CITY COUNCIL MINUTES
July 12, 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, July 12, 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, Bill Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, 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/ Unanimously Approved by Voice

(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 Nesbitt requested item 4 be removed from the consent calendar for further discussion.

City Attorney Michael Colantuono clarified the action on item 3. He said there is an additional lease in the chain of title. He recommended approval of this item with an amended description of the title to properly reflect that additional lease.

1. **Minutes**

   By **MOTION** approve the City Council Minutes of 06/14/2010 and 6/28/2010.

2. **Quarterly Report of Investments – Quarter Ending March 31, 2010**

   Receive, review and file the "City of Auburn Quarterly Investment Report."

3. **Assignment of Auburn Airport Industrial Park Ground Lease from the Kaping Trust to the TK Neithercutt Family, LLC.**

   By **RESOLUTION 10-82**, authorize the City Manager, or his designee to:

   A. Approve the assignment and assumption of the land lease between the City of Auburn, the Michael J. Kaping and Nina L. Kaping 1999 Trust, and the TK Neithercutt Family, LLC; and
   B. Approve the recording by the Placer County Recorder's Office Memoranda of Lease for the TK Neithercutt Family, LLC.

4. **Revised Resolution Establishing Employer- Employee Relations Policy**

   Removed from consent calendar.

5. **Authorization for the Fire Department to Purchase Fire Equipment Using Fund #63**

   By **RESOLUTION 10-84**, authorize the Fire Chief to purchase fire equipment utilizing Fund #63.

6. **Auburn Transit Bus Purchase**

By **RESOLUTION 10-85**, authorize the Director of Public Works to purchase three transit buses from A-Z Bus Sales, Inc.

7. **Approval of Pre-Employment Background Investigations Contract**

By **RESOLUTION 10-86**, authorize the City Manager or his designee to approve a renewed contract with Morello Investigations Services to perform pre-employment background investigations for all prospective hires by the City of Auburn.

8. **Second Reading of the Ordinance Amendment to the Sewer Service Charges**

Hold a second reading and adopt **ORDINANCE 10-07** to set a schedule of sewer service charges and to suspend the implementation of that schedule so that sewer service charges will be collected in fiscal year 2010-11 at the fiscal year 2009-10 rate.

9. **Second Reading of the Ordinance to Repeal Obsolete Provisions of the Municipal Code**

Hold a second reading and adopt **ORDINANCE 10-08** to repeal Sections 101.100 - 101.99 and Section 70.20 of the City of Auburn Municipal Code relating to the Arts Commission and Traffic Committee.

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

By **MOTION**, approve the consent calendar with the exception of item 4, and the stated revisions on item 3.
MOTION: Holmes/ Hanley/ 5:0

9a. Formerly item 4 on consent calendar
Revised Resolution Establishing Employer- Employee Relations Policy

Council Member Nesbitt clarified the "he/she" references in the policy.

City Attorney Michael Colantuono said that Resolution No. 90-176 shall continue to govern any recognition proceeding or other effort to alter a bargaining unit for which a complete petition was filed before July 12, 2010.

By **RESOLUTION 10-83**, repeal the City of Auburn Resolution No. 90-176 in its entirety and adopt a revised Employer- Employee Relations Resolution with the two corrections as noted.
MOTION: Nesbitt/ Holmes/ Approved 5:0

10. **Public Comment**

Council Member Holmes said there has been an agreement to keep Lake Clementine open until at least Sept 30, 2011.

Mayor Bridget Powers said the Auburn Air Show and The Blues Festival were both successful. She commended all involved.

PUBLIC HEARING

11. **Weed Abatement Public Protest Hearing**

Council Member Hanley said because one of the homes is within close proximity of his home, he would like to recuse himself from the discussion and left the Council Chambers.

Fire Chief Mark D'Ambrogi presented this item. He said the purpose of this public hearing is to hear any and all objections from property owners who were noticed.

A Public Hearing was held 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".

(No person wished to address the Council.

By **ABATEMENT ORDER**, authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance and have not complied with "Notices to Remove".
MOTION: Holmes/ Nesbitt/ Approved 4:0 (Hanley was absent for this item.)

Councilmember Hanley returned to the dais.

12. **2010 Update to Local Hazard Mitigation Plan**

Fire Chief Mark D'Ambrogi presented this item. (Summary is available in City Clerk's office.)

Council Member Holmes asked about the process for implementation.

Council Member Hanley asked about inclusion of the impact of lingering smoke on the environment after a fire.

Conduct a Public Hearing and by **RESOLUTION 10-87**, approve the Local Hazard Mitigation Plan as developed by the Local Hazard Mitigation Planning Committee.
MOTION: Hanley/ Holmes/ Approved 5:0

REPORTS

13. City Council Committee Reports

Council Member Kirby reported on another successful Auburn Movie Night. He provided the dates and locations for all upcoming movie nights.

Council Member Hanley asked for an insertion into the minutes regarding a vote during the last meeting as follows:

> "City Councilman Hanley informed the council and public regarding his vote on the street overlay program on June 28, that an email was sent by City Staff in the afternoon of June 28 informing him of a conflict given the proximity of his home and Foresthill Road. Hanley didn't see this email because he had left to attend a meeting of the Placer County Flood Control District and then to the City Council Meeting. Hanley only discovered the email the next day in the morning of June 29. Hanley informed the city attorney and staff upon discovery of the email immediately during the morning of June 29. Hanley would have abstained from the vote if he had known about the conflict of interest."

Council Member Hanley commended the Monticello neighborhood in Auburn for putting together a plan for a shaded fuel break in their neighborhood.

COUNCIL BUSINESS

14. Update Regarding Relaxing Temporary Sign Regulations

Community Development Director Will Wong presented this item.

Council Member questions followed regarding: (1) guidelines for signs, (2) signs currently out of compliance, (3) business associations' position, and (4) sign permit / design review.

Harvey Roper, business owner in Downtown Auburn, spoke on behalf of the Downtown Business Association.

Council Member comments followed: (1) current signage problems in business districts, (2) notice to business owners, (3) addressing individual violators, (4) political signage, and (5) 60-day grace period.

By **RESOLUTION 10-88**, discontinue request that the Community Development Director use his prosecutorial discretion in the application of temporary sign requirements beginning in 60 days.
MOTION: Hanley/ Holmes/ Approved 4:1 (Kirby voted no)

15. **Consideration of Adopting a City Charter**

City Attorney Michael Colantuono presented the item from a legal standpoint. He explained the process for becoming a charter city, and the pros and cons of becoming a charter city.

City Manager Robert Richardson presented the item from a policy perspective. He spoke about reorganizing the structure of the City and the direct effects on the services. He said he would recommend a series of workshops to consider new ways to the run the city while providing maximum amount of services in light of available resources and then to look at a charter to see if it is a tool to implement the plan those workshops produce.

Council Member questions followed: (1) measures approved in charter cities vs. general law cities, (2) opportunity for challenges to the definition of what is a municipal affair, (3) prevailing wage on regional projects, and (4) small cities who adopted charter city status.

Dan Sokol, resident on Deerwood Place, spoke in favor of charter city status.

Samantha Draper, of Carpenters Local 46, spoke in opposition of adopting a charter just to avoid prevailing wage. She said she will advise the Council when the union has taken a position on the volunteer exemption from prevailing wage legislation.

Council Member comments followed: (1) further research on charter city status, (2) concerns about initiatives on charter cities, (3) cost savings, (4) public workshops, (5) measure service levels in organization, (6) advantages and greater service opportunities with charter, (7) advisory committee, and (8) strategic review.

By **MOTION**, direct staff to convene public workshops starting in January 2011 to measure service levels by department, measure costs for services, examine ways to increase service levels, and integrate a

discussion of whether charter city status can assist in enhancing those service levels.
MOTION: Hanley/ Nesbitt/ Approved 5:0

16. **Ad Hoc Streetscape History and Art Advisory Committee Recommendations**

Council Member Nesbitt presented this item. He said the sign to be approved is the river theme interpretive sign. He said the Downtown Business Association is interested in creating this sign.

Teri Gibson, DBA representative, said the Downtown Business Association (DBA) would like 30 days to investigate the possibility of an interactive electronic screen kiosk for the river theme sign.

Council Member questions followed: (1) capabilities of system, (2) pictures on "screensaver", (3) potential elimination of river theme, (4) Old Town Auburn's involvement, and (5) operation and maintenance costs.

Dan Sokol, resident on Deerwood Place, spoke in favor of the DBA sign with the understanding that all commercial businesses would be included, not only DBA.

Council Member comments followed: (1) additional kiosks in Old Town, (2) use of new communication technologies, (3) include all City businesses, (4) confluence in Central Square, and (5) the river's role in Auburn.

By **MOTION**, approve the concept of the third interpretive sign at Central Square as presented by the DBA.
MOTION: Nesbitt/ Hanley/ Approved 5:0

Mayor Powers **adjourned** the meeting without objection at 8:15 p.m.

Bridget Powers, Mayor

Joseph G. R. Labrie, City Clerk