

MINUTES OF THE DAVIS CITY COUNCIL  
Meeting of December 15, 2009

The City Council of the City of Davis met in regular and special meeting session beginning at 5:15 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Asmundson.

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

Councilmembers Absent: None

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

Closed Sessions City Council convened a closed session pursuant to Government Code §54954.5 to discuss the following:

A. Conference with Legal Counsel – Existing Litigation: Davis Enterprise, Inc. v. Fairfield Publishing Company, et al, Yolo County Superior Court Case No. CV06-68

B. Conference with Real Property Negotiators: Real Property Acquisition – Reuse Lease and Agreement

Property: Conaway Ranch

Negotiating Party: Conaway Preservation Group (CPG)

Agency Negotiator: Public Works Director Bob Weir; City Manager Bill Emlen; City Attorney Harriet Steiner

Under Negotiation: Price and terms of payment

C. Conference with Labor Negotiators

Agency Designated Representatives: City Manager Bill Emlen, Assistant City Manager Paul Navazio, Human Resources Administrator Melissa Chaney, City Attorney Harriet Steiner

Employee Groups/Organizations: Davis City Employees Association; Davis Police Officers Association; Department Heads; Executive and General Management; Firefighters Local 3494; Police Lieutenants; Program, Administrative and Support Employees Association

City Council returned to open session at 6:30 p.m. Mayor Asmundson announced there was no reportable action.

Approval of Agenda S. Souza moved, seconded by L. Heystek, to approve the agenda as amended to reorder discussion items as follows: Long Range Calendar will be discussed immediately after Public Comments. Motion passed unanimously.

Brief Communications City Manager Bill Emlen and Community Services Director Elvia Garcia-Ayala provided a summary of city activities responsive to the cold weather front from December 7, 2009 through December 11, 2009.

Public Com-  
ments

Lawson Snipes, Emily Henderson, Jackson Wall, Previn Witana, Lila Hunt, Elizabeth Dandre, Steve Hampton, Jeffrey Albrecht, Norbi Kumagai, Heidi Volker, Kevin Danly, David Strickland, Simi Singh, Ron Glick, Ben Pearl, Helen Barralack, Carla Hunt and Melissa Lowens spoke regarding homeless services and cold weather shelter operations. Comments included: request for City Council reconsideration of Memorandum of Understanding with Davis Community Church relative to limitations on homeless services, and waiver of any limitations on services for the next three weeks; recognition of homeless services provided by non-profit organizations; opposition to governmental regulation of church services; and request to consider reductions in services provided by outside jurisdictions before considering limitations to Davis organizations.

Long Range Cal-  
endar

L. Heystek moved, seconded by S. Souza, to direct the D Street Neighborhood City Council Subcommittee (Asmundson/Greenwald) to return to City Council on March 2, 2009 with an update regarding the completion of the workplan and progress on scope of work. Motion passed unanimously.

L. Heystek moved, seconded by S. Souza, to direct staff to return no later than January 5, 2010 with an item that allows the Council to consider the following:

1. The adoption of city policies and procedures regarding the facilitation of communication and sharing of information regarding service capacity among providers of homeless services, including the City agency itself; and
2. The adoption of a policy allowing Davis Community Church (DCC) at the point of service intake to declare a temporary exemption, subject to a final determination by the City Manager, as soon as possible but no later than 24 hours later, based on exigent circumstances.

Until such time, the City Council urges the City Manager to exercise his discretion per the MOU to exempt DCC from the service caps until such time that the Council has their discussion on January 5, 2010.

R. Asmundson proposed friendly amendment to return on January 12, 2010 in order to allow time for staff to prepare a written report. Accepted by mover and second. City Manager Bill Emlen clarified that the Interfaith Rotating Winter Shelter has capacity restrictions under a Temporary Use Permit, separate from the DCC MOU. Motion passed unanimously.

Update on Light  
Brown Apple  
Moth Infestation  
and Eradication  
Efforts

Update presented by Agricultural Commissioner/Sealer of Weights and Measures John Young.

Consent Calendar

Resolution No. 09-194 – Approving the Renewal of Contract for Services and Authorizing the City Manager to Sign the Renewal of Contract for Services to No Mans Land Fire Protection District

Approved

Resolution No. 09-195 – Authorizing the City Manager to Execute UCD Agreement Numbers 200912524 and 200912525 With the University of California-Davis, for Public Transportation Acquisition and Operating Assistance from Federal Transit Administration (FTA) of Unitrans

Approved

Resolution No. 09-196 – Declaring the Results of the Special Municipal Election Held in the City of Davis on November 3, 2009

Approved

Resolution No. 09-197 – Authorizing the City Manager to Submit Funding Application and Enter Into Contract With the California Department of Education, Related to the Administration of Yolo County Child Development Services

Approved

Budget Adjustment #37 (\$350,790) – Allocating Additional Funds Received from California Department of Education to the Stage 2 and Stage 3 CalWORKs Child Care Subsidy Programs for Fiscal Year 2009-10

Approved

Update on Senior Housing Strategies

Informational

Commission Minutes:

1. City-UCD Student Liaison Commission Meeting of November 4, 2009
2. Finance and Budget Commission Meeting of October 12, 2009

Informational

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

Resolution Adopting Memorandum of Understanding with Davis Firefighters Local 3494

Human Resources Administrator Melissa Chaney provided an overview of the provisions in the proposed Memorandum of Understanding (MOU). Assistant City Manager Paul Navazio outlined the financial impact.

Norbie Kumagai spoke in support of public safety employees.

Rich Rifkin, Terry Whittier, and David Greenwald spoke in opposition to the MOU. Comments included: fiscal impact inaccurate; MOU sets precedent for proceeding contracts and does not address unfunded liabilities; contract should reduce retirement benefits; and request City Council consider an independent analysis regarding possible impacts to both short and long-term

issues, with contract to return to Council for final determination.

D. Saylor moved, seconded by R. Asmundson, to approve Resolution No. 09-198 – Approving Memorandum of Understanding with Davis Firefighters Local 3494.

L. Heystek moved substitute motion, seconded by S. Greenwald, to delay action on the Memorandum of Understanding until January 12, 2010 in order to allow the Finance and Budget Commission to review the provisions of the contract. Motion failed by the following vote:

AYES: Greenwald, Heystek  
NOES: Saylor, Asmundson  
ABSTAIN: Souza

Main motion passed by the following vote:

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

S. Greenwald moved, seconded by L. Heystek, to direct staff to hire an outside negotiator for any further negotiations. Motion failed by the following vote:

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

S. Souza moved, seconded by R. Asmundson, to direct staff to hire an independent negotiator for the next round of negotiations. “Next round” clarified as follows: any contracts to be negotiated during FY2010/11 and any contracts currently under negotiation that may go to impasse. Motion withdrawn.

City Council recessed at 9:29 p.m. and reconvened at 9:39 p.m.

Update on New-Path Networks Permitting Issues – Infrastructure Networks for Wireless Services

City Manager Bill Emlen explained that on November 30, 2009 the city issued a Stop Work Notice for all pending encroachment permits issued to NewPath Networks, a privately-owned company that builds infrastructure networks for wireless telephone providers with a technical model that places a network of smaller-scale antennas closer to users throughout a community. Subsequently, after an initial evaluation of plans and specs by the City Attorney and based on possible inconsistency with the Telecommunication Ordinance, the city rescinded all pending permits on December 5, 2009. New-Path filed an appeal to these actions, and a hearing has been scheduled for January 19, 2010.

City Attorney Harriet Steiner stated the city must determine to what extent the Telecommunication Ordinance applies to NewPath Networks, since the company is not a wireless provider, but rather a telecommunications company. The Telecommunication Ordinance regulates the time, place and manner of telecommunications facilities; therefore, at issue is the location

and height of facilities.

Allen Colombano, Village Homes Association; Liz Mary; Terry Whittier; Mary Herman; and Jamie Matt spoke in opposition to the proposed installation of telecommunications facilities. Reasons included: proposed locations for installation are primarily on major arterials except for Village Homes which is world renowned for sustainability and solar access, and installation would be inappropriate as there are no other above ground utilities; monopoles should be co-located with existing street lights where possible; too many proposed locations downtown; concern over potential health problems and decrease in property values; lack of public notice; and established city policies and procedures regulating rights-of-way have been bypassed.

Julian Quattlebaum, NewPath Networks legal counsel, stated NewPath installs smaller street light-type facilities instead of large scale towers, and is willing to co-locate on existing facilities and work with the community regarding their concerns. Further, the issue is state law as the Public Utilities Commission has not categorized NewPath the same as other telecommunication providers.

Jason Sears, NewPath Networks, stated that although NewPath is willing to install on existing structures, there are not enough wooden structures located throughout the city to provide the blanket coverage needed, and the proposed locations will minimize impact to residences as much as possible.

S. Souza moved, seconded by L. Heystek, to approve distribution of correspondence outlining the city's stance regarding the Telecommunications Act and NewPath Networks to Congressman Mike Thompson and Senator Lois Wolk.

Appointment to  
City-UCD Stu-  
dent Liaison  
Commission

City Council voted to appoint a member to the City-UCD Student Liaison Commission through use of a grid system. After votes were tallied, an applicant was appointed as follows:

APPLICANT		RA	SG	LH	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name							
Vote for 1: Regular Member (term ends 09-30-12)								
Oper	Sid						0	
Tebbutt	Maria		X	X			2	
Youmans	John	X			X	X	3	Regular Member

Community Sustainability Workshop and Update on Current Greenhouse Gas Emission Reduction Efforts and Related Grant Funding Requests

Sustainability Program Manager Mitch Sears presented information on the concept of community sustainability and how it is used in other communities, and provided updates on the Climate Action and Adaptation Plan (CAAP) and current sustainability program activities.

City Council provided direction to staff regarding the following:

- Definition of sustainability
- Usefulness of the Sustainable Communities systems approach
- Draft community sustainability principles

By consensus, City Council directed staff to bring back a revised role for the Climate Action Team for Council consideration.

Adjournment

The meeting was adjourned at 11:45 p.m.

Zoe S. Mirabile, CMC  
City Clerk