeung, Renne Sloan Holtzman Sakai, LLP.

Employee Groups/Organizations (under discussion): Davis City Employees Association; Davis Police Officers Association; Department Heads; Executive and General Management; Firefighters Local 3494; Fire Management; Police Management; Program, Administrative and Support Employees Association.

Council returned to open session at 6:27 p.m. with no reportable action.

City Council/
Civic Arts
Commission Commissioners Present: Mary Anne Ingenthron, Nikhil Joshi, and Carrie Whitecotton.

Joint Discussion: Commissioner comments included:

- Commission concerned over reductions in arts program budget.
- Art in Private Development program has been scheduled as future discussion item. Will consider model private development ordinances based on construction budgets.
- Commend Council for recognizing importance of arts in goals.

Council comments included:

- Consider ways to leverage funds, public-private partnerships.

- Foster discussion at community level, harness energy.
- Look for endowments, encourage private initiative in the arts and culture.
- Suggest Commission weigh in on community interest in downtown arts and entertainment district, and provide recommendations to Council.

City Council recessed at 6:55 p.m. and reconvened at 7:03 p.m.

Ceremonial
Presentation

Proclamation Recognizing April 2012 as Child Abuse Prevention Month was presented by Mayor Pro Tem Swanson.

Proclamation Recognizing April 8-14, 2012 as National Public Safety Telecommunicators Week was presented by Councilmember Wolk.

Brief Commu-
nications

J. Krovoza: 95th anniversary of the first meeting of the Board of Trustees for City of Davis.

S. Pinkerton: Cesar Chavez celebration will be held on April 7 in Central Park.

R. Swanson: Traveled to Ontario for the quarterly League of California Cities meeting on policies; discussed changes at state level and potential for moving forward considering the dissolution of the Redevelopment Agency and ways to preserve affordable housing.

D. Wolk: Young at Art Festival will be held on April 13 at the Davis Arts Center.

S. Greenwald: Attended Breakfast with the Bunny on March 31. Intend to donate photography to city for use in publications; want to improve visual arts presentations.

J. Krovoza: Davis hosted the Regional Veterinarian Forum on March 30 at the Veterans Memorial Center. Cool Davis Initiative spearheading effort to organize Davis participation in the Cool Cities Challenge; program will continue for 1 year, points awarded for activities geared toward lowering carbon footprint.

D. Wolk: Requested staff to contact Oddfellows and report back to Council results of Breakfast with the Bunny event.

Public Com-
ments

- Dennis Dingemans, Hattie Weber Museum: Event celebrating city's 95th anniversary of incorporation to be held on March 28.
- Bob Bowen: Davis Board of Trustees established first Fire Department in 1917, first fire truck put into service in 1918.
- Mark Braly, Valley Climate Action Center, and Alan Wecker, UC Davis Energy Efficiency Center: Distributed copies of Net Zero Davis White Paper to Council, hope paper will be used in next step of Climate Action Plan; working on proposal to carry study farther, project funded by Yolo Energy Efficiency Project (YEPP).

- Kelly Sorotten: Would like to open up hookah bar establishment within city limits.
- David Musser: Request Council give serious consideration to proposed Alcohol Preclusion ordinance; drinking issues affect public safety.
- Paul Wakowski: Residence located behind Savemart; noise from high school stadium public announcement system is too loud, should be some kind of accountability to neighbors.
- Jennifer Carrier, Civic Center Park Neighborhood Association: Consent Calendar item City-UCD Student Liaison Commission Recommendation on Amendments to the Davis Noise Ordinance—proposed changes to ordinance will intensify noise problem and undermine R-1 zoning; if subcommittee is formed to review issue, request neighborhood representatives be included.
- Frank Justino: Smart meter installed at residence by PG&E; guaranteed to emit no more than 6 mhz, however, meter registering 6.8 and continually transmitting at unsafe level; will pursue opting out of program.

Consent Calendar

Weed Abatement 2012 – Declaring Certain Properties a Fire Hazard (Public Nuisance) and in Need of Abatement; and Setting a Public Hearing on May 1, 2012 for Owners to Object to the Proposed Removal of Weeds.

Approved Resolution No. 12-040 - Declaring Weeds Growing Upon Private Property within the City of Davis to be a Public Nuisance: Directing the Chief of the Fire Department to Post or Mail Notice to Destroy Weeds, and Providing Notice of Hearing on Objections Thereto Pursuant to California Government Code, Article 2, Section 39560 through 39588

Terms, Conditions and Understanding of Compensation for the Individual Fire Management Employees

Approve Resolution No. 12-041 - Adopting Terms, Conditions and Understanding of Compensation and Employment, removing Fire Management Employees from the Individual Management MOU and adopting separate Terms, Conditions and Understanding of Compensation for the Individual Fire Management Employees

DJUSD Request to Make Improvements to Davis High School Softball Field in Community Park

1. DJUSD be allowed to proceed with all requested changes to the Varsity softball field with the exception of requiring the third base line fence to be temporary
2. Approve Resolution No. 12-042 - Authorizing City Manager to Enter into a License Agreement for Improvement of a Portion of Community Park for Softball

226 F Street Improvements

Approved Budget Adjustment #132 (\$29,000) – allocating facility replacement funds for construction and contract services, including plans and specifications, mat washer installation, floor drain, signage and building permit

Replacement Playground Structures for the Community Park Primary Playground and Tot Lots

Authorized staff to proceed with release of Request for Proposals for purchase of replacement playground structures

Plans, Specifications and Estimate for Drummond Bike Crossing Project, CIP No. 8207

Approved plans and specifications

Plans, Specifications and Estimate for Sewer Trunk Line Rehabilitation, CIP No. 8166

Approved plans and specifications, and authorize bid advertisement

Commission/Committee Minutes:

1. Civic Arts Commission Meetings of January 9 and February 13, 2012
2. Finance and Budget Commission Meeting of February 13, 2012
3. Human Relations Commission Meeting of February 23, 2012
4. Tree Commission Meeting of February 16, 2012
5. Water Advisory Committee Meeting of February 23, 2012

Informational

City Support for Retention of USDA in Lyng Building at 430 G Street

Approved Resolution No. 12-043 - Supporting USDA's Location in Downtown Davis, and authorize letter to USDA conveying this request

S. Souza moved, seconded by D. Wolk, to approve the consent calendar as listed above. Motion passed unanimously.

Removed from
Consent Calendar:

Item removed by R. Swanson.

Advisory
Commission
Actionable
Recommendation:
City-UCD
Student Liaison
Commission
Meeting of February 8, 2012

Commission Action Item: Recommendation on Amendments to the Davis Noise Ordinance Regarding the Party Permit Process

R. Swanson moved, seconded by D. Wolk, as follows:

1. Based on Police Department concerns, City Council accepts the City-UCD Student Liaison Commission motion on amending the Davis Noise Ordinance as informational at this time. Staff and the Police Department agree that there are certain provisions of the current Noise Ordinance which are difficult to enforce and should be reviewed. As workloads permits, staff will bring back a proposal to review the Noise Ordinance in its entirety. This process will include a broad based community subcommittee approach to review all issues associated with the Ordinance, with membership to include neighborhood representation.

2. Accept the February 8, 2012 Minutes as informational.

Motion passed unanimously.

Presentation:
Overview of
Crime Statistics
– Five Year
Summary

Police Chief Landy Black: Overview of 2007-2011 crime statistics, focused on most noteworthy crimes and incidents.

City council recessed at 8:28 p.m. and reconvened at 8:37 p.m.

Continued Public Hearing:
Crown Castle Distributed Antenna System (DAS) Wireless/Cellular Services Infrastructure Network; Planning Application #52-10, Conditional Use Permit #10-10, Zoning Ordinance Amendment #1-10, Appeal #1-12

S. Pinkerton: Based on federal and state laws, staff recommends the city's telecommunications ordinance be amended to give the city the most control under current confines of law.

Principal Planner Michael Webb: Overview of the site location and design evaluation table for the proposed DAS network.

City Attorney Harriet Steiner: Summarized relevant case law and pending litigation. If Council decides to deny site(s), must provide reasoning and specific written findings.

- Public comments: Steve Hayes: Oppose sites 15 and 16.
- Frank Justino, Village Homes Home Owner Association: Applicant hasn't demonstrated true need for network; potential proliferation of antennas at any approved site.
- Meredith Herman, Jay Feldon, Ed Hyatt, Jill Vanzanten, Kim, Steve Grecko, Steve Bryant, Peggy Hayes, Jill Flagg, and Carla Alicia: Oppose project in its entirety; request Council retain current ordinance and deny project.
- Bob Schneider: Oppose alternative sites 3 and 4.
- Steve and Linda Wolokowski and Cathy Lighten: Oppose site 4 and all suggested alternatives.
- Susan Monheight: Oppose site 16; request Council add conditions to permit regarding mitigation of industrial blight, should pay to underground other electrical utilities in City.
- Louise Walker: Request information on coverage gap and monetary impact of a law suit.

City Council recessed at 9:54 p.m. and reconvened at 10:04 p.m.

Site 1

(South side of
Covell Blvd.
west of Lake
Blvd.)

Public comment:

- Frank Justino: 150-foot setback is out of compliance with telecommunications ordinance.

H. Steiner: Setbacks generally do not apply to right-of-way locations, instead to private property.

J. Krovoza moved, seconded by R. Swanson, to proceed with going pole by pole to make findings for denial or to provide direction and comments on aesthetics.

Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: Wolk

J. Krovoza moved, seconded by R. Swanson, intent to approve site 1 (south side of Covell Blvd. west of Lake Blvd.); design option 2 panel antennas with pole and surface mounted equipment. Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: Wolk

Site 2

(SE corner Arlington & Lake Blvds.)

Public comment:

- Kim: Object based on aesthetics; should prohibit placement on collector streets, local street and greenbelts.
- Frank Justino: City can keep control by rewriting Telecommunication Ordinance; remove collector street from possible sites.
- Theresa Leonard: Oppose installation on minor arterial.
- Greer Davis: Unclear if pole will be installed in median or parking lot.
- Marilee Hanson: Oppose placement on major arterial; suggest alternative to locate inside Westlake Shopping Center, aesthetically pleasing and technically feasible.

Site 4

(East side of Arlington Blvd., north Calaveras/Westerne)

Public comments:

- Steve Wolokowski: Suggest additional modification to sites 4, 8, 18 and 19: deny, remove reference to without prejudice.
- Javier Chavez: Request Council deny site 8.
- Jill Flagg: Representing resident at site 18: Tulip Lane listed as collector, but does not have much traffic.

Site 8

(SW corner Oak Ave. & Antioch Dr.)

- Frank Justino: Support denial, should set standards for telecommunications in right-of-way.
- Almerie Langerwieshe and Linda Wolokowski: Oppose site 4 and all alternative locations.

Site 18

(East side of Tulip Ln., south of Loyola Dr.)

- Kim: Suggest deny site 19; alternative 2 is on collector street and aesthetically unpleasing.
- Marilee Hanson: Site 4 should be on arterials, visibility from second story windows aesthetically unpleasing.

Site 19

(East side of La Paz Dr., south of El Macero Dr.)

S. Souza moved, seconded by S. Greenwald, to deny sites 4, 8, 18, and 19 without prejudice.

J. Krovoza proposed a friendly amendment directing staff, applicant and interested parties to confer on alternatives to sites or modes of services for those facilities.

S. Greenwald proposed a friendly amendment to deny site 4. Accepted by mover.

J. Krovoza proposed a friendly amendment to deny sites 8 and 19. Accepted by mover.

Motion and friendly amendments passed unanimously.

R. Swanson moved, seconded by J. Krovoza, to continue meeting to 12:30 a.m. in order to complete discussion of item. Motion passed unanimously.

Site 2 continued (SE corner Arlington & Lake Blvds.) J. Krovoza moved, seconded by R. Swanson, intent to approve site 2, convert existing pole at south east corner of Arlington Blvd. and Lake Blvd. to new tri-sector pole that is no larger than 10.75” diameter and no higher than 37 feet, flush from top to bottom; all equipment to be included within the pole; work shall continue with Pacific Gas & Electric to eliminate the meter box. Motion failed by the following vote:
AYES: Swanson, Krovoza
NOES: Greenwald, Souza, Wolk

D. Wolk moved, seconded by S. Souza, to evaluate site options for site 2. Motion passed by the following vote:
AYES: Greenwald, Souza, Wolk
NOES: Swanson, Krovoza

Site 16 (South side of Moore Blvd., west of Pollock Ct.) Public comment:
· Steve Hayes: Request Council deny site; oppose well site, surrounded on 3 sides by homes, tower hums from generator, aesthetically displeasing.
R. Swanson moved intent to approve a replacement pole at original proposed location in median (Davis site 16) with same conditions as proposed for site 2. No second.

J. Krovoza moved, seconded by R. Swanson, to direct staff to evaluate site options. Staff, applicant and affected residents will balance merits of alternatives for site 16. Motion passed unanimously.

Site 3 (West side of Marina Circle, north of Bermuda) Public Comment
· Kim: Object to aesthetics of installation on collector street.
· Terry Leonard: Request fairness and equity in proposed Telecommunication Ordinance revisions.

R. Swanson moved, seconded by J. Krovoza, intent to approve site 3 (West side of Marina Circle, north of Bermuda) with new tri-sector pole design no more than 37 feet high, no larger than 10.75” diameter, flush from top to bottom; all equipment included within in the pole, same as proposed for site 2. Motion failed by the following vote:
AYES: Swanson, Krovoza
NOES: Greenwald, Souza, Wolk

Site 24 (Median at SE Public comment:
· Terry Leonard: Support omni design; option 4.

corner of E. 8th
St. & J St.)

J. Krovoza moved, seconded by R. Swanson, intent to approve site 24 (Median at south east corner of East 8th St and J St); 10.75 inch max diameter streamlined tri-sector two-carrier pole design with equipment inside pole, 37 foot max height. Motion passed unanimously.

Site 20

Public Comment

- Barbara Wolverry: Want to see alternatives; residences have shallow front yards with bedrooms close to street; placing equipment boxes in yards will have a visual impact.
- Richard Harris: Support moving pole to city well site.

J. Krovoza moved, seconded by R. Swanson, directing staff evaluate only well site alternative for site 20. Motion passed unanimously.

Site 10 – North
side of East 8th
St, east of D St

Public Comment

- Terry Leonard: support omni design; option 4 or 3

J. Krovoza moved, seconded by R. Swanson, intent to approve, Site 10 (North side of East 8th St, east of D St); design option 2 (panel antennas) with pole mounted equipment. Motion passed by the following vote:

AYES: Greenwald, Souza, Swanson, Krovoza

NOES: Wolk

By consensus, Council agreed to schedule a meeting on April 10 to discuss remaining sites; meeting will include discussion of Council compensation and long range calendar.

City Council
Compensation

Item postponed to April 10, 2012.

Long Range
Calendar

R. Swanson: Request to agendize licensing and registration of bicycles within city. Council concurred.

Adjournment

Meeting was adjourned at 12:52 a.m. in memory of Ted Adams.

Zoe S. Mirabile, CMC
City Clerk