CITY COUNCIL MINUTES
December 13, 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, December 13, 2010 at 6:00 p.m. with Mayor Kirby presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. Holmes, Keith Nesbitt, Bridget Powers, Bill Kirby

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, Building Official Lisa Hoffrogge, Administrative Services Director Andy Heath, Police Chief Valerie Harris and Police Captain John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6
MOTION: Hanley/ Powers/ Approved unanimously by voice

(1) **CONFERENCE WITH LEGAL COUNSEL**
The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.
Existing Litigation:
G.C. 54956.9(a)
Name of Case: Auburn Police Officers Association v. City of Auburn, Placer County Superior Court Case No. No. SCV 26856

(2) **CONFERENCE WITH LABOR NEGOTIATORS**
G.C. 54957.6

Agency Designated Representative: Robert Richardson

Employee Group: All Bargaining Units

REPORT OF OUT CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor Kirby presented a commendation for Bill Brock-Jones for his 40 years of service to the Auburn Fire Department.

AGENDA APPROVAL

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

CONSENT CALENDAR

1. **Cancellation of the December 27, 2010 City Council Meeting**

   By **MOTION** approve the cancellation of the regular City Council meeting on the 4th Monday of December 2010 (December 27, 2010).

2. **Municipal Election Results**

   By **RESOLUTION 10-144** recite the fact of the General Municipal Election, held November 2, 2010, and declare the result and such other matters as provided by law.

3. **Ordinance Establishing Dog Vaccination Reporting Requirements for Veterinarians and Vaccination Clinics**

   Hold a Second Reading, by title only, and adopt an **ORDINANCE 10-11** adding Sections 97.022 (C) through 97.022 (F) of the Auburn Municipal Code establishing dog vaccination reporting requirements for Veterinarians and Vaccination Clinics.

4. **California Building Standards Codes**

   Hold a Second Reading, by title only, and adopt an **ORDINANCE 10-12** to amend the Auburn Municipal Code and adopt the 2010 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings, the 2009 International Existing Building Code, and the 2009 International Property Maintenance Code.

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

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

5. **Public Comment**

Council Member Powers said she attended the "Festival of Lights" parade; she thanked everyone involved for a successful event.

Council Member Holmes said he handed over the trophy to Colfax High School after their win during the Placer/ Colfax Football rivalry game.

Council Member Holmes asked City staff to create a draft memorandum of understanding with private property owners who have parking lots in Downtown Auburn to provide additional parking. He said this was a recommendation in the traffic study.

Mayor Kirby also complimented the "Festival of Lights" parade and everyone involved.

Council Member Nesbitt said he attended the "Old Town Country Christmas" in Old Town Auburn; he commended the organizers for a successful event.

Mayor Kirby said a temporary ice skating rink was brought in to Folsom's old town area, successfully attracting more people to their business district.

REPORTS

6. **City Council Committee Reports**

Council Member Hanley reported and congratulated Joanne Neft who won "Citizen of the Year" at the 2010 SACOG Regional Awards Program.

Council Member Holmes reported the Placer County Air Pollution Control District approved the purchase of 110 Maple St as their new headquarters. He said they will move to this location mid-2011.

Council Member Holmes also reported that the United Auburn Indian Community Tribal Council has approved the installation of an art piece in Central Square.

Council Member Nesbitt reported that Placer County Transportation Planning Agency (PCTPA) in conjunction with City staff was able to provide a surplus vehicle to the "Gathering Inn" for a minimal cost. Council Member Nesbitt also reported that the PCTPA is beginning a process to name the Sierra College overpass after Kathy Lund, a Councilmember in Rocklin and member of PCTPA.

COUNCIL BUSINESS

7. Consideration of New Minute Format

Mayor Kirby said this discussion item was brought before the Council because "standard" minutes were completed for the October 25th City Council meeting, and an addendum with expanded minutes was completed by the City Clerk for only a portion of the meeting and he would like discuss how it should be handled.

Joe Labrie, City Clerk explained that he notified the Assistant City Clerk, Amy Lind, that he would like to transcribe only his public comment section for that meeting. He said he did not intend for his public comment to be an addendum to the minutes. He said his version was to be "inserted' in the minutes. He said his public comment "deserved more." He said the summary the Assistant City Clerk provided for his public comment was not adequate.

Mayor Kirby asked Joe Labrie whether there were any deviations between his version of his public comment and the audio recording of the meeting.

Joe Labrie said there is no deviation in the version of his public comment and the way it is on the audio recording.

City Manager Robert Richardson said he requested the Assistant City Clerk compare the "addendum public comment" to the audio recording and he said the points were correct, however the sequence is different then it was spoken to be a more coherent presentation.

Council Member Nesbitt said he can see why the City Clerk wants this in the minutes but stressed that everyone must be treated the same in regards to how they are recorded in the minutes. He said he would like to continue with the current format of minutes.

Council Member Holmes said this addendum represents a political statement of the City Clerk's personal views. He said the City Clerk claims to be the "protector" of what happens with the minutes. He said he would like the minutes to be distributed to the Council before the agenda is available to review spelling errors, etc.

Council Member Hanley said minutes are to be a summary of votes, actions by the City Council, and comments spoken by the public. He said he does not support a verbatim record, as it would be a waste of time and money. He said he does not believe the minutes should be circulated before they are put on the agenda for approval. He said any corrections to the minutes should be done at the meeting, in a public forum.

Council Member Powers said she supports the current system and the current processes and how it has been working; she would like to see it continue that way.

City Clerk Joe Labrie said he agrees and said he has been asked to shorten the minutes once in the past and it was in regards to an airport helicopter issue. He said it was important to verbatim those minutes because it was a "life and death" situation. He also said he plans to come to Council with a proposal in the coming weeks regarding the minutes. He spoke about the "DocStar" system that the city used in the past and gave an example of minute tracking with the DocStar system.

Mayor Kirby confirmed with City Clerk Joe Labrie that his intention was to have his version of the public comment inserted into the minutes, as opposed to an addendum. City Clerk Joe Labrie said this is correct.

Mayor Kirby said after reviewing the minutes, he feels that this is a significant change to the minutes and what was said at the meeting. He said it dramatically alters the effect of these comments. He said the City Clerk has always stated his job is to protect the public from alterations to the minutes, yet this attempted alteration is out of sequence, incorrect, and often with comments added. He said he is "appalled" by the City Clerk's attempt to insert these comments into the standard minutes.

Council Member Nesbitt said there should be no subjectivity by the City Clerk as to what he determines to be "important" in the minutes. He said the Clerk's job is report the minutes and to make sure they are accurate.

Council Member Holmes said he is concerned that these minutes were held back for approval. He said is disappointed that the City Clerk would delay minutes for approval because of his desire to make changes. He said he is disappointed in the City Clerk's attitude and the way he performs his job. He asked if the October 25th minutes could be approved during this meeting.

City Clerk Joe Labrie said he had no intention of making his version an addendum. He said he just wanted it inserted in the minutes. He said everything in his version is accurate and he eliminated only excess words.

Mayor Kirby said this is clearly an alteration of the minutes to make the speaker of the public comment have a better presentation that what was on the audio recording.

By **MOTION** approve the standard minutes of the October 25, 2010 City Council meeting, excluding the proposed addendum.
MOTION: Hanley/ Powers/ Approved 5:0

8. **AMGEN/ Tour of California Local Organization Committee (LOC)**

Council Member Nesbitt said there are some costs coming up for this committee that need to be paid before the sponsorship packets and marketing can be purchased. He said there is a parallel request going before the Downtown Business Association to help with funding. He said this loan will be paid back by June 1st, 2011.

Council Member Powers said she plans to be a part of the fundraising effort for this committee and said she is not concerned with not being able to repay this loan.

Council Member Holmes asked the City Attorney's opinion on a contract with the LOC for this money.

City Attorney Michael Colantuono said there are two ways to create this loan. He said you could have an oral agreement to loan the sums, the terms of which are reflected in the staff report or you could have prepare a simple form of note, which could have the City Manager as the authorized signer. He stated that, due to the small loan amount and of the relationship of the committee members to the City, he would be content with an oral agreement documented by the staff report.

Police Captain John Ruffcorn, Chair of the LOC committee, said this money will help cover the initial costs that Amgen has already charged the committee from their recent visit. He reviewed the list of directors on the LOC and members of the Executive Board. He explained the role of the Executive Board and explained that they will approve all expenditures of the committee. He said the LOC meets every Thursday, and the Executive Board meets as needed.

Council Member Hanley asked for an explanation of the use of the $5,000. He said the committee should put on a fundraiser to raise money ASAP.

Police Captain John Ruffcorn said there are fundraisers planned to assist with fundraising. He said some funds are needed for the lodging of

Amgen officials when in town. He also said the LOC is trying to establish the merchandising aspect to raise additional funds.

Curt Smith, resident of Auburn, asked the types of funds you can use to work with the Amgen tour, personal tax revenue vs. sales tax?

City Manager Robert Richardson indicated the funds will come from the general fund which is non-restrictive.

Bob Snyder, resident of Auburn and interim CEO of the Auburn Chamber of Commerce, spoke of the LOC committee and its commitment to making this event a success.

Council Member Hanley said he is concerned in regards to the Police Captain being the Chair of the committee. He said he is concerned about the City taking too much of a lead, rather then the business community and volunteers. He also said he is concerned that the first fundraiser this committee is planning is in February, when the race is in May. He also said he is disappointed that there is no budget for this $5,000 loan.

Police Chief Harris said because this is the first year and an essential commitment, it is important to have the City play a key role. She said the committee is fine-tuning the sponsorship packages and that will begin to generate revenue.

Police Captain Ruffcorn said the sponsorship packages are crucial. He assured the Council that he can lead this group. He said the LOC is putting together the financial plan.

Council Member Hanley asked if there is a plan going forward to get to the fundraising goal. He said he would like to see a detailed report to show that the committee is on track to raise sufficient funds. He said when government steps in, the people tend to take a step back, and he does not want to see that happen.

Council Member Nesbitt said Amgen officials were impressed by Police Captain John Ruffcorn's work with the pass through Auburn last year. He also said there was a preliminary budget brought to the last LOC meeting to outline roughly what would be offered in sponsorships, but it is not finalized and can not be made public yet. He stressed this is only a loan.

Council Member Holmes said the Downtown Business Association voting to make a $5,000 donation would demonstrate the business community is "stepping up to the plate".

Mayor Kirby said he would have liked to see more detail in regards to this loan and the overall plan. He said the LOC is "behind the curve" as far as fundraising at this point.
By **MOTION** approve a loan to the Local Organizing Committee (LOC) in the amount of $5,000.00 on the terms stated in the staff report.
MOTION: Holmes/ Nesbitt/ Approved 5:0

ADJOURNMENT

Mayor Kirby adjourned the meeting, without objection, at 7:12 p.m.

William W. Kirby, M.D., Mayor

Amy M. Lind, Deputy City Clerk
Joseph G. R. Labrie, City Clerk