

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 13, 2009

The City Council of the City of Davis met in regular session beginning at 6:33 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Lamar Heystek, Don Saylor, Stephen Souza, Ruth Asmundson

Councilmembers Absent: None

Other Officers Present: City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Zoe Mirabile

Approval of Agenda D. Saylor moved, second by L. Heystek, to adjourn in memory of Julie Partansky and approve the agenda amended to reorder discussion items as follows: Resolution Calling for a Lasting End to the Crisis in Gaza will be heard first on the regular calendar, followed by Report on Grant Jury Findings Related to the Fire Department and Sustainability Workshop. Motion passed unanimously.

Public Comments Pam Nieberg spoke regarding Tricresyl phosphate (TCP) groundwater contamination from the former Frontier Fertilizer plant located off Second Street, and the U.S. Environmental Protection Agency (EPA) activities regarding monitoring wells in the Mace Ranch area. She requested City Council agendaize a discussion as soon as possible regarding this issue.

B. Emlen stated staff will return to Council with a report outlining city responsibilities and response to groundwater contamination.

Consent Calendar Resolution No. 09-001 - Authorizing the City Manager or Designee to Sign the Memorandum of Understanding Between the City of Sacramento and the City of Davis Regarding Reverse 911 System Emergency Telephone Notification System
Approved

Commission Minutes:

1. Bicycle Advisory Commission Meetings of November 3, 2008
2. Recreation and Park Commission Meetings of September 24, October 16, November 6, and December 4, 2008
3. Senior Citizens Commission Meetings of September 11 and October 9, 2008
4. Tree Commission Meeting of November 20, 2008

Informational

City Council Minutes from the Meeting of September 9, 2008

Approved

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

Item Submitted by
Council Subcommittee:
Resolution Calling for a
Lasting End to the
Crisis in Gaza

L. Heystek explained that on January 6, 2009, City Council received a large amount of public testimony on the Israel-Gaza conflict, and Lamar Heystek and Stephen Souza were designated as a Council Subcommittee to draft a resolution regarding this issue. The resolution was read in its entirety for the record.

Danny Moguez; Jeffrey Wollanger; Adrian Austen Shapiro; Liz Fitzgerald; Rebecca Isbae; Laura Silver; Nora, Fatima; Sara Mussa; Ramzi Allee; Mia Ezzadine; Jimmy Spirro; and Reed Allarashmawi spoke in support of the resolution. Comments included: important to address humanitarian crisis; call for immediate cease fire; precedent already set for Davis to be involved in international issues.

Ralph Libbett; Shoulami Glazerman; Howard Jaclinsky; George Rooks; Gale Rubin; Edward Rabin; David Siegel; Wendy Breckin; Al Sokolow; and Rasha Friedman spoke in opposition to the resolution. Comments included: request Council consider appointing a new committee to gather public input and propose amendments, and resolution outside City jurisdiction.

Martin Rubin; Rashaad Arra; Rabbi Schmalstein; Ruddi Katz; and Najor Gavizman spoke regarding the 2008-2009 Israel-Gaza conflict.

Council recessed at 7:57 p.m. and reconvened at 8:09 p.m.

Robert Bramen; Amin Abdullah; Ricardo Gomez; Lorna; Nora Ishmael; Nadia Currie; Ana Raza; Louda Narish; Amir Hallee; Janice Shoe; Omar; Dina Nahal; David Greenwald; Gilda Pousada; Jonathon London; Amir Allee; Mejhee Han; Razi Sanamee; Hassan Harrara; Dina; Danny; Hamza El-Nakhal; and Mina spoke in support of the resolution.

Dave Musser; Dan Avabia; Cindy Unger; Michelle Reardon; Sandy Sokolow; Harriet Gadisman; Saul Schaffer; Dan Goulga; Eric Friedman; Alexander Groft; and Cindy Unger spoke in opposition to the resolution.

Benjamin Haus; Allar Rashmawi; Jeffrey Wollanger; Amir Abdullah; Edward Newton; David Siegel; Martin Rubin; Amir Gadisman; and Iyesha Fatma spoke regarding the 2008-2009 Israel-Gaza conflict.

Council recessed at 10:07 p.m. and reconvened at 10:16 p.m.

S. Souza moved, seconded by L. Heystek, to direct the Human Relations Commission to conduct a community forum on the Israel-Gaza conflict. Motion passed unanimously.

City Council recessed at 11:01 p.m. and reconvened at 11:05 p.m.

Report on Follow-Up Investigation of July 2008 Grand Jury Findings Related to the Fire Department

City Attorney Harriet Steiner explained that the Grand Jury investigation encompassed both management and personnel issues relating to individual employees of city; therefore, the full report cannot be released to the public because the city has an obligation to maintain confidentiality of personnel matters and release would infringe upon the rights of individual employees. The information released addresses management issues only.

City Manager Bill Emlen stated the Grand Jury identified specific items based on information that is difficult to confirm, hence a follow-up investigation was conducted in order to analyze the entire scope of issues and gain a better understanding of the Grand Jury's conclusions and address them as directly as possible. He summarized city responses to the following issues raised regarding the conduct and management of the Davis Fire Department: overnight sleeping at station off duty, drinking altercations downtown, promotional procedures, union bank hours, political activities, and grievance procedures.

Ombudsman Bob Aaronson reported there was no indication that the quality of service to the public has been negatively impacted. Further, he provided details regarding the three main differences from the initial unredacted Grand Jury report and the redacted public access version: some nuances lost because the volume was reduced by 70-80%; personnel matters were essential to report, to eliminate them by its nature changes the report; and report as presented by City Manager is more optimistic.

Human Resources Administrator Melissa Chaney outlined the city grievance procedure. H. Steiner stated the City Manager is ultimately responsible for the hiring and firing of all personnel except the City Manager and City Attorney, and that the City Council received the redacted report due to their role as supervisor of the City Manager.

Bobby Weist, Local 3494 President, spoke regarding the Grand Jury findings. Comments included: details of city grievance procedure and Union involvement with employee personnel matters, stated that every employee has the right to file grievance whether Union is involved or not; Grand Jury allegations are not fact; overnight sleeping at the fire station has been the practice for many years, and no problems were ever caused for on duty crew; regarding releasing the report to the public: impression of union membership was that discussions were confidential, however, firefighters have nothing to hide; provided information from the Firefighter Bill of Rights, specifically regarding right to representation; investigation was a tough process on individual firefighters, Fire Chief and Union; and quality of service is high.

David Greenwald stated he was concerned over the implication that there was no proof to certain allegations, rather there was no proof because no investigation occurred; there were a series of complaints that we did not have the re-

sources, time or money to address; and City Council and public should have access to the entire unredacted report.

Fire Chief Rose Conroy also spoke regarding the Grand Jury findings. Comments included: sensationalism of alcohol use by off duty firefighters downtown: only 3 incidents, 2 incidents were firefighters going to aid of others in harm's way, 1 other incident resulted in discipline; assume responsibility for allowing a few firefighters to sleep off duty intoxicated; outlined practices where firefighters are allowed to sleep overnight; non-tolerance for drinking and driving; promotional process issues: often there are years in between promotions, great depth of experience in the Fire Department, disappointment is natural, responsibility to promote the most qualified person in the moment, outlined procedure; allegations within Grand Jury report did not happen anytime recently; Union bank hours are tracked, and permission is sought from Fire Chief; and very disciplined, well trained, professional group of employees who give excellent service.

R. Asmundson requested staff send the follow up report to the Grand Jury.

- | | |
|-------------------------|--|
| Budget Workshop | Item deferred |
| Sustainability Workshop | Item deferred |
| Brief Communications | H. Steiner reported an Amicus brief regarding Proposition 8, California Marriage Protect Act, will be filed on Thursday. |
| AB1234 Reporting | D. Saylor reported he will be traveling to Corning for a Sacramento Valley Division of League of California Cities meeting. |
| Long Range Calendar | L. Heystek requested a report on TCP at the superfund site be agendaized with the intent of providing Council with possible recourse or directing staff to draft a letter on the issue. B. Emlen stated an informational report can be brought to council. By consensus, Council directed staff to prepare informational report on the superfund site.

L. Heystek requested Council agendaize appointment of a replacement candidate on the Climate Action Team. Council concurred. |
| Adjournment | The meeting was adjourned at 1:28 a.m. in memory of former Mayor Julie Partansky. |

Zoe S. Mirabile, CMC
City Clerk