CITY COUNCIL MINUTES
June 11, 2012
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 11, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Senior Planner Reg Murray, Assoc. Planner Lance Lowe, Code Enforcement Jennifer Solomon, Public Works Engineer Carie Huff, and Police Chief John Ruffcorn.

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

1. **Conference with Legal Counsel**
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.

A) Pending Litigation:
(G.C. 54956.9(a))
Victoria Connolly, First Amendment Coalition v. City of Auburn, Auburn City Council, Placer County Superior Court Case No. SCV-0031261

B) Existing Litigation:
(G.C. 54956.9(a))

Joseph G. R. Labrie, Auburn City Clerk v. Board of Supervisors for the County of Placer, Jim McCauley, County Clerk-Record-Registrar of Voters (James Earp, Hank Gonzales and California Alliance for Jobs, Real Parties in Interest), Placer County Superior Court Case No. SCV-0030835

REPORT OUT OF CLOSED SESSION
Mayor Hanley reported on the pending litigation (item A) saying a settlement offer was received and a counter proposal is being made.
Mayor Hanley reported on the existing litigation (item B) saying the City Attorney is withdrawing from the case and new representation will be on the next council agenda.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS
Mayor Hanley presented the United States Army Week Proclamation.
Mayor Hanley presented certificates of appreciation to both Randy Mealhow and Aloha Baumgarten of the Arts Commission.

AGENDA APPROVAL
Mayor Hanley said it is important to expedite these hearings and allow for good public input. He said public comment should be reserved for members of the public (and members of the staff) to make a comment. He said comments and reports by City Council Members should be done during "Committee Reports". He said on item 19 regarding the budget, tonight should act as a workshop for the budget with no action taken. He said the approval of the budget will be on the next Council agenda.
The remainder of the agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Mayor Hanley removed item 12 from the consent calendar.

1. **Minutes**

   By **MOTION** approve City Council Minutes of 4/23/2012, 5/14/2012 and 5/15/2012.

2. **Warrants**

   By **RESOLUTION 12-50** approve Warrants #79836 through 80033 totaling $1,179,384.91.

3. **Appointment of an Alternate Member on LAFCO**

By **RESOLUTION 12-51,** appoint Council Member William Kirby to the Local Agency Formation Commission as an alternate.

4. **Affordable Housing Agreement – Mercy Auburn Senior Apartments**

By **RESOLUTION 12-52,** approve the Affordable Housing Agreement for the Mercy Auburn Senior Apartment project.

5. **Palm Avenue Sidewalk and Bicycle Lane Project – Coastland Agreement**

By **RESOLUTION 12-53,** authorize the Director of Public Works to execute an amendment with Coastland Civil Engineering, Inc. to complete the required environmental studies and the final design for the Palm Avenue Sidewalk and Bicycle Lane Project in an amount not to exceed $48,822.

6. **Trailer Mounted Message Board Replacement Purchase**

By **RESOLUTION 12-54,** authorize the purchase of a solar powered trailer mounted message board in an amount not to exceed $20,000.

7. **Business License Software Replacement**

By **RESOLUTION 12-55,** authorize the City Manager or his designee to execute an agreement for Business License Software Services with HdL Software, LLC as it relates to the installation and replacement of the current business license system in an amount not to exceed $31,000 plus monthly maintenance fees.

8. **Legal Representation for Councilmembers in Connolly v. City of Auburn**

By **RESOLUTION 12-56,** authorize the agreement with Weintraub, Genshlea, Chediak, Tobin & Tobin to provide legal representation of Council Members in a lawsuit.

9. **Amendment of City Ordinance Governing Claims Against the City – First Reading**

Waive full reading and introduce an ORDINANCE to amend Section 33.115 of the Auburn Municipal Code regarding claims against the City.

10. **Request Services of the Placer County Clerk for the General Municipal Election**

By **RESOLUTION 12-57,** approve the request of the City Clerk of the City of Auburn to utilize the services of the Placer County Clerk for the General Municipal Election of November 6, 2012.

11. **Funding Agreement with PCTPA for the Community Transit Enhancement Projects**

By **RESOLUTION 12-58,** authorize the City Manager to execute the funding agreement with Placer County Transportation Planning Agency for the Community Transit Enhancement Projects.

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

Removed from consent calendar, see item 13a.

13. **CalPERS Contract Amendment Ordinance – 1959 Survivor Death Benefit Program (Police) – First Reading**

Waive a full reading and introduce an **ORDINANCE** approving an amendment to the contract between the City of Auburn and CalPERS, providing Section 21754 (Forth Level of Survivor Death Benefits) for local police members.

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

By **MOTION,** approve the consent calendar excluding item 12.
MOTION: Nesbitt/ Powers/ Approved 5:0

13a. **Weed Abatement – Declare Public Nuisance**

Mayor Hanley recused himself and left the room due to conflict: living within 500 feet of one of the properties.

Fire Chief Mark D'Ambrogi explained the action being requested.

By **RESOLUTION 12-59,** declare public nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris.
MOTION: Powers/ Nesbitt/ Approved 4:0 (Hanley abstained)

14. **Public Comment**

Kevin Dayton, President CEO of Labor Issue Solutions, LLC, spoke in support of the recently defeated charter city ballot measure. He reviewed the campaign statements from the committee opposing the measure. He

spoke in support of a charter city ballot measure in the future. He said the City Council should take local control and be able to decide what the community wage rates are for purely municipal projects as opposed to having them set by the Department of Industrial Relations in San Francisco.

Megan Siren, Department of Public Works, announced that June 16th is the Annual Clean-Up Day for Auburn residents. She said residents can get rid of up to one cubic yard of waste by placing it in front of their home. She said there was a bill insert in April's bill to all residents notifying them of this event.

Mary George, Director of Library Services for Placer County, invited the Council to a community meeting regarding a new strategic plan. She said the meeting is June 27th from 9 a.m. -12:30 p.m.

Michael Otten, resident of Auburn, spoke in favor of a workshop for the annual budget and said he would like to see a copy of the proposed budget available online and at the library. He also endorsed the meeting previously mentioned by Mary George.

Council Member Mike Holmes said he would like to see the minutes of the City Council prior to being put on the agenda for approval to review for typos and errors.

PUBLIC HEARING

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

City Manager Robert Richardson presented this item. He said the fee structure for the Downtown Business Improvement District is unchanged while the fee structure for Old Town Business Improvement District is being proposed to be reduced.

Linda Robinson was in attendance representing the Old Town BID and Harvey Roper was in attendance representing the Downtown BID.

Tim O'Connor, Business Owner in the Old Town BID, raised questions regarding whether the assessments are properly calculated for different businesses, the decision making process for how assessments are applied, and commercial landlords being exempted from the assessment.

Gary Moffat, Business Owner in the Old Town BID, said the Business Improvement District (BID) is outdated and should be abandoned immediately and replaced with a private business association that would

be funded through voluntary membership and contribution. He said the funds generated by the current BID do little to advance the cause of Old Town.

Mayor Hanley said any issues having to do with how BID fees are spent should be addressed to the BID itself. He said he will have the City Manager look into the commercial landlord issue further.

Thom Smith, business owner in the Downtown BID, spoke about the BID being non-beneficial to his type of business.

Reese Browning, business owner in the Old Town BID, said he supports the BID assessment fees. He said the money is well spent and a benefit to the business community as a whole.

John Lynch, business owner in the Old Town BID, said he supports the BID and said the input from merchants at the Old Town Business Association meetings is crucial in regards to how the assessment fees are used.

Council Member Nesbitt said he supports the BID for Downtown, but doesn't feel the decrease was adequate for the Old Town BID.

Council Member questions followed regarding notification of BID fees to new business owners, the annual reports and how assessments are determined.

Council Member comments followed regarding the lack of benefit to "professional services," lack of participation by businesses in the associations, and a new cap on fees.

Council Member Nesbitt made a motion that the Old Town BID fees be capped at $500.

Council comments followed regarding the impact on the Old Town Business Association budget with a cap on fees.

Reese Browning, business owner in OTBA, said a cap was discussed but, because the association already took a 17.4% cut to the budget, it was not feasible.

Gary Moffat, business owner in OTBA, said the cap for OTBA should match the cap for DTBA. He said he would support a $500 cap.

Mayor Hanley said the Council should not be "micro-managing" the fees for the business associations. He said he does not support a $500 cap.

The motion failed with a 1:4 vote.

Council Member Holmes made a motion, by **RESOLUTION 12-60** to approve the assessments as proposed by the Downtown Business Improvement District with the understanding that it will be fully reviewed again next year, including possible new options for the part time and semi-retired business owners.
MOTION: Holmes/ Kirby/ Approved 5:0

Council Member Powers made a motion to approve the 2012-13 Levying of Assessments in connection with the Old Town Auburn Business Improvement District.

The motion failed with a 2:3 vote.

Council Member Nesbitt made motion, by **RESOLUTION 12-61** to approve the 2012-13 Levying of Assessments in connection with the Old Town Auburn Business Improvement District with a cap of $600 with the understanding that it will be fully reviewed again next year including possible new options for the part time and semi-retired business owners.
MOTION: Nesbitt/ Kirby/ Approved 3:2 (Powers and Hanley voted no)

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

Mayor Hanley said 267 Live Oak Street citation has been paid and therefore will not be considered at this hearing.

Code Enforcement Officer Jennifer Solomon presented this item.

Glen Carnahan, property owner at 105 Terrace Street, explained how he dealt with the complaint when it was originally received. He said he felt he complied with the original request. He said due to some events he helps put on in Auburn, storage of supplies at his property is required.

Council Member Kirby asked Jennifer Solomon about her judgment of the compliance at this address.

Jennifer Solomon said she received Mr. Carnahan's request for an extension for compliance and granted him two extensions (60 days total). She said she received two complaints from two different property owners on this issue. She reviewed the timeline from the original courtesy letter to the citation for non compliance.

Bob Snyder, resident of Auburn, said due to the type of endurance events that Mr. Carnahan holds in Auburn, a lot of equipment and gear is required. He said nothing in the yard in question is junk or debris. He said it is used in the course of his business. He said he supports waiving the fine for this property.

Council Member Holmes asked about the current situation at the Terrace Street address.

Jennifer Solomon said the property has since been improved and the case is closed.

Richard Sanborn, resident of Auburn, said he also supports waiving the fine for Mr. Carnahan. He said code enforcement tells you what is wrong, but does not suggest how to make it right.

Jennifer Solomon explained that the courtesy letter explains how to bring the property into compliance.

Council member comments followed regarding staff doing a through job enforcing the ordinance and the situation at 105 Terrace.

By **RESOLUTION 12-62 through 12-66,** approve the tax roll assessment for Administration Citation's (excluding the 267 Live Oak and 105 Terrace properties) report and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect.
MOTION: Holmes/ Kirby/ Approved 5:0

Council took a 5 minutes recess

17. **Abandonment of the Public Utility Easement at 185 Palmyra Street**

Public Works Carie Huff presented this item.

There was no public comment.

By **RESOLUTION 12-67,** authorize the abandonment of the Public Utility Easement at 185 Palmyra Street under the provisions of Section 8320-8325 of the Streets and Highways Code of the State of California.
MOTION: Holmes/ Kirby/ Approved 5:0

COUNCIL BUSINESS

18. **Naming East End Hangar Access Road to Col. Bud Anderson Drive**

Public Works Director Bernie Schroeder presented this item. She said this

road name change is to pay tribute to Col. Bud Anderson. She said this proposed road has no name or businesses. She said this road falls on County property and there is no objection from the County.

Edward Sowa, said he supports the naming of this road.

Richard Anderson, President of TGH Aviation and President of the Auburn Airport Business Park Association, said the membership of the association supports this motion. He said Col. Bud Anderson is a true American hero and he believes it's highly appropriate to honor him in this matter.

Council Member Holmes asked if the naming requires it to be added to maps.

Bernie Schroder said she would be working with Placer County to take the necessary steps to get the road name reflected on County maps.

John Carr, resident of Auburn, said he supports the recognition of Col. Bud Anderson. He also suggested putting "Bud Anderson Field" on the airport monument sign.

Council Member Kirby said he is disappointed that the original proposal to name New Airport Road off Bell Road for Col. Bud Anderson did not come to fruition. He said he will support this but notes it is not adequate recognition for a real American hero.

Council Member comments followed regarding support of honoring Col. Bud Anderson through this name change and the monument at the Auburn Airport.

By **MOTION,** authorize staff to take the necessary steps to name the currently un-named access road located southeast of the Auburn Municipal Airport off of Old Airport Road to Col. Bud Anderson Drive.
MOTION: Powers/ Nesbitt/ Approved 5:0

19. **Operating, Debt Service and Capital Project Budgets for Fiscal Year 2012-13**

Finance Director Andy Health presented this item (report and budget available in the City Clerks office). He reviewed the preparation process, City-wide budget, other considerations, outstanding issues and then provided a conclusion. He said the full budget is available on the City's website.

Council Member Holmes asked about Regional Service Transportation Program overlay funding, reserve funding, fund balances, personnel costs, and airport perimeter fence master design funding.

Council Member Nesbitt asked about the budgeted amounts for the various committees/ commissions.

Council Member Powers asked when the last funding occurred for the committees/ commissions.

Council Member Kirby asked about the CalPERS increase in FY 13-14 and a personnel 4% one-time payment.

Mayor Hanley asked about comparisons to other cities in the region in regards to personnel costs and school park preserve funds.

By **MOTION,** defer action on the budget until the 6/25/2012 City Council agenda to allow for more time for the public to review the budget and comment.
MOTION: Holmes/ Nesbitt/ Approved 5:0

20. **Certified Local Government Status (CLG) for Auburn**

Community Development Director Will Wong presented this item. He reviewed the history of historic design review and historic preservation ordinances, design review for single-family residential units, separate historic design review committees and the Planning Commission, overview and requirements of the Certified Local Government Program, "pre-application" update, and fiscal impacts.

Council Member questions followed regarding CLG grant money, process for single family dwelling under a CLG, public hearing notices, costs for updating preservation ordinances every five years, staff's recommendation on this item, Register of Historical Places, duties of the Historic Design Review Commission, opt-out process for residential properties, CEQA review, and administrative costs.

Council Member Holmes clarified that some work is already being completed on some of the original surveyed 571 properties to provide further detailed information. He said he is disappointed that nothing has been done to implement what the Council approved in 2004 by ordinance.

April McDonald-Loomis, City Historian, said she strongly urges the Council to accept the proposed amendment to the Historic Preservation Ordinance in order to bring it inline with the requirements for the CLG status. She addressed the historical register calling it a "dismal display."

She spoke about the cultural resource survey done in 1986 and the database she has created from it. She said she thinks the staff time would be minimal to keep the research current.

Cindy Combs, resident of Auburn and member on the HDRC, said as a private citizen she supports Auburn becoming a CLG. She said implementing measures to be able to identify and preserve Auburn's Historic Resources will be a benefit to the entire community.

Michael Otten, resident of Auburn and President of the Placer County Historical Society said this is a "golden opportunity" for Auburn to move ahead on the CLG status.

Bob Snyder, resident of Auburn, suggested an opt-in provision as opposed to an opt-out provision. He said there should be concern when California Environmental Quality Act is discussed. He said there needs to be much further discussion before action is taken.

Council Member Holmes said he supports moving forward with the ordinance amendment to be followed by submission of a CLG application and followed again with an update to the 1986 inventory of historic properties.

Council Member Nesbitt said he concurs with Mr. Snyder regarding an opt-in clause. He said he would like to see workshops done on this subject for further information and input.

City Attorney Michael Colantuono said he presumes that an opt-in clause would not be acceptable in a CLG due to our current ordinance excluding single family properties.

Council Member Powers said she concurs with holding a workshop for public input from property owners.

Council Member Kirby said the ultimate decision is on Council, not staff. He said he views CLG as more state regulation and an extreme intrusion on property owner's rights.

Mayor Hanley spoke about when the ordinance was passed in 2004 and the concern over residential properties at that time. He said he feels the current ordinance protects historical buildings in the city. He said he does not see many tangible benefits to CLG. He said he supports updating the historical preservation ordinance, include more properties on the register, and promote our historical assets.

Council Member Holmes made a motion to initiate an ordinance amendment to revise the City's Historic Preservation Ordinance to be consistent with the requirements for a Certified Local Government as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation and by Resolution commit to updating the 1986 inventory of historic properties as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation. The motion failed for lack of a second.

By **MOTION,** do not submit an application to the California Office of Historic Preservation for Certified Local Government Status. Direct staff to update the resolution for Nominating Process for Historical Resources (*Resolution No. 82-198*); and continue with the City's Historic Preservation Ordinance as currently practiced.
MOTION: Kirby/ Nesbitt/ Approved 4:1 (Holmes voted no)

Council Member Holmes explained why he made the motion he did and the related benefits. He said the motion on the floor now just allows for a stand still and shows no appreciation for the history of the City.

21. **Recommendations from Streetscape History and Art Advisory Committee (SHAAC)**

Council Member Nesbitt presented this item. He explained how SHAAC committee members came to the recommendations in front of Council tonight.

Council Member Hanley said he is concerned that without a city funding source the history aspect will become compromised. He said he wants to keep the history in SHAAC. He added items 4 and 5 to the resolution.

By **RESOLUTION 12-68:**
1) Approve the revised criteria for selection of Streetscape tiles or amenities.

2) Adopt the "City of Auburn Streetscape History and Art Advisory Committee (SHAAC) Request for Recognition Form".

3) Appoint April McDonald-Loomis (City Historian) as a voting member of the SHAAC, rather than a non-voting advisor.

4) Direct SHAAC to forward no less then 50% of the tile recommendations to the City Council based on recognizing an achievement(s) that occurred before 1945.

5) City Council appropriate $600 for FY 12-13 for the purpose of bringing forward historical figures.
MOTION: Nesbitt/ Powers/ Approved 5:0

22. **Animal Control Services Contract**

Police Chief John Ruffcorn presented this item. He said this is not a proposal for animal control services, and that function is still completed by the Community Service Officer. He said this is simply for animal intake and reunification and similar responsibilities that go with that process. He said the cost with Placer County Health and Human Services continues to rise and this is an alternative option. He explained the benefit of set fees in a "fixed" contract rate with Dr. Basra. He said the City of Rocklin entered into this same type of agreement two weeks ago for a 3 year agreement.

Council Member questions followed regarding a specific plan on how Dr. Basra's office will handle the increase of intake, quality of facility and care, contract commitment, state requirements, and liability exposure.

Michael Otten, resident of Auburn, asked about a local solution, instead of a veterinarian located in Rocklin.

Richard Sanborn, resident of Auburn, spoke in opposition of Rocklin Law Enforcement.

Council Member Holmes said while he supports saving money for this service he showed concern over the ability of the veterinarian to handle this service.

Council Member Nesbitt said he would like to see how the contract with this veterinarian and Rocklin goes over the next year and then take another look at it.

Council Member Kirby said he would like to see all the local veterinarians contacted to determine local interest in handling this service.

Council Member Nesbitt spoke the possibility of getting a group of veterinarians that would be rotated on and off for this service.

Mayor Hanley said he also has concerns with state requirements. He said he agrees with trying to find an "Auburn option".
By MOTION, continue the contract with Placer County Health and Human Services for these animal care services. Direct staff to contact all local veterinarians for a possible contract in the future for this type of animal care.

MOTION: Nesbitt/ Holmes/ Approved 5:0

REPORTS

23. **City Council Committee Reports**

Council Member Powers reported on an upcoming Placer County Economic Development Commission meeting at Ceronix, June 21 at 3pm.

Council Member Holmes reported that the House of Representatives passed the Energy and Water Appropriations Bill which has funding for the Auburn State Recreation Area.

Council Member Nesbitt reported he attended the 113th graduating class of Placer High School. He also congratulated Public Works on the Airport Monument Sign. He reported on the Auburn App, and directed staff to contact the Chamber on adding a link to the City's website.

Mayor Hanley thanked the Fire Chief for submitting an application to the Sierra Nevada Conservancy and securing a grant.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 10:24 p.m.

Kevin Hanley, Mayor

Joseph G. R. Labrie, City Clerk