CITY COUNCIL MINUTES
July 8, 2013
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 8, 2013 at 6:07 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:30 p.m. for closed session.

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, Associate Planner Lance Lowe, Code Enforcement Officer Jennifer Solomon, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

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

1. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson

Employee Group: All Units

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

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.

Name of Case: In re Lehman Brothers Equity/Debt Securities Litigation
Names of Parties: Class action.

Case No. 08-CV-5523, 09-MD-2017 (LAK)

REPORT OUT OF CLOSED SESSION
Mayor Hanley said there were no reportable actions.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Hanley said he will be adjourning the meeting in the memory of Alan Young.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Council Member Kirby removed items 5 and 8 from the consent calendar.

1. **Minutes**

   By **MOTION**, approve the City Council minutes of 6/24/2013.

2. **Appointment to Library Advisory Board**

   By **RESOLUTION 13-61,** re-appoint William Gray to the Library Advisory Board for a 4 year term ending 6/30/2017.

3. **Warrants**

   By **RESOLUTION 13-62**, ratify and approve payment of warrants 82384 through 82876 totaling $2,545,562.32.

4. **First Amendment for Legal Services Agreement**

   By **RESOLUTION 13-63**, adopt the First Amendment for Legal Services Agreement with Colantuono & Levin.

5. **Employee Association Memoranda of Understanding**

   Item removed from the consent agenda.

6. **Amended and Restated Contract with City Manager Robert Richardson**

By **RESOLUTION 13-64**, approve an amended and restated contract with City Manager Robert Richardson.

7. **Department Director Pay for Performance Agreements**

By **RESOLUTION 13-65,** approve the Pay for Performance Agreements for the Department Directors.

8. **Application to CALAFCO**

Item removed from the consent calendar.

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

By **MOTION**, approve the consent calendar excluding items #5 and #8.
MOTION: Nesbitt/Holmes/Approved 5:0 (Nesbitt and Powers abstained on Item#1 minutes for 6/24/2013 due to absence at those meetings.)

8a. **Employee Association Memoranda of Understanding**

Council Member Kirby said the discussions with these employee groups have been very positive and he is pleased to be able to presented these MOU's and be voting on them.

By **RESOLUTION 13-66** adopt the Memorandum of Understanding between the International Association of Firefighters, Local 4110 and the City of Auburn for the period July 1, 2013 through June 30, 2014, and authorize the City Manager to sign on behalf of the City.

By **RESOLUTION 13-67** adopt the Memorandum of Understanding between the Auburn Police Sergeants Association and the City of Auburn for the period July 1, 2013 through June 30, 2014, and authorize the City Manager to sign on behalf of the City.

By **RESOLUTION 13-68** adopt the approved salary and benefit adjustments between the mid-management employee group and the City of Auburn for the period July 1, 2013 through June 30, 2014.

By **RESOLUTION 13-69** adopt the approved salary and benefit adjustments between the confidential/unrepresented employee group and the City of Auburn for the period July 1, 2013 through June 30, 2014.
MOTION: Kirby/Powers/Approved 5:0

8b. **Application to CALAFCO**

Council Member Kirby explained his interest in the vacant position on the California Association of Local Agency Formation Commission representing the Placer County region. He spoke of his background and interest in serving on this board at a state level.

Council Member Holmes asked how many members are appointed to the CALAFCO Board, and how many are represented from each region. He asked if any of the Placer County LAFCO members currently serve on the state board. He asked why a résumé with Council Member Kirby's experience was not included. He asked if an alternate can serve at the state level. He asked what the value is to the City of Auburn to have a representative on the CALAFCO Board. He confirmed that the actual nomination comes from the Placer County LAFCO Board and not the City Council. He asked if there was a fiscal impact to the City of Auburn for this appointment.

Mayor Hanley thanked Council Member Kirby for seeking appointment to this position.

By **MOTION**, support Council Member Kirby's application to CALAFCO.
MOTION: Nesbitt/Powers/Approved 4:1 (Holmes voted no)

9. **Public Comment**

Council Member Holmes thanked those who came out and participated in the 4th of July Parade.

Council Member Nesbitt congratulated the Auburn Recreation District on continued successful movie nights.

Mayor Hanley reported on a Certificate of Achievement received for the Comprehensive Annual Financial Report (CAFR) and congratulated Administrative Services Director Andy Heath.

PUBLIC HEARING

10. **Weed Abatement Public Protest Hearing**

Fire Chief Mark D'Ambrogi presented this item. He said the purpose of this public hearing is to hear any appeals from the notified property owners. He said the property owners will be notified on this action and have 10 days to comply before the property is abated.

No public comment.

The Council conducted 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**, authorized 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: Nesbitt/Powers/Approved 5:0

11. **Non Payment of Administrative Citations and Abatements, Authority to Assess Tax Roll**

Code Enforcement Officer Jennifer Solomon presented this item. She said this public hearing includes unpaid administrative citations and unpaid abatement costs. She said the requested action taken tonight will allow for these costs to be included on the Placer County Tax Roll Assessment. She reviewed the background and information on the parcels in question.

Mayor Hanley asked for further information on the barking dog citation; he asked for standards of measurement to assess the problem.

Council Member Powers asked about the warning process before a citation is issued.

Craig Roland, cited property owner at 490 Aeolia, said he has no problem with what the City did, except that when the abatement went before a judge he was not notified. He said the language used by the court was very different from the language on the citations. He said he misunderstood the violation.

Council Member questions to Mr. Roland followed regarding types of correspondence, conversations with city staff, and efforts to contact city staff.

Jennifer Solomon further explained the situation at Mr. Roland's residence (photos in file).

Council Member Kirby asked about staff costs related to the citations. He spoke about options of crediting part of the total costs.

Mayor Hanley said he feels the city has communicated and been open to conversations with these residents.

Council Member conversation followed regarding leniency on citations and fines.

Jennifer Solomon spoke of the history with Mr. Roland in other code enforcement issues.

Mayor Hanley said there should not a practice for a person to get credit just because they came before City Council. He said all the cases should be treated equally based on the evidence provided.

By **RESOLUTION 13-70 through 13-75**, approve the Tax Roll Assessment for Administrative Citation's and Abatement Costs 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: Powers/Holmes/Approved 5:0

*****Council recessed at 7:05 p.m. and returned at 7:10 p.m.*****

COUNCIL BUSINESS

12. **Operating, Debt Service and Capital Project Budgets for Fiscal Year 2013-14 – Final Adoption**

Administrative Services Director Andy Heath presented this item. He said this presentation is to review any changes made since the May 20, 2013 proposed budget presentation (presentation available in staff report).

Council Member Holmes asked about the process of reviewing the fee's that the City charges, transportation permits, and property tax estimates.

Council Member Nesbitt asked about the funding to the city commissions and committees.

Council Member Powers asked for more information about the labor negotiations that are not completed that will impact the general fund.

Council Member Holmes spoke about performance based budgeting and key performance indicators. He said he thinks it would be useful to take a look at what Loomis and Colfax are paying for contracted public safety services based on their population.

Council Member Nesbitt spoke about the funding for the mural on the Arts Commission's budget.

Council Member Kirby said he doesn't agree with comparing our public safety services to the City of Colfax and Town of Loomis.

Mayor Hanley spoke of the three priorities of the Council: 1) to attract and retain good employees for the City, 2) provide as much service as possible to the residents and 3) to maintain a solid reserve for emergencies. He spoke of the pay cuts endured by employees and the decrease to reserves during the recession. He spoke of the performance based budgeting integrated with the general fund budget.

Council Members congratulated Mr. Heath on the certificate of achievement awarded once again this year and thanked him for his great service with the City of Auburn.

By **RESOLUTION 13-76**, adopt revenue estimates and expenditures appropriations for all City Funds for fiscal year 2013-14 as summarized in the fund schedules presented with the Fiscal Year 2013-14 Proposed Budget.

By **RESOLUTION 13-77**, establish a General Fund "cash reserve" in the amount of $3,173,792 as summarized in the General Fund schedule presented with the Fiscal Year 2013-14 Proposed Budget.
MOTION: Holmes/Nesbitt/Approved 5:0

13. **Prohibit Smoking in the City's School Park Preserve**

Associate Planner Lance Lowe presented this item. He said this item was previously directed by City Council to have staff draft a resolution with the City Attorney. He said the resolution will prohibit smoking within the School Park Preserve.

Council Member questions followed regarding designated "smoking" areas within the park and fine amounts.

Craig Roland, resident of Auburn, said he supports the ban and said there is a litter problem in the park. He spoke about current signage in the park.

Sally Dawley, resident of Auburn, said she supports the ban but is concerned about enforcement.

Council Member comments followed regarding (1) American Lung Association grade, (2) Sierra Club's involvement in trash clean-up, (3) Auburn Recreation's policy on smoking, (4) warnings/citations, (5) high school students smoking, (6) fire safety in the dry preserve park and (7) trash problem related to smoking.

By **RESOLUTION 13-78**, prohibit smoking in the City's School Park Preserve property.
MOTION: Holmes/Nesbitt/Approved 5:0

14. **Support Designation of Western States Trail as a National Historic Trail**

Council Member Holmes presented the item. He said this is a follow up resolution to one passed by this City Council in 2007. He said the latest bill submitted in the U.S. Senate proposes a study to determine if the trail should be designated as a "National Historic Trail'. He said, if approved, a letter will be sent to Representative McClintock to request he introduce a companion bill in the House of Representatives.

Council Member questions followed regarding (1) designation compromising any endurance events held on the trail, (2) portions of trail through private property, (3) definition and obligations of "National Historic Trail" designations, and (4) letters of support from Tevis Cup or Western States Trail.

Tom Christofk, Western States Endurance Run and Trail Foundation, explained the restrictions between "historic and scenic" and just "historic" designations. He explained the historic significance of the trail and what a "National Historic Trail" designation could mean. He said this designation could enhance fundraising efforts, and continue to maintain trail safety and accessibility. He said he encourages the Council to support the analysis to see if this trail could be designated as a National Historic Trail.

Michael Otten, President of the Placer County Historical Society, spoke of the history of the trail.

Council Member comments followed regarding re-wording of the resolution to clarify support of a "study" as opposed to support of the actual designation.

By **RESOLUTION 13-79**, support for legislation leading to a study to determine the feasibility of the designation of the Western States Trail as a National Historic Trail and send the resolution and a cover letter to Representative McClintock.
MOTION: Holmes/Kirby/Approved 5:0

REPORTS

15. **City Council Committee Reports**

Council Member Kirby reported on Auburn Movie Nights. He also reported on a woman he met whose father, Arnost Lustig, was a survivor of a number of concentration camps, is making a film of his life. He said the

Czech Ambassador would come to Auburn with many people if the film was featured here.

Council Member Nesbitt reported on the Krazy Man event scheduled for September 2014.

Council Member Holmes reported on the 125th Anniversary of Auburn's reincorporation. He reported on the Neff Fountain repair project. He also reported on the Chinese travel group and a proposal they are putting together regarding the types of things for Chinese tourists to do while visiting the Auburn area.

Mayor Hanley reported on the 2013 Leadership Auburn graduation and project. He reported on the Homeland Free Concert held at the Library Garden Theater. He also reported on the 40th Anniversary of the Western States run.

ADJOURNMENT

Mayor Hanley adjourned the meeting in memory of Alan Young at 8:20 p.m.

Kevin Hanley, Mayor

Stephanie L. Snyder, City Clerk