

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of January 12, 2010

The City Council of the City of Davis met in regular session beginning at 6:30 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

Approval of Agenda D. Saylor moved, seconded by L. Heystek, to approve the agenda as reordered: Resolution Adopting a Memorandum of Understanding with Individual Management Employees will be discussed as the first regular item. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: None

ABSENT: Greenwald

;

Ceremonial Presentation Mayor Asmundson presented a Proclamation Recognizing January 18, 2010 as Martin Luther King, Jr. Day

Public Comments Emily Henderson and Lawson spoke regarding the Memorandum of Understanding with Davis Community Church (DCC). Comments included: concentration of homeless services not problematic; good planning to have centralized services collaborated by different agencies; question how the city plans to address ongoing or emerging issues; and oppose restrictions on homeless services.

Norbie Kumagai spoke in support of the Public Safety, and Transportation Act of 2010. Comments included: organized to protect funds to local government services for transit and redevelopment; cities already heavily impacted by state takeaways; send message to legislature to stop impacting local; and request community to sign petition.

Christopher questioned when the city will consider working with agencies to employ homeless individuals.

Alyssa Johns spoke regarding new telecommunications towers placed throughout city; stated towers were placed without concern for public safety or aesthetic impact and urged Council to reconsider placement locations.

Elsa Ruiz-Durain stated she owns a large lot zoned R-2 in the Old East Davis

neighborhood currently containing only one cottage, and requested Council consider lot as location for moving another cottage that may be slated for demolition.

Linda Barralack, Co-Chair Inter-faith Rotating Winter Shelter (IRWS), stated IRWS averages 23 guests per night and expressed concern over process when they exceed capacity.

Kevin Danly stated the city should provide homeless services and work collaboratively with homeless individuals.

Jenna Templeton, IRWS, reported there were 29 individuals housed in the shelter tonight.

Hamza El-Nakhal requested Council prioritize services to homeless and urged community members to provide funds, volunteers, and food.

Consent Calendar

Budget Adjustment #44 (\$50,497) – Allocating Office of Homeland Security Grant Funds for First Responder Equipment

Approved by the following vote:

AYES: Heystek, Saylor, Souza, Asmundson

NOES: Greenwald

Open Space & Habitat Commission Minutes from the Meetings of April 2 and May 7, 2007

Informational

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

Resolution No. 10-003 - Adopting a Memorandum of Understanding with Individual Management Employees (Except City Manager and Department Heads)

City Manger Bill Emlen explained that Council principles were used as a guide to addresses long-term structural issues and the proposed MOU provides a good baseline for future negotiations. Human Resources Administrator Melissa Chaney provided details of MOU and Assistant City Manager Paul Navazio outlined the fiscal implications.

Mary Winn requested Council postpone consideration of the MOU to allow for public comments.

David Greenwald spoke in opposition to the MOU. Reasons included: established policies provide for too much employee compensation, insufficient in terms of long-term structural changes, and concern that future bargaining groups will receive worse deals as time passes.

R. Asmundson moved, seconded by D. Saylor, to approve Resolution No. 10-003 - Adopting a Memorandum of Understanding with Individual Management Employees (Except City Manager and Department Heads)

Motion passed by the following vote:
AYES: Saylor, Souza, Asmundson
NOES: Greenwald, Heystek

B. Emlen stated staff would return to Council with analysis of a 2-tiered retirement system.

City Council recessed at 8:02 p.m. and reconvened at 8:08 p.m.

Procedures for
Davis Cold
Weather Shelters
upon Reaching
Capacity

Housing and Human Services Superintendent Danielle Foster summarized the draft procedures for Davis cold weather shelters upon reaching capacity.

Mary Ann Kursh, IRWS Board; Amanda Kemble; Denise Hoffner, Congregation Bet Haverim; Thomas Hovack; Alex Wright, University Covenant Church; Steve Hampton; Norbie Kumagai; Jane Mcgloughlin, Grace in Action; Carl Vanhoeff, Grace in Action; Mary Whinn; Ryan Hurst; Meredith Jackson; David Burmester; Richard Livingston, Yolo County American Civil Liberties Union; Cruz Reynoso; Lewis Kimble; Terry; Elizabeth Andrea; Nathan Strickland; Johnathon Vanderhan; Kristen Stone King; Cindy Berger, Grace in Action; Steve Jerome Wyatt, Homeless American Indian Gay Students; James Hendersen; Antonia Herson; Anthony Pinto; Martha Biersh; Christopher, Benjamin Levy; and Rick Jiminez spoke in opposition to the Memorandum of Understanding with the Davis Community Church and restrictions to homeless services. Comments included: city should not regulate homeless services, DCC not able to establish new programs based on limitations in MOU, city should not ship individuals out of town if they need overnight shelter, MOU restrictions do not represent community ideals, and wide community support for reconsideration of MOU.

David Greenwald stated all people should be allowed to express their opinions and be treated fairly.

John Oakley, DCC legal counsel, stated the caps on services indicated in the MOU equal the best approximation of current levels.

S. Souza moved, seconded by L. Heystek, to direct the D Street City Council Subcommittee to revisit the issue of service caps within the Memorandum of Understanding with Davis Community Church and the Interfaith Rotating Winter Shelter Temporary Use Permit.

D. Saylor proposed a friendly amendment to revisit the reporting requirements. Accepted by mover and second. Motion passed unanimously.

D. Saylor moved, seconded by S. Souza, direction to staff to, in the interim, either waive or discontinue enforcement of service limitations for provision of overnight stays and lunches within Memorandum of Understanding with Davis Community Church and the Interfaith Rotating Winter Shelter Temporary Use Permit, to include a

waiver of reporting requirements. Motion passed by the following vote:

AYES: Heystek, Saylor, Souza

NOES: None

ABSTAIN: Asmundson, Greenwald

S. Souza moved, seconded by D. Saylor, to approve Budget Adjustment #44 (\$861) – Allocating funds to cover costs incurred related to cold weather shelter. Motion passed unanimously.

R. Asmundson moved, seconded by L. Heystek, to step down from the next phase of the scope for subcommittee consideration specific to homeless services and nominate S. Souza as a replacement. Motion withdrawn.

City Council recessed at 10:15 p.m. and reconvened at 10:22 p.m.

Public Hearing:
Resolution Es-
tablishing Fees
for Aquatic Fa-
cility Use for FY
2010/11 – Co-
Sponsored User
Groups and Pri-
vate Individ-
ual/Group Rent-
als

Community Services Superintendent Christine Helweg outlined the fee methodology and summarized the proposed fees.

Mayor Asmundson opened the public hearing, and after no comments, closed the public hearing.

D. Saylor moved, seconded by S. Souza, to approve Resolution No. 10-004 - Establishing Fees for Aquatic Facility Use for Fiscal Year 2010/11 for the Community Services and Parks and General Services Departments – Co-Sponsored User Groups and Private Individual/Group Rentals. Motion passed unanimously.

By consensus, Council directed that the next round of rental fees and cost recovery policy review for should also include review by the Finance and Budget Commission. Sustainability Program Manager Mitch Sears explained the CaliforniaFIRST AB811 program is designed to implement energy and water efficiency as well as solar, and allows cities and counties to establish voluntary financing districts.

Public Hearing:
Consider Joining
California Com-
munities Califor-
niaFIRST AB
811 Statewide
Financing Pro-
gram

Mayor Asmundson opened the public hearing, and after no comments, closed the public hearing.

S. Souza moved, seconded by D. Saylor, as follows:

1. Approve Resolution No. 10-005 - Authorizing the City of Davis to Join the CaliforniaFIRST Program; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments within the Territory of the City; and Authorizing Related Actions
2. Approve Resolution No. 10-006 - Authorizing the County of Sacramento as the Lead Collaborative Entity to Apply for Funds on Behalf of the City of Davis
3. Approve Resolution No. 10-007 - Approving a Reallocation of City of Davis Energy Efficiency and Conservation Block Grant (EECBG) Funds from Water Conservation (Turf Removal) to Establishment of an AB 811 Financing Program and

Authorizing Expenditure of up to \$120,000 of EECBG Funds to Cover Program Start Up Fees, Legal Costs, and Marketing and Administration Costs, Including Costs Associated with Participation in the California Communities CaliforniaFIRST Program

Motion passed unanimously.

- Resolution Authorizing Amendment No. 2 to Consultant Agreement with West Yost Associates for Additional Services for the East Area Tank and Booster Pump Station Project, CIP No. 8172
- Senior Civil Engineer Michael Mitchell outlined the specific amendments to the agreement and the associated costs.
- S. Souza moved, seconded by D. Saylor, to approve Resolution No. 10-008 - Authorizing the City Manager to Execute Amendment No. 2 to Consultant Agreement with West Yost Associates for Additional Services for the East Area Tank and Booster Pump Station Project, CIP No. 8172. Motion passed by the following vote:
AYES: Saylor, Souza, Asmundson
NOES: Greenwald, Heystek
- Brief Communications
- R. Asmundson moved, seconded by D. Souza, to extend the meeting for another 20 minutes to discuss the next two items on the agenda. Motion withdrawn.
- By consensus, Council decided to postpone discussion of Aesthetic Considerations for East Area Tank, CIP No. 8172 to next week's agenda.
- Long Range Calendar
- R. Asmundson requested Council agendaize presentation by the Water Resources Board on the Flood Safe Yolo project.
- Closed Session
- City Council adjourned to closed session pursuant to Government Code §54954.5 for a Conference with Legal Counsel – Existing Litigation: Davis Enterprise, Inc. v. Fairfield Publishing Company, et al, Yolo County Superior Court Case No. CV06-68.
- City Council returned to open session at 12:03 a.m. and Mayor Asmundson announced there was no reportable action.
- Adjournment
- The meeting was adjourned at 12:04 a.m. in memory of victims of the Haiti earthquake and in honor of Dr. Herb Bauer (celebrating his 100th birthday this week).

Zoe S. Mirabile, CMC
City Clerk