CITY COUNCIL MINUTES
April 9, 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, April 9, 2012 at 6:00 p.m. with Mayor Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

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

Council Members Absent: None

Staff Members Present: City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Senior Planning Reg Murray, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

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

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

(1) **Existing Litigation:**
(G.C. 54956.9(a))

Name of Case: City of Auburn v. Sierra Patient and Caregiver Exchange, Inc. et al.

Names of Parties: Plaintiff: City of Auburn. Defendants: Sierra Patient and Caregiver Exchange, Inc. (dba S&R Blooms & Blossoms); Richard Miller; and Does 1-10

Case No. S-CV-0029599 (Placer Superior Court)

REPORT OUT OF CLOSED SESSION
No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Lauri Pantaleoni, Site Supervisor at KidsFirst Auburn office was presented the Child Abuse Prevention Month proclamation by Mayor Nesbitt.

AGENDA APPROVAL

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

CONSENT CALENDAR

Mayor Nesbitt removed item 2 from the consent calendar.

1. **Minutes**

   By **MOTION**, approve the City Council minutes of March 12, 2012 and March 26, 2012.

2. **Professional Services Agreement with Best Best & Krieger, LLP**

   Removed from consent calendar, see item 3a.

3. **Assignment of Auburn Airport Land Lease from Leonard and Laurel Smith to Chuck Kluenker**

   By **RESOLUTION 12-26,** authorize the City Manager or his designee to approve the assignment and assumption of the land lease between the City of Auburn and Leonard Arthur Smith, Jr. and Laurel Jean Smith, as trustees of the 2010 Smith Family Revocable Trust to Chuck Kluenker, and authorize the execution of all related documents.

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

   By **MOTION**, approve the consent calendar with the exception of item 2.
   MOTION: Holmes/ Powers/ Approved 5:0

3a. **Professional Services Agreement with Best Best & Krieger, LLP**

   Mayor Nesbitt asked about projected costs.

   Administrative Director Andy Heath addressed possible costs in regards to the successor agency.

   City Attorney Michael Colantuono said it is possible to spend slightly more administratively then if the redevelopment agency had been kept intact. He said a lot of energy is being spent to accomplish something for the state budget, but not accomplishing much for the residents of Auburn.

By **RESOLUTION 12-25,** authorize the City Manager or his designee to execute a professional services agreement with Best Best & Krieger, LLP for legal services required by the City of Auburn, acting as successor agency to the dissolved Auburn Urban Development Authority.
MOTION: Powers/ Kirby/ Approved 5:0

4. **Public Comment**

No public comment.

REPORTS

5. **Sierra Business Council Presentation – Auburn Community-Wide Greenhouse Gas Emissions Inventory**

Senior Planner Reg Murray introduced Ken Larson of the Sierra Business Council (SBC) who presented the results of the community-wide inventory. He explained SBC's work, PG&E's role, and policy background.

Mayor Nesbitt asked about mitigated negative declarations.

Council Member Kirby asked about costs to local businesses.

Ryan Casey, SBC, reviewed the community emissions inventory results, emissions reduction targets and emissions reduction strategy.

Council Members then asked about emissions from past through traffic on I-80, solar power at Wastewater Treatment Plant, state highways and railroad.

Emma Ingebretsen, SBC, explained that this report is a baseline to compare future emissions inventories.

Council Member questions continued regarding other cities participating, Phase 3 project description and costs, carbon-credit programs,

Chuck Heisleman, PG&E, said consumption has gone down on a community basis from 2006-2009 through energy efficiency. He said there are shared issues in neighboring communities in regards to greenhouse emissions.

Joe Labrie, City Clerk, asked about fuel emission measurements.

City Council comments followed regarding solar projects, state and federal subsidies costs to taxpayers, baseline report as a guide for the future, and an action plan.

6. **City Council Committee Reports**

Council Member Powers reported that April 19th at 3pm the Placer County Economic Development Board will be meeting in Colfax.

Council Member Holmes reported that April 12th is the first Auburn Art Walk. He also reported on the Mount Quarries Railroad Bridge Art. He said the Arts Commission is working on many upcoming events in the next year. He reported on the Community Development Department and his request to create a list of historic properties within the City of Auburn by the end of May and to amend the historical preservation ordinance by June.

Council Member Kirby reported on Auburn Movie Night. He also reported on Placer Nevada Wastewater Authority and a revising of their role in the future.

COUNCIL BUSINESS

7. **Bike Auburn (Amgen) Excess Funds and Property**

Chief Ruffcorn presented this item. He said at the conclusion of the Amgen Event held in Auburn in 2011, there is a remaining balance of just over $12,000 and 3 pieces of Lance Armstrong memorabilia. He said he met with a majority of the members of the Bike Auburn committee and they unanimously approved the monies to be given to the Endurance Capital Committee.

Council Member questions followed regarding Amgen coming back to Auburn in the future, retain monies for future biking events, memorabilia, outdoor sporting events, recommendations and approval to Council, and funding requirements.

Council Member Kirby said he feels this money should be used solely on biking events because it was raised, solicited and intended for such events.
He said the Bike Auburn committee needs to continue.

Council Member Hanley said it needs to be clarified that the money will be used for endurance events, as opposed to 'outdoor' events. He said allocating the money the right way over the next few years is a good use of the funds.

Council Member Holmes said he would like to see a list of the events that the Endurance Capital Committee would like to support this calendar year.

Council Member Powers said she supports the expenditure of the funds as long as Council has the final approval authority.

Mayor Nesbitt said it is important to keep "seed money" in case Amgen comes back in the next couple years. He said there could also be an event in the near future that would keep people in Auburn for longer then Amgen did.

Conversation followed regarding Bike Auburn's logo and website.

By **RESOLUTION 12-27**, authorize the acceptance of the excess Bike Auburn funds and property on behalf of the Endurance Capital Committee for use to promote local endurance outdoor events and activities with all expenditures being approved by City Council for FY 12-13. The Endurance Capital Committee will also be responsible for the Bike Auburn Logo and continued maintenance of that website.
MOTION: Hanley/ Powers/ Approved 5:0

8. **Expansion of Vehicle Leasing Program**

Chief Ruffcorn presented this item. He said in 2010 he started a pilot program for leasing two unmarked non pursuit related vehicles. He said the program has been a benefit to the department and to the City. He said he would like to increase the program to add another two vehicles.

Council Member questions followed regarding budgeted funds, non pursuit vehicles, maximum number of leased vehicles, maintenance on vehicles, and the impact on corporation yard.

By **RESOLUTION 12-28**, authorize the Chief of Police to expand the vehicle leasing program and authorize the City Manager or his designee to enter into an additional agreement with Enterprise Fleet Management, Inc.
MOTION: Powers/ Kirby/ Approved 5:0

9. **Letter of Support to Senator Feinstein, American with Disabilities Act Reform**

Council Member Hanley presented this item. He said this letter will help push an important issue to help our local businesses.

Council Member Holmes offered to take this letter to our representatives in Washington D.C. on his trip next week.

Council Member comments followed regarding full support of this letter.

By **MOTION**, approve a letter to Senator Feinstein urging her to continue her efforts to push for ADA reform at the state and federal levels.
MOTION: Hanley/ Holmes/ Approved 5:0

10. **Support for Auburn State Recreation Area Continued Funding**

Council Member Holmes presented this item. He said he would like to copy the letter to McClintock, Matsui, Lungren, Boxer, and Feinstein. He said he will be hand delivering this letter on his trip to Washington D.C.

Council Member Holmes explained the crucial long term plan.

Council Member comments followed supporting the letter and Council Member Holmes effort on this issue. Council Member Hanley asked for a revision to the last sentence of the letter.

By **MOTION**, approve the revised letter to Honorable Rodney P. Frelinghuysen regarding the continued funding request in the President's budget to preserve the operation of the Auburn State Recreation Area.
MOTION: Holmes/ Hanley/ Approved 5:0

ADJOURNMENT

Mayor Nesbitt adjourned the meeting, without objection, at 7:43 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk