

MINUTES OF THE DAVIS CITY COUNCIL
MEETING OF MAY 2, 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. 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: City Manager Bill Emlen, City Attorney Harriet Steiner, Deputy City Clerk Zoe Mirabile

Approval of Agenda S. Greenwald moved, seconded by S. Souza, approval of the City Council agenda as submitted. The motion passed by the following vote:

AYES: Asmundson, Greenwald, Saylor, Souza, Puntillo

NOES: None

Closed Session The City Council ordered a closed session of the City Council be held for the purpose of discussing and, if necessary, taking action on the following issue:

Conference with Labor Negotiator. Agency Designated Representatives: Ted Puntillo and Sue Greenwald. Unrepresented Employee: City Manager.

Mayor Asmundson announced there was no reportable action.

Ceremonial Presentations Mayor Pro Tem Greenwald presented a Proclamation Declaring May 2006 Older Americans Month to Senior Citizen Commissioners Elaine Musser, Romeo Favreau and Norman Akesson.

Mayor Asmundson presented a Proclamation Declaring April 30 through May 6, 2006 as Municipal Clerks Week.

Consent Calendar Commission Minutes:
City/UCD Student Liaison Commission Regular Meeting of March 8, 2006
Informational

Tree Commission Regular Meeting of April 20, 2006
Informational with the following exception: Approved commission recommendations relative to tree removal requests

Bicycle Advisory Commission Regular Meeting of February 13, 2006
Informational

Recreation and Park Commission Meeting of April 20, 2006
Informational with the following exceptions:

- a. Approved landscaping plans for the unimproved portion of Arroyo Community Park that is west of the parking lot and south of Shasta Drive
- b. Approved actions for special projects performed by user groups:
 - i. Accepted improvements made to softball fields made in Community and Slide Hills Parks as installed
 - ii. Directed staff to send a letter to the Presidents or heads of all user groups using fields regarding the proper process to have a project considered and approved

- iii. Directed staff to address facility modifications proposal process in future agreements with co-sponsored groups
- c. Approved approach and concepts to be used to formulate Park Amenity Donations Policies and Procedures as follows:
 - i. Approved hybrid approach to development of park amenity donation policy
 - ii. Directed staff to return with a draft Park Amenities Donation Policy
- d. Approved Noticing Guidelines and Standards for Commission business items that impact parks

City Council Minutes from the Regular Meeting of April 18, 2006 and Joint Meeting with the School District of April 25, 2006

Approved

Budget Adjustment #66 (\$143,876) Appropriating Workforce Housing Reward Program Grant Funds to the Manor Pool Complex Rehab Project

Approved

Resolution Adopting Memorandum of Understanding for the Program, Administrative and Support Employees Association

Item removed and continued to May 16, 2006

Ordinance Amending Section 22.04.010 of the Municipal Code Relating to the Decrease of Prima Facie Speed Limit – Reduction on Covell Boulevard between Manzanita Lane and Wright Boulevard to Accommodate Neighborhood Electric Vehicles

Item removed and continued to May 16, 2006

Ordinance Amending Sections 22.08.275, 22.08.280, 22.08.285, and 22.08.290 Extending the Prohibition of Parking in the Downtown Core Area from 8 a.m. to 6 p.m.; Resolution No. 06-60 - Amending Resolutions 8031, 8515, 03-177 and 03-220 Extending the Two-Hour/X Permit Parking Restrictions from 8 a.m. to 6 p.m.

(1) Introduced ordinance; (2) Approved resolution

Update on Wastewater Treatment Plant Improvements Project

Informational

Budget Adjustment # 65 (\$475,000) Appropriating Funding for the Ebey/Laughtin Farm Acquisition and a Loan to the Project to Cover the Federal Grant Funding Amount to Complete the Purchase of the Conservation Easement

Approved

Treasurer's Report for the Quarter Ended March 26, 2006

Informational

Resolution Adopting a Commission Handbook and Amending the Commission Policy Guidelines

Item removed by S. Greenwald for further discussion and separate vote.

Resolution Authorizing City Co-Sponsorship of a May 11 Concert as Part of City-Campus Entertainment Partnership

Item removed by D. Saylor for further discussion and separate vote.

Resolution No. 06-61 - Appointing William Emlen and Approving a Employment Agreement with William Emlen

Approved

T. Puntillo moved, seconded by D. Saylor, approval of the consent calendar as amended. The motion passed by the following vote:

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

Resolution Adopting a Commission Handbook and Amending the Commission Policy Guidelines

T. Puntillo moved, seconded by D. Saylor, approval of Resolution No. 06-62 – Adopting a Commission Handbook and Amending the Commission Policy Guidelines.

S. Greenwald proposed amendment to the motion to clarify language to a Frequently-Asked Procedural Question regarding circumstances for removal of commissioners. The first example shall read as follows: Writing letters representing the commission, purporting to come from the commission or the city, without commission and City Council approval. Mover and second accepted amendment. The motion passed by the following vote:

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

Public Comment

Mike Harrington spoke in support of appointment of Bill Emlen as the new Davis City Manager.

Officer Pheng Ly spoke regarding his position as a Davis police officer and his experience with recent allegations against him. He introduced his parents and spouse.

Mike Levy read a statement he previously presented to the Human Relations Commission. He stated the tone of commission allegations has been harmful to the community and Police Department.

Monica Lucero, UCD Panhellenic, spoke in support of the Police Department and city receptiveness to student concerns.

Bob Glenn, Positive Opinions of Police, stated additional police are needed to combat the rise in crime.

Mike Bartolic and Charlie Russell, Recreation and Park Commissioners; Alan Tyche; and Mark Simon requested the Council reconsider closing the Mace Ranch fire pit.

John Wilson stated the Human Relations Commission report regarding their proposal for a civilian oversight committee has inflammatory information within it and yet is still posted on the city website.

Norbie Kumagai spoke in support of the Police Department and in opposition to allegations by the Human Relations Commission.

Rod Rifredi spoke in support of the Police Department and stated the police officers want to proceed with city business and move past allegations.

Resolution Authorizing City Co-Sponsorship of a May 11 Concert as Part of City-Campus Entertainment Partnership

Kareem Salem, ASUCD Senator, presented information on a proposed collaboration between the city and ASUCD for entertainment within city venues.

D. Saylor moved, seconded by S. Souza, approval of Resolution No. 06-63 - Authorizing City Co-Sponsorship of a May 11 Concert as Part of City-Campus Entertainment Partnership. The motion passed by the following vote:

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

Public Hearing: Ordinance Amending Article 18.04 of the Municipal Code to Update and Modify Owner Occupancy Requirements

Housing Programs Manager Danielle Foster stated the proposed ordinance will provide consistency with the previously approved affordable housing ordinance and increase ease of use.

Mayor Asmundson opened the public hearing.

Linda Winter, Southfield Park Homeowners Association Board of Directors, spoke in support of the proposed ordinance.

Mayor Asmundson closed the public hearing.

T. Puntillo moved, seconded by S. Souza, introduction of Ordinance Amending Article 18.04 of the Municipal Code to Update and Modify Owner Occupancy Requirements. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Public Hearing: Ordinances Amending Utility Rates for Sanitary Sewer and Water

Public Works Director Bob Weir explained the proposal is to increase sewer and water rates approximately 20 percent for all users.

Mayor Asmundson opened the public hearing.

Elaine Musser, Senior Citizens Commission, stated low income senior citizens have expressed concerns to the commission regarding their inability to pay increased rates.

Mayor Asmundson closed the public hearing.

R. Asmundson moved, seconded by D. Saylor, introduction of ordinances amending the Municipal Code relating to sanitary sewer and water rates, and direction to staff to determine methods to address the impact of increased rates on low income senior citizens. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Public Hearing: SW Corner of Fifth Street and Alhambra Boulevard, and NW Corner of Mace Boulevard and Alhambra Boulevard – Rezoning and General Plan Amendment, Residential Use and Neighborhood Retail Use

Mayor Asmundson opened the public hearing and continued to May 16, 2006

Downtown – Campus Connection Concepts and Implementation Plan

Principal Planner Bob Wolcott stated the implementation plan will provide a physical planning framework for improving connections between downtown Davis and the UC Davis Mondavi Center District and the Core Campus Arts District.

Kathleen Socolofsky, UCD Arboretum, stated the UC Davis Gateway program is currently underway to incorporate improvements to garden, art, and the environment.

Ted Beeler spoke in support of the implementation plan, and proposed the following: a pedestrian footbridge over Richards Boulevard next to the railroad path to provide a seamless connection from the east side of town to the Arboretum, and to continue Putah creek parkway under A Street north of the creek.

Donna Lott spoke in support and proposed vouchers for free shuttles if meals or other purchases are made downtown, and more defined bike spaces.

Edelgard Brunelle, Civic Arts Commission, spoke in support and urged inclusion of the art community in the planning process.

S. Souza moved, seconded by S. Greenwald, approval of Resolution No. 06-64 – Endorsing the Recommended concepts in the “Downtown-Campus Connections Concepts and Implementation Plan” and Direct Staff to Proceed with UC Davis to Implement the Concepts.

D. Saylor proposed amendment to the motion to include an additional resolve within the resolution to read: Direct staff to report to Council by January 2007 on the status of the implementation plan. Mover and second accepted amendment.

The motion passed by the following vote:

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

T. Puntillo moved, seconded by D. Saylor, to direct staff to proceed with UC Davis to implement the concepts through further investigations, detailed planning and design, and financial planning; and to convene members of the Davis arts community to discuss how art might influence and be incorporated in the efforts. The motion passed by the following vote:

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

Senior Civil Engineer Roxanne Namazi outlined the proposed safety improvements.

Bruce Winterhalder, Old North Davis Neighborhood Association, spoke in opposition to proposed safety improvements. He stated they do not support previously adopted council objectives for Fifth Street including bike lane connectivity, reduced vehicle speed, limitation on left turns, and enhanced safety. In addition, he outlined a package of proposals from the neighborhood association.

Ted Beeler and Lisa Smith requested Council reconsider neighborhood proposal for two travel lanes, one turn lane, and two bike lanes along Fifth Street between B and L Streets.

Tim Alice spoke in support of proposed crosswalks, and in opposition to proposed flashing lights and signage located within middle of pavement at 5th and J.

Donna Lott stated future traffic needs should be factored into any decisions regarding Fifth Street, and that any safety improvements may be premature depending upon study of city-wide needs.

D. Saylor moved, seconded by T. Puntillo, to table discussion of the item.

Fifth Street Safety
Improvements, CIP
No. 8138

S. Greenwald proposed amendment to the motion to paint crosswalks along C Street at Fifth Street. Mover and second accepted amendment. The motion passed by the following vote:

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

Establishment of an Ombudsman/Auditor Function

Assistant to the City Manager Kelly Stachowicz stated staff assembled a comprehensive package to address immediate concerns and outlined objectives for long term. She provided an overview of proposed duties. City Attorney Harriet Steiner explained that the ombudsman would work with the current complaint processes already in place.

Councilmember Ted Puntillo left the meeting at 10:30 p.m.

Mike Levy spoke in support of proposed ombudsman function.

Rob Roy stated the ASUCD Senate passed a resolution in support of a seven member police review board and read excerpts from the resolution.

Norbie Kumagai expressed concerns over the ASUCD Senate resolution wherein the tone and language was hostile, and spoke in support of the proposed ombudsman.

S. Souza moved, seconded by R. Asmundson, approval of the following:

1. Approved Resolution No. 06-65 – Authorizing the City Manager to Initiate a Search for an Independent Police Ombudsman and to Execute a Contract for Professional Services to Hire an Independent Police Ombudsman
2. Directed staff to strengthen, streamline and track the internal system for complaints for other city departments to include providing additional and improved information to the public on how and where to make a complaint and by analyzing potential trends, and provide an annual report to the City Council.
3. Directed the City Manager to have the Police Ombudsman prepare an annual report for the City Council on police investigations of citizen complaints and recommendations for the Police Department.
4. Directed staff to return to the City Council within six months with an update of how the Police Ombudsman position is functioning and possible adjustments to the process as deemed appropriate based on initial results.

The motion passed by the following vote:

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

Resolution to Endorse and Support Proposition 81, the 2006 California State Library Bond

S. Souza moved, seconded by D. Saylor, approval of Resolution No. 06-66 - Endorsing and Supporting Proposition 81, the 2006 California State Library Bond. The motion passed by the following vote:

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

City Council Com-
munications

D. Saylor announced the city is co-sponsoring a Safety Walk on May 17 to identify lighting and safety issues for pedestrians and bikers.

D. Saylor proposed consideration of establishing a bike museum to house a collection of antique bikes which were purchased by the city and UC Davis.

D. Saylor attended a cities/counties/school districts workshop focused on step by step procedures for inter-agency collaboration, which included a tour of the High School tennis courts and gym as joint use projects.

D. Saylor requested Council agendaize appointment of an ad-hoc body to focus on goals approved at the April 25, 2006 City Council/School Board joint meeting. Council concurred.

S. Souza requested Council agendaize reconsideration of Mace Ranch fire pit closure. Council concurred.

S. Greenwald attended the Open Space Commission and received a science advisory report from Yolo County Natural Communities Conservation Plan/Habitat Conservation Plan.

Adjournment

The meeting adjourned at 11:02 p.m. in honor of Betty Houston.

Zoe S. Mirabile
Deputy City Clerk