Item 1

CITY COUNCIL MINUTES
May 11, 2009
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, May 11, 2009 at 6:00 p.m., following a Closed Session at 5:15 p.m., with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Kevin Hanley, Bridget Powers, J. M. Holmes, Bill Kirby (not present at roll call; arrived 5:30 p.m.)

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Wong, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6 **MOTION: Hanley/Powers/Adjourned without objection (Absent: Kirby)**

(1) **CONFERENCE WITH LABOR NEGOTIATORS**
Agency Designated Representatives: Robert Richardson
Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION

No reportable action. Council will return to the closed session after the regularly scheduled Council meeting.

City Attorney Colantuono explained that the City was served with a lawsuit today, entitled *"Auburn Police Officers Association v. the City of Auburn, et al."* He said the matter was served on the City after the agenda was posted. He said, "staff recommends the Council find by a four-fifths majority that the matter came to the attention of the City after the agenda was posted and that there is a need to discuss it before your next meeting so that we can convene in closed session

this evening for the purpose of briefing you on the case and seeking your authority to defend it."

By **MOTION** add the matter of the Auburn Police Officers Association vs. the City of Auburn to the closed session agenda. **MOTION: Hanley/Nesbitt/Approved without objection**

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Holmes thanked the Public Works Department for illuminating all of the City's American flags that fly at night.

Mayor Holmes reported on the Cap-to-Cap trip. He said he and Council Member Nesbitt attended and had several meetings with officials in Washington, D.C. regarding issues that affect the City of Auburn. He said that he is hopeful that some of those issues will be addressed in the near future.

Mayor Holmes said that National Train Day was celebrated on May 9 2009. He said a ceremony was held at the Conheim Station. He said Amtrak and Capital Corridor are offering 25% off its fares for those who travel between September 1 and December 16, 2009.

Mayor Holmes said that Sierra College held a President's Breakfast last week which he attended. He asked President Chavez to possibly establish a course for hospitality workers which could benefit the hospitality and tourism industry.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Warrants**

   By **RESOLUTION 09-57** ratify and approve Warrants # 72179 through 72395 totaling $1,727,511.11.

2. **Minutes**

   By **MOTION** approve City Council Minutes of March 23, April 6, 13, 16, 2009.

3. **Quitclaim Deed - Pathway Adjacent to City Parking Lot Opposite the Old State Theater**

By **RESOLUTION 09-58** authorize the execution of the quitclaim deed as the least costly means to allow the property owner to obtain salable title to the land. The land is a pathway adjacent to the City Parking Lot opposite the Old State Theater as shown on Exhibit A to the resolution.

4. **American Recovery & Reinvestment Act Funds under Federal Transit Administration**

By **RESOLUTION 09-59** authorize the Public Works Director to submit an application and execute an agreement to receive $185,000 in Federal Transit Administration 5307 funds under the American Recovery and Reinvestment Act of 2009.

5 **Technical Rock Climbing in Auburn State Recreation Area**

Council Member Powers asked for removal of the item from the Consent Calendar for discussion.

6. **Quarterly Report of Investments – Quarter Ending March 21, 2009**

Receive, review and file the "City of Auburn Quarterly Investment Report" for the quarter ending March 31, 2009.

********** End of Consent Calendar **********

By **MOTION** approved the Consent Calendar excluding Item 5. **MOTION: Hanley/Nesbitt/Approved 5:0**

5 **Technical Rock Climbing in Auburn State Recreation Area**

Council Member powers asked that the last sentence in paragraph 4 of the resolution be corrected to read, "whose survival is threatened by the current economic distress."

By **RESOLUTION 09-60,** as amended, request the California Department of Parks and Recreation, Goldfields District, to accelerate approval of technical rock climbing in the Auburn State Recreation Area. **MOTION: Hanley/Powers/Approved 5:0**

7. **Public Comment**

Richard Fong, 12110 Herdal Drive, Auburn, stated that he owns the Gold Rush Plaza Building at 111 Sacramento Street in Old Town. He said the

building has been flooded many times in prior years. He said over the years he has requested that City do something to prevent flooding. He said claims against the City have been filed in an effort to get the City to respond to the problem. He said the creation of the detention basin behind City Hall was supposed to avoid flooding in Old Town. He said on March 2, 2009 there was another flood. He asked Council how the situation can be resolved. He asked what procedures were in place to close the detention basin gates.

City Manager Richardson said that staff would return to Council with a report regarding implementation of the project.

Ralph Miller, 356 Riverview Drive, stated that his office is at 127 Agnes Street. He said that for over two years his neighborhood has had to contend with a "half demolished house at 159 River Street." He said it has become a shelter for the homeless. He said City staff has worked to initiate some security and clean-up but debris remains on the ground. He presented the Council with a petition from neighbors, visitors, property owners, tenants and others concerned about blight and unsightly street visibility. He said it is his understanding that the foreclosure on the property will occur at the end of the month. He asked that the City consider purchasing the property under the redevelopment process and repair the building for public use or demolish it. He suggested that the lot could provide parking. He asked for Council's consideration.

Mayor Holmes advised that the City would take a close look at the problem.

REPORTS

8. **Informational Reports from Staff**

Police Chief Valerie Harris presented her quarterly report. She outlined the activities of the department and provided a comparison with neighboring cities and the Sacramento area. She provided Council with a written document for its review.

She explained the various divisions of the department. She said there are currently four vacancies. She explained support services provided by the Reserve Officers Program as well as the Citizen Volunteer Program. She said the Office of Traffic Safety Avoid the 7 DUI Grant has been extended to October, 2009. She said the "Special Team" is still in place, but the focus is more within the department with limited functions and duties.

Chief Harris said the motorcycle officer has assisted in lessening the number of accidents. She said the bicycle details will be utilized during

the summer in the business districts, but is primarily used for parades and special functions at this time. She said the Gang Unit is the host agency for the area. She said regular meetings are held with the focus on gang activities, warrant searches and intervention to prevent the expansion of gang activities. Chief Harris discussed crime numbers and other statics provided in her written report.

Chief Harris advised the Council of the department's goals and focus for the year. She said those items will be (1) expansion of the teamwork concept (2) community outreach (3) identifying leading causes of at-risk issues (4) gang activity and (5) to make certain technologies and resources within the department are modernized.

Chief Harris responded to Council questions regarding (1) comparable crime rates (2) foot-patrol (3) reserve officers (4) vehicle collision areas (5) plan for response to school crime (6) volunteer data entry into the GIS system (7) gang activities (8) elder abuse and (9) parking enforcement.

9. **City Council Committee Reports**

Mayor Holmes reported that the Sierra Economic Development Corporation (SED Corp) held a business resources workshop in an effort to provide local businesses notice of available assistance. He said SED Corp. is also holding Business Boot Camps in various locations covering a number of topics. He said that he is hopeful that one of the sessions will be held in Auburn.

Council Member Hanley advised that the non-profit Congress for New Urbanism will have over a million dollars available to provide planning money to jurisdictions chosen by SACOG. He said he felt the City of Auburn has an advantage since it was instrumental in contributing to the form-base code handbook assembled by SACOG last year.

Council Member Nesbitt reported the PCTPA did not meet last month since several members were on the Cap-to-Cap trip. He attended as representative of PCTPA. He said he and Mayor Holmes met with Congressman McClintock and Senator Barbara Boxer's staff. He said he lobbied to help Auburn improve the Capital Corridor.

Council Member Nesbitt announced that the Youth Advisory Commission will make water efficiency presentations at Auburn Elementary and E. V. Cain schools next week. He said the Commission will put together an art show in the near future.

Council Member Powers announced that the Arts Commission will display youth art in July and August. The Commission will also be working on the streetscape design.

Council Member Kirby announced the upcoming Lions Club Golf Tournament, the Auburn Home Show, the Endurance Expo and the Antique Street Fair in Old Town. He said as a trial service the City will provide a shuttle between the fairgrounds, Old Town and Downtown. He said brochures will be passed out at all events and signs will be posted at all shuttle stops to advertise the shuttle service.

COUNCIL BUSINESS

10. **One-Way Designation on Finley Street**

Public Works Director Jack Warren introduced the item. He provided Council with the results of a survey of area residents reflecting their support, opposition or neutrality to keep Finley Street one-way. He said there was "no consistent line of thinking in the responses." However, he said, the overall response was that "it seems to be working." He said he realizes other problems need to be addressed, but recommended that Finley remain a one-way street. He said the recommendation from the Traffic Committee is to make permanent the designation of Finley as a one-way street.

Chief Harris said she did some additional follow-up with the school and the bus companies. She said Placer High School District expressed its support for the one-way designation. She said Durham Transportation stated that there have not been any complaints from drivers regarding the issue since the one-way designation was implemented. She said she also spoke with Martin Ward from Mid-Placer Transportation. Chief Harris said a survey will be given to the residents on Orange Street after the Finley Street issue is settled.

Council Member Kirby stated that one letter in opposition had not been reviewed by the Traffic Committee. He said he was not as concerned with the issue of Finley Street, but was more concerned with the resolution being a complete resolution. He said he felt the entire package should be brought to the Council including Orange Street, Hale Street and the surrounding areas.

Mr. Warren advised that at this point there is no solution to the Orange Street issues. He said it would be a long process to get something to the Council that would be agreeable to everyone. He said in the meantime the designation of Finley Street would not change; so that issue should be finalized.

Martin Ward, CEO for Mid-Placer Transportation, stated that the challenges drivers have faced were at the entrance to Finley Street. He said he supported Finley being a one-way street. He said the bus route direction exists due to the designated drop-off site on the right side of the street. He said it minimizes the number of students who need to cross the street.

John Knox said he had no argument against Finley Street. He said his concern is that traffic is shifted from Finley to neighboring streets and increases hazards to them. He said the problems on the other streets need to be addressed. He said there is a lot of foot traffic on the corner of Orange and Agard and the increased traffic presents a greater danger.

Mayor Holmes stated that possibly the entire area should be reviewed. He said he would not support making Finley Street one-way at this time.

Council Member Hanley said he questioned the alternative of no parking at all on Finley. Mr. Warren said it was discussed but parking is limited in the area. He said the only additional parking spaces are in the school parking lot above Stadium Way.

Council Member Nesbitt advised that he saw a problem long ago with Hale Street. He said he understood and appreciated the reduced incidents with the buses of broken mirrors on the Finley route. He said he would, however, like to see a study of the whole area. He said he would be in favor of extending the one-way for a year with further study of the area to be brought back to Council.

Council Member Powers stated that she had been on the Traffic Committee when the citizens asked for a solution to the problem. She said a variety of solutions were brought forth for the entire area. She said Council agreed to a one-year trial with a community survey to follow. She said in response to the survey the majority of the people supported the one-way street. She said they also asked for an additional study of the entire area. She encouraged the Council to support the resolution.

Council Member Kirby stated that the year trial has brought forth problems that may or may not have been evident in the beginning. He said it could be a mistake to make a final decision. He said a much wider area than Finley Street is impacted. He said he would support continuing Finley as a one-way street temporarily while working to achieve a complete solution for the entire area.

Council Member Hanley stated that, as a safety measure, the roadway should be permanently painted with arrows to prevent accidents.

By **RESOLUTION 09-61** designate Finley Street for one additional year period as a one-way street from High Street to Orange Street and direct the Traffic Committee to bring back recommendations for additional safety improvements for the entire area and install permanent paving markings on Finley Street. **MOTION: Hanley/Holmes/Approved 5:0**

11. **Auburn Recreation District Annual Report**

Kahl Muscott, Auburn Recreation District (ARD) District Administrator, advised Council of projects that have been completed, and will be completed, using City park mitigation fees. He named Mt. Vernon Park, renovation of the lifeguard house, and the creation of a pathway around Recreation Park as some of the projects. He also named other projects that ARD has underway that are not included in park impact fees. He said he would like to work with City staff regarding minor adjustments to the MOU. He asked for approval from the Council to have discussion with City staff about how to increase park development impact fees.

Council questions and comments followed regarding the (1) establishment of impact fees (2) nexus study (3) modification of fee increases and (4) impact fees to be spent within the City limits.

Curt Smith, member of ARD Board of Directors, stated that new facilities at existing parks need to be considered as well as new parks. He said increased fees would be of help. He asked that Council review the report to understand how the Board arrived at the suggested increase in impact fees.

Hear and accept the Annual Report from the Auburn Recreation District and by **MOTION** direct staff to enter into future discussions on Impact Mitigation Fees and the Memorandum of Understanding. **MOTION: Kirby/Powers/Approved 5:0**

12. **Proposed Resolution, by Councilman Hanley, Regarding American River Rafting and Nudity Regulations**

Council Member Hanley explained that with the closing of the Auburn Dam diversion, there has been more rafting and boating on the American River. He said, based on several Auburn Journal reports, there have been reports of a lot of nudity and sexual activity on a stretch of the River. He said families want to use and enjoy the river. He said the Auburn Journal articles indicated that the response from the Auburn State Parks and Recreation Area has been passive on enforcement. He suggested that a resolution be sent to the Superintendent of the Auburn State Recreation Area and encourage enforcement of the law.

Council Member Nesbitt stated that normally he would be more lenient about the nudity issue, but sexual activity is not compatible with the use of the river. He said he would support the resolution.

Council Member Powers stated that local television has reported the problem as well as the local newspaper. She said she would like to have television included in the resolution as well as the Auburn Journal. Council Member Hanley said that he would amend his resolution for the inclusion.

Council Member Kirby said the Auburn Recreation District had a similar problem with the bathrooms at Ashford Park. He said police presence altered the behavior. He said he was not trying to control people's behavior, except in public areas. He said in areas where family activities are encouraged, enforcement is a necessity.

Mayor Holmes stated that the local newspaper should be supporting all the positive events of the community. He said he was disappointed in that the Auburn Journal could have handled the issue differently rather than making it major headlines.

By **RESOLUTION 09-62** petition the Superintendent Jay Galloway, Chief Parks Department Official for the Auburn State Recreation Area, and State Park Rangers to actively work to help ensure that families can fully enjoy and have fun boating and rafting on the American River by making it absolutely clear that Section 4322 will be enforced on those sections of the river where boaters and rafters are likely to use the river, and add a whereas clause regarding television coverage. **MOTION: Hanley/Kirby/Approved 5:0**

ADJOURNMENT

Mayor Holmes announced that the next regularly scheduled meeting is May 25, 2009. He said that Memorial Day is observed that day. He advised that the meeting will be moved to Tuesday, May 26, 2009.

Mayor Holmes, without objection, adjourned the regular session of the Auburn City Council at 8:45 p.m. to reconvene the closed session.

Existing Litigation:

G.C. 54956.9(a)

Auburn POA V. City of Auburn et al
Placer County Superior Court Case No. SVC 24900

REPORT OUT OF CLOSED SESSION

The Council returned to open session at 8:53 and the City Attorney announced that the Council had authorized the City's labor counsel to defend the lawsuit entitled Auburn Police Officers Ass'n v. City of Auburn, et al. The Council then adjourned, without motion and by consensus, at 8:55 p.m.

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk