

MINUTES OF THE MEETING OF THE DAVIS CITY COUNCIL
FEBRUARY 21, 2006

The City Council of the City of Davis met in regular and closed session at 4:30 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: Interim City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Approval of Agenda T. Puntillo moved, seconded by D. Saylor, approval of the regular and special 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 4:30 regarding labor negotiations with Davis City Employee Association, Professional and Support Employee Association, Management Unit, Department Heads, Firefighters Local 3494.

The closed session item for conference with real property negotiators for APNs 110-090-01, 110-090-050, 110-090-060, 110-090-070, 110-090-080, 110-090-090, 110-090-100, 110-170-010 with negotiating parties of Jean E. Laughtin, Virginia M. Ebey, Solano Land Trust and agency negotiator Interim City Manager Bill Emlen, City Attorney Harriet Steiner was continued to the meeting of March 7, 2006.

The Council returned to open session with no reportable action.

Ceremonial Presentations

Proclamation in Recognition and Appreciation of the Davis Police Department's "Nights Gold" Team The proclamation recognizing and showing appreciation of the Davis Police Department's "Nights Gold" Team for Significant Efforts in DUI Enforcement from June – December 2005, and Dedication of this Program to City of Rocklin Officer Matthew Redding, Killed in the Line of Duty by a Drunk Driver on October 9, 2005 was read by T. Puntillo and presented to Rocklin Police Chief Mark Siemens and the parents and brother of fallen Officer Matthew Redding of the Rocklin Police Department as well as the Davis Police Department's "Nights Gold" Team.

Proclamation Honoring Kate Mawdsley as Recipient of the A.G. Brinley Plaque The proclamation was read by S. Greenwald.

Honoring Ray and Verena Borton as Recipients of the C.A. Covell Award S. Souza read the proclamation and presented it to Ray and Verena Borton.

Golden Heart Awards Recognizing Outstanding Youth in the Community. R. Asmundson gave the background on the Golden Heart Awards. D. Saylor gave the reasons for Tanvir Kapoor and Colin Borges receiving their awards in the community service category and presented them with a plaque. He then gave information on Euma Matthews, Annalisa Ching, Kan Archie and Nicolette Gmuser-Paskalakis who received certificates.

Ms. Sallee gave the history of the winners in the personal challenge category, which are Stephen Caning, Yenia Flores, Sunny Suh, and Dmitry Neronov with honorary awards going to Destiny Wilcox and Kenneth Cha.

Public Comment Two citizens spoke in favor of the Cesar Chavez project.

Five citizens spoke in favor and tow against the implementation of a citizen review board for the police department. One person stated that Davis needs more police officers.

Consent Calendar Resolution 06-34 – Accepting and Establishing the Charlotte Pehlke Memorial Fund in the Amount of \$1,600 to Assist the Davis Senior Center in the Development of a New Heart Healthy Walking Program
Approved

Resolution 06-35 – Declaring the Results of the Special Municipal Election Held in the City of Davis on November 8, 2005
Approved

Resolution 06-36 – Appreciation to Pamela Wee for Service to the City of Davis as a Member of the Natural Resources Commission
Approved

Ordinance Amending Section 22.08 of the Municipal Code Relating to Time Parking Zone, Adding Section 22.08.255 to Establish Re-parking Restrictions in the Timed Parking Zone Within and Around the Downtown Core Area When Proper Signage is Posted
Introduced

Second Reading: Ordinance No. 2244 Amending Chapter 40.14 of the Municipal Code Rezoning One Parcel Located at 435 G Street from Central Commercial to Preliminary Planned Development #03-05
Adopted (Introduced 02/07/06)

Appointment of Public Works Operations Administrator Sue Gedestad as the City of Davis Representative to the County Waste Advisory Committee
Approved

Proposition 218 Notice for Sanitary Sewer Rate Increases
Approved

Commission Minutes:
Planning Commission Regular Meeting of October 12, 2005
Informational

Bicycle Advisory Commission Regular Meeting of December 12, 2005
Informational

Student Police Relations Subcommittee of the City-UCD Student Liaison Commission

Regular Meeting of January 18, 2006
Informational

Open Space Commission Joint Meeting with City Council of October 3 and Regular Meeting of December 5, 2005
Informational

Recreation and Park Commission Regular Meeting of January 19, 2006
Informational with the following exceptions:

- Approve appointment of Lamar Heystek as Inter-Commission Liaison to the Finance and Budget Commission
- Continue implementation of Arroyo Community Pool noise guidelines
- City Land Adjacent to Haussler Home on Covell Boulevard: Consider commission recommendation to dispose of property

Development Impact Fee Annual Report
Informational

Treasurer's Report for the Quarter Ended January 1, 2006
Informational

City Council Minutes from the Regular Meetings of January 17 and February 7, 2006
Approved

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

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

Resolution— Establishing Criteria to Determine What Constitutes a Significant Project Modification or Change Requiring a Subsequent Measure J Vote

This item was removed from the consent calendar and scheduled for the regular calendar on March 7, 2006.

Resolution— Establishing a Voluntary Art in Private Development Program Throughout the City of Davis

This item was pulled from the consent calendar.

D. Saylor moved, seconded by T. Puntillo, approval of Resolution 06-37 Establishing a Voluntary Art in Private Development Program Throughout the City of Davis and directing Civic Arts Commission to return to Council in two years with a summary of program accomplishments and recommendations for any necessary modifications. The motion passed by the following vote:

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

Public Hearing: 1920 Sycamore Lane/Thomas Apartments Conditional Use Permit

The public hearing was opened and continued to March 7, 2006. There was no testimony heard.

Presentation from Sacramento Municipal Utility District (SMUD)	<p>Mr. John DiStasio, Asst. General Manager of SMUD gave a presentation with updated information on their application with LAFCO and the status of placing their coming to Yolo County on the November ballot.</p> <p>Mr. Jerry Adler stated that clarification to determine if this item will need a 2/3 vote.</p>
Presentation from Sacramento Metro Chamber of Commerce	<p>There was no representative from Sacramento Metro Chamber of Commerce present for the presentation regarding their Study Mission Program relative to regional economic development, civic infrastructure and civic leadership.</p>
Fiscal Year 2005/06 Mid-Year Budget Update	<p>P. Navazio went through the mid-year budget report. He reminded the Council that the first budget workshop is scheduled on March 14, 2006, when he will go into greater detail.</p>
Consideration of Recreation and Park Commission Recommendations Regarding Naming the New Neighborhood Park in the Mace Ranch Development	<p>M. Wierschem explained the multi-phase process to name the park. There have been two ways to bring names forward to the Council. n.</p> <p>D. Saylor moved, seconded by S. Souza to approve staff recommendations and to have T. Puntillo and S. Greenwald be the Council subcommittee members, motion carried.</p> <p>S. Souza moved, seconded by D. Saylor to direct staff to survey neighbors regarding name preference chosen from the subcommittee list.</p> <p>S. Souza moved, seconded by D. Saylor to direct staff to return to the Recreation and Park Commission for a recommendation for Council consideration, motion carried.</p>
Council, City Manager and City Attorney Communications Various Commission Meetings	<p>D. Saylor gave an update on the 2X2 with the county, which met this morning.</p> <p>S. Greenwald suggested a process suggestion that when there is a Monday holiday could they receive their packets on Thursday in order to have the opportunity to ask staff any necessary questions.</p>
Cesar Chavez Plaza Affordable Housing Project – Consideration of Conditional Extension of Performance Deadline for Neighborhood Partners	<p>J. Cochran gave a brief review of the project to date.</p> <p>The applicant spoke to the concerns in the staff report and are requesting an extension to September 30, 2006.</p> <p>Six citizens spoke in favor of the project but voice concerns over the training that would be provided, would there be requirements to attend Narcotics Anonymous when needed, and would there be 24/7 assistance available.</p> <p>D. Saylor moved, seconded by T. Puntillo to approve a conditional extension until September 30, 2006 of the performance deadline. The condition is that the project affordability, sustainability, ownership and management be provided and complete responses and verification in time for this information to be presented to Council no later than March 21, 2006. The Council acknowledges that the conditions imposed in March 2005 have been substantially met. Building permits and other city approvals will not be deferred or otherwise delayed and will proceed even as the conditional examinations are underway. The city will entertain at the March 21 meeting a formal request for a fee waiver loan of \$275,000 in recognition of the increased costs associated with the delays imposed by the city and the positive contributions this project represents. That the city inform all project funders that the City Council is supportive of this project and committed to working with the non-profits and funding agencies to support it to success.</p>

Substitute motion by S. Greenwald, seconded by R. Asmundson to approve the staff recommendations. Motion failed by the following vote:

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

T. Puntillo made a friendly amendment to the original motion, which was accepted by D. Saylor changing the motion to approve a conditional extension until September 30, 2006 of the performance deadline. The condition is that the project affordability, sustainability, ownership and management be provided and complete responses and verification in time for this information to be presented to Council no later than March 21, 2006. The project partners will cooperate in the analysis of the appropriateness of the proposed project at the project site, including assisting in the development and analysis of long-term conditions for the project. Building permits and other city approvals will not be deferred or otherwise delayed and will proceed even as the conditional examinations are underway. The city will entertain at the March 21 meeting a formal request for a fee waiver loan of \$275,000 in recognition of the increased costs associated with the delays imposed by the city and the positive contributions this project represents. That the city inform all project funders that the City Council is supportive of this project and committed to working with the non-profits and funding agencies to support it to success. The motion passed by the following vote:

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

Consideration of Human Relations Commission Recommendation to Establish a Citizen Review Board

B. Emlen gave a brief overview of the Human Relation Commission's (HRC) recommendation and then provided staff's recommendations from the January 17, 2006 meeting.

A memo from the City Attorney was provided to the Interim City Manager regarding civil review boards and the Officers' Bill of Rights. There was also a memo from the Police Department in response to the HRC allegations.

Cecilia Escamilla Greenwald, Chairperson of the Human Relations Commission, thanked the Council for their time. She provided a handout on Frequently Asked Questions regarding Civilian Review Boards. This would be a transparent process for people to be heard. She read a statement to the Council. She asked the City Council to listen to the citizens of Davis.

H. Steiner explained the difference between a Charter City, which Berkeley is, and a General Law City, which Davis is.

In Berkeley the citizens through an initiative process added this board to their charter prior to many of the laws that are now in place. The only obligation is that the officers have is to go to the hearing and they can appeal the process. They take significantly longer than disciplinary processes and there were 18 instances where the citizen review board determined that the complaint was founded and 17 of those 18 were overturned by an Administrative Law Judge who heard the appeal. Police personnel records are very restricted in terms of confidentiality. The city does not have the authority to have an independent body subpoena records. The city has no way to implement such a proposal without going through the meet and confer process because it changes the terms and conditions of employment.

There were twelve people that spoke in favor and eleven that spoke against having an independent citizens review board. Some issues raised were not having both

sides of the stories in the HRC report, allegations of police misconduct, having checks and balances in place and a lack of trust with the police department. It was stated that if you cannot determine what the problem is, you cannot find the solution. There has to be discussions by all parties. There comment was made that the perception of how young people in the community see the police department needs to be changed. There were three people who mentioned that there is a need for more police officers on the street.

Motion by D. Saylor, seconded by S. Souza to receive the report developed by the Human Relations Commission with assistance from community members, motion carried.

Motion by D. Saylor, seconded by S. Souza to develop the position concept and funding requirements for an Ombudsman position located in the Office of the City Manager with responsibilities for facilitating citizen complaints for all city programs and departments and include this position in the budget development process for the 2006-07 budget, motion carried.

Motion by D. Saylor, seconded by S. Souza to direct the Interim City Manager employ necessary experts to conduct a detailed analysis of police encounter data (stops and arrests) to clearly assess the potential for any disparate treatment. Direct the Interim City Manager to report back to the Council in no later than six months the results of this analysis and annually thereafter, motion carried.

Motion by D. Saylor, seconded by S. Souza to direct the Interim City Manager to work with the Police Advisory Commission of three experts to review the existing citizen complaint process, including thoroughness of investigations and appropriateness of personnel dispositions and report to the Council no later than six months from this date, motion carried

Motion by D. Saylor, seconded by T. Puntillo to affirm the 5 step plan presented at the January 17, 2006 Council meeting, motion carried.

Motion by S. Greenwald to ask staff to bring back a report on the Berkeley model on having a defacto City Manager member of the internal police review board. Motion dies for a lack of a second.

Adjournment

The meeting adjourned at 1:20 a.m. in honor of Kelly Stachowicz's father-in-law's passing.

Margaret Roberts, CMC
City Clerk