

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of May 25, 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 (arrived 6:38 p.m.), Lamar Heystek (arrived 6:33 p.m.), 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 S. Souza, to approve the agenda. Motion passed by the following vote:
AYES: Saylor, Souza, Asmundson
NOES: None
ABSENT: Greenwald, Heystek

Public Comments Alan Pryor, Yolo Clean Air, spoke in support of mandatory restrictions on wood burning.

Bryan Horsfield and Jim Smith introduced themselves as applicants for the Business and Economic Development Commission.

Daniel Watts, City Council candidate, alleged that a May 22 mailing by an independent expenditure committee of Ruth Asmundson and Marty West violated the city campaign code and encouraged the city to review the municipal code for outdated provisions.

Rei Okimoto introduced himself as an applicant for the Social Services Commission.

Presentation of Senior Citizens Commission Activities Elaine Roberts-Musser, Senior Citizens Commission Chair, relayed information on commission activities over the last three years, focusing on transportation, finances, housing health and safety.

Consent Calendar Resolution No. 10-066 - Authorizing the City Manager to Execute an Agreement with Davis Community Meals for the Implementation of the Supportive Housing Program Funded by the U.S. Department of Housing and Urban Development Approved

Second Reading of Ordinances Related to the Extension of a Local Economic Incentive Package:

1. Ordinance No. 2360 - Granting a Twelve-Month Extension of Specified Land-Use Entitlements
2. Ordinance No. 2361 - Amending Chapters 33 and 39 of the Davis Municipal Code Relating to Sewer and Water Connection Charges – Defer Timing of Payment from Issuance of Building Permit or Final Map to Certificate of Occupancy for Selected Projects
3. Ordinance No. 2361 - Amending Section 33.02.042 of the Davis Municipal Code to Extend Until July 1, 2011 the Temporary Reduction of Sewer Connection Fees for Reuse of Existing Space for Nonresidential Purposes

Adopted (Introduced 5/15/2010) by the following vote:

AYES: Saylor, Souza, Asmundson

NOES: Greenwald, Heystek

New and Revised Job Specifications

1. New: Irrigation Specialist and Parks and Urban Forest Manager
2. Revised: Building Maintenance Crew Supervisor; Building Maintenance Worker I/II; Custodial Crew Supervisor; Custodian I/II; Environmental Resource Specialist; Irrigation Crew Supervisor; Park Maintenance Crew Supervisor; Park Maintenance Worker I/II; Parks Supervisor; Pool Maintenance Crew Supervisor; Pool Maintenance Worker I/II; Sports Field Maintenance Specialist; Tree Grounds Person; Tree Trimmer I/II; Urban Forest Supervisor

Approved

Commission Minutes:

1. Civic Arts Commission Meeting of April 12, 2010
2. Human Relations Commission Meetings of January 28 and March 25, 2010
3. Senior Citizens Commission Meeting of April 8, 2010

Informational

City Council Minutes from the Meeting of May 4, 2010

Approved

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

Continued Public Hearing

Mayor Asmundson opened and continued the following public hearing to June 1, 2010: Verona Subdivision Project Amendments – Revised Affordable Housing Plan, Final Planned Development and Development Agreement.

**Continued Public Hearing:
Water and Sanitary Sewer Rates Effective August 1, 2010**

Assistant Public Works Director Sue Gedestad explained on May 11, 2010, City Council directed staff to provide supplemental information in support of staff recommendation for water and sewer rate increases, and provided details on components of rate increases, rate history and future projects/projections. Further, she reported the city received six protest letters from citizens.

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

1. Introduce Ordinance Amending Chapter 33.04.050 (a) and (b) of the Davis

Municipal Code Relating to Sewer Rates

2. Introduce Ordinance Amending Chapter 39 of the Davis Municipal Code Related to Water Rates
3. Direct staff to identify amounts related to operations, maintenance and capital investment in bills beginning August 1, 2010.

Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: Heystek

Continued Public Hearing:
Resolution to Adopt the Updated Housing Element

City Manager Bill Emlen explained the General Plan Housing Element requires approval from the State of California, and the city has been working on the update over the last couple years. It was presented to Council on March 2, 2010, and staff was directed to bring back amended wording on specific portions.

Housing and Human Services Superintendent Danielle Foster summarized the proposed amendments, focusing on the suspension of middle income ordinance, suspension of New Harmony project, housing sites identified by the Housing Element Steering Committee, and city consideration of providing emergency housing of 35 beds in industrial zoning without a Conditional Use Permit.

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

D. Saylor moved, seconded by S. Greenwald, to approve Resolution No. 10-067 - to Adopt the Updated Housing Element and Direct Staff to Submit the Updated Housing Element to the State Department of Housing and Community Development for State Certification, taking the following actions:

1. Finding that Negative Declaration #05-07 originally prepared and approved for this update to the City's Housing Element continues to serve as the environmental review for this final version of the Housing Element, as no substantial changes have been made that affect the document's environmental review.
2. Adopting the updated Housing Element, that includes changes in response to the State Department of Housing and Community Development (HCD)'s review of the document in accordance with state law.
3. Directing staff to submit the updated Housing Element document for review and certification by HCD.

Motion passed unanimously.

Resolution Approving the First Amendment to the Employment Agreement with the City Manager

City Attorney Harriet Steiner explained that the City Manager's contract is not scheduled to expire until June 2012; however, due to budgetary constraints, the city reopened the contract and offered amendments similar in nature to those in department head and management employee contracts. Human Resources Administrator Melissa Chaney outlined the concessions in the contract.

D. Saylor moved, seconded by S. Souza, to approve Resolution No. 10-068 - Approving the First Amendment to the Employment Agreement with the City Manager and Authorizing Mayor to Execute Same. Motion passed

unanimously.

Resolution Adopting Contracts with the Police Chief, Community Development Director, Community Services Director and the Assistant City Manager

City Manager Bill Emlen explained that in the past, all Department Heads were under a common Memorandum of Understanding even though they signed individually. Currently, there are four proposed individual contracts for Assistant City Manager, Police Chief, Community Development Director and Community Services Director; each is a two-year agreement ending June 30, 2012. Human Resources Administrator Melissa Chaney highlighted provisions of the contracts.

D. Saylor moved, seconded by L. Heystek to approve the Police Chief contract. Motion passed unanimously.

S. Greenwald stated that any savings from cafeteria cash out reductions should be allocated to unfunded liabilities for retiree health benefits.

D. Saylor moved, seconded by S. Souza, to approve Resolution No. 10-069 – Adopting Contracts with the Police Chief, Community Development Director, Community Services Director and the Assistant City Manager. Motion passed by the following vote:

AYES: Greenwald, Saylor, Souza, Asmundson

NOES: Heystek

Resolution to Impose Last, Best, Final Offer with Davis City Employees Association (DCEA)

City Manager Bill Emlen explained that from April thru December 2009, the city negotiated with DCEA, and exchanged offers similar to those presented to PASEA and Management. After January 2010, the city reached the conclusion that no progress was being made.

City Attorney Harriet Steiner explained the city has an obligation under Myers-Millias-Brown Act to negotiate in good faith, bargaining until city settles on an agreement with a bargaining group or reaches impasse wherein positions on each side are such that it is unlikely to reach agreement. The city has a set of rules on the process to follow after impasse. The city and DCEA bargaining group have met with a mediator without success. The next step is to come to City Council or go to fact finding arbitration; Council may impose a last, best final offer on unilateral basis if it believes that further process is unavailing. Staff recommendation is to impose a last, best final offer as rules to apply to DCEA.

Human Resources Administrator Melissa Chaney outlined the terms of the offer, indicating that it is nearly identical to contracts adopted by PASEA and Management.

Ken Aikens, labor negotiator with firm representing DCEA for 10-12 years, stated the issue revolves around whether or not the city has an obligation to follow its own resolution; Brown Act allows jurisdictions to adopt its own rules, and fact finding should be the final resolution to process.

David Owens, DCEA President, questioned whether the Council participated in

a fair bargaining process.

Robin Whiting, negotiating team member, said the city should have presented a multi-year contract and requested that, if furloughs are implemented, the impacts be spread out.

Laurel Kieny, past negotiator DCEA, stated the city should have laid off employees initially instead of negotiating for furloughs. Further, compensation is out of comparison with other agencies.

Michael Galas stated DCEA members are dedicated to running the city - traffic signal lights, bike path/roads maintained; proposed 12 furloughs in short time frame will cause severe financial strain for families.

Linda Tome stated several current Councilmembers are negative to city employees; comparisons to UC Davis employees are unfair, as UC Davis employees receive Social Security and city employees do not; and if city starts cutting employee benefits, then it will have a difficult time recruiting in the future.

Clint Baker spoke in support of cafeteria benefits.

City Council recessed at 8:30 p.m. and reconvened at 8:40 p.m.

City Attorney Steiner stated the city feels strongly that it conducted good faith negotiations throughout the entire process and now is the time to start implementation of the last, best final offer.

D. Saylor moved, seconded by S. Souza, to approve Resolution No. 10-070 - to Impose Last, Best, Final Offer with Davis City Employees Association (DCEA), with an allowance that furlough days can be schedule up through October 1, 2010.

S. Souza proposed a friendly amendment to amend the date to November 1, 2010, with two furlough days per month. Accepted by mover.

B. Emlen noted that staff will report back to Council on progress by July 1.

Motion passed unanimously.

City Council recessed at 9:23 p.m. and reconvene at 9:31 p.m.

City Council
Appointments
to Advisory
Commissions

L. Heystek moved, seconded by S. Souza, to appoint Anaya Choudhuri as a regular member of the Planning Commission (current alternate). Motion passed unanimously.

City Council voted to appoint members to the Business & Economic Development, Finance and Budget, Open Space & Habitat, Social Services and Tree Commissions through the use of a grid system. After votes were tallied,

applicants were appointed as follows:

APPLICANT		RA	SG	LH	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name							
Business & Economic Development Commission -- Vote for 2: 1 Regular (9/30/10) & 1 Alternate (9/30/10)								
Indicate choice by using "R" or "A"								
Horsfield	Brian	A	A	R	A	A	4A/1R	Alternate
Oper	Sid							
Smith	James	R	R	A	R	R	4R/1A	Regular
Finance & Budget Commission -- Vote for 1: 1 Alternate (9/30/12)								
Westlund	Travie							
Zhu	Jack	A	A	A	A	A	5A	Alternate
Open Space & Habitat Commission -- Vote for 1: 1 Regular (9/30/12)								
Huber	Patrick	R		R	R	R	4R	Regular
Owens	Sean		R				1R	
Social Services Commission -- Vote for 1: 1 Regular (9/30/12)								
Chaykin	Elaine					R	1R	Run Off
Kalman	Donald	R			R		2R	
Northcutt	Cherise		R				1R	
Okamoto	Rei			R			1R	
Schmitendorf	Karena						0	
Tree Commission -- Vote for 1: 1 Alternate (9/30/12)								
Jackson	Michael					A	1	
Ortiz	Pablo	R			R		2	Run Off
Rubald	Marc		A	A			2	

Run Off Vote:

APPLICANT		RA	SG	LH	DS	SS	TOTAL	APPOINTMENT
Last Name	First Name							
Social Services Commission -- Vote for 1: 1 Regular (9/30/12)								
Chaykin	Elaine					R	1R	
Kalman	Donald	R			R		2R	Regular
Northcutt	Cherise		R				1R	
Okamoto	Rei			R			1R	
Tree Commission -- Vote for 1: 1 Alternate (9/30/12)								
Ortiz	Pablo	A			R		2	
Rubald	Marc		A	A		A	3	Alternate

S. Souza moved, seconded by R. Asmundson, to appoint Donald Kalman to the Social Services Commission. Motion passed unanimously.

L. Heystek moved, seconded by S. Souza, to approve commission appointments as listed above. Motion passed unanimously.

D. Saylor moved, seconded by L. Heystek, to authorize the extension of September 30, 2010 term limits to September 30, 2014 for commissioners appointed through Council vote on May 25, 2010. Motion passed unanimously.

Brief Commu-
nications None

Adjournment The meeting was adjourned at 9:48 p.m.

Zoe S. Mirabile, CMC
City Clerk