CITY COUNCIL MINUTES
October 11, 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, October 11, 2010 at 6:00 p.m. with Mayor Powers presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: J. M. Holmes, Kevin Hanley, Keith Nesbitt, Bridget Powers

Council Members Absent: Bill Kirby

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Code Enforcement Officer Jennifer Solomon, Senior Planner Reg Murray, Associate Planner Lance Lowe, Administrative Services Director Andy Heath, Police Chief Valerie Harris and Police Captain John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6
MOTION: Holmes/ Hanley/ approved unanimously by voice

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

Existing Litigation:
G.C. 54956.9(a)
Name of Case: Auburn Police Officers Association v. City of Auburn, Placer County Superior Court Case No. No. SCV 26856

REPORT OUT OF CLOSED SESSION
No reportable action.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Council Member Holmes requested to postpone item 7 until the October 25th City Council meeting. The agenda was approved with this amendment without objection.

CONSENT CALENDAR

Council Member Hanley requested item 3 be removed for further discussion.

1. **Warrants**

   By **RESOLUTION 10-122** approve Warrants # 75568 through #75762 totaling $759,931.84.

2. **Minutes**

   By **MOTION** approve City Council Minutes of 9/27/2010.

3. **Green Communities Program by the Sierra Business Council**

   Removed from consent calendar, see item 3a.

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

   By **MOTION**, approve the consent calendar consisting of item 1 & 2.
   MOTION: Nesbitt/ Holmes/ Approved 4:0 (Kirby absent)

3a. **Green Communities Program by the Sierra Business Council**

   Council Member Hanley said he is concerned about release of the 2005 government operations electricity and natural gas consumption data for the jurisdiction listed in the Green Communities Program agreement. He said he is concerned that the City will be setting a lower baseline with this information than is likely to be practical given the UV sterilization project underway at the sanitation plant.

   Council Member Holmes asked if this information is readily available.

   City Attorney Michael Colantuono said we are authorizing the utilities to provide this information directly to the Sierra Business Council.

   Dan Sokol, resident on Deerwood Place, spoke about this item expressing his support for energy efficiency efforts, his skepticism of global warming, and his opposition to AB 32.

Council Member Hanley spoke further about the effects of AB 32 and greenhouse gas emissions.

By **RESOLUTION 10-123** authorize the Community Development Director to sign the Green Communities Participation Agreement on behalf of the City of Auburn.
MOTION: Holmes/ Nesbitt/ Approved 4:0 (Kirby absent)

4. **Public Comment**

Council Member Nesbitt thanked the organizer of the Auburn Home Show for voluntarily moving her event next year in anticipation of the Tour of California Host City start.

Council Member Holmes commended everyone involved in the Food and Wine festival last weekend in Auburn. He also said October 16th is the date for a Community Festival at Recreation Park and October 17th is the date for the Old Town Street Fair.

Council Member Holmes spoke about Lake Clementine being closed on November 1st for the winter season and re-opening on March 1st.

Council Member Nesbitt said the Sierra Native Alliance is having their annual "Pow Wow" event this weekend at the Auburn Fairgrounds.

PUBLIC HEARING

5. **Weed Abatement Public Protest Hearing**

Fire Chief Mark D'Ambrogi and Code Enforcement Office Jennifer Solomon presented this item.

Conduct a Public Hearing for the purpose of declaring public nuisance of those properties that have not complied with the Auburn Municipal Code, City Ordinance, Title IX, Chapter 95.03, "Notices to Remove: Default: Removal by City" and, by **ABATEMENT ORDER**, authorize the Fire Chief and Code Enforcement to abate those properties that have been posted and notified as a public nuisance and have not complied with "Notices to Remove".
By **MOTION**, authorize the Fire Chief to perform abatement actions on 240 Herrington, Auburn, CA that has been declared a public nuisance.
MOTION: Hanley/ Nesbitt/ Approved 4:0 (Kirby absent)

REPORTS

6. City Council Committee Reports

Council Member Holmes reported that the Arts Commission is holding the last Art Walk of the season this Thursday. He also said at the regular meeting being held October 12th the Commission will be meeting with applicants for the two vacancies on the commission. He also reported on upcoming events in Central Square.

Council Member Hanley reported on Greater Auburn Area Fire Safe Council and the article placed in **Western Cities** Magazine gaining Folsom's interest in Project Canyon Safe. He also said the report created by the Fire Chief on Project Canyon Safe is extremely useful and now available.

Mayor Powers congratulated Lance Lowe from the Community Development Department on his recent marriage. She also reported on the Airport Business Park Association holding their first official meeting at which by-laws will be discussed.

COUNCIL BUSINESS

7. Designation of the Field at the Auburn Municipal Airport

Postponed to October 25th City Council Meeting without objection at the request of Council Member Holmes.

8. Acceptance of "2011 Amgen Tour of California" City Participation Agreement

Police Chief Valerie Harris and Captain John Ruffcorn presented this item. Chief Harris said Auburn was chosen as a host city of stage 3 start of the Amgen Tour of California 2011. She said the impact should be no more then $7,500 to the City of Auburn. She said the other expenses will be covered by sponsors for the anticipated expense of $42,000.

Council Member Holmes asked about local sponsorships. He also asked about stage 2 ending in Sacramento and the effect that may have on lodging in Auburn.

Council Member Hanley asked about specifics on the route that will be taken in Auburn.

Bill Radakovitz, Chamber of Commerce President, spoke of the Chamber's support of this event.

Bruce Cosgrove, CEO Chamber of Commerce, spoke in favor of this event and said he thinks Auburn will exceed the expectations of the Amgen/AEG contract for a host city.

Harvey Roper, Downtown Business Association, Chamber Board Member and Member of the "Auburn Bike Team", spoke in favor of this event.

Bob Snyder, resident on Marina Avenue, spoke in favor of the secondary economic benefits of this event.

Linda Robinson, President Old Town Business Association, spoke in favor of this event.

Jim Felt, Founder and Owner of Felt Bicycles and local resident, spoke in favor of this event and spoke about the importance of lodging nights the event will produce for the local business community.

Council Member comments followed regarding full and unanimous support of the event.

By **RESOLUTION 10-124**, approve the City Participation Agreement between the City of Auburn and AEG Cycling, for the Amgen Tour of California Host City Stage 3 start on May 17, 2011.
MOTION: Nesbitt/ Holmes/ Approved 4:0 (Kirby absent)

9. **Reconsideration of an Encroachment Permit for Tsuda's Eatery, LLC, for Outdoor Seating in Hershel Young Park in accordance with the Outdoor Seating Guidelines**

Associate Planner Lance Lowe presented this item (the full staff report is available in the Community Development Department).

Council member questions followed regarding: (1) complaints during 60-day period, (2) alcohol consumption in park, (3) hours of outdoor use, (4) non-exclusive use of park, (5) condition of the park, and (6) outdoor festival permits in park.

The following spoke in favor of this permit during public comment:
(1) Ron Blair, (2) Bob Snyder, (3) Alexandra Carnahan-Hastings, (4) Tracy Kearns, (5) Mary Ann Levine, and (6) Linda Robinson. NO one spoke in opposition.

Council Member comments followed regarding support of this permit.

By **RESOLUTION 10-125**, approve the issuance of an Encroachment Permit as conditioned 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 State CEQA Guidelines; and,

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

MOTION: Hanley/ Holmes/ Approved 4:0 (Kirby absent)

Adjournment

Mayor Powers adjourned the meeting, without objection, at 7:22 p.m.

Bridget Powers, Mayor

Joseph G. R. Labrie, City Clerk