

MINUTES OF THE DAVIS CITY COUNCIL  
MEETING OF APRIL 18, 2006

The City Council of the City of Davis met in regular and closed session beginning at 6:30 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: Asmundson, Greenwald, Saylor, Souza, Puntillo

NOES: None

Report on Closed Session City Council reported that they made a decision on the City Manager position. They offered Bill Emlen the position and he attentively accepted pending agreement on contract terms.

Ceremonial Presentations: Proclamation in appreciation of The Marketplace and Bobby Coyote, owner of Dos Coyotes Border Café, for their contributions to the city of Davis 4<sup>th</sup> of July fireworks display was read by D. Saylor.

Proclamation recognizing Arbor Day on April 29, 2006 was read by S. Souza.

Proclamation declaring April 23-29, 2006 as National Volunteer Week was read by T. Puntillo.

Natural Resources Commission Environmental Recognition awards in honor of outstanding efforts to improve the environmental quality of life in and around Davis were presented by S. Greenwald. The recipients were David Feliz in the individual category, Island Ink-Jet in the business category and Tree Davis in the non-profit category.

The Council took a break for a reception.

Consent Calendar Resolution 06-54 adopting Memorandum of Understanding with Davis Firefighters Local 3494.  
Approved

Resolution 06-55, 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  
Approved resolution and designated May 16, 2006 as the date for the public hearing for objections to proposed removal of weeds

Second Reading: Ordinance 2247 Amending Section 22.04.010 of the Municipal Code of the City of Davis Relating to the Decrease of Prima Facie Speed Limit – Increase of Speed Limit to 30 miles per hour on Pole Line Road  
Adopted (Introduced 03/21/06)

Budget Adjustment #48 (\$786.83) Allocating Revenue to the Police Department K9 Program  
Approved

Proposed Plans and Specifications for Mace Ranch Neighborhood Park, CIP No. 8136  
Approved plans and specifications and authorized bid advertisement

Commission Minutes:  
Open Space Commission Regular Meetings of February 6 and March 6, 2006  
Approved

Finance and Budget Commission Regular Meeting of March 13, 2006  
Approved

Safety Advisory Commission Regular Meeting of March 2, 2006  
Approved

Recreation and Park Commission Regular Meeting of March 16, 2006  
Informational with the exception of Item 11 – Commission Goals: Approved 2006 goals and objectives

Civic Arts Commission Regular Meetings of February 13 and March 13, 2006 and Special Meeting of February 27, 2006  
Approved

Human Relations Commission Recommendation for Appointment of Alexandra Courtis as the Alternate Youth Commissioner  
Approved

Resolution 06-56 Authorized the Naming of the Southeast Corner Plaza at Central Park "The Marie Whitcombe Plaza"  
Approved

City Council Minutes from the Regular Meeting of April 11, 2006  
Approved

Resolution 06-57 Endorsed the U.S. Mayor's Climate Protection Agreement  
Approved

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

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

Mace Neighborhood Park is beginning and this will complete all of the parks to build out.

Public Comment

J. Sherman spoke regarding the Council and the lack of justice they provide to the citizens of Davis.

K. Flick, ASUCD asked for Council support for their event "Women Take back the Night" to be held on May 9, 2006.

B. Calhoun addressed the decision of the Council not to honor Malcolm X and asked

them to reconsider.

There were ten members of the public who urged the Council to put a citizen review board in place.

A member of the Davis Police Officers' Association asked that the Council implement the original process of the ombudsman. Another member of the Association spoke to the integrity of Officer Ly and pointed out that he is an immigrant and a minority.

Mr. Buzayan, spoke to the fact that the judge dismissed the case against his daughter. He stated that he is not anti-Police but would like the Council to address the problem.

A member of the public stated that when a crime occurs it is the duty of the officer to investigate and follow the evidence.

A member of the public stated that public lynching, such as what has been happening could lead to de-policing and officers not doing their job. A dismissal is not the same as being innocent.

B. Calhoun advised he is going to recognize Malcolm X's birthday on May 19<sup>th</sup> and the Council is invited to the event.

Announcements,  
questions referred to  
staff

Council members made comments addressing concerns of the public.

S. Souza moved, seconded by R. Asmundson to have the three member review panel and the position of ombudsman brought back as soon as possible, motion carried.

B. Emlen stated that he has been working on the three member committee and it has taken quite a bit of staff time. The ombudsman position was originally going to be in the budget process, but he believes that some funding could be used from contractual services. He will move forward on bringing this back.

Public Hearing: So-  
cial Services Com-  
mission Recommen-  
dations Relative to  
Community Devel-  
opment Block Grant  
(CDBG) and Hous-  
ing Investment Part-  
nership Program  
(HOME) 2006-2007  
Funding

B. Emlen advised the Council that this is an annual item that comes to them. Over the last few years funding has dropped.

E. Garcia-Ayala gave a PowerPoint presentation. It was pointed out that there was a 28% decrease in funds received this year.

The public hearing was opened.

M. Yamada, District 4 Yolo County Supervisor, thanked the Council for appointing D. Saylor to work with the county on homeless issues. She received D. Saylor's comments on how the CDBG fees were being recommended this evening. The county extended their contribution for the Cold Weather Shelter for two weeks. In the coming year, the county will be working in an improved fashion with each of the city partners.

Mr. Wagstaff on behalf of Citizens Who Care stated that this process is extremely important. He is trying to help seniors avoid premature facility placement. He pointed out that they submitted two proposals and the Time Off Program at the Senior Center was something that the city asked them to undertake. If the funding allocations for their two proposals were switched, it would be helpful to them.

The public hearing was closed.

The Council commended the work of the Social Services Commission.

S. Greenwald asked that the Council have a discussion on how to serve the hard-core homeless and are expected to remain homeless. She does not want to see all of the homeless services not be focused in the downtown.

Motion by R. Asmundson, seconded by D. Saylor to approve commission funding recommendations with the caveat that the two Citizens Who Care requests be lumped together and staff is to work with them on how to allocate the funding and the homeless coordination grant is to be put in trust until the evaluation is over. Motion carried by the following vote:

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

Ordinances Amending Section 27.02.130 of the Municipal Code Regarding the Use of Fire Pits and Resolution Establishing a Fee for Permit to Make or Kindle a Fire Within Fire Pits

D. Silva answered the Council's questions regarding the item.

The public hearing was opened.

J. Framton a resident near the Mace Ranch fire pit supports at a minimum the recommendations of the commission. If the pit has to be left, it needs to be closed at 10:00 p.m. as most of the issues come up at that time. In the evening, especially in the summer, the winds drift and the smoke drifts directly into the homes.

T. Hartman a resident near the fire pit states that this is a problem. Ideally she would like the pit moved far away from the residences. She stated that the residents will be the ones that have to enforce it by making a phone call to the police.

The public hearing was closed.

Motion by T. Puntillo, seconded by D. Saylor to remove all fire pits from the city of Davis. The motion carried by the following vote:

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

Motion by S. Souza, seconded by D. Saylor directed staff to implement Section 27.02.170 of the Municipal Code to close the council ring at Mace Ranch Community Park between 10:00 p.m. and 7:00 a.m. seven days a week. The motion carried by the following vote:

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

Proposed Guidelines for System of Pools

J. Cochran gave the background on the item and answered the Council's questions and concerns.

Motion by S. Souza, second by R. Asmundson approval of the Guiding Principles as recommended by the Recreation and Park Commission for use in future discussions of aquatics facilities in Davis, form a subcommittee to locate possible funding mechanisms for a south Davis aquatics complex, explore accessibility to existing pools and to do a survey of the surrounding area to determine what they would like to see. The motion carried by the following vote:

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

Establishing Policies for Adding or Ex-

M. Wierschem gave a brief summary on the item providing current amenities at the park. She provided the difference between staff recommendations versus the com-

panding Amenities in  
Community Park

mission recommendations.

G. Haver, P. Schwartz and B. Markman from the Davis Tennis Club requested the Council approve staff recommendations on this item.

Motion by D. Saylor, seconded by R. Asmundson approval of the Recreation and Park Commission recommendation as modified with the addition of the fourth exception and that staff and the commission be directed to look at the potential master plan for potential consolidation of buildings. Motion carried by the following vote:

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

The following is the commission's recommendation with the staff modification:

1. Approve a moratorium on ancillary structures (e.g. storage units, storage containers, sheds and clubhouses) and the expansion of the major facilities (e.g. library, art center, pool building) in Community Park. Exceptions include:
  - a. Modification of the bike path running north/south on the east side of the new DHS tennis courts is currently under consideration. Modification of the bike path and corresponding landscape improvements is a project that will be separately reviewed and approved by the Council.
  - b. Modification of the Veteran's Memorial Theater which has previously been approved by Council.
  - c. Expansion of the Davis Arts Center which has previously been approved by Council.
  - d. Consideration by City Council, of a proposal from Davis Tennis Club (D.T.C.) for the possible expansion of the Community Pool Bathhouse to serve as the D.T.C. Clubhouse provided that the current free standing structure would be removed from the park and DSHS property.
2. Require review by Commission and approval by City Council for improvements to existing fields that add any additional infrastructure (e.g. bleachers, benches, fences).
3. Suspend the approval and installation of donated benches and memorial amenities in the park until the proposed Memorial and Contributions Policy for Parks has been considered and approved by the Davis City Council.
4. Direct staff to inform user groups and agencies that own or operate amenities in the park of the moratorium. The notice should include appropriate staff contacts for the coordination of any future requests for amenities in Community Park.

H, Steiner advised that the County does not need the Council's approval to expand on their property.

Selection of Bike  
Path Design Options  
to Improve Bike Path  
in Community Park  
Adjacent to Davis  
Senior High School

B. Emlen advised that this will be a topic of discussion.

Motion by R. Asmundson, seconded by D. Saylor approval of the City/District 2X2 for bike path (3B) in Community Park and staff was directed to identify one time funds to pay for the city's share of the costs. Motion carried by the following vote:

Tennis Courts	<p>AYES: Asmundson, Greenwald, Saylor, Souza, Puntillo</p> <p>NOES: None</p>
Resolution Opposing the Passage of House Resolution 4437 (Border Patrol, Antiterrorism, and Illegal Immigration Control Act of 2005)	<p>B. Emlen advised this was brought forward due to the impacts it would have on staff.</p> <p>Motion by R. Asmundson, seconded by S. Souza approval of Resolution 06-58 opposing the passage of House Resolution 4437 (Border Patrol, Antiterrorism and Illegal Immigration Control Act of 2005). Motion carried by the following vote:</p> <p>AYES: Asmundson, Greenwald, Saylor, Souza, Puntillo</p> <p>NOES: None</p>
City Response to Proposed FCC Rulemaking and Potential Resultant Impact on Local Revenue and Resources	<p>H, Steiner advised that there is much activity on the state and federal level regarding this topic.</p> <p>Motion by R. Asmundson, seconded by S. Greenwald approval of standards related to telecommunications and cable for use in preparation of responses to pending cable legislation and regulations comments, the City Manager and Mayor were authorized to submit comments and letters about pending legislation and regulations, as needed without additional Council approval. Council also approved a letter to the state legislature opposing pending Assembly Bill 2987, motion carried.</p>
Public Comments (Continued)	<p>N. Kumagai thanked the Council for their support regarding House Resolution 4437. In his many years in Davis, he has never seen an erosion of civility as was displayed earlier in the meeting. Police officers only want to do their job and return to their homes at the end of their shift safely. He is saddened by this type of behavior.</p>
Announcements, questions referred to staff (Continued)	<p>R. Asmundson would like a letter to be written in support of AB 2840. She read the Bill. There was consensus to write such a letter.</p>
Adjournment	<p>The meeting adjourned at 10:45 p.m.</p>

Margaret Roberts, CMC  
City Clerk