CITY COUNCIL MINUTES
August 9, 2010
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, August 9, 2010 at 6:00 p.m. with Vice Mayor Kirby presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: J. M. Holmes, Kevin Hanley, Bill Kirby, and Keith Nesbitt (Mayor Powers arrived at 6:10 p.m.)

Council Members Absent: none

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Public Works Director Bernie Schroeder, Administrative Services Director Andy Heath, Police Chief Valerie Harris, Police Captain John Ruffcorn, Associate Planner Lance Lowe and Senior Planner Reg Murray.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6
MOTION: Hanley/ Holmes/ Unanimously Approved by Voice (Powers Absent)

(1) **CONFERENCE WITH LABOR NEGOTIATORS**
G.C. 54957.6

Agency Designated Representatives: Robert Richardson, David Mackowiak

Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION
No reportable action.

PLEDGE OF ALLEGIANCE

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

CONSENT CALENDAR

Council Member Holmes and Council Member Nesbitt requested item 5 be removed from the consent calendar for separate vote in which they will recuse themselves due to the proximity of their properties to the project.

1. **Minutes**

   By **MOTION** approve City Council Minutes of July 26, 2010 and August 2, 2010.

2. **Establishment of the Auburn Sergeants Association**

   By **RESOLUTION 10-93**, recognize the Auburn Sergeants Association as a Certified Employee Organization representing the City of Auburn Police Sergeants.

3. **Public Works Professional Services Agreement – Bennett Engineering**

   By **RESOLUTION 10-94**, authorize the City Manager or his designee to execute the Professional Services Agreement with Bennett Engineering to provide consulting services.

4. **Falcons Point Sewer Pump Station – Consultant Agreement for Construction Related Services**

   By **RESOLUTION 10-95**, authorize the Director of Public Works to execute a consultant agreement with Giuliani & Kull, Inc. for construction related services for the Falcons Point Sewer Pump Station in an amount not to exceed $14,350.

5. **2010-11 Street Overlay Project – Environmental Determination and Permission to Advertise**

   Removed from consent calendar. Moved to item 15a.

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

By **MOTION**, approve the consent calendar consisting of items 1-4.
MOTION: Hanley/ Nesbitt/ Approved 4:0 (Powers absent)

6. **Public Comment**

Michelle Smith, resident on Live Oak Lane in Auburn and manager of a business in the Central Square area, spoke about the building department's codes and the effect on her business.

Michael Otten, resident on Snowy Owl Way in Auburn, spoke about a successful "Heritage Trail" day. He also said the Placer County exhibit at the California State Fair won multiple awards.

*****Mayor Powers arrived at 6:10 p.m. and led the rest of the meeting*****

Council Member Nesbitt said he attended an unveiling at the Sisters of Mercy for a labyrinth they created on their land. He said it was well attended.

REPORTS

7. **City Council Committee Reports**

Council Member Holmes said he will be meeting with the United Auburn Indian Community August 10th to finalize their art that will be placed in Central Square. He also reported that the Sierra Economic Development Corporation held a substantial briefing regarding public/private partnerships for funding options for major infrastructure projects.

Council Member Hanley reviewed the latest projects being held by Project Canyon Safe. He said **Western City** Magazine will be highlighting Project Canyon Safe in its October issue.

Council Member Nesbitt reported he attended the Auburn Recreation District meeting where they discussed how to secure funding in the future. He also reported on a committee that has been working on a video proposal to bring the AMGEN tour to Auburn as a tour start city.

Council Member Kirby reported on another successful Auburn Movie Night. He said the last movie of the season is going to be held soon.

Mayor Powers reported that the Placer County Economic Development Commission is looking for an additional member of their board from the healthcare community. She also said the Airport Business Park Association's next meeting is in September 2010.

COUNCIL BUSINESS

8. **Mercy Auburn Senior Apartments – Lot Split, Design Review Permit, Use Permit, and Tree Permit (585 Sacramento Street) - (Files LS 10-1; DRP 10-1; UP 10-1; TP 10-1)**

Senior Planner Reg Murray presented this item. (Presentation available in City Clerk's office)

Questions from the Council followed: (1) existing facility height, (2) maximum height, (3) limiting parking, (4) senior defined as "62 and older," (5) public transportation availability, (6) remaining open space, (7) local demand for this type of facility, and (8) affordable housing requirements.

Rich Ciraulo, with Mercy Housing, reviewed the history of the Sisters of Mercy. He said Mercy housing will serve as the developer, owner, property manager and services provider at the site representing a long-term commitment. He showed some of the recent properties Mercy Housing has developed. He said they have surveyed multiple property managers regarding parking requirements finding the ratio under 1 car per tenant is appropriate for a low-income senior housing project as is proposed. He said there are no future plans to develop anything else on this property.

Chris Lamen of Chris Lamen and Associates (architect for the project) spoke about minimal parking demand on the 12 low income projects he has been involved with. He explained why the parcel was chosen for the project. He said the building coverage is 15% of the site, road coverage is 30% and the remaining 55% is open space. He explained the dimensions of the building.

Sara Ough, resident in Auburn, spoke in opposition of the low-income housing at the proposed site.

Janis Forbes, resident in Auburn, asked about the architecture of the building.

Kathleen Harris, resident in Auburn, spoke in opposition of the 3-story development.

Joseph Tucciarone, resident in Auburn, spoke in favor of this project as presented.

Chris Lamen reported that the style is a Spanish style to be compatible with the structure currently on the property. He also spoke about the height and roof line of the building.

Council Member comments followed regarding support of this senior low income housing project.

A. By **RESOLUTION 10-96**, approved the Mercy Auburn Senior Apartment project (Files # LS 10-1; DRP 10-1; UP 10-1; TP 10-1) as presented which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the Lot Split, Design Review Permit, Use Permit, and Tree Permit as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;

2. Adoption of a Mitigation Monitoring and Reporting Plan (MMRP) implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) and Guidelines;

3. Adoption of Findings of Fact for approval of the Lot Split, Design Review Permit, Use Permit, and Tree Permit as presented in the staff report; and,

4. Approval of the Lot Split, Design Review Permit, Use Permit, and Tree Permit as presented in the Staff Report and in accordance with the Conditions of Approval.

MOTION: Holmes/ Hanley/ Approved 5:0

Council recessed for 5 minutes

9. **Amendment of Outdoor Seating/Encroachment Permit Guidelines to Expand Outdoor Seating Beyond Streetscape Phase I and Other Public Areas Within The Old Town and Downtown Historic Districts**

Lance Lowe presented this item (presentation available in City Clerk's Office).

Council Member questions followed regarding: (1) downtown historic district, (2) time line for permits, (3) cost, and (4) turn-around time for Council approval.

Richard Yue, resident in Auburn, spoke in opposition of the language in permit guidelines.

Hank Gonzales, resident of Auburn, spoke is opposition of using the public park for private outdoor seating.

Gary Moffat, owner of Carpe Vino in Old Town Auburn, spoke in opposition of the permit, stating it would only benefit a single business.

Council Member comments followed: (1) public right-of-way vs. public park, (2) including public parks in areas in which restaurant seating permits will be allowed, (3) situations that would require Council approval, and (4) other benefits with this type of permit.

By **MOTION**, item 9 is moved until after item 10 is decided.
MOTION: Hanley/ Nesbitt/ Approved 5:0

By **RESOLUTION 10-97**, (Exhibit A) amend the Outdoor Seating/ Encroachment Permit Design Guidelines as modified by the City Council, which includes the following actions:

1. Adoption of a Statutory Exemption, prepared for the Outdoor Seating / Encroachment Permit Guidelines as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and,

2. Amendment of the Outdoor Seating / Encroachment Permit Guidelines to expand outdoor seating beyond Streetscape Phase I and other public areas within the Old Town and Downtown Historic Districts. (removing "parks and the like")

MOTION: Holmes/ Kirby/ Approved 4:1 (Nesbitt voted "no")

10. **Consideration of an Encroachment Permit for Tsuda's Eatery, LLC, to Establish Outdoor Seating in Hershel Young Park in accordance with the Outdoor Seating Guidelines**

Associate Planner Lance Lowe presented this item (available in City Clerk's office).

Council Member questions followed regarding garbage disposal responsibilities and the enforcement of such.

Alexandra Hastings, owner of Tsuda's in Old Town Auburn, said she currently cleans the park on a daily basis. She said she does not want an exclusive right for her business but just a park that the community and her customers will all be able to utilize.

Richard Yue, representing his mother who lives on Lincoln Way above Hershel Young Park, spoke about concerns about foot traffic on her property. He also expressed concern over the transformation of the park.

Karen Rice, resident on Racetrack Street in Auburn, spoke in opposition to making the park available for restaurant seating.

Hank Gonzales, resident of Auburn, asked about whether there would be waiters / waitresses in the park and menus on the table.

Debra Oldziewski, resident on Ginger Street, spoke in opposition of making the park available for restaurant seating.

Gary Moffat, owner of Carpe Vino in Old Town Auburn, said the applicant has made the park look exclusive with lights, tables and signs. He said a public park paid for by all the tax payers in the community should not be converted to private use of a single business.

Janice Forbes, resident in Auburn and owner of property in vicinity of the park, said the park was not being used prior to the applicant's improvements. She said she is in favor of using the park for restaurant seating.

Pat Brown, spoke in favor of using the park for restaurant seating.

Kathleen Harris, resident on Lincoln Way and business owner, spoke in favor of the applicant and the applicant's involvement in the park.

Alexandra Hastings said the preservation of the park is very important to her. She said she does not plan to have servers working in the park 7 nights a week.

Hank Gonzales said the City has been keeping the park clean for years. He also said if the park were a dining area, public health would be a concern due to animals in the park.

Council Member comments followed: (1) purpose of encroachment permit, (2) sign requirements, (3) current use of the park, (4) "first and foremost a public park," (5) liability for incidents in the park, (6) menus on tables, (7) temporary permit, (8) table service, (9) Old Town Business Association's involvement, and (10) sunset clause.

Linda Robinson, business owner in Old Town, spoke in favor of outdoor seating. She addressed the minutes of the OTBA meeting and the extension of the permit.

By **RESOLUTION 10-98,** (Exhibit A) approve the issuance of an Encroachment Permit as modified by the City Council, which includes the following actions:

1. Adoption of a Statutory Exemption, prepared for the Encroachment Permit as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and,

2. Approval of an Encroachment Permit for Tsuda's Eatery, LLC, to establish Outdoor Seating in Hershel Young Park in accordance with the Encroachment Permit Conditions of Approval.

3. Revise condition of approval #3, sign to read: "Hershel Young Park: Open to the Public," revise condition #6 to direct staff to work out a cost-sharing arrangement for the disposal of additional trash in the area.

4. Add an additional condition: (#11) City staff shall have the authority to review the operation and to impose additional conditions as necessary to ensure the public is not discouraged from using the park.

5. Permit will expire in 60 days and a review of the operation will take place.

MOTION: Hanley/ Holmes/ Approved 4:1 (Kirby voted "no")

The Council then discussed and acted in item 9 as reflected above.

11. **City Employee Wage and Benefit Transparency**

Council Member Hanley presented this item. He suggested listing all salary information by classification within the City, including management, on the website.

By **MOTION**, place on the City's website wage and benefit levels for each employee classification including Council Members and other elected officials in the City, summaries should also include the value of total compensation adding wages and all the various level of benefits and will include benefits by bargaining unit.

MOTION: Hanley/ Holmes/ Approved 5:0

12. **Ordinance Allowing City to Bar Animals from Public Buildings**

Council Member Kirby said the City currently has no way to enforce rules in City Buildings. He said this ordinance will provide guidelines for City Buildings.

By **MOTION** introduce and hold a first reading for an ORDINANCE adding a new Section 35.03 to the Auburn Municipal Code to authorize the Council to adopt by resolution rules governing conduct in City buildings.

By **RESOLUTION 10-99**, approve initial rules to be enforced in City buildings which (i) bar animals from City buildings other than service animals assisting the disabled or police dogs and (ii) bar unauthorized presence in City buildings.

MOTION: Kirby/ Hanley/ Approved 5:0

13. **Recodification of the Municipal Code**

City Attorney Michael Colantuono presented this item.

By **MOTION**, waive full reading and introduce the attached **ORDINANCE** to recodify the 2005 Auburn Municipal Code, as amended through August 9, 2010 (through and including Ordinance No. 10-08).

MOTION: Nesbitt/ Holmes/ Approved 5:0

14. **Attendance at the League of California Cities Annual Conference and Selection of a Voting Delegate**

City Manager Bob Richardson presented this item.

By **MOTION**, no representative will be sent to the League of California Cities Annual Conference, but the Council will review the potential resolutions that have been raised to decide whether the Council will support them.

MOTION: Hanley/ Holmes/ Approved 5:0

15. **SHAAC Recommendations**

Council Member Nesbitt presented this item. He said SHAAC approved of the 10 names that the work group submitted of people involved in founding Central Square. He said the idea is to use 10 tiles to highlight these names.
Council Member Nesbitt said the cost will be $300 a tile to engrave.

Council Member Hanley said the tiles are "off track". He said the tiles should be of interest by tourists and Auburn residents. He said these tiles are not interesting.

Council Member Nesbitt said another option is to use 2 tiles to list all ten names with no details of who the people were.

Council Member Kirby said more information on these people could be available on other sources other then tiles.

Council Member Hanley suggested engraving the tiles with interesting facts of Auburn. He said stories will create more interest over names.

Mayor Powers said she would like to see the names in a smaller area, maybe two tiles.

By MOTION:
1. Approve the 10 names to be engraved in tiles at Central Square.
2. Approve the location of the 10 tiles.

MOTION: Holmes/ Kirby/ Motion Failed 1:4 (Holmes voted "yes")

Council Member Nesbitt motioned to list the 10 names on 2 tiles instead. After further discussion, he withdrew the motion.

Council Member Nesbitt said with the direction given, he will take it back to the SHAAC committee for further discussion.

Council recessed for 5 minutes

15a. 2010-11 Street Overlay Project – Environmental Determination and Permission to Advertise

Council Member Holmes and Council Member Nesbitt recused themselves because their properties are within 500 feet of the project. By **RESOLUTION 10-100**, find the 2010-11 Street Overlay Project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (c) Existing Facilities.

By **MOTION**, authorize the Director of Public Works to advertise for bids on the 2010-11 Street Overlay Project.

MOTION: Hanley/ Kirby/ Approved 3:0 (Holmes & Nesbitt absent)

Mayor Powers, without objection, adjourned the meeting at 9:55 p.m. to meeting of the Auburn Urban Development Authority.

Bridget Powers, Mayor

Joseph G. R. Labrie, City Clerk

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