

MINUTES OF THE DAVIS CITY COUNCIL  
MEETING OF APRIL 11, 2006

The City Council of the City of Davis met in regular and closed session beginning at 6:00 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. All meetings were called to order by Mayor Puntillo.

Roll Call: Councilmembers Present: Ruth Asmundson, Sue Greenwald, Don Saylor, Stephen Souza, Ted Puntillo

Councilmembers Absent: None

Other Officers Present: Interim City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Approval of Agenda R. Asmundson moved, seconded by D. Saylor, approval of the City Council agenda as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Closed Sessions The Council went into closed session at 6:00 p.m. regarding personnel matter - Public Employment Performance Evaluation for Interim City Manager pursuant to Government Code §54957. The Council returned to open session with no reportable action.

Presentations: The proclamation was read by T. Puntillo and presented to Laura Ivans, Senior Child-care Supervisor with Parks & Community Services Child Care Grant as well as other staff members.

Proclamation Declaring April 9–15, 2006 the Week of the Young Child

Consent Calendar

Resolution 06-48 approving eligibility renewal application for the Davis Police Department to participate in the Federal Surplus Property Program

Approved

Resolution 06-49 awarding a contract in the amount of \$815,960 to Zim Industries, Inc., for the construction of a test hole and production well at 3608 Chiles Road, CIP No. 8129; Budget Adjustment #45

Approved

Resolution 06-50 authorizing the City Manager to execute an extension to the use of 512 Fifth Street as a Cold Weather Shelter

Approved

Resolutions Regarding Yolo Community Care Continuum (YCCC)/Community Housing Opportunities Corporation (CHOC) Homestead Affordable Housing Project :

Resolution 06-51 authorizing loan terms and set-aside to pay financing reserves for Yolo Community Care Continuum Homestead Housing Project

Approved

Resolution 06-52 approving proposed tenant relocation plan for transfer and rehabilitation of the Homestead Project

Approved

Budget Adjustments #46 (\$16,913) and #47 (\$14,816) Allocating Police Department Revenue from State and Federal Asset Seizure Distribution and Office of Traffic

Safety Grant into Appropriate Expenditure  
Approved

Commission Minutes:  
Bicycle Advisory Commission Regular Meeting of January 23, 2006  
Informational

City-UCD Student Liaison Commission Student Police Relations Sub-Committee  
Regular Meeting of February 15, 2006  
Informational

Planning Commission Regular Meetings of January 11 and 25, 2006  
Informational

Tree Commission Regular Meeting of March 16, 2006  
Recommendation: Informational with the following exception: Approve commission recommendations relative to tree removal requests

Human Relations Commission Regular Meeting of November 28, 2005 and Special Meetings of December 2, 2005 and February 2, 2006

Informational except the following:

Human Relations Commission Special Meeting of February 2, 2006 Meeting, Item III – Civilian Oversight Review and Discussion Relative to commission recommendation regarding NAMI-Yolo (National Alliance on Mental Illness) correspondence detailing proposal to provide training to the Police Department: Refer to the Police Department

City Council Minutes from the Regular Meeting of March 21, 2006  
Approved

S. Greenwald moved, seconded by S. Souza, approval of the consent calendar as listed above. The motion passed by the following vote:

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

Public Comment

There were twenty-seven citizens who spoke about the Buzayan case that is in the juvenile court system. They urged the Council to “do the right thing” and have the case dismissed. They also requested that the Council take some type of action other than the ombudsman to deal with the alleged racial profiling by the Davis Police Department. It was expressed that this would be an opportunity for the Council to be leaders and set an example and stand up for justice.

Ms. Steiner advised that the Davis Police Dept originally investigated the case and it was forwarded to the Yolo County District Attorney’s office. The case is completely in their hands and the District Attorney is an elected official who does what he feels is the correct action. The court resolved the gag order but concluded that the police, city officials and the District Attorney’s office still need to remember that it is a juvenile matter. The case is now in the hands of the District Attorney and the Council has no legal role in this case, nor will they have any while the matter is in the court system.

Consideration of Allocation of Annual Cable Franchise Fees, Up-front Capital and Annual Pass-through Grants to the City of Davis,

J. Cochran advised that there are follow up items from the cable television item. A PowerPoint presentation was provided which gave the background and included proposals that came forward from the community meeting that was held. The matching funds required for the pass-through is done via in-kind services.

H. Steiner advised that a bill has been authored in California that is creating a lot of energy to have the bill withdrawn. There are also discussions taking place regarding

Davis Joint Unified School District and Davis Community Television

the possibility of a federal franchise for these types of services.

Autumn a representative from DCTV stated that positions have been cut and under the new agreement they would be at 65% staffing. They do about 80 hours of election coverage during any given election including election night coverage. They have gone through this process as being a good community partner.

Mr. McMann stated that the item before the Council tonight is a result of a negotiated agreement between the parties. The greater demands are coming from the educational channel, which has been deprived in the past. This is going to be a difficult process to go through. A digital transition must take place. He recommended a task force to work on this issue. He agreed with staff's recommendation as being presented.

D. Saylor moved, seconded by S. Greenwald to fund the existing city services at the base rate, fund DCTV as base, look at the residuals for allocation to new needs and revise and come back with a clear accurate display of allocations prior to action and provide a clear presentation of what will happen as a result.

S. Greenwald proposed a friendly amendment to bring this item back to the next Council meeting with information on the original motion. Amendment accepted and the motion carried unanimously.

B. Emlen stated that there is work that needs to happen and recommended having this come back to the May 2 meeting.

S. Souza moved, seconded by S. Greenwald to approve staff recommendation number 2, approving the upfront Capital Grant but they want to hear from the school district on how they are going to spend their \$92,000, motion carried unanimously.

S. Greenwald moved, seconded by S. Souza to move right away to institute a Telecommunications Commission, motion carried unanimously. This is to include parameters of what the commission/task force would be charged with, as well as ideas on how to run the commissions in a more efficient manner.

Update on Proposed Public Safety Training Facility

Assistant Chief Pierce and Chief Conroy gave a PowerPoint presentation on the needs of their departments that would be met with a Public Safety Training Facility.

Issues raised were cost, size, outside agency interest in utilizing the facility, proximity to the wildlife area, long-range planning to accomplish the facility by utilizing phases, city-wide staff training capabilities and interaction with the University.

Consider Request to Appeal the Planning Commission Determination of PA#74-05; Revised Determination of Public Convenience or Necessity #01-05; Revised Conditional Use Permit # 19-05 for the Olive Drive Market

B. Emlen gave the background on the item including that the Olive Drive Market requested and the Planning Commission approved a change in their Conditional Use Permit. This item is to determine if the Council will hear the appeal.

S. Greenwald gave the reasons why she would like the Council to hear the appeal, including all of the land use changes that have taken place for that location. This convenient store does serve the community around it.

The owner of the market stated that the market would most likely close without the changes in the Conditional Use Permit as approved by the Planning Commission.

N. Kumagai brought up two concerns discussed at the PC meeting. The lack of kegs and hard liquor takes students to other locations and the fact that they will get in their cars possibly causing a public safety issue. The other issue is of blithe and the owner of the property will not allow this location to get dilapidated.

There was no motion for the Council to hear the appeal and therefore the Planning Commission decision stands.

Update on Proposed Yolo County Development Impact Fees

B. Emlen gave the background on the item and what the County has done to date on raising their impact fees for items within the city limits. All four cities in Yolo County had a conference call with the City Managers and City Attorneys and together they have determined that the County does not have the authority to unilaterally establish fees for projects within city limits. The four cities have considered drafting a letter jointly to the county. There has been dialogue with County staff this afternoon regarding this issue. The City Attorneys of West Sacramento, Woodland and Davis had a conversation with County Counsel this afternoon on this matter.

H. Steiner advised that the County does not have the permitting authority and therefore no unilateral authority to impose fees on city projects. Cities and counties throughout the state have worked together to establish appropriate impact fees; however, they are typically done as a joint decision and with a formal agreement.

P. Leary, Assistant Administrator for Yolo County advised that they have been working with the cities since last fall to discuss these fees. It has been their intent to work cooperatively on this matter. It can only work if the agencies are cooperative. The biggest issue raised was on the road impacts and the methodology used to get to their proposed fees. The existing standard approach was used to establish the proposed fees and is not a project based fee. This is a valid methodology and has been used in other jurisdictions. The Board is getting anxious to get the fees in place prior to the construction season. County staff is attempting to schedule a meeting with City staffs to attempt to come to some type of resolution.

H. Steiner stated that there have been annexation agreements that have included the language that the city would include impact fees to the County. There have not been agreements with the same language for in-fill projects.

D. Saylor moved, seconded by R. Asmundson to authorize CM to work with other cities in a collaborative way to make sure the cities interests are protected, motion carried unanimously.

Appointments to the Senior Citizens Commission

Applicants for the Senior Citizens Commission were Dorothy Arighi, Mariana Henwood, George Hinkle, Susan Ragsdale (current alternate)

City Council voted through use of a grid system. Mayor Puntillo announced the votes cast as follows:

|            |                               |
|------------|-------------------------------|
| Asmundson: | Regular: Ragsdale and Hinkle  |
| Greenwald: | Regular: Ragsdale and Henwood |
| Puntillo:  | Regular: Ragsdale and Hinkle  |
| Saylor:    | Regular: Ragsdale and Hinkle  |
| Souza:     | Regular: Ragsdale and Arighi  |

As a result of the votes cast, Susan Ragsdale and George Hinkle were appointed as regular members.

This item was pulled from the Consent Calendar by S. Greenwald.

S. Greenwald stated that this will be a wonderful asset to the community.

R. Asmundson moved, second by S. Greenwald approval of Resolution 06-53 allowing Aria Communications to use police substation, the Central Park Maintenance Building, and the Teen Center at Third and B Streets to provide free, wireless Internet access to the public at Central Park and the Train Depot

The motion passed by the following vote:

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

This item was pulled from the Consent Calendar by T. Puntillo.

Human Relations Commission Regular Meeting of October 27, 2005 Meeting, Item VII G – Discussion of Malcolm X Event and Proclamation: Approve Proclamation Recognizing and Celebrating May 19 as the Birthday of Malcolm X

This is the same week of two major events in Davis – Celebrate Davis and the Hyun Awards.

D. Saylor moved, seconded by T. Puntillo to accept the minutes but not to approve the proclamation for Malcolm X Day.

The motion passed by the following vote:

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

Announcements, questions referred to staff and reports on various 2X2 meetings

D. Saylor asked about staff bringing a resolution to the Council to take a position on House Resolution 4437 the Border Patrol, Antiterrorism and Illegal Immigration Control Act of 2005. This will be on the agenda for April 18<sup>th</sup>.

Adjournment

The meeting adjourned at 11:00 p.m.

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Margaret Roberts, CMC  
City Clerk

MINUTES OF THE DAVIS REDEVELOPMENT AGENCY  
MEETING OF APRIL 11, 2006

The Redevelopment Agency of the City of Davis met in regular session beginning at 6:42 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. All meetings were called to order by Mayor Asmundson.

Roll Call: Board members Present: Ruth Asmundson, Sue Greenwald, Don Saylor, Stephen Souza, Ted Puntillo

Board members Absent: None

Other Officers Present: Interim City Manager Bill Emlen, RDA Counsel Harriet Steiner, City Clerk Margaret Roberts

Approval of Agenda R. Asmundson moved, seconded by D. Saylor, approval of the Redevelopment Agency agenda as submitted. The motion passed by the following vote:

YES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Consent Calendar Resolution 1184 amending Resolution No. 04-235, Series 2004, "Resolution Authorizing Housing Commitment of Land and Subsidy for Land Trust Project in Mace Ranch"  
Approved

Resolution 1185 authorizing loan terms and set-aside to pay financing reserves for Yolo Community Care Continuum Homestead Affordable Housing project  
Approved

S. Greenwald moved, seconded by S. Souza, approval of the consent calendar as listed above. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Adjournment The meeting was adjourned at 11:00 p.m.

Margaret Roberts, CMC  
Clerk of the Board