CITY COUNCIL MINUTES
June 9, 2014
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 9, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:17 p.m.

ROLL CALL:

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

Council Members Absent: None

Staff Members Present: City Manager Tim Rundel, City Attorney Michael Colantuono, Public Works Director Bernie Schroeder, Senior Planner Reg Murray, Transit Analyst Megan Siren, Deputy City Clerk Amy Lind, Fire Chief Mark D'Ambrogi, Police Lieutenant Victor Pecoraro, Police Chief John Ruffcorn and Community Development Director Will Wong.

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

1. Conference with Labor Negotiators:

(G.C. 54957.6)
Agency Designated Representatives: Tim Rundel
Employee Group: All Bargaining Units

2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))
Name of Case: David Lawicka v. City of Auburn
Names of Parties or Claimants: David Lawicka
WCAB Nos. ADJ8999797; ADJ8911950; ADJ9120637; ADJ9120557; ADJ9120634
(Workers' Compensation Appeals Board)

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

Name of Case: Roye v. County of Placer, City of Auburn, et al., Names of Parties or Claimants: John Roye (Deceased) by Narinder Roye (wife) Case No. or Claim No.: Workers Compensation Appeals Board No. ADJ7700741

REPORT OUT OF CLOSED SESSION

Mayor Powers reported that Council is recruiting for a new labor negotiator and will make that decision in open session. No other reportable actions.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Powers introduced new City Manager Tim Rundel.

AGENDA APPROVAL

The agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

   By **MOTION**, approve the City Council minutes of April 28, 2014 and May 12, 2014.

2. **Appointment of Technology Commissioners**

   By **RESOLUTION 14-39**, approve the recommended appointment of Roger Luebkeman and the reappointment of Glenn Tonkin and George Preston to the Auburn Technology Commission.

3. **Airport Office and Hangar Lease**

   By **RESOLUTION 14-40**, authorize the City Manager or his designee to execute a lease for commercial office space in the Auburn Municipal Airport Operations Building between the City of Auburn and John Crawford, dba Sierra Air Helicopters.

4. **Bank Card Signing Authority for the City Manager**

   By **RESOLUTION 14-41**, grant bank-card signing authority to City Manager Tim Rundel.

5. **Sierra Nevada Conservancy Proposition 84 Grants Program Agreement**

   By **RESOLUTION 14-42**, authorize the Fire Chief to sign the Sierra Nevada Conservancy Proposition 84 Grants Program Agreement number 788.

6. **Wildland Fire Protection Agreement with Cal Fire, FY 2014-2015**

By **RESOLUTION 14-43**, approve and authorize the Fire Chief to sign the Wildland Fire Protection Agreement for FY 2014-2015 with Cal Fire (Department of Forestry & Fire Protection).

7. **Fire Dispatch Agreement with Cal Fire FY 2014-2017**

By **RESOLUTION 14-44**, approve and authorize the Fire Chief to execute the Dispatch Services Agreement amendment for Fiscal Year 2014-2017 with Cal Fire.

8. **Weed Abatement – Declare Public Nuisance**

By **RESOLUTION 14-45**, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris.

Councilmembers abstained on specific properties because those properties are within 500 feet of their respective homes:
Council Member Holmes—Lantern View
Council Member Hanley—Olive Orchard
Council Member Nesbitt—Sunrise Ridge Circle

9. **Auburn Transit – Title VI Program, Public Participation Plan & Limited English Proficiency Language Plan**

Removed from consent calendar, see 12a.

10. **Preparation of a Low Impact Development Standards Manual**

By **RESOLUTION 14-47**, authorize the Director of Public Works to sign the MOU agreement with the City of Roseville, Placer County and Town of Loomis for funding the preparation of a Low Impact Development Standards Manual to implement a requirement of the National Pollutant Discharge Elimination System (NPDES) Statewide General Permit.

11. **Compensation for Level 1 Reserve Police Officers**

By **RESOLUTION 14-48**, authorize the City Manager or his designee to approve payment to Level 1 Reserve Police Officers at the rate of Step "A", Police Officer on a part time hourly basis.

12. **Wastewater Treatment Plant and Collections System Operator – RFP Selection Process**

Removed from consent calendar; see 12b.

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

By **MOTION**, approve the consent calendar excluding items 9, 12 and noting Council Member abstentions on item 8.
The motion was made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

12a. **Auburn Transit – Title VI Program, Public Participation Plan & Limited English Proficiency Language Plan**

Council Member Hanley requested verbiage be added to the resolution to explain that the federal government is stating the City of Auburn doesn't have a choice in passing this type of language assistance plan.

By **RESOLUTION 14-46**, adopt the Title VI Program, Public Participation Plan and Limited English Proficiency Language Plan for Auburn Transit adding "Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency (LEP), indicates that differing treatment based on a person's inability to speak, read, write or understands English is a type of national origin discrimination" to the resolution.
The motion was made by Council Member Hanley and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

12b. **Wastewater Treatment Plant and Collections System Operator – RFP Selection Process**

Council Member Hanley asked about the Request for Proposals (RFP) process and what role the committee would undertake in judging the competing proposals. He said he would like to know how cost affects the final decision.

Public Works Bernie Schroeder spoke about the RFP review and decision making process.

Council Member Kirby said he would like to be on the committee to review the RFPs.

By **MOTION**, approve the proposed selection process and have the Mayor appoint two Councilmembers to participate in the selection of the City's Wastewater Treatment Plant and Collections System Operator.
The motion was made by Council Member Hanley and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

Mayor Powers appointed Council Member Kirby and Council Member Hanley to the committee.

13. **Public Comment**

Council Member Kirby spoke about the phenomenal job the Fire Department did in response to a house fire last night.

Council Member Holmes also spoke about the response by the Fire Department. He announced the Art Walk will take place this week on Thursday.

Jessica Hubbard from Placer Community Foundation, thanked the Council for their support and involvement in Big Day of Giving on May 6th. She gave a report on the funds raised in 24 hours that day.

Megan Siren of Public Works, reported that Saturday, June 14th is Recology's City Clean-up Day.

PUBLIC HEARINGS

14. **Public Hearing on Proposed FY 2014/15 Budget**

City Manager Tim Rundel said he is requesting a short extension of the budget schedule so that he has time to review the documents prepared before his May 29th arrival.

Council Member Nesbitt thanked the City Manager for continuing this until he has had time to fully review the budget.

By **MOTION**, continue to the public hearing on the proposed FY14/15 budget to the June 23rd City Council Meeting where a continuing resolution will be adopted and to consider the adoption of the budget at the July 14th meeting.
The motion was made by Council Member Hanley and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

15. **Public Hearing to Levy Annual Assessment Fee for Business Improvement Districts**

City Attorney Michael Colantuono presented this item. He said this is the annual process in which the city maintains its Business Improvement Districts. He said this is the hearing to hear any protests to the assessments.

Steve Galyardt, Treasurer of the Downtown Business Association, said there are no changes to the assessment and he is available to answer any questions the Council may have.

John Lynch, President of the Old Town Business Association, spoke on behalf of the OTBA and said he is available to answer any questions the Council may have.

Council Member Hanley spoke about the thorough reports from each district.

By **RESOLUTION 14-49**, adopt the 2014/15 Levy of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.
The motion was made by Council Member Holmes and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

16. **Non-payment of Administrative Citations, Authority to Assess Tax Roll**

Code Enforcement Officer Jennifer Solomon presented the staff report regarding unpaid administrative citations. She spoke about the citation issued for 153 Stephen Avenue for a barking dog. She spoke about the citation issued for 12625 Luther Road for dogs running at large. She gave further background on the potentially dangerous declaration as to a dog at this address.

Council Member questions followed regarding: (1) fine notifications, (2) extension given to gain voluntary compliance, (3) multiple citation/ notices, (4) hearing notification, and (5) ways to expedite the process.

Shannon Chatham, 12625 Luther Road, spoke about her dog that she had euthanized. She said there is a need for an animal control officer in Auburn who has proper certifications.

Jim Brennan, 12625 Luther Road, said the dog was the family pet for 9 years.

Council Member comments followed regarding (1) warnings and citations, (2) communications by resident, (3) late fees and interest, (4) compliance timeline, (5) electric fencing, and (6) aggressive dogs.

Jennifer Solomon further explained the equipment that was needed to comply by the citations.

Council deliberation followed regarding the fine amount and possibly forgiving the late fees and interest.

By **RESOLUTION 14-50, 14-51, 14-52**, approve the Tax Roll Assessment for Administrative Citations and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect.
The motion was made by Council Member Hanley and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Kirby, Powers
Noes: Holmes, Nesbitt
Abstain:
Absent:

17. **2013 Weed Abatement Program, Assess Tax Roll**

Fire Chief Mark D'Ambrogi presented the report. He gave the history on the action/hearings on these parcels.

By **RESOLUTION 14-53 and 14-54**, approve the 2013 cost report of the weed abatement program and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller to collect cost assessments.
The motion was made by Council Member Kirby and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

The City Council recessed at 7:10 pm; and reconvened at 7:15 pm

COUNCIL BUSINESS

18. **Reconsideration of the Employer-Employee Relations Resolution**

City Attorney Michael Colantuono presented this item. He reviewed the past actions surrounding the adoption of this resolution on April 28, 2014. He said this resolution is being reconsidered tonight because the attorney for the Auburn Police Officers Association made a written request to reconsider the item to allow himself and his clients an opportunity to address the item.

Sean Howell, Mastagni Law Firm, representing Auburn Police Officers Association and well as the Auburn Public Safety Association (Dispatchers), said the intention of the Employer-Employee Relations Policy is to improve employer employee relations. He said the revisions to the policy do not support this goal. He spoke about the transparency in bargaining provision. He said this should be treated as a ground rule decided at the bargaining table with each unit. He spoke about determining confidentiality in bargaining. He said his labor unit is willing to provide audio and video for every meeting in the next round of bargaining to provide "real transparency".

Aaron Donato, Mastagni Law Firm, representing the Auburn Public Safety Association (Dispatchers), said this type of ground rule (transparency in bargaining) included in an Employer-Employee Relations Policy is not standard. He said it is something that is discussed at the bargaining table. He spoke about "true transparency" by providing video and audio of all the discussions. He said the policy as written would have overwhelming "chilling effect" on the discussion.

Michael Colantuono addressed concerns brought up by public comment.

Council Member Hanley asked what local government in California is using a webcam approach in their negotiations.

Sean Howell said he is unaware of any government using the proposal he recommended tonight (audio/video).

Council Member Kirby confirmed that the city has the authority to establish the transparency in bargaining rule if desired. He asked about other cities in California using a transparency in bargaining policy.

Mayor Powers addressed the concerns over "posturing" with the transparency in bargaining provision.

Michael Colantuono addressed the council's questions and spoke about " the good faith bargaining" required of both parties under the Myers-Milias-Brown Act.

Council Member Nesbitt said the intent behind the provision isn't just so the public can see the initial proposal, but so all members of the bargaining unit can see it as well and the bargaining unit can be sure their proposal has been communicated to the City Council.

Council Member Holmes said he feels the transparency in bargaining should at least be tried to see how it works for everyone involved.

Council Member Kirby said he is taking the advice of the City Attorney that this provision is something the city has the right to adopt. He said while he thinks this provision is the right thing to do in the long run, the timing now is not good because there is opposition from two units and the public doesn't have a good understanding of the policy.

Council Member Hanley said Auburn should not be a follower in reform, but a leader. He said there is no logic to the idea that the policy of transparency would lead to more posturing then a live broadcast of negotiations. He said the Council has to do the best they can, then the citizens get the final judgment. He said he would like to know the pros and cons of publicly providing all the proposals during negotiations.

Council Member Nesbitt said it doesn't matter what other cities use this type of transparency in bargaining policy; its time for Auburn to be a leader. He said it makes sense to the Council, the bargaining unit and the residents of Auburn.

Aaron Donato, Mastagni Law Firm, said being a leader in the community is not only a responsibility to the citizenry, but also to the employees. He said the unions are offering full transparency with a video/audio recording of each negotiation discussion.

By consensus of the Council; no action was taken.

19. **Proposal to Amend the Fee Schedule for Planning Applications**

Senior Planner Reg Murray presented this item. He said this is a follow up to a continued item from April 14, 2014. He said the planning application fees were last updated 22 years ago, in 1992. He reviewed hard costs, legal costs and staffing costs incurred with planning applications.

Council member questions followed regarding (1) increased fee impact on economic growth, (2) percentage of costs covered under current fees, (3) design review permits, (4) recovering staff costs, and (5) proposed "at-cost" fees.

Council Member comments followed regarding (1) collection of taxes for services, (2) supporting improvements in the community, (3) positive impact of

having low fees, (4) reputation of low costs and ease of working with staff, (5) infill community, and (6) collecting hard costs.

By consensus of the Council; no action was taken.

REPORTS

20. **City Council Committee Reports**

Council Member Hanley reported on Placer County Flood Control District proposed budget and the per capita assessment increase of 10%. He said he has asked Public Works Director Bernie Schroeder to work with the flood district to see if there are any benefits of membership to Auburn. He also reported on SACOG. He addressed the direction of SACOG, stating it may not always be in Auburn best interest. He said they can vote to support legislation on an emergency basis without notifying the entire board.

Council Member Holmes said he supports leaving the flood control district and it should be looked at. He reported on SEDCorp and said he prepared a document which he provided to the Council. He reported he will be attending CA League of Cities policy committees on the 19th and 20th in Sacramento.

Council Member Kirby reported on Cal LAFCO issues and said there is a meeting in July. He said he would like a recognition for former Interim City Manager Rich Ramirez for his leadership and direction during his interim service to the City.

Council Member Nesbitt reported on an upcoming Economic Development Commission meeting. He also reported on the upcoming work on I-80 and road closures.

Mayor Powers thanked Rich Ramirez and Tom Dwelle for their help with SB 983. She reported on an upcoming meeting of the Airport Business Park Association. She reported that the Placer County Economic Development meeting is going to be held June 19th in Colfax. She also congratulated Kevin Hanley on his new position with the Auburn Chamber of Commerce.

ADJOURNMENT

Mayor Powers adjourned the meeting, without objection, at 8:35 p.m.

Bridget Powers, Mayor

Stephanie L. Snyder, City Clerk