

CITY OF FOLSOM
SPECIAL CITY COUNCIL MEETING MINUTES
OCTOBER 28, 2008

CALL TO ORDER: The special meeting of the Folsom City Council was called to order at 5:30 p.m. in City Council Chambers, 50 Natoma Street, Folsom, with Mayor King presiding.

| | | |
|--------------------------|--------------------------|---|
| <u>ROLL CALL:</u> | Council Members Present: | Miklos, Morin, Howell, King |
| | Council Members Absent: | Starsky (arrived during Closed Session) |
| | Staff Present: | City Manager Kerry Miller |
| | | Assistant City Manager Evert Palmer |
| | | City Attorney Bruce Cline |
| | | Deputy City Clerk Tina McVay |

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

- 3a. Conference with Real Property Negotiator - Pursuant to Government Code section 54956.8:
- i. Property: 1300 Forrest Street (VFW Hall)
Negotiating Parties: Assistant City Manager Evert W. Palmer on behalf of the City of Folsom
Under Negotiation: Price and terms of lease
- 3b. Conference with Legal Counsel- Existing Litigation - Pursuant to Government Code section 54956.9(a):
- i. Tami Mangiapane, et al. v. City of Folsom
Sacramento County Superior Court Case No. 06AS00618
 - ii. Lehman Brothers Holdings Inc.
United States Bankruptcy Court, Southern District of New York, Case No. 08-13555
 - iii. Joe Thomas v. City of Folsom
WCAB No. SAC 0358143
- 3c. Closed Session - Personnel Matters - Pursuant to Government Code sections 54957:
- i. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

City Attorney Cline read the closed session items into the record.

Motion by Council Member Howell, second by Council Member Morin to adjourn to Closed Session for the above-referenced items. Motion carried with the following roll call vote:

| | | |
|-----------------|-------------------------|------------------------------------|
| AYES: | Council Members: | Miklos, Morin, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | Starsky |
| ABSTAIN: | Council Members: | None |

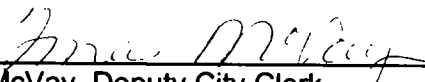
Mayor King reconvened the special meeting at 6:30 p.m. City Attorney Cline announced that item 3bii authorizing staff to file a claim with the United States Bankruptcy Court and jointly pursue with others cities and counties that hold similar notes in the State of California and involving the City's lobbyist in any recovery with regard to the bailout during Closed Session. Jim Francis, Finance Director/CFO reported on the investment earnings the City holds with Lehman Brothers.

Approved 11/18/2008

Mayor King announced that Council discussed City Manager Miller's performance and that the feedback is outstanding; and has complete support of the City Council; and considering the economic of the budget Mr. Miller is not seeking an increase in salary.

ADJOURNMENT:

There being no further business to come before the Folsom City Council, the special meeting was adjourned at 6:36 p.m.



Tina McVay, Deputy City Clerk

ATTEST:



Eric S. King, Mayor

CITY OF FOLSOM
REGULAR CITY COUNCIL MEETING MINUTES
OCTOBER 28, 2008

CALL TO ORDER: The regular meeting of the Folsom City Council was called to order at 6:36 p.m. in City Council Chambers, 50 Natoma Street, Folsom, with Mayor King presiding.

| | | |
|--------------------------|--------------------------|---|
| <u>ROLL CALL:</u> | Council Members Present: | Miklos, Morin, Starsky, Howell, King |
| | Council Members Absent: | None |
| | Staff Present: | City Manager Kerry Miller Assistant City Manager Evert Palmer City Attorney Bruce Cline Deputy City Clerk Tina McVay |

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

Council Member Starsky asked for a moment of silence in honor of a City of Folsom family member Mark Bresolin, Acting Finance Director, who lost his battle to cancer last week.

AGENDA UPDATE:

Assistant City Manager Palmer announced that agenda item 7a was amended and staff requests that the special Redevelopment Agency meeting be heard following the Consent Calendar.

SCHEDULED PRESENTATIONS:

- 5a Resolution of Commendation Honoring Giovanna Stark for her Outstanding Contribution to the Visual Arts in Folsom

Council Member Howell presented the Resolution.

- 5b. Resolution of Commendation Honoring Sharon Penrose for her Outstanding Contribution to Arts Education in Folsom

Council Member Starsky presented the Resolution.

- 5c. Resolution of Commendation Honoring Folsom Hills Elementary School and Folsom Hills P.T.A. for their Outstanding Contribution to Arts Education in Folsom

Council Member Morin presented the Resolution.

- 5d. Presentation of Donated Funds by the Parks and Recreation Department to CycleFolsom and the Citizens Assisting Public Safety Program (CAPS) for their Volunteer Efforts Related to Cyclebration 2008

Parks and Recreation Director Goss presented the funds.

BUSINESS FROM THE FLOOR:

Dean Handy spoke in regards to the clean closure of the corporation yard.
Laurie Laurent spoke in regards to the clean closure of the corporation yard.

Utilities Director Payne provided an update of the corporation yard clean-up and the best management practices.

Ernie Sheldon provided the results of the carnival at the Briggs Ranch Market Place.

CONSENT CALENDAR:

- 7a. Approval of the October 14, 2008 Special/Regular Meeting Minutes (**Amended**)
- 7b. Conflict of Interest Code Update
 - i. Ordinance No. 1114 - An Ordinance of the City of Folsom Repealing and Replacing Chapter 2.34 of the Folsom Municipal Code Pertaining to Governmental Conflict of Interest Guidelines (Second Reading and Adoption)
 - ii. Resolution No. 8373 - A Resolution Designating Filing Positions and Creating Disclosure Categories for Conflict of Interests
- 7c. Resolution No. 8385 - A Resolution Authorizing the City Manager to Execute an Agreement with Café Quintessence, James Mickelson, Operator, for Improvements to and Operation of the Café Site at the Folsom Public Library, Georgia Murray Building (**pulled for discussion**)
- 7d. Resolution No. 8388 - A Resolution Authorizing the City Manager to Execute an Agreement with Crosno Construction, Inc. for the Construction of the Nimbus Tank Rehabilitation Project
- 7e. Resolution No. 8389 - A Resolution Authorizing the City Manager to Execute an Agreement with the County of Sacramento for Reduced Tipping Fees Related to the Clean Closure of the Corporation Yard Landfill
- 7f. Resolution No. 8390 - A Resolution Authorizing the City Manager to Execute an Agreement with the City of Sacramento (on Behalf of the City-County Office of Metropolitan Water Planning and the Water Forum Successor Effort) and the Sacramento County Water Agency, City of Roseville, Placer County Water Agency and San Juan Water District for the Water Forum Successor Effort Program for Fiscal Years 2008-09 to 2010-11
- 7g. Resolution No. 8391 - A Resolution Authorizing the City Manager to Execute an Agreement with the Sacramento Regional Transit District for the FY 2008 Allocation of Federal Transit Administration Grant Section 5307 for Preventative Maintenance and Americans with Disabilities Act (ADA) Operations
- 7h. Resolution No. 8392 - A Resolution Authorizing the Police Department to Accept a Traffic Grant in the Amount of \$16,351.00 from the State of California Office of Traffic Safety for the Seatbelt and Child Safety Seat Enforcement Program and the Appropriation of Funds
- 7i. deleted

7j. Resolution No. 8394 - A Resolution Designating the City of Folsom as a Preserve America Community

Motion by Council Member Starsky, second by Council Member Howell to approve the Consent Calendar items a (as amended), b and d through j. Motion carried with the following roll call vote:

| | | |
|-----------------|-------------------------|---|
| AYES: | Council Members: | Miklos, Morin, Starsky, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION:

7c. Resolution No. 8385 - A Resolution Authorizing the City Manager to Execute an Agreement with Café Quintessence, James Mickelson, Operator, for Improvements to and Operation of the Café Site at the Folsom Public Library, Georgia Murray Building

Speaker Charles Hooper spoke about the Library Café.

Council Member Howell requested clarification concerning payment of utilities by the café operator.

Library Director Curl responded to questions from the City Council concerning payment of utilities by the café operator.

Motion by Council Member Howell, second by Council Member Starsky to approve the Consent Calendar item 7c. Motion carried with the following roll call vote:

| | | |
|-----------------|-------------------------|---|
| AYES: | Council Members: | Miklos, Morin, Starsky, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

The City Council adjourned to the special Redevelopment Agency meeting at 7:25 p.m.

The City Council reconvened from the special Redevelopment Agency meeting at 7:28 p.m.

PUBLIC HEARING:

8a Resolution No. 8384 - A Resolution Adopting the Mitigated Negative Declaration for the Humbug-Willow Creek/Lake Natoma Bikeway Gap Closure Project

Park Planning Manager Konopka presented the staff report.

Mayor King opened the Public Hearing at 7:33 p.m. Hearing no speakers, the Public Hearing was closed.

Motion by Council Member Starsky, second by Council Member Howell to approve Resolution 8384.
Motion carried with the following roll call vote:

| | | |
|-----------------|-------------------------|---|
| AYES: | Council Members: | Miklos, Morin, Starsky, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

8b. Resolution No. 8386 - A Resolution Accepting the AB1600 Development Fees Annual Report for the Fiscal Year Ended June 30, 2008

Finance Director/CFO Francis presented the staff report.

Mayor King opened the Public Hearing at 7:35 p.m. Hearing no speakers, the Public Hearing was closed.

Motion by Council Member Starsky, second by Council Member Howell to approve Resolution 8386.
Motion carried with the following roll call vote:

| | | |
|-----------------|-------------------------|---|
| AYES: | Council Members: | Miklos, Morin, Starsky, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

New Business:

9a. Presentation on Draft 2008 Economic Development Plan and Strategies and Motion to Approve said Plan and Strategies

Intergovernmental Affairs and Economic Development Director Luchi presented the staff report and responded to questions from the City Council.

Motion by Council Member Starsky, second by Council Member Howell to approve the 2008 Economic Development Plan and Strategies. Motion carried with the following roll call vote:

| | | |
|-----------------|-------------------------|---|
| AYES: | Council Members: | Miklos, Morin, Starsky, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

Vice Mayor Miklos excused himself from the council meeting at 7:54 p.m.

9b. Ordinance No. 1116 - An Ordinance of the City of Folsom Amending Chapter 5.50 of Title 5 of the Folsom Municipal Code Relating to Cable Television Franchises (Introduction and First Reading)

Assistant City Manager Palmer presented the staff report and responded to questions from the City Council.

● **Motion by Council Member Starsky, second by Council Member Howell to introduce Ordinance No. 1116. Motion carried with the following roll call vote:**

| | | |
|-----------------|-------------------------|-------------------------------------|
| AYES: | Council Members: | Morin, Starsky, Howell, King |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | Miklos |
| ABSTAIN: | Council Members: | None |

CITY MANAGER REPORTS:

City Manager Miller announced that the City Clerk's Department will accept ballot envelopes (Absentee ballots) through Friday, October 31, 2008 for the November 4 election. Mr. Miller announced that the November 11 and 25 City Council meetings are canceled, a November 18 special meeting will be held. The Folsom Zoo Sanctuary will hold a "Boo at the Zoo" on October 31; and the City will hold an emergency operations preparedness exercise on October 30. Mr. Miller also announced that Governor Schwarzenegger will hold a special legislative session to address the shortfall in the State Budget and that the City will monitor the budget closely.

COUNCIL COMMENTS:

● Council Member Starsky thanked staff for their work on the ice rink, sent his condolences to the Bresolin family. Mr. Starsky thanked his family, friends and colleagues for their support on his City Council candidacy during the 2008 election and reminded everyone to vote. Mr. Starsky wished everyone a happy Halloween.

Council Member Howell commented on the arrest of the escaped prisoner and the Folsom Police Departments' roll in the capture. Ms. Howell reminded residents to drive carefully on Halloween while children are out; and commented on a report that some Roseville teens were arrested that had stolen campaign signs and asked that campaign signs be posted appropriately. Ms. Howell also reminded residents to vote and to drive carefully. Ms. Howell requested information on the traffic delays on Greenback Lane at Crow Canyon.

Council Member Morin sent his condolences to the Bresolin family and thanked staff for their efforts in assisting Mark's family during this difficult time. Mr. Morin commented on the anticipated rain to consider water conservation and turn off sprinkler timers; and wished Mr. Starsky and Ernie Sheldon luck on the election.

Mayor King echoed condolences to the Bresolin family; and voiced his excitement for the ice rink and that information on the rink would be in the next City newsletter.

ADJOURNMENT:

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 8:12 p.m.


Tina McVay, Deputy City Clerk

ATTEST:

● 
Eric S. King, Mayor

Approved 11/18/2008