

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of October 18, 2022

The City Council of the City of Davis met in regular meeting session beginning at 6:30 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Frerichs.

Roll Call: Councilmembers Present: Will Arnold, Dan Carson, Josh Chapman, Gloria Partida, Lucas Frerichs

Councilmembers Absent: None

Other Officers Present: City Manager Michael Webb, City Attorney Inder Khalsa, City Clerk Zoe Mirabile

Approval of Agenda G. Partida moved, seconded by J. Chapman, to approve the agenda. Motion passed unanimously.

Ceremonial Presentations Proclamations Recognizing:
A. October as National Breast Cancer Awareness Month. Presented by G. Partida.
B. October as Domestic Violence Awareness Month. Presented by L. Frerichs.
C. October as Dysautonomia Awareness Month. Presented by W. Arnold.
D. October as Filipino American History Month. Presented by J. Chapman.
E. October 24 as United Nations Day and October 24-31 as Support UNICEF Week. Presented by D. Carson.

City Manager & City Council Brief Announcements City Manager Mike Webb: Rosecreek Park groundbreaking, formerly called Brentwood Mini Park. Police Accountability Commission Public Outreach meeting October 19 at Veterans Memorial Center. Safe Routes to School Event October 19, handing out apples to students who bike or walk to school. Highlighted various Capital Improvement Projects.. Fire Department Open House October 29.

Public Comments

- Elliott Larsen, Fridays for Future Davis; Felix Moses; and Alex Cook: City should initiate immediate changes to lessen future climate impacts. Submitted letter of demands to be incorporated into the City's Climate Action Adaptation Plan (CAAP).
- David Abramson: Oppose leaf blowers. Noise impact, dust contains toxic materials. Should encourage residents to use leaves as compost.

- Connor Gorman: Modifying police patrols could increase availability of police to calls for service. Should move police investigation, code enforcement and traffic enforcement to another department.
- John Whitehead: CAAP should have an appendix with all public comments, provide details on Technical Advisory Committee and define criteria used to determine community carbon footprint.

Consent Calendar

Amendment to On-Call Engineering Services Agreement for Additional Services During Construction of the Waste Water Treatment Plant (WWTP) Biofilter Installation Project, CIP No. 8291

Approve Resolution No. 22-150 - Authorizing City Manager to Execute Task Order No. 4, Amendment No. 2 for On-Call Engineering Services with West Yost Associates Associated with WWTP Biofilter Installation

Amendment to On-Call Engineering Services Agreement for Additional Services During Construction of the Phase 1 Recycled Water Facilities Project, CIP No. 8312

Approve Resolution No. 22-151 - Authorizing City Manager to Execute Task Order No. 6, Amendment No. 1 for On-Call Engineering Services with West Yost Associates Associated with Phase 1 Recycled Water Facilities

Amendment to On-Call Engineering Services Agreement for Bretton Woods Construction Management and Inspection Services

Approve Resolution No. 22-152 - Authorizing City Manager to Execute Task Order No. 24.1 Under the Professional Services Agreement with WSP, Inc., for Bretton Woods Construction Management and Inspection Services

Amendment to Extend Ground Lease for Modular Building in Community Park

Approve Resolution No. 22-153 - Authorizing the City Manager to Enter Into a Second Amendment to the City's Ground Lease with the Davis American Youth Soccer Organization which Extends the Term of the Ground Lease Five Years

J. Chapman recused himself from the following item due to a conflict of interest from a business within 500 feet:

Extension of Durable Encroachment Permit to Use Two City-Owned Parking Spaces for a Parklet on E Street Between First and Second Streets

Approve Resolution No. 22-154 - Authorizing the City Manager to Direct Staff to Extend the Term of a Durable Encroachment Permit that would Allow Davis Lofts at 105 E Street to Use Two City-Owned Parking Spaces for a "Parklet" Accessible to the Public on E Street, Between

First and Second Streets, for an Additional 10 Years, Pursuant to Specified Terms, by the following vote:

AYES: Arnold, Carson, Partida, Frerichs

NOES: None

ABSENT: Chapman (recuse)

Public Transportation Agency Safety Plans (PTASP) Annual Certification

Approve Resolution No. 22-155 - Certifying the PTASP for Davis Community Transit and Unitrans

2022 California Building Standards Code

1. Approve Resolution No. 22-156 - Approving the Findings to Support Local Modifications to the Standards Contained in the 2022 California Building Standards Code, which includes the 2022 California Fire Code; and Directing the City Clerk to Schedule a Public Hearing and Publish a Notice of the Adoption of the 2022 California Building Standards Code Including the 2022 California Fire Code in Accordance with State Law
2. Introduce Ordinance Repealing and Re-Enacting Article 8.01 of Chapter 8 of the Davis Municipal Code, and Adopting by Reference Certain Parts, Including Related Appendices, as Identified, of the California Code of Regulations Title 24, 2022 Edition of the California Building Standards Code
3. Introduce Ordinance Repealing and Re-Enacting Article 13.01 of Chapter 13 of the Davis Municipal Code, and Adopting by Reference Certain Parts, Including Related Appendices, as Identified, of the California Code of Regulations Title 24, 2022 Edition of the California Fire Code
4. Schedule a Public Hearing for November 15, 2022 for the approval of Ordinances regarding the adoption of the 2022 California Building Standards Code and the 2022 California Fire Code

Davis Municipal Code Clean-Up Ordinance: Amendments to the Davis Municipal Code to Clarify and Update Provisions

Introduce Ordinance Amending Various Sections of the Davis Municipal Code to Clarify and Update Certain Specified Provisions in Chapters 2, 3, 5, 6, 8, 10, 14, 15, 18, 20, 26, 31, and 39

Second Reading: Ordinance Amending Davis Municipal Code Article 18.05 to Extend the Sunset Date for Affordable Alternative Rental Housing Requirements

Adopt Ordinance No. 2632 (Introduced 09/20/2022)

Second Reading: Ordinance Amending Sections 40.03.040, 40.04.040, 40.04A.040, 40.06.040 of Articles 40.03 (R-1 District), 40.04 (R-2 District), 40.04A (R-2-CD District), 40.06 (R-R District) and Similar Planned Development Districts of Article 40 of the Davis Municipal Code to Require a Conditional Use Permit for Additions, Conversions, or New Construction That Result in Six or More Bathrooms in a Dwelling Unit Adopt Ordinance No. 2633 (Introduced 09/20/2022)

2022 Davis Conflict of Interest Code Biennial Review Notice
Receive the Conflict of Interest Code Local Agency Biennial Review Notice. Staff will return to Council with proposed amendments to the Conflict of Interest Code.

Re-Authorize Continuation of Remote Public Meetings

1. Consider the circumstances of the state of emergency and determine to re-authorize continuation of remote (Zoom/teleconference) public meetings for legislative bodies pursuant to Assembly Bill 361
2. Make the following finding: There continues to be a proclaimed state of emergency and meeting in person would present imminent risks to the health or safety of attendees

Commission/Committee Minutes:

1. Bicycling, Transportation, and Street Safety Commission Meeting of July 14, 2022
2. Civic Arts Commission Meetings of September 12 and October 10, 2022
3. Finance and Budget Commission Meetings of May 9, June 13, and July 11, 2022
4. Open Space and Habitat Commission Meeting of September 12, 2022
5. Unitrans Advisory Committee Meeting of April 28, 2022
6. Utilities Commission Meetings of March 16, May 1, and July 20, 2022

Informational

J. Chapman moved, seconded by W. Arnold, to approve the consent calendar. Motion passed unanimously.

Independent
Police Auditor
Annual Up-
date

Police Auditor Michael Gennaco: Summarized role of Independent Police Auditor (IPA)—intake/communication with potential complainants, review complaint investigations, work with Police Accountability Commission, provide reports related to nature of complaints and systemic recommendations, and audits. Presented use of force audit—reports found use of force is rare compared to number of police contacts, incidents involved a person experiencing a mental health crisis or under influence of drugs or alcohol. Outlined audit recommendations—more complete documentation and focus on documenting de-escalation. Next

steps—Pending mental health audit, looking at calls for service, referrals from hotline, observations by officers in the field, and mental health clinician now assigned. Summarized Police Department overview—policies exceed state law requirements and follow best practices, place emphasis on training, accountability system is robust, willing to reconsider new ways of addressing public safety concerns.

Public comment:

- Connor Gorman: Auditor has been doing a good job under the current system and is a valuable asset to Davis. Should be provided all resources and access he needs to fully conduct investigations.

City Council recessed at 8:09 p.m. and reconvened at 8:15 p.m.

2022-23
Emergency
Winter Shelter

Social Services & Housing Director Dana Bailey: Overview of activities to date in new department. Update on 2022-23 Emergency Winter Shelter program, contract with Davis Community Meals and Housing to operate the shelter at 512 5th Street, including repairs to the facility, and a city-operated emergency hotel room program for urgent shelter needs. Recommend Council consider the development of a Homeless Strategic Plan.

Public comments:

- Andy Waterhouse, Shoshanna Zatz, and Sherry Polasky, HEART Davis, Georgina Valencia, Dana Lambaugh, John Cassel-Franko, United Methodist Church Task Force on Homelessness, Maryanne Kursh, St. Vincent de Paul Society and DOVE, Francesca Wright, Steve Streeter, Davis Homelessness Alliance, Martha Teeter, Connor Gorman, and Dave Griffin: Emergency Winter Shelter needs to accommodate more than the planned 10 people. Last Point in Time Count estimated approximately 200 homeless individuals. City must find resources to run expanded program with a comprehensive case management plan. Need to think out how to provide a 24/7 year round shelter. Support hotel program for most vulnerable. Need to find funding to provide adequate services.

L. Frerichs moved, seconded by W. Arnold, as follows:

1. Direct staff to undertake implementation of the proposed shelter program, including approving Resolution No. 22-157 – Authorizing the City Manager to Enter Into Agreements to Provide Emergency Cold Weather Shelter for the 2022-2023 Season, amended to authorize up to \$100,000 additional funding for emergency purposes
2. Approve Resolution No. 22-158 – Authorizing the City Manager to Amend the Current Agreement with Yolo County to Provide Funding to 4th and Hope

D. Carson proposed a friendly amendment: Direct staff to come back to Council with more information relating to the proposed Homeless Strategic Plan. Accepted by mover and second.

Motion passed unanimously.

Consideration of Downtown Streets Team Pilot Employment Program for People Experiencing Homelessness

Social Services & Housing Director Dana Bailey: Provided overview of the Downtown Streets Team program.

Public comments:

- Martha Teeter: Support program. Good track record and results in other communities. Similar to Davis Pathways to Employment, successful program. Equipment was bought for Pathways, could be used for Downtown Streets Program.
- Connor Gorman: Support program. Will provide resources to homeless and clean up downtown.

W. Arnold moved, seconded by G. Partida, to direct staff to undertake implementation of the proposed pilot program, and approve Resolution No. 22-159 – Authorizing the City Manager to Enter Into an Agreement with Downtown Streets Team for the Provision of a Downtown Streets Team in Davis to Assist the Homeless, and Amend Fiscal Year 2022-23 General Fund Budget. Motion passed unanimously.

Long Range Calendar

M. Webb: Working with University and County to put together 2x2x2 meeting on November 30.

Public comments:

- Edward Johnson, Grace in Action: Encouraging to see Davis businesses and faith organizations working together. Should keep bringing community in to participate.
- Colin Walsh: City councilmember used city email for political purposes. Submitted a Public Records Act request and received outbound emails regarding Measure H. Emails have since been deleted. Violation of city rules. Should undertake an ethics investigation.
- Connor Gorman: Should agendaize meeting logistics related to public comments. Should allow 3 minutes per comment opportunity to show slides. Phone-in public comment line should be expanded from 7 a.m. to 6 p.m. on the day of the meeting.

Adjournment

Meeting was adjourned at 10:34 p.m.

Zoe Mirabile
City Clerk