CITY COUNCIL MINUTES
June 28, 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, June 28, 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, Assoc. Planner Lance Lowe, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Chief Valerie Harris, Captain John Ruffcorn, and Code Enforcement Jennifer Solomon.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6
MOTION: Holmes/ Nesbitt/ Approved unanimously 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

City Manager Bob Richardson removed item 15 to be moved to the next scheduled City Council Meeting.

City Clerk Joe Labrie requested to move item 19 to follow item 10.

CONSENT CALENDAR

Council Member Nesbitt requested item 9 be removed from the consent calendar for further discussion.

1. **Minutes**

   By **MOTION**, approve City Council Minutes of 05/10/2010 and 05/24/2010.

2. **Proposition 1B Transit Security Grant Program – Emergency Generator for Corporation Yard**

   By **RESOLUTION 10-67,** authorize the City Manager and/or Director of Public Works to submit and execute on behalf of the City of Auburn a grant application for the California Transit Security Grant Program.

3. **Street Sweeper Purchase**

   By **RESOLUTION 10-63,** authorize the Director of Public Works to purchase Street Sweeper from Municipal Maintenance Equipment.

   By **RESOLUTION 10-64,** authorize the Director of Public Works to execute the Interlocal Contract for Cooperative Purchasing with HGAG.

4. **Replacement Mower Purchase – WWTP Maintenance Equipment**

   By **RESOLUTION 10-65,** authorize the purchase of a replacement Kubota Tractor Mower for the maintenance of the City's sanitary sewer collection system and waste water treatment plant facility.

5. **Auburn School Park Preserve Nature Interpretive Center Grant Submittal**

   By **RESOLUTION 10-66,** authorize the submittal of the Nature Interpretive Center grant application to the California Department of Parks and Recreation.

6. **CalPERS Contract Amendment Ordinance – 1959 Survivor Death Benefit Program – Second Reading**

By **NON-URGENCY ORDINANCE 10-05,** approve an amendment to the contract between the City of Auburn and CalPERS, providing Section 21754 (Fourth Level of Survivor Death) Benefits for local fire members.

7. **Cost Savings Plan for City Council, City Manager, Department Directors and Department Managers consistent with current financial shortfalls**

By **RESOLUTION 10-68,** authorize the City Manager or his designee to:

(A) Continue the reduced stipend payment for Elected Officials by 10% for all of fiscal year 2010-2011, ending on June 30, 2011;

(B) Continue the amended Department Directors' Agreements to reflect a reduction in salary of 10% for all of fiscal year 2010-2011, ending June 30, 2011;

(C) Continue the reduced Department Managers' salaries by 10% for all of fiscal year 2010-2011, ending on June 30, 2011; and

By **RESOLUTION 10-69,** amend the City Manager's contract, to reflect a continued reduction in salary of 10%, beginning for all fiscal year 2010-2011, ending on June 30, 2011.

8. **Wastewater Treatment Plant Upgrade Change Order Request**

By **RESOLUTION 10-70,** amend the City's existing construction contract with GSE Construction by $172,740.

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

By **MOTION**, approved the consent calendar consisting of items 1-8.
MOTION: Holmes/Nesbitt/ Approved 5:0

9. **Second Reading of an Ordinance Amending Chapter 97 of the Auburn Municipal Code Relating to Animals**

Hold a second reading, by title only, of an **ORDINANCE 10-06** Amending Chapter 97 of the Auburn Municipal Code Relating to Animals.

Council Member Nesbitt made a clarification in the staff report by Lance Lowe, Associate Planner. He said in the history and background, listed as the vote, Nesbitt and Powers were the **Noes**, Hanley, Kirby and Holmes were **Ayes**. (This is accurately reflected in the 6/14/2010 City Council Minutes).

By **MOTION**, Hold a second reading, by title only, of an **ORDINANCE 10-06** Amending Chapter 97 of the Auburn Municipal Code Relating to Animals with the "History and Background" correction to the staff report.
MOTION: Nesbitt/Holmes/ Approved 5:0

10. **Public Comment**

Council Member Kirby requested the staff to prepare an ordinance to bar animals from City buildings with the exception of service animals.

10a. **Consideration of Altering City Clerk Position Compensation**

City Manager Bob Richardson presented this item. He discussed different compensation options for the City Clerk position.

Council Member Holmes stated the compensation is being reviewed due to the decision to not move forward with the ballot measure to make this position appointed.

Paul Norris, resident in Citrus Heights, spoke against lowering the City Clerk's compensation.

Joe Labrie, City Clerk and resident in Auburn, said this item began with the Appointed / Elected Clerk ballot measure item three months ago. He said after being sent to staff on numerous occasions, it is now before the Council to review the compensation of only the City Clerk. He said there is an issue under the fairness of the law, due to the City Treasurer and the City Clerk positions being identical in regards to duties and responsibilities. He said the compensation has always been equal across the board for the elected positions within the City Council. He said he has spent more hours in the office then the Elected City Clerks in the past. He said to review the compensation of only the City Clerk and not the City Treasurer is "unfair". He said if the City Clerk position becomes appointed, it will ultimately result in an increase of pay of more then the Elected City Clerk currently makes.

Council Member Hanley clarified when the term of the City Clerk is up for election.

Council Member Kirby asked about policies of comparable cities and staff changes with the appointed City Clerk option.

Council Member Nesbitt said the difference between the City Treasurer and the City Clerk, is the City Treasurer has many certifications in his area of expertise.

Council Member Holmes said the option of making the Clerk appointed is no longer the issue. He said the City Treasurer and City Clerk job descriptions can not be compared. He said the compensation needs to be adjusted to represent what the City Clerk's actual duties entail. He said the current Elected City Clerk has not become a Certified Municipal Clerk, while the Deputy City Clerk is currently enrolled and should be certified in the next year. He compared the clerk's responsibilities and salary for other cities within the County. He said because the Elected City Clerk spends only 5-6 hours a month in his duties, he feels he is overly compensated.

Council Member Kirby asked about the requirements for qualifications for the Elected Treasurer.

City Attorney Michael Colantuono said the only qualification for the candidate for City Clerk or City Treasurer is he/she must be a registered voter of the City.

Council Member Kirby said he likes the idea of paying the clerk per "event".

Council Member Hanley said he agrees that the current pay of the Elected City clerk is out of alignment with the current job responsibilities. He said any changes to compensation should not be made until the beginning of the next term in 2012. He said he would like section 31.040 of the municipal code which states City Clerk's responsibilities reviewed.

Mayor Powers said she agrees with not making any changes until the new City Clerk term begins in 2012.

Council Member Nesbitt said if the health benefits are going to be eliminated he feels the compensation should not be decreased. He also said he agrees with the changes to not occur until the new term in 2012.

Council Member Holmes moved beginning after the 2012 election, the Clerk's monthly stipend be $135 a month with no benefits or additional funds for callouts.

MOTION: Holmes/ Hanley/ MOTION FAILED 1:4 (Hanley, Kirby, Nesbitt and Powers voted no)

Council Member Hanley moved to set the stipend at $200 a month, with no benefits, effective December 2012 and direct staff to align the duties of the City Clerk with the current duties of the Deputy City Clerk in the Municipal Code.
MOTION: Hanley/ Holmes/ Approved 4:1 (Powers voted no)

PUBLIC HEARING

11. **2010/2011 Sewer Assessment to be placed on the Placer County Tax Roll**

Transit Analyst Megan Siren presented this item. She said the rate will remain at $56.22 per equivalent dwelling unit (EDU).

Council Member Hanley asked if the scheduled increase had taken place, what dollar amount would result for the City.

Megan Siren indicated it is estimated at $160,000.

Council Member Nesbitt said this cost savings shows sensitivity to our ratepayers.

1) By **MOTION,** introduce and hold a first reading for an ORDINANCE to set a schedule of sewer service charges and 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.

2) Conduct a public hearing to authorize the 2010-2011 fiscal year sewer service changes to be placed on the County of Placer Tax Roll.

3) By **RESOLUTION 10-71**, authorize the levy of sewer service charges for Fiscal Year 2010-2011 and collection of those charges via the County of Placer property tax roll.

MOTION: Hanley/ Holmes/ Approved 5:0

REPORTS

12. **City Council Committee Reports**

Council Member Holmes said that, at the Placer County Transportation Planning Agency Board Meeting, it was discussed that in May "Bike Month" there were 1,318,706 miles of cycling logged for Placer County. He also reported that the ridership for the Capital Corridor is down by 13%, primarily because of furloughed employees.

Council Member Hanley reported that Project Canyon Safe will be meeting at Aeolia Heights to talk about fuel management projects in that area. He said they will also be meeting to discuss raising funds and doing future projects from Robie up to the Highway 49 area.

Council Member Nesbitt reported that as part of the Placer County Transportation Planning Agency he is also on the board of directors for the Capital Corridor Joint Powers Authority, which held their annual meeting in Oakland and discussed the update on the train to Auburn which may come to fruition in spring 2011.

Council Member Kirby reported on a successful Auburn Movie Night. He said he would like to get transportation for people living in Auburn Greens to attend Movie Night. He also reported as Chairman of Placer Nevada County Wastewater Authority on current actions they are taking.

Mayor Powers reported the Placer County Economic Development Commission implemented a strategic plan to promote tourism and business throughout Placer County. She also reported that the Airport Business Park Association is preparing for their first meeting within the next 30-45 days.

COUNCIL BUSINESS

13. **2010-11 Street Overlay Project – Pavement Management Program**

Council Member Nesbitt said because one of the streets is within 500 feet of his home, he would like to recuse himself from the discussion and left the Council chambers

Public Works Director Bernie Schroeder presented this item. She reviewed the list of projects in this program: Auburn Folsom Road, Sunrise Ridge Circle, Diamond Ridge Subdivision, East Lincoln Way, Oak Street, Grace Street, Huntley Avenue, Greenfield Avenue, Foresthill Avenue, Ida Street, portions of Canyon Drive and Dairy Road. She said Robie Drive will be moved to next year due to a water line upgrade on that road. She said the Public Works Department projects for this year are Pinecrest Ave and Shields Avenue.

Council Member Holmes asked about the streets previously identified as needed a complete reconstruction. He also asked about an expected completion date for work.

Mayor Powers asked how the two projects were chosen for the Public Works Crew.

Council Member Hanley spoke about the financial aspects of the 10-year overlay plan.

By **MOTION**, authorize the Director of Public Works to move forward with the proposed street overlay program for 2010-11 fiscal year, finalize construction costs, confirm revenue amounts and return to the City Council for permission to advertise the project(s).
MOTION: Holmes/ Kirby/ Approved 4:0 (Nesbitt absent)

Councilmember Nesbitt returned to the dais.

14. **Operating, Debt Service and Capital Project Budgets for Fiscal Year 2010-11**

Finance Director Andy Heath presented this item (report available in the City Clerk's Office).

Council Member questions followed regarding (1) property tax receipts, (2) percentage of sales tax in general fund, (3) grant money for sidewalk project, and (4) airport runway project.

Council Members commended staff for their financial reporting.

1) By **RESOLUTION 10-72,** adopt revenue estimates and expenditure appropriations for all City Funds for fiscal year 2010-11 as summarized in the fund schedules presented with the Fiscal Year 2010-11 Proposed Budget.

2) By **RESOLUTION 10-73,** establish a General Fund "cash reserve" in the amount of $2,750,740 as summarized in the General Fund schedule presented with the Fiscal Year 2010-11 Proposed Budget.

MOTION: Holmes/Nesbitt/ Approved 5:0

Council took a 5-minute recess

15. **Pros and Cons of Adopting a City Charter**

Continued to next scheduled Council Meeting.

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

Council Member Nesbitt presented this item. He presented the overview on the concepts for the interpretive signs and the endurance zone map.

Harvey Roper, member of the SHAAC committee, presented the Central Square interpretive sign. He said it will be placed on the pedestal in front of Wells Fargo, with readers facing the Central Square. He also presented

the Endurance interpretive sign. He said this sign will be located next to the tree in Central Square.

Council Member questions followed regarding the Endurance / Central Square signs: (1) font size for reading, (2) compass position, and (3) laminate covering / sealant for protection of signs.

Marti Niles, member of SHAAC, presented a proposed River interpretive sign. She said she would like to make a mural tile to represent where the river is located. She brought a smaller version for an example. She said this sign would be located in front of the Masonic Hall.

Council Member questions followed regarding the river sign and the orientation of the river in a "heads up" southern orientation, as opposed to the usual northern orientation of maps.

Harvey Roper presented the Endurance Zone Map. He said this area is from the corner by Pioneer Mining to the Clock Tower across the street from Central Square.

Council Member questions followed regarding the Endurance Zone Map: (1) text on tiles, (2) Endurance Committees involvement, (3) text on pillar, (4) size of pavers (2X2), and (5) future phases of the Streetscape project.

Kurt Smith, resident of Auburn, said he feels the backup for this item was not sufficient for the Council to approve it tonight.

Council Member Nesbitt said the public is always welcome to come to the SHAAC meetings where these signs / maps can be inspected.

Council Member comments followed regarding: (1) temporary interpretive signs, (2) protective covering for river tiles, (3) river interpretive sign being viewed as art instead of an informative sign, (4) river/confluence pedestal location, and (5) stories on tiles in Endurance zone.

By **MOTION**, approve the SHAAC's recommendation for the Central Square Interpretive sign and the Endurance Capital Interpretive in Central Square.
MOTION: Hanley/ Kirby/ 4:1 (Kirby voted no)

By **MOTION**, direct SHAAC to develop a River theme interpretive sign similar in format to the Central Square interpretive sign.
MOTION: Hanley/ Kirby/ Approved 4:1 (Nesbitt voted no)

By **MOTION**, approve the Streetscape Endurance Zone Map as presented.

MOTION: Nesbitt/ Hanley/ Approved 4:0 (Kirby abstained)

17. **Establish Resolutions for City of Auburn Committees & Commissions**

City Manager Bob Richardson presented this item. He said the Telecommunications Commission was not included because it is going though extensive changes and will be presented at a future meeting. He said the committees/commissions not included had no changes requested in the report from Council Members Kirby and Hanley dated October 26, 2009.

Council Member Holmes said he would like to see the City Historian resolution include a term of office. He suggested 4 years. He said the appointment should be made by the City Council. He said it should also state requirements for the person appointed to that position. He said he would like it pulled from the agenda for further definition and discussion.

Council Member Hanley asked if the Youth Advisory Commission sunset would be coming before the Council.

Council Member Nesbitt reported the YAC has not had a quorum in a majority of the meetings for the past year. He said a "Youth Liaison" to the Auburn youth could be the best approach going forward.

By **RESOLUTION 10-74**, approve the new operating procedures for the Endurance Capital Committee.

By **RESOLUTION 10-75**, approve the new operating procedures for the Traffic Committee.

By **RESOLUTION 10-76**, approve the new operating procedures for the Economic Development Commission.

By **RESOLUTION 10-77**, approve the new operating procedures for the Arts Commission.

MOTION: Nesbitt/ Holmes/ Approved 5:0

18. **Ordinance Repealing Obsolete Provisions of the Municipal Code – FIRST READING**

Waive full reading, and introduce an ORDINANCE to repeal 101.00-101.99 and Section 70.20 of the City of Auburn Municipal Code to rescind the operating procedures for the Arts Commission and Traffic Committee, which are now governed by resolution.

City Manager Bob Richardson introduced this item. He said these are obsolete now that the resolutions were passed in the previous items.

By **MOTION**, Waive full reading, and introduce an ORDINANCE to repeal 101.00-101.99 and Section 70.20 of the City of Auburn Municipal Code. **MOTION: Holmes/ Hanley/ Approved 5:0**

19. **Consideration of Altering City Clerk Position Compensation**

Discussed earlier as item 10a.

ADJOURNMENT

Mayor Powers, without objection, adjourned the meeting at 9:00 p.m. to the meeting of the Auburn Urban Development Authority.

Bridget Powers, Mayor

Joseph G. R. Labrie, City Clerk