CITY COUNCIL MINUTES
July 22, 2013
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 22, 2013 at 6:21 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:30 p.m. for closed session.

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Assistant City Attorney Michael Cobden, Community Development Director Will Wong, Senior Planner Reg Murray, Associate Planner Lance Lowe, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Interim Finance Director Anna Jatczak and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6
MOTION: Holmes/Nesbitt/Unanimously approved

1. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson

Employee Group: All Units

2. **Conference with Legal Counsel; Existing Litigation**
(Gov. Code § 54956.9(d)(1))

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Name of Case: Auburn Police Officers' Association v. City of Auburn
Names of Parties: Auburn Police Officers' Association, City of Auburn

Case No.: Third District Court of Appeal Case No. C067972

REPORT OUT OF CLOSED SESSION
Mayor Hanley announced no reportable actions.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Hanley presented a certificate of appreciation to Mike and Rhonda Guess for their efforts in keeping Auburn-Folsom Road clean.

AGENDA APPROVAL

City Manager Bob Richardson requested item 2 be removed and postponed to a future agenda. The remainder agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Auburn Municipal Airport 2013 Capital Improvement Project – Col. Bud Anderson Drive – Access Road Motorized Gate – Permission to Advertise**
   By **MOTION**,
   1. Advertise for the Auburn Municipal Airport 2013 Capital Improvement Project – Col. Bud Anderson Drive Access Road Motorized Gate.
   2. Apply for federal assistance to fund the project.
   3. Find the 2013 Auburn Airport Capital Improvement Project (Col. Bud Anderson Drive – Access Road Motorized Gate) categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction) and Section 15311 (Accessory Structures).

2. **Labor Agreements for the Auburn Employee Association and City Hall Employees Association**

   Removed from the agenda.

3. **Contract for Interim Finance Director**

   By **RESOLUTION 13-80,** approve the contract for Interim Finance Director with Anna Jatczak.

4. **Corporation Yard Equipment Purchase - Chipper**

By **RESOLUTION 13-81,** authorize the Director of Public Works to purchase a chipper from RDO Equipment Co. in an amount not to exceed $39,000.

5. **Ratification of Placement of 2013/2014 Sewer Assessments on Tax Roll**

By **RESOLUTION 13-82,** ratify the City Council action taken on June 24, 2013 to place sewer service charges for Fiscal Year 2013/2014 on the County of Placer Tax Roll.

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

By **MOTION**, approve the consent calendar excluding item #2.
MOTION: Holmes/Nesbitt/Approved 5:0

6. **Public Comment**

Council Member Nesbitt congratulated the organizers of the Library Concert Series on another successful event.

PUBLIC HEARING

7. **Appeal of the Historic Design Review Commission's Denial of a Historic Design Review Permit for a Wall Mural Proposed at 153 Cleveland Avenue**

Associate Planner Lance Lowe presented the item. He said this is an appeal of the Historic Design Review Commission's denial of a permit for a wall mural located at 153 Cleveland Ave. This item was heard at the June 18, 2013 HDRC meeting. He said the mural is planned to cover the entirety of the wall which is 18 x 40 feet in length. He described the design plan of the mural. He reviewed conditions of approval for the mural.

Council Member Holmes asked why the HDRC denied the mural. He asked if private murals need to be consistent with the Streetscape zoning and if this mural was considered private or public.

Lance Lowe explained that four of the commissioners believed the mural was not consistent with the historic district itself. He said he did not verify the streetscape zone in this area due to this being a private mural.

City Attorney Michael Colantuono said the Council adopted the streetscape zone standards to guide the City's decisions in how to improve the areas. He said it was not adopted in the zoning ordinance as a regulation of uses of private property. He said those standards cannot be applied to this application tonight because this application comes

under the zoning ordinance and those standards are not in the zoning ordinance.

Council Member Powers asked about the colors to be used on the mural, permission to paint the mural, HDRC boundaries, opposition or support letters, and life of the mural.

Lance Lowe said the applicant agreed to use more muted colors to reduce the brightness of the mural. He said the applicant received permission from the property owner to paint the mural. He said this building is not identified as having any historical significance, but falls on the inside border of the historic design review district.

Council Member Kirby asked how the Depot Bay mural differs from this mural.

Lance Lowe said the Depot Bay mural was publicly funded.

Louis Buchetto, the applicant, addressed his mural project. He said the HDRC made it clear they did not want his mural in the historic district. He said the location is drab and needs light. He said he has community and business support of this mural.

Council Member questions followed to Mr. Buchetto regarding his art and the location he decided upon.

Barbara Van Helix, resident on Reamer Street, spoke in favor of the mural.

Council Member Kirby said the mural will brighten the area it is being proposed.

Council Member Powers said the art meets the guidelines the artist needs to adhere to.

Council Member Holmes said he has reservations about the mural. He said there could be better locations for the mural. He spoke about the poorly completed petition presented.

Council Member Nesbitt said the HDRC was right by denying the mural. He said it does not follow the Streetscape theme.

Mayor Hanley said spoke about the Streetscape Master Plan and its intentions in the future improvements of the city through redevelopment. He said he likes the mural and thanked the artist for wanting to beautify the town.

A. By **RESOLUTION 13-83** uphold the appeal, thereby approving the Historic Design Review Permit for the Wall Mural, based upon substantial evidence in the public record, which includes the following actions:

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

2. Adoption of Findings of Fact to uphold the appeal and approve the Historic Design Review Permit; and,

3. Approval of the Historic Design Review Permit in accordance with the Conditions of Approval as presented in the Staff Report.

MOTION: Powers/Kirby/ 3:2 (Nesbitt and Holmes voted no)

8. **Ordinance Amendment – Emergency Shelter Overlay Zone District and Transitional and Supportive Housing**

Senior Planner Reg Murray presented this item. He said this is an item that was previously discussed, and recapped the issue. He said tonight's discussion is regarding the code amendment necessary to create a zone overlay district. He said that this is not a proposal to build an emergency shelter and it does not require the City to provide for or fund an emergency shelter, it solely establishes an overlay which adds to the existing zone district that would allow for an emergency shelter for the homeless. He spoke about the development standards which are included as part of the code. He spoke of the amendments made to the development standards including facility management, facilities provided, and the operations plan. He spoke about the occupancy limits and the 2013 "point in time" homeless survey. He then reviewed the code amendments needed to address temporary shelters. He reviewed the background and past discussions regarding temporary shelters.

Council Member questions followed regarding the Planning Commission's actions and the most recent homeless survey.

Discussion then followed regarding this item and the related two items to follow.

Reg Murray then provided brief presentations for both item 9 and 10 (Nevada Street and Wall Street rezone proposals). He said the Planning Commission recommended denial on both locations. He said they support the M2 zone as originally proposed.

Council Member Holmes asked if SB2 was passed in 2007, why this hasn't been dealt with earlier. He also asked when the deadline is to have the housing element completed. He said he is concerned other areas in the City have not been looked at. He asked about working with Placer County for a multi-jurisdictional approach.

Council Member Nesbitt asked about the occupancy limits and restrictions in regards to temporary shelters.

Mayor Hanley asked if the State Department of Community Development provides any guidance to local governments on the capacity issue.

Assistant City Attorney Michael Cobden spoke about the government code that requires the city to determine the need; a reasonable number with reasonable methodology.

Council Member questions followed regarding the an estimate of use of a shelter by the homeless, the housing element compliance, Planning Commission's opinion on an overlay process, designated overlay districts, and designating zone districts.

The Council recessed at 7:43 and returned at 7:50 PM

Reg Murray clarified to go back to the option of designating an M2 zone district; it would have to be noticed to be heard by City Council only, not the Planning Commission.

Public Comment:

Suzi de Fosset, resident, Placer County Consortium on Homelessness, and Executive Director of the Gathering Inn, spoke of the homeless count/survey completed. She asked for no restrictions on capacity in shelters.

Lynn Gardner, a resident and Unitarian Universalist minister, spoke of the value and need for homeless shelters.

Robert Procissi, resident of Lincoln, asked if multiple sites or the entire town could be zoned for homeless shelters.

Christina Walsh Curley, a resident of Auburn, spoke in favor of permanent housing for the homeless.

Susan Whitaker, a resident and business owner, spoke in favor of the Wall Street location. She said she supports the Gathering Inn's operation and does not want to see it restricted in any way.

Virgil Traynor, resident of Auburn, said he recognizes the need for homeless care, however he feels the Wall Street location is not the appropriate location.

Jeff Cowen, resident of Auburn, said he opposes any restrictions on the Gathering Inn. He said it's time to zone the area for the permanent shelter.

Herb Whitaker, managing attorney for Legal Services of Northern CA, spoke about proposed occupancy standards on permanent shelters. He said a shelter that would limit the occupancy to 20 would be a lose-lose situation.

Don Rosene, business owner, spoke in opposition of the Wall Street location. He said it affects too many businesses and residents.

Steve Stefani, property owner, agrees that Wall Street is not a viable area and that shelter occupancy set at 20 would not be enough.

Council Member Nesbitt spoke about rethinking the overlay process, capacity based on share received from state (suggested 30), and accommodating the Gathering Inn.

Council Member Holmes said this is such an important issue that it should be delayed so that a closer look can be taken.

Council Member Kirby said he doesn't support the proposed ordinance as written. He spoke of his experience with the Gathering Inn saying said he does not want to restrict them in any way. He said it's a regional problem, and Auburn does not have the resources alone.

Council Member Powers asked about other types of zoning in the City. She said she would like to revisit areas previously discussed.

Mayor Hanley said the City must comply with SB2, while still using their zoning power to promote public health, safety and general welfare. He said it's important to create standards so that a shelter could be built if someone had interest. He said he supports a 25 person capacity on permanent shelters, and a capacity of 60 people (75 during extreme weather) in temporary shelters. He spoke about other standards to be addressed in the zoning standards related to parking and drug use. He spoke of an area of Highway 49 that he feels would be adequate for an overlay.

Council Member Holmes suggested property off Blocker Drive as an alternative.

Council Member Kirby moved to deny the overlay option and return with an M2 option.

Discussion followed regarding denying the overlay options and have staff come back with a proposal on the M2 zones.

Mayor Hanley said the overlay option gives the City more flexibility.

Council Member comments followed regarding the timeframe to get this approved.

City Council recessed for 5 minutes

Community Development Director suggested continuing this item to the next meeting. He spoke of adding more restrictions to the overlay zone.

Council Member Kirby dropped his motion.

Mayor Nesbitt suggested an open meeting where the Council can look at all the properties being discussed.

By **MOTION**, continue item to the first City Council meeting in August 2013.
MOTION: Nesbitt/Holmes/Approved 5:0

9. **Rezone – Emergency Shelter Overlay (445/455 Nevada Street)**

Public comment:

Richard Vorous, recapped the original discussion and past actions in regards to M1 & M2 zones.

Robert Procissi, thanked Council and staff and recognized the difficult decision to be made.

The Auburn Planning Commission, by a vote of 2-1 had recommended that the Auburn City Council deny this rezone request.

By **MOTION,** deny the Rezone request to apply the Emergency Shelter overlay zone to the properties at 445/455 Nevada Street.
MOTION: Nesbitt/Holmes/Approved 5:0

10. **Rezone – Emergency Shelter Overlay (555/570/580 Wall Street)**

The Auburn Planning Commission, by a vote of 3-0 had recommended that the Auburn City Council deny this rezone request.

By **MOTION,** deny the Rezone request to apply the Emergency Shelter overlay zone to the properties at 555/570/580 Wall Street.
MOTION: Holmes/Nesbitt/Approved 5:0

COUNCIL BUSINESS

11. **1101 High Street Demolition – Bid Award**

Public Works Director Bernie Schroeder presented this item. She said she would like to demo 1101 High Street to move forward with renovating this area. She said this project is reflected in the Capital Improvement Plan and the current budget.

Council Member Holmes asked when the demolition will begin.

Bernie Schroeder said the demolition will be a 2-3 day project and hopes to get started in September.

Council Member Powers asked if there would be tiles (to possibly be engraved in the future) in the design.

Lee Buckingham, Architect, spoke about the Downtown Restroom Project and how it came to what is proposed today.

Bernie Schroeder addressed possible tiles and tying in all of the central square/ streetscape themes.

Council Member Holmes asked about the wall by the parking lot and the old city hall building.

By **RESOLUTION 13-84,** authorize the Director of Public Works to execute a contract with Sterling P. Holloway, III, Inc. for the demolition of 1101 High Street in an amount not to exceed $13,800; and
By **MOTION,** authorize staff to continue with the final design and Historic Design Review Committee approval of the Downtown Restroom Project.
MOTION: Holmes/Nesbitt/Approved 5:0

12. **City Support for the "Tear Down the Wall" Fundraiser for the State Theatre and the COL C. E. "Bud" Anderson Monument at the Auburn Airport**

Council Member Holmes presented this item. He said the Arts Commission has $10,000 set aside for a Meditation Garden mural on the

Wave building, which may not happen like originally thought. He proposes using $3,000 of that to contribute to the State Theater's "Tear Down the Wall" project. He said he proposes the remaining $7,000 be put back in the City's general reserve funds. He spoke of the Bud Anderson Monument at the Airport suggesting a contribution of $10,000 from the Airport Enterprise Fund.

Lee Buckingham said as a representative of the Arts Commission, the Arts Commission did not feel comfortable requesting enterprise money for the monument at the airport.

Council Member Powers asked if the airport user groups have requested the contribution of $10,000.

Council Member Holmes said the committee that is involved in raising funds for the monument thinks it is a reasonable way to proceed.

Council Member Powers said she would like to see letters of support from ABPA and AAA for the use of airport enterprise funds.

City Manager Robert Richardson said funds for mounting the statue, running the electrical and acquiring the lease hold have already been dedicated by the City.

Council Member Holmes spoke of the difficulties that have arisen regarding the meditation garden/ mural project.

Council Member Kirby spoke of concerns about committing these funds at this time.

Randy Wagner, resident of Auburn, spoke of the "Tear Down the Wall" project and the leadership of Ron Schwab. He said he can provide a letter of support to the Council.

Council Member comments followed regarding the need of letters of support from the involved parties.

Mayor Hanley spoke of the importance of taking care of the existing murals before creating new ones.

Council Member Holmes said there was unanimous vote by the Arts Commission to utilize the funds in the proposed way. He said he can get letters of support for the $10,000 from the airport enterprise fund from the involved parties at the airport.

Council Member Nesbitt spoke about the city providing "seed money" for these types of projects.

Mayor Hanley spoke about the reserve fund handling and maintenance of existing murals.

A. By **MOTION,** approve a $3,000 contribution to the State Theatre "Tear Down The Wall" fundraiser from the $10,000 set aside for the Meditation Garden mural;

B. By **MOTION,** approve an increase of $7,000 from the set aside to the city reserve funds;

C. By **MOTION,** approve a $10,000 contribution for the COL C. E. "Bud" Anderson Monument from the Airport Enterprise Fund.

By **MOTION,** approve A for $3,000, leave the funds in B in the general fund and available to the Arts Commission upon approval, and continue C until letters of support received from Airport Associations to use funds from the Airport Enterprise Fund.
MOTION: Holmes/Powers/Approved 5:0

13. **League of California Cities Annual Conference/ Selection of a Voting Delegate**

City Manager Bob Richardson presented this item. He said the voting delegates for the League of CA Cities Conference need to be selected. He spoke about the issues to be voted on at the conference.

Council Member Kirby volunteered to be the voting delegate.

Council Member Holmes said he will be attending the conference. He spoke of the League of CA Cities leadership program completed by City Council back in 2003. He spoke of recent meetings he has attended and resulting discussions regarding some of the issues that will be voting on at the conference. He said he would also like to send two Council Members to the Mayor/City Council training conducted in Sacramento in January.

Council Member Kirby said he has not an opportunity to attend in the past. He said his attendance at this conference will help him with his position on the state board of LAFCO. He spoke of his experience that he could offer at this conference.

By **RESOLUTION 13-85**, name Council Member Kirby as voting delegate and Council Member Holmes as the alternate at the 2013 League of

California Cities Annual Conference, and direct the City Manager to brief the two Council Members on issues to be voted on at the conference.
MOTION: Hanley/Powers/Approved 5:0

REPORTS

14. **City Council Committee Reports**

Council Member Kirby reported on the progress with the possible State Theater fundraiser/event including the attendance of the Czech Ambassador.

Council Member Holmes reported on Randy Wagner who is the new CEO of SEDCorp.

Mayor Hanley reported that he presented a Mayor's Commendation at the Western States Awards Banquet Sunday.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 10:00 p.m.

Kevin Hanley, Mayor

Stephanie L. Snyder, City Clerk

CITY COUNCIL MINUTES
July 29, 2013
SPECIAL SESSION

A Special Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 29, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 6:00 p.m. for closed session by Vice Mayor Powers

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes (left the meeting after closed session), William W. Kirby, Bridget Powers, Kevin Hanley (arrived at 6:03 p.m.)

Council Members Absent: none

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono (left after closed session), Senior Planner Reg Murray, and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6
MOTION: Nesbitt/Kirby/ Unanimously approved

1. **Conference with Labor Negotiators:**
   (G.C. 54957.6)

   Agency Designated Representatives: Robert Richardson

   Employee Group: APOA

2. **Conference with Legal Counsel; Existing Litigation**
   (Gov. Code § 54956.9(d)(1))

   The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

   1. Name of Case: In re Lehman Brothers Equity/Debt Securities Litigation
      Names of Parties: Class action.
      Case No. US District Court for the So. District of NY 08-CV-5523, 09-MD-2017 (LAK)

2. Name of Case: Auburn Police Officers' Association v. City of Auburn
Names of Parties: Auburn Police Officers' Association, City of Auburn
Case No.: Third District Court of Appeal Case No. C067972

REPORT OUT OF CLOSED SESSION
Mayor Hanley said there was no reportable action.

Council Member Holmes not was present at the remainder of the meeting.

1. **Bus Tour - Emergency Homeless Shelter Zone Review**

The City of Auburn City Council is currently analyzing zoning and site alternatives as it considers code amendments necessary to comply with State requirements for the zoning of emergency homeless shelters. In order to better understand appropriate options within the city, the Auburn City Council conducted a bus tour of the City on the evening of July 29, 2013. The two tour buses left City Hall at 6:56 p.m. The buses made 5 stops and at each location Senior Planner Reg Murray explained the location and answered any questions. The stops were:

#1- 342 Sacramento St, at West Coast Fire Protection, across from PG&E
#2—Borland Ave, across from Sierra Saw
#3—Auburn Ravine Rd, across from Dr. Fox's office and the statues
#4—476 Grass Valley Hwy, next to Automotion
#5—11730 Enterprise, DMV parking lot across from the back of the Post Office

The buses arrived back at City Hall at 8:40 PM. The meeting reconvened in the City Council Chambers and public comment was opened:

Brad Baldwin asked about services currently being provided.

Council Member Powers spoke about Placer County and the level of services available.

Council Member Nesbitt talked about the services available at the Salvation Army.

Council Member Kirby said he volunteered at the community garden and welcomed Brad (or anyone) to join in.

Sally Dawley asked about locating at the Auburn Airport. Council Member Kirby replied that would not be acceptable to the airport users. Council Member Powers explained FAA requirements that also severely impact that type of opportunity.

Roseanne McHenry thanked the Council for the providing tour. She said she wants to get involved and is uncomfortable about several sites seen tonight due to proximity to downtown area.

Amy Albert also thanked the Council for tour. She said she does not recommend Sacramento Street because of transient traffic at 7/11 and Recreation Park, which would impact families. She said she has concerns about increasing panhandling.

Barbara Ogden said "All homeless are not created equal and all shelters are not created equal." She said after tonight, she recognizes this won't solve the whole problem. She said the answer is not to put this off any longer.

Scott Johnson suggested talking to the County about annexing the Dewitt area and to consider having a home versus a temporary shelter.

Council Member Kirby thanked Council Member Nesbitt for suggesting the tour.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 9:02 p.m.

Kevin Hanley, Mayor

Stephanie L. Snyder, City Clerk

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