Item 1

CITY COUNCIL MINUTES
July 27, 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, July 27, 2009 at 5:30 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, Bill Kirby, Bridget Powers, J. M. Holmes

Council Members Absent: None

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

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6: **MOTION: Nesbitt/Powers/Approved by Voice**

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

REPORT OUT OF CLOSED SESSION

Mayor Holmes announced that instructions were given to the negotiators with regard to the bargaining units.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Holmes advised that hangars are under construction at the airport. He said the East Hangar Project is progressing nicely.

Mayor Holmes said that, with regard to the parking study, he has asked City staff to return unassigned reserve parking spaces to open parking. He said a number of City parking lots have spaces reserved for paid parking that are not being utilized.

Mayor Holmes said he had previously appointed an ad hoc committee to review the City's committees, commissions and boards. He said it is his hope to receive a preliminary report by the next regularly scheduled Council meeting on the 10th of August.

AGENDA APPROVAL

Item No. 9 was removed from the agenda by Mayor Holmes at the request of City Manager Robert Richardson.

CONSENT CALENDAR

1. **Minutes**

   By **MOTION** approve City Council Minutes of June 22, 2009.

2. **Indian Hill Road Overlay Project**

   Removed for clarification from Consent Calendar by Mayor Holmes.

3. **Agreement and Grant of Easement to PCWA for the East Area Hangar Waterline Extension Project**

   By **RESOLUTION 09-88**

   A. Authorize the Director of Public Works to execute Agreement No. 2444, Revision No. 1, with Placer County Water Agency.
   B. Authorize the Director of Public Works to record the Grant Easement and legal descriptions for the East Area Hangar Waterline Extension Easement to Placer County Water Agency.

4. **Surplus City Equipment**

   By **RESOLUTION 09-89** declare as surplus to the City's needs the equipment listed on Exhibit A and direct staff to contract with an auctioneer to assist the City in disposal of equipment or properly dispose of items.

5. **2009-10 Street Overlay Project – Permission to Advertise**

   Removed from the Consent Calendar for clarification by Mayor Holmes.

6. **Maintenance and Service Contract for Police Department Radio/Communications System**

By **RESOLUTION 09-90** authorize the City Manager or his designee to execute a one-year renewal contract with ComTech Communications for ongoing maintenance and repair service of all components comprising the Auburn Police Department communications system not to exceed the amount of $15,000.

7. **Central Valley Information Sharing System (CVISS) / COPLINK Memorandum of Understanding (MOU)**

By **RESOLUTION 09-91** authorize the Auburn Police Department to enter into memorandums of understanding with the Central Valley Information Sharing System (CVISS) and the Sacramento County Sheriff's Department for system cost sharing.

8. **Acceptance of Quitclaim Deed – Re: Alley off of Knoll Street**

By **MOTION** ratify the Acting City Manager's acceptance of quitclaim deed as a courtesy to the heirs of the original subdivider so they need not be involved in the *Fisher* lawsuit and to reduce the cost of defending that suit by eliminating unnecessary parties.

9. **Auburn Firefighters' Association Memorandum of Understanding**

Removed from agenda.

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

By **MOTION** approve the Consent Calendar excluding Items 2, 5 and 9.
MOTION: Nesbitt/Powers/Approved 5:0

2. **Indian Hill Road Overlay Project**

Mayor Holmes stated that he asked for a discussion on the overlay projects for clarification. He said when he looked at the details for the Indian Hill Project, he was not certain how much the City had to pay in matching funds to receive Federal monies. He questioned if there was any overlay work to be done beyond the Indian Hill project.

Engineering Division Manager Schroeder stated that the project is one of possibly three projects. She said there is approximately $752,000 available in funding. She said the Indian Hill Project is specific because it is on a Federal Aid Highway.

Transit Analyst Megan Siren stated that the City will receive $906,251.00 in Federal funding. She said the City will be required to match 11.47% of the total project. She said the Indian Hill Project is more than the required local match. She said the City is contributing $330,000 more for the local match to finish the project.

Ms. Schroeder advised that Item 5 is specific to the Indian Hill Project and will allow for advertising the project. She said the next areas for overlay projects will be part of Robie Point and then a portion of Auburn-Folsom Road.

By **RESOLUTION 09-87** authorize the Director of Public Works to execute the Program Supplement No. N009 for Project Number STPL-5077 (015), in the amount of $106,251 for the Indian Hill Road Overlay Project. **MOTION: Powers/Nesbitt/Approved 5:0**

5. **2009-10 Street Overlay Project – Permission to Advertise**

By **MOTION** authorize the Director of Public Works to advertise for the 2009/10 Street Overlay Project. **MOTION: Nesbitt/Powers/Approved 5:0**

10. **Public Comment**

Karen Green, Coordinator of the Placer County Peer Court Program, asked for Council assistance. She said that Placer County Superior Court was unable to obtain funding for the project this year due to the current economic constraints. She said the program goal is to keep youth out of the juvenile justice system. She said the program is extremely cost-effective. She said the recidivism rate is extremely low. She asked that the item be placed on a Council agenda for further discussion. She said the total budget for the Peer Program is approximately $186,000. She explained that the funding came from a variety of sources.

Mayor Holmes congratulated Ms. Green on the work she has done. He said he is aware that the City has been asked to make a contribution of $20,000 to support the project. He said he would like to know how many peer court juveniles are residents of the City of Auburn. Ms. Green said that she should be able to provide that information to the Council.

Council Member Hanley clarified that the $100,000 taken away by the Placer County Superior Court is money normally provided by the State. Ms. Green responded that the cut is partially due to the State but that there are other funding issues at the Court that are being reviewed.

Ms. Green advised Council Member Kirby that the program is $100,000 short. She explained that if the City provided $20,000 in funding and she was not able to get additional funding, the money would be returned to the City. She said funding is being sought from other cities within the County, through the Administrative Office of the Courts, and various other agencies and organizations. She said the program is also trying to decrease costs wherever possible.

Mayor Holmes advised that staff will review the issue and asked that Ms. Green provide additional details such as juvenile City residents that have used the program.

Council Member Kirby stated that he has personally seen many children go through the Peer Court process and that it is a very positive program. He asked that the issue return to the Council as an action item for discussion.

PUBLIC HEARING

11. **Tattoo Shop Ordinance Amendment (Admin File 301.3 (s))**

Assistant Planner Intern Joseph Scarbrough introduced the item. He said based on the draft tattoo ordinance, shops would be conditionally permitted only in the C-2 and C-3 zones. He explained the distance restrictions from other zones and business types. He said the Planning Commission approved the draft ordinance unanimously.

Council questions followed regarding (1) current applications (2) effect on existing tattoo parlors (3) the relevancy of the California Penal Code cited (4) consistency with other communities that have similar ordinances (5) evidence of more police calls in areas of tattoo shops (6) location restrictions (7) beauty parlors that provide "permanent make-up" (8) enforcement of specific body-part tattooing (9) areas of tattoo parlor exclusion (10) church relevance to nearby businesses (11) limiting tattoo businesses to a specific area (12) inspection of businesses (13) what initiated the proposed ordinance and (14) hours of operation.

Chief Valerie Harris said there have been some reports, regarding a prior business, of activity occurring in the morning hours which included foot traffic and loud noise. She said there is concern with sex registrants regarding the tattooing of specific body areas.

Dan Sokol, 1330 Deerwood Place, stated that the tattoo ordinance would exemplify "intrusive government." He said action on this item would show preference to one type of legitimate business over another type. He said tattooing is no longer disreputable in present day society. He said it is a

"far stretch to churches having any effect on the objections to a tattoo parlor." He said the entire ordinance is subjective and there is no evidence that it is a safety problem.

Dawson McDaniels stated that he is in the process of finalizing his business license for 640 Lincoln Way. He said he utilizes various mediums for the arts, many for charities and non-profit organizations. He said tattoo shops do not pollute the neighborhoods and do not negatively impact the community. He said the only issue he ever had at a prior location was parking-related.

Tanya Hibbard, 135 Finley Street, said that she found the discussion "incredibly offensive." She said she was concerned that a place she would visit would be deemed to have a negative impact on the community. She said many outstanding members of society have tattoos. She said the tattoo business is the second fastest growing business in the country. She said she had researched the impact of tattoo businesses and none of the cities involved were able to identify an increase in crime due to tattoo parlors.

Council comments followed regarding (1) technicalities of the ordinance (2) purpose of the ordinance (3) imposition of personal opinions (4) restriction of business competition (5) definition of tattoo services (6) clustering of shops (7) use permits (8) limited hours of operation and (9) lack of evidence of problems related to tattoo shops.

By **MOTION** postpone consideration of the ordinance until further notice.
MOTION: Hanley/Powers/Approved by Voice

REPORTS

12. City Council Committee Reports

Council Member Powers thanked all attendees at the Economic Development Commission and the Streetscape groundbreaking ceremony.

Council Member Powers advised that the Arts Commission was scheduled to report that evening. However, due to staff illness, it was postponed to August 24, 2009. Mayor Holmes asked if it could be presented on August 10, 2009 since he would not be in attendance on the 24th. Council Member Powers said the report will be presented on the 10th.

Council Member Kirby advised that he has been attending many of the committee and commission meetings in order that he and Council

Member Hanley will be able to report to Council next month on their findings.

COUNCIL BUSINESS

13. **Airport Water Connection Fee**

Public Works Director Jack Warren advised that, when the Airport East Hangar project began, the City agreed to construct a water line for fire-protection purposes. He said the understanding was that the City would be repaid for the investment. He said prospective tenants were told that there would be a sur charge on the building permits to recoup the costs. He said the fee needed to be put into effect immediately so that the Building Department may attach the fees as the hangar builders obtain their permits. Mr. Warren advised that with the inclusion of both Phase I and Phase II, repayment is estimated at 100%.

A. By **RESOLUTION 09-92** adopt an "Airport Water Connection Fee;" and

B. Introduce and waive first reading of an **ORDINANCE** adding Section 51.03, regarding the Airport Water Connection Fee to Chapter 51 of the Auburn Municipal Code. **MOTION: Hanley/ Powers/Approved 5:0**

14. **Wastewater Treatment Plant Operations Contract**

Public Works Director Warren introduced the item. Mr. Warren advised that the Council had authorized a one-month extension to the contract on June 6, 2009. He said the City's bond counsel and the City's risk management personnel are also involved along with attorneys for the City and OMI. Mr. Warren explained the details of the amendment to the existing contract. He said staff recommended approval with the understanding that the final details will meet with the satisfaction of all parties involved.

Council questions followed regarding (1) the amendment (2) contract duration (3) employee compensation within the direct cost budget (4) management fee and (5) contract language finalization.

By **RESOLUTION 09-93** authorize the Director of Public Works to execute a contract and Amendment No. 1 with CH2M Hill OMI for operations, maintenance and management of the City's Wastewater Treatment Plant.

The final contract will be subject to legal review and minor revisions by the City Attorney relating to compliance with the City's tax exempt financing

options and insurance issues. **MOTION: Powers/Kirby/Approved 4:1 (No; Hanley)**

15. **Placer County Animal Control Services Contract Renewal**

Police Chief Valerie Harris introduced the item. She said it is a three-year contract that will continue to maintain the same service levels provided previously. She said the County provides for shelter care and service during hours when City personnel are not available.

Council questions followed regarding (1) the City's animal control officer (2) an update on County's plan to build a new shelter (3) average overages to the contract (4) an increase of abandoned animals and (5) the total contract amount.

By **RESOLUTION 09-94** approve the Placer County Health and Human Services Contract with the City of Auburn for animal control services from July 1, 2009 through June 30, 2012. **MOTION: Hanley/Nesbitt/ Approved 5:0**

ADJOURNMENT

Mayor Holmes, without objection, adjourned the meeting at 7:47 p.m. to the Joint meeting of the Auburn Public Financing Authority and the Auburn City Council.

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk

JOINT MEETING AUBURN CITY COUNCIL
AUBURN PUBLIC FINANCING AUTHORITY MINUTES
July 27, 2009
JOINT SESSION

The Joint Session of the Auburn City Council and the Auburn Public Financing Authority was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 27, 2009 at 7:47 p.m. with Mayor/Chair J. M. Holmes presiding and City Clerk/Secretary Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL: Auburn City Council
Auburn Public Financing Authority

Council/Authority Members Present: Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes

Council/Authority Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath

1. **Public Comment**

None

2. **Minutes**

By **MOTION** approve the September 22, 2008 minutes of the Joint Session of the Auburn City Council, the Auburn Urban Development Authority and the Auburn Public Financing Authority. **MOTION: Hanley/Nesbitt/Approved 5:0**

3. **Authorization to Issue Revenue Bonds to Finance Wastewater Treatment Facility Improvements and Upgrades**

Administrative Services/Finance Director introduced the financing team that facilitated the transaction. He thanked Public Works Director Warren

and Engineering Division Manager Schroeder and the City's Wastewater Treatment Consultant Dan Rich for their assistance with the project. Mr. Heath advised Council of the purpose and rationale for securing the debt. He explained the use of the bond proceeds and the anticipated structure of the bonds. He recommended specific actions and provided significant future financing dates.

Mayor Holmes thanked everyone involved with the project. He said he was pleased with the double A minus rating.

Council questions followed regarding (1) the decision as to whether or not purchase bond insurance (2) Build America Bonds and (3) community notification of the bond sale.

A. By **AUBURN CITY COUNCIL RESOLUTION 09-95** authorize documents and official actions relating to the installment sale financing of Wastewater System Facilities and the issuance and sale of Wastewater Revenue Bonds by the Auburn Public Financing Authority. **MOTION: Nesbitt/Hanley/Hanley/Approved 5:0**

B. By **AUBURN PUBLIC FINANCING AUTHORITY RESOLUTION 09-01** authorize the issuance and sale of Wastewater Revenue Bonds to finance Wastewater System Facilities and approve related documents and official actions. **MOTION: Nesbitt/Hanley/ Hanley/Approved 5:0**

ADJOURNMENT

Mayor/Chair J. M. Holmes, without objection, adjourned the meeting at 8:12 p.m. to the meeting of the Auburn Urban Development Authority.

J. M. Holmes, Mayor

J. M. Holmes, Chair

Joseph G. R. Labrie, City Clerk

Joseph G. R. Labrie, Secretary