

**CITY OF FOLSOM**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**FEBRUARY 10, 2009**

**CALL TO ORDER:** The special meeting of the Folsom City Council was called to order at 5:00 p.m. in City Council Chambers, 50 Natoma Street, Folsom, with Vice Mayor Starsky presiding.

**ROLL CALL:**

Council Members Present: Vice Mayor Jeff Starsky  
Council Member Andy Morin  
Council Member Ernie Sheldon

Council Members Absent: Mayor Steve Miklos  
Council Member Kerri Howell

Staff Present: City Manager Kerry Miller City Clerk Christa Schmidt  
City Attorney Bruce Cline Finance Director Jim Francis  
Assistant City Attorney Jon Hobbs Human Resources Director John Spittler

**ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:**

3a. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code section 54956.9(a):

- i. Layne Christensen Company v. Howard S. Wright, et al.  
Sacramento Superior Court Case No. 34-2008-00025675-CU-CO-GDS

3b. Conference with Legal Counsel - Exposure to Litigation - Pursuant to Government Code section 54956.9(b)(3)(C):

- i. Claim of Howard S. Wright Constructors

3c. Conference with Labor Negotiator - Pursuant to Government Code section 54957.6:

- i. Agency Negotiator: Human Resources Director John Spittler  
Employee Organizations: All Bargaining Units and Unrepresented Employees

3d. Conference with Legal Counsel - Initiation of Litigation Pursuant to Government Code section 54956.9(c):

- i. 2 potential cases

Vice Mayor Starsky read the closed session items into the record.

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

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Morin, Sheldon,</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>Howell, Miklos</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

Approved 02/24/2009

Mayor Miklos and Council Member Howell arrived during Closed Session.

Mayor Miklos reconvened the special meeting at 6:31 p.m. City Attorney Cline announced Council Member Howell participated in discussion of all the Closed Session items and Mayor Miklos participated in discussion of items 3c. City Attorney Cline stated that he recused himself from discussion of item 3d; Assistant City Attorney Jon Hobbs provided counsel in discussion of that item and reported that the City Council unanimously (with Mayor Miklos absent for that part of the discussion) authorized initiation of litigation against undisclosed parties.

**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the special meeting was adjourned at 6:32 p.m.

ATTEST:

  
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Stephen E. Miklos, Mayor

  
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Christa Schmidt, City Clerk

**CITY OF FOLSOM**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**FEBRUARY 10, 2009**

**CALL TO ORDER:** The regular meeting of the Folsom City Council was called to order at 6:32 p.m. in City Council Chambers, 50 Natoma Street, Folsom, with Mayor Miklos presiding.

**ROLL CALL:**

Council Members Present: Vice Mayor Jeff Starsky  
Council Member Kerri Howell  
Council Member Andy Morin  
Council Member Ernie Sheldon  
Mayor Steve Miklos

Council Members Absent: None

Staff Present:	City Manager Kerry Miller Assistant City Manager Evert Palmer City Attorney Bruce Cline City Clerk Christa Schmidt Finance Director Jim Francis Economic Development Director Joe Luchi Police Chief Sam Spiegel	Public Works Director Rich Lorenz Community Development Director David Miller Utilities Director Payne Senior Civil Engineer Tom Garcia Human Resources Director John Spittler Principal Civil Engineer Walt Sadler
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**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**AGENDA UPDATE:**

Assistant City Manager Palmer announced that amendments have been provided for items 7g, 7l and 10a.

**SCHEDULED PRESENTATIONS:**

5a. Business Showcase Presentation by WorleyParsons Inc.

Economic Development Director Luchi introduced the item and representatives from WorleyParsons, Inc. made a presentation and responded to questions from the City Council.

**BUSINESS FROM THE FLOOR:**

- Vicki Valentine regarding public safety services provided by the zoo
- Laura Birdsall, regarding the zoo education program

Approved 02/24/2009

**CONSENT CALENDAR:**

- 7a. Approval of the January 27, 2009 Special/Regular Meeting Minutes
- 7b. pulled for discussion
- 7c. deleted
- 7d. Resolution No. 8440 - A Resolution Authorizing the City Manager to Execute an Agreement with 21st Century Environmental Management of California, LP, to Provide Hazardous Waste Disposal Services
- 7e. Resolution No. 8441 - A Resolution Adopting the 2008 Water System Master Plan Update and Mitigated Negative Declaration
- 7f. Resolution No. 8442 - A Resolution Authorizing the City Manager to Execute an Agreement with Malcolm Pirnie for Consulting Services for the Prison Industry Authority Meter Evaluation Study
- 7g. pulled for discussion
- 7h. pulled for discussion
- 7i. pulled for discussion
- 7j. pulled for discussion
- 7k. Resolution No. 8450 - A Resolution Authorizing the City Manager to Execute an Amendment to the Memorandum of Understanding Between the City of Folsom and the International Union of Operating Engineers, Local 39
- 7l. Resolution No. 8451 - A Resolution Authorizing the City Manager to Execute an Amendment to the Memorandum of Understanding Between the City of Folsom and the Folsom Middle Management Group (**amended**)

**Motion by Vice Mayor Starsky, second by Council Member Howell to approve the Consent Calendar items 7a, 7d, 7e, 7f, 7k and 7l as amended. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

**CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION:**

- 7b. Resolution No. 8438 - A Resolution Authorizing the Police Department to Apply for a Selective Traffic Enforcement Program Grant (STEP Grant) in the Amount of \$292,408.80 from the State of California Office of Traffic Safety

Council Member Sheldon pulled this item to ask for clarification regarding how the reimbursement is made. Police Chief Spiegel responded that funds are expended and then reimbursed by the State.

Approved 02/24/2009

Vice Mayor Starsky expressed his support and urged his colleagues to participate in a "ride along" with the Police Department.

**Motion by Vice Mayor Starsky, second by Council Member Howell to approve Resolution No. 8438. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

7g. Resolution No. 8443- A Resolution Authorizing the City Manager to Execute a Schedule and Cost Change Request with the Department of the Army for the Folsom Lake Crossing Project No. 2319 (**amended**)

Mayor Miklos pulled this item to request clarification regarding the additional \$6 million funding, and the specific request tonight for \$3 million. He clarified that additional funding will be reimbursed by additional federal funding. Colonel Tom Chapman, Army Corps of Engineers responded and provided confirmation of the reimbursement process and gave assurances of their intent to maintain costs to a minimum.

**Motion by Mayor Miklos, second by Council Member Howell to approve Resolution No. 8443 as amended. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

7h. Resolution No. 8445 - A Resolution Approving Guidelines for Imposing and Waiving Fines Related to Political Reform Act Filings (Campaign Disclosure and Statements of Economic Interests)

Council Member Howell pulled this item to inquire who the predominant late filers were and expressed her concern that this creates an additional burden on volunteers. City Clerk Schmidt responded to questions from the City Council and provided additional information. The City Council discussed the fines; Mayor Miklos requested the City Clerk provide the City Council with a quarterly report of fines imposed on commission and committee members and provide department heads with a similar report of fines imposed on employees.

**Motion by Vice Mayor Starsky, second by Mayor Miklos to approve Resolution No. 8445. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>Howell</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

- 7i. Resolution No. 8447 - A Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Agreement with Tully & Young, Inc. to Supplement the Water Supply Management Strategy to Serve the Sphere of Influence Area in the City of Folsom and the Appropriation of Funds
- 7j. Resolution No. 8448 - A Resolution Authorizing the City Manager to Execute an Agreement with J. Crowley Group, Inc. to Analyze Water, Wastewater, and Non-Potable Water Infrastructure Requirements to Serve the Sphere of Influence Area in the City of Folsom and the Appropriation of Funds

Council Member Howell pulled Items 7i and 7j for joint discussion to confirm that the City's cost will be reimbursed by the SOI landowners. Utilities Director Payne responded in the affirmative and provided additional clarification.

**Motion by Council Member Howell, second by Vice Mayor Starsky to approve Resolution No. 8447 and 8448. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

**PUBLIC HEARING:**

- 8a. Resolution No. 8444 - A Resolution Implementing the Voter-Approved Sacramento County Transportation Mitigation Fee Program

Senior Civil Engineer Garcia made a presentation and responded to questions from the City Council.

Mayor Miklos opened the Public Hearing at 7:37 p.m. Hearing no speakers, the Public Hearing was closed.

**Motion by Council Member Morin, second by Council Member Howell to approve Resolution No. 8444. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

**New Business:**

- 9a. Resolution No. 8449 - City Council of the City of Folsom Resolution to Grant Another Designated Period for Two Years Additional Service Credit (This Resolution Enacts the Amendment to the Contract Between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Folsom Relating to Additional Service Credit Pursuant to Government Code Section 20903 and to Designate a Period to Offer the Benefit)

Human Resources Director Spittler made a presentation.

Approved 02/24/2009

**Motion by Mayor Miklos, second by Vice Mayor Starsky to approve Resolution No. 8449. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

- 9b. Ordinance No. 1118 - An Ordinance of the City of Folsom Repealing and Replacing Chapter 13.26 of Title 13 of the Folsom Municipal Code Concerning Water Conservation (Introduction and First Reading)

Principal Civil Engineer Sadler made a presentation and responded to questions from the City Council.

Vice Mayor Starsky expressed his concern regarding "single pass cooling system" as defined by item "m" under the definitions section of the ordinance.

Utilities Director Payne recommended an amendment to item "m" to make it specific for "water cooled compressors", and offered that staff could bring back revised ordinance sometime in the future if necessary.

**Motion by Mayor Miklos, second by Council member Howell to introduce Ordinance No. 1118 as amended. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

Mayor Miklos called a recess at 8:05 p.m. and reconvened the meeting at 8:09 p.m.

**Old Business:**

- 10a. Resolution No. 8439 - A Resolution Approving a \$450,000 Loan for Transitional Living and Community Support (TLCS) to Construct the 18 Unit Folsom Oaks Rental Housing Project at 809 Bidwell Street (**amended**)

Housing and Redevelopment Director Feagans made a presentation and responded to questions from the City Council.

Applicant Michael Lazar, Executive Director Transitional Living and Community Support, addressed the City Council regarding their funding request.

**Motion by Mayor Miklos, second by Council Member Howell to continue the item, with request for commitment letters, confirmation of language in the city's loan contract, and information regarding amounts invested by TLCS. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Starsky, Howell, Morin, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

#### **CITY MANAGER REPORTS:**

City Manager Miller referred to Council's approval of employee union MOU's; he complimented members of Local 39 and Mid-Managers Group and thanked department heads and other unrepresented staff for their agreements. Announced that furloughs would begin this Friday, February 13 with the closure of City Hall. Announced the City's successful re-affirmation of bond rating of AA-. City Manager Miller noted that the ad hoc commission subcommittee has met and decided on a process to secure proactive input that would lead to recommendations for streamlining some of the commissions. Three focus group meetings will be set; with members, with staff and with other stakeholders. Requested that Council Members convey any recommended participants to him.

#### **COUNCIL COMMENTS:**

Council Member Sheldon commented on the City Council's adoption of the budget at the last meeting.

Council Member Howell thanked attendees of the Rotary Ann's Crab Feed. She inquired about the traffic count on Natoma Street. Public Works Director Lorenz responded that he doesn't have results of the data yet, but he will provide it to the Council. Council Member Howell extended her sympathy to the Lofgren family, and wished a happy valentines day to everyone.

Council Member Morin provided updates from Regional Transit board meeting regarding the 15-minute headway service to Hazel Avenue until midnight. He encouraged residents to participate in the City's new online bill pay system. Council Member Morin encouraged the City's SOI 2x2 representatives to consider working with WorleyParsons for possible energy generation development in the SOI area. He conveyed his appreciation to employees for their participation and concessions in the budget process.

Vice Mayor Starsky complimented the City Manager and Finance Director on the bond rating, emphasizing how important that rating is for the City. He thanked Mayor Miklos for his meeting with the Corps last week regarding bridge funding to keep the bridge construction on schedule. Vice Mayor Starsky spoke of the Amgen Tour next week. He thanked staff for their work on the ad hoc commissions study and for their assistance at the Mock City Council meeting.

Mayor Miklos echoed Council Member Morin's appreciation to the employees for their participation in cost savings.



**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 8:53 p.m.

  
\_\_\_\_\_  
Christa Schmidt, City Clerk

ATTEST:

  
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Stephen E. Miklos, Mayor