

MINUTES OF THE DAVIS CITY COUNCIL
Meeting of December 3, 2024

The City Council of the City of Davis met in regular meeting session beginning at 6:34 p.m. in the Community Chambers, 23 Russell Boulevard, Davis, California. The meeting was called to order by Mayor Josh Chapman.

Roll Call: Councilmembers Present: Will Arnold, Donna Neville, Gloria Partida, Babu Vaitla, Josh Chapman

Councilmembers Absent: None

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

Approval of Agenda B. Vaitla moved, seconded by D. Neville, to approve the agenda. Motion passed unanimously.

Ceremonial Presentations A. Proclamation Recognizing the History and Legacy of the Bracero Program, presented by B. Vaitla.
B. Proclamation Honoring Councilmember Will Arnold for His Service to the Davis Community, presented by J. Chapman.

Councilmembers expressed appreciation for W. Arnold's service. City Manager Mike Webb expressed appreciation on behalf of city staff.

W. Arnold relayed gratitude and reflected upon his tenure. Thanked the Davis community for the opportunity to serve on City Council.

Public officials and representatives spoke and presented commendations:

1. Xavy Terry, representing Cecilia Aguiar-Curry, presented a Joint Assembly and Senate Resolution.
2. Lysette Marshman, representing Senator Dodd.

Public comments:

- Norbie Kumagai: Thank Will Arnold for his lifelong service to the community.
- Lucas Frerichs, Yolo County Board of Supervisors: Support proclamation recognizing history of Bracero Program. Thank Will Arnold for friendship and service to community.
- Unnamed individual: Appreciate discovering information about how councilmembers impact people's lives.

City Council recessed at 7:15 p.m. and reconvened at 7:22 p.m.

City Manager Announcements M. Webb: December 5—annual candlelight parade and tree lighting downtown. December 7—first annual children’s holiday market at Central Park and Bicycle Hall of Fame, event supporting young entrepreneurs. New refrigerated and shelf-stable carton recycling pilot program begins at Recology—drop off cartons at 2757 Second Street.

City Council Announcements and Liaison Reports None

Public Comments Ordinance Revising Camping Regulations:

- John Kastel-Franko, Davis United Methodist Church Justice Committee: Ask Council to reverse position and not approve ordinance.
- Kate Ullman; Nikhi Sundarapandian, External Affairs Co-President of Aggie House and Davis Homeless Alliance member; Hannah Devola; Virginia Moore, Resident Co-President of Aggie House; Riley Nicholas: Oppose ordinance and criminalization of homelessness. Need better, more established practices and services. Should invest in community organizations, build more affordable housing.
- Daniel: Oppose camping ordinance. Need solutions—consider a foot patrol downtown to deal with troublemakers, build more public restrooms. Churches may be willing to provide space for camps – city could help with patrol for potential issues.
- Rick Monice: Disagree with Supreme Court decision regarding Grants Pass. Too many residents lack housing. Should talk about housing first, proven model and cost effective. Response to homelessness is broken.
- Max Romans: Davis Night Market gives away food five nights a week. Many resources in the city are not adequately advertised. Request city to reconsider role in dealing with homelessness.

General public comments

- Juan Cabel, Carpenters Union: Experience starting as apprentice in 2004 with living wages and benefits. Suggest Council consider the benefits of apprenticeship. Support local hiring.
- Unnamed individual: Plight of Davis trees in parking lots. Lack of enforcement of shade requirements, trees are being topped illegally and not maintained appropriately. Bike paths are immediate hazards and need repairs.
- Todd Edelmann: Support new carton recycling program; new housing developments should have inside recycling centers and external locations for drop off. Concerned about air quality. Should change the laws to improve standards. Yolo-Solano Air Quality Management District has not banned fire burning in homes.

- Alan Miller: Tinted glass on cars is dangerous. Need more traffic enforcement, especially for bike safety.
- Unnamed individual: Request city change street names of Cowell and Covell. Confusing to many.
- Alan Hirsch: Need more resources to address homeless services from federal government, unfunded moral mandate. Concern about federal government taking action against non-profits.
- Michael Patrick Odysseus Giuardo: Good idea to have people on foot to support homeless individuals, and not send police officers.

Consent Calendar

Second Reading: Ordinance Amending Section 33.03.080 of the Davis Municipal Code Relating to Sewers and Sewage Disposal, and Making a Determination of Exemption Under CEQA Pursuant to Sections 15263 and 15308

Adopt Ordinance No. 2669 (Introduced 11/19/24)

Commission Minutes:

1. Fiscal Commission Meetings of August 7, September 5, and October 2, 2024
2. Police Accountability Commission Meetings of July 11, September 9, and October 7, 2024

Informational

W. Arnold moved, seconded by G. Partida, to approve the consent calendar as listed above. Motion passed unanimously.

Removed from Consent Calendar:

Item removed by D. Neville.

Second Reading: Ordinance Revising Camping Regulations in the City of Davis by Repealing Sections 27.02.160 & 27.03.090 of Chapter 27 and Adding Article 26.11 to the Davis

D. Neville: Propose amendments to the ordinance:

1. Require 48 hour notification prior to criminal enforcement
2. When taking enforcement action, inform residents of available services.
3. For first enforcement action, cite as infraction. If a second violation occurs within one year, cite as misdemeanor.

Public comments:

- Tracy Olsen, Yolo County Public Defender: Oppose ordinance. Creation of crime in new ordinance will result in more people in jail. Jail is not a tool to solve homelessness.
- Unnamed individual and Todd Edelman: Oppose criminalization of homelessness.
- Kary Shender: Oppose misdemeanor violation. Concerned about outreach; suggest a list be provided with phone numbers and addresses with locations where people can go for shelter.
- Jeffrey Slonick: Need to create one office where people can go to receive services in connected way.

Municipal Code

- Kathleen Sletter: Homeless people need more information on resources. Suggest using sidewalks to write resource phone numbers or draw a path such as a blue line that people can follow to go to service providers. Consider path from train station to resources.
- Ben, Davis College Democrats: Oppose ordinance. Should not build policy with intent to not fully enforce.
- Charles Madison: Oppose. Ordinance does not describe unhealthy environment that encampments are creating. Can be enforced improperly.
- Alan Miller: Need enforcement. Unhealthy conditions, criminal behavior should be enforced. Fires are a common occurrence.
- Henry Rosenbach: Concerned about migrant and undocumented residents. Many have to camp or sleep in vehicles. If receive criminal misdemeanor citation, can be deported.
- Max, Hope at Davis and Ann Block: Oppose. Misdemeanor will make it more difficult for people to get housing. Need more outreach on what activities will result in a misdemeanor.
- Judy Ennis: Support proposed amendments to ordinance, create legally binding set of safeguards.
- Barbara Clutter: Oppose. Balance needs for health and safety of unhoused with surrounding residents and businesses. No assurance that cooperative behavior between Social Services and Housing and Police Departments will continue.
- Linda Deos: Support ordinance amendments. Important to put parameters into ordinance. Consider taking another look at this, discuss with staff what the parameters could be.
- Gayna Lamb-bang: Understand need to balance needs of residents. City should increase efforts to house individuals.
- Connor Gorman: Most effective way to address homelessness is to provide housing. City should pursue and encourage other levels of government to pursue housing first strategies. If not enough housing, should allow people to sleep outside.
- Brandon, Val Enloe, Will, Katie Calcher, Ben Beeker, Karen Anderson, Eugen, Anika, Ilyago, Enrico Patella, Max, Madison, Allana Mockler, and unnamed individuals: Oppose.
- Unnamed individual: Oppose ordinance. Concerned with Social Services and Housing Department and service providers working with police. Homeless individuals do not trust police.

City Attorney Inder Khalsa: Davis Municipal Code establishes the law, intent is to keep the code at a high level. Ordinances establish a maximum penalty and not a range of penalties. Resolution can be adopted to express intent of how to implement ordinances. Instructions for staff interaction are outlined in policies that task staff with how they operate daily.

B. Vaitla moved, seconded by D. Neville, as follows:

1. Amend the ordinance to include:
 - (a) Require 72 hour notification prior to criminal enforcement.
 - (b) When taking enforcement action, staff will inform residents of available services.
2. Reintroduce Ordinance Revising Camping Regulations in the City of Davis By Repealing Sections 27.02.160 and 27.03.090 of Chapter 27 of the Davis Municipal Code and Adding Article 26.11 to the Davis Municipal Code, Prohibiting Camping, Occupying Camp Facilities, or Using Camp Paraphernalia on Designated Public and Private Property.

D. Neville proposed a Friendly Amendment: Revise 72 hours to 48 hours. Accepted by mover.

W. Arnold moved substitute motion, seconded by G. Partida, to adopt Ordinance No. 2670 - Revising Camping Regulations in the City of Davis By Repealing Sections 27.02.160 and 27.03.090 of Chapter 27 of the Davis Municipal Code and Adding Article 26.11 to the Davis Municipal Code, Prohibiting Camping, Occupying Camp Facilities, or Using Camp Paraphernalia on Designated Public and Private Property (introduced 11/20/2024). Motion passed by the following vote:

AYES: Arnold, Partida, Chapman

NOES: Neville, Vaitla

D. Neville moved, seconded by B. Vaitla, to direct staff and council sub-committee on homelessness to return to Council with a companion resolution related to implementation of the ordinance that incorporates best practices from the Governor's Office. Motion passed unanimously.

City Council recessed at 9:50 p.m. and reconvened at 10:02 p.m.

Location Options for Fire Station 31 Improvements Project, CIP No. ET0007

Battalion Chief Paul Swanson: Overview of current conditions; Station 31 does not meet building code requirements for a critical facility, lack structural improvements for seismic loads, all utilities need to be replaced.

Public Works Engineering and Transportation Director Dianna Jensen: Presented pros and cons of 3 options at existing location on 5th Street between D and E Streets (fire station only, fire station with maximum residential housing/fire station with minimal residential housing) and Civic Field location at existing City Hall location (fire station only/fire station more southerly location).

Public comments:

- Elaine Roberts-Musser; Dave DeYoung, Old North Davis Neighborhood Association; and Alan Miller: Oppose Civic Center Field location. Heavily used park. Important to preserve green space.
- Alan Hirsch: Sites need to consider trees. Current fire station has a bus stop that is unshaded, should be fixed with trees and structural soil. Need to integrate a major transit center.

Individual Council comments included:

Support option 1 – fire station only.

Request more information related to maximizing residential housing.

Support maximizing residential.

M. Webb: Will partner with real estate developer to advise staff on financial feasibility and financing options.

By consensus, City Council directed staff as follows:

1. Eliminate the Civic Center site from further consideration.
2. Continue with design efforts for developing plans for a replacement station at the current Fifth Street location.
3. Return to City Council with additional details, cost estimates, project financing options, and timelines.

Council Subcommittee on Commissions Follow-Up:

Introduce Ordinance Revising Chapter 37 of the Davis Municipal Code Related to the Establishment of a Tree Permit Appeal Board and Other Administrative Updates

Commission-Initiated Task Review Process

Public Works Utilities & Operation Director Stan Gryczko: Summarized proposed changes to the Davis Municipal Code Chapter 37 related to City tree and private/protected tree permits and other tree program administrative updates and establishment of a Tree Permit Appeal Board to hear appeals for administrative decisions related to tree permits and consider requests to remove Landmark tree designation or reduce mitigation requirements including fees and tree planting requirements. Anticipate larger, community discussion on remaining outstanding Chapter 37 substantive revisions including parking lot trees, tree protection, and enforcement.

Assistant City Manager Kelly Stachowicz: Currently no defined process for commission initiated projects. Each commission handles things slightly differently. Defined process is transparent and clear for Council, commissioners, staff. Council will have an understanding of what commissions spend time on.

Commission-initiated tasks will be brought to Council for review. A commission-initiated task is one that Council has not requested, one that staff does not otherwise plan to bring forward, when the commission wants to take action or make a recommendation on a new matter not already assigned, and when the commission needs to use City resources (significant staff time, budget).

Public comments:

- Alan Hirsch: Public was not involved in drafting tree ordinance. Should conduct outreach. Oppose ordinance provision that allow Tree Board to consider requests to reduce mitigation requirements and that Board decision is final and not appealable to City Council.
- Elaine Roberts-Musser: Commission task proposal contains critical flaws. Will strangle commission operations. Commissions must act independently from council and speak truth to power. Should explore better alternatives.
- Don Sherman: Question who proposed changes and reason why. Concern that commission motivation will suffer as well as recruitment and maintaining commission membership.
- Alan Miller: Oppose commission changes.
- Unnamed individual: Concerned about policy change, attack on public participation. Will institute severe top-down control.
- Connor Gorman: Task proposal is better than previous, but issues remain. Unclear what counts as action item. Commissions should be autonomous from Council and should be able to bring strong arguments and evidence to Council. Timing issue—will delay commission activities further.
- Alan Pryor: Oppose Ordinance establishing Tree Permit Appeal Board. Process will take up even more staff time. Loss of home grown expertise from Tree Commission.

D. Neville moved, seconded by G. Partida, to Introduce an Ordinance revising Chapter 37 (Tree Planting, Preservation and Protection) of the City of Davis Municipal Code related to the establishment of a Tree Permit Appeal Board and other administrative updates, and find the ordinance revisions exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15061(b)(3).
Motion passed unanimously.

W. Arnold moved, seconded by B. Vaitla, to direct staff to implement a process with all commissions where action-oriented, commission-initiated task requests are communicated to the full City Council prior to placement on a Commission agenda.

B. Vaitla proposed a Friendly Amendment: Form a Council Subcommittee on Commissions consisting of G. Partida and D. Neville and task them with commission process and administration. Try process for 1 year. Subcommittee can evaluate process and propose amendments. Accepted by mover.

Motion passed unanimously.

Yolo County/City of Davis Pass Through Agreement Extension MOU	<p>W. Arnold moved, seconded by D. Neville, to take up next regular item. Motion passed unanimously.</p> <p>City Manager Mike Webb: County referral process-- within city planning area, any county development proposal is referred to city. Agreement identified urban uses that could be pursued without consent or authorization. City has ability or authority to provide comments or deny the development to proceed. Proposed Agreement Extension MOU continues current practices through 2037. Yolo County Board of Supervisors approved the extension at its Board meeting today.</p> <p>W. Arnold moved, seconded by B. Vaitla, as follows:</p> <ol style="list-style-type: none"> 1. Authorize the City Manager to execute the Pass Through Agreement MOU with Yolo County extending the development limitations to run concurrent with tax increment payments (estimated to be 2037). 2. Authorize the City Manager to incorporate any non-substantive, clarifying or clerical changes as may be approved by the City Attorney. <p>Motion passed unanimously.</p>
AB 1234 Re- porting	None
Long Range Calendar	<p>M. Webb: December 17—next council meeting. Certification of election results and swearing in of newly elected councilmembers.</p> <p>Public comments:</p> <ul style="list-style-type: none"> • Alan Hirsch: . Oppose moving toward systematized processes. Have moved away from democracy that includes public participation toward republican democracy. • Alan Miller: Stated “grunt” <p>D. Neville: What is difference between part 1 and 2 of upcoming Form Based Code item?</p> <p>M. Webb: Will get back to Council with info on why two distinct parts</p>
Adjournment	Meeting was adjourned at 11:47 p.m.

Zoe Mirabile
City Clerk