

**CITY OF FOLSOM**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**JULY 28, 2009**

**CALL TO ORDER:** The special meeting of the Folsom City Council was called to order at 5:31 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 Ernie Sheldon  
Mayor Steve Miklos

Council Members Absent: Council Member Andy Morin

Staff Present: City Manager Kerry Miller  
City Attorney Bruce Cline  
Assistant City Manager Evert Palmer  
City Clerk Christa Schmidt  
Human Resources Director John Spittler

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

- 3a. Conference With Legal Counsel - Anticipated Litigation
  - i. Initiation of Litigation Pursuant to Government Code section 54956.9(c):  
2 Potential Cases
- 3b. Conference with Labor Negotiator - Pursuant to Government Code section 54957.6:
  - i. Agency Negotiator: Human Resources Director John Spittler  
Employee Organization: Sacramento Area Firefighters Local No. 522, IAFF
- 3c. Conference With Legal Counsel - Anticipated Litigation
  - i. Significant Exposure to Litigation Pursuant to Government Code section 54956.9(b)(3)(C):  
1 potential case  
Valley Slurry Seal Company

City Attorney Cline read the Closed Session items into the record.

**Motion by Council Member Howell, second by Vice Mayor Starsky 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, Howell, Sheldon, Miklos</b>
<b>NOES:</b>	<b>Council Members:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Council Members:</b>	<b>Morin</b>
<b>ABSTAIN:</b>	<b>Council Members:</b>	<b>None</b>

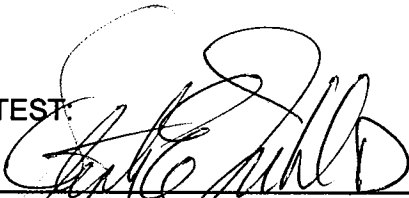
Mayor Miklos reconvened the special meeting at 6:31 p.m. City Attorney Cline announced that no final action was taken during Closed Session.

**ADJOURNMENT:**

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

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

ATTEST:

  
\_\_\_\_\_  
Stephen E. Miklos, Mayor

**CITY OF FOLSOM**  
**REGULAR CITY COUNCIL MEETING**  
**AND**  
**SPECIAL JOINT CITY COUNCIL / REDEVELOPMENT AGENCY MINUTES**  
**JULY 28, 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 Ernie Sheldon  
Mayor Steve Miklos

Council Members Absent: Council Member Andy Morin

Staff Present:	City Manager Kerry Miller	Public Works Director Rich Lorenz
	City Attorney Bruce Cline	Finance Director Jim Francis
	Assistant City Manager Evert Palmer	Police Lt. Sheldon Sterling
	City Clerk Christa Schmidt	
	Transit Chief Kent Gary	

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**AGENDA UPDATE:**

Assistant City Manager Palmer announced that staff has provided additional information regarding item 5b, staff is requesting that item 7i be pulled from the Consent Calendar for discussion, and an amended resolution has been prepared for item 11b(ii).

**SCHEDULED PRESENTATIONS:**

5a. Business Showcase Presentation by Miles Consulting of Folsom

Economic Development Director Luchi introduced the item and representatives of Miles Consulting made a presentation to the City Council.

5b. Presentation by Clean World Partners LLC on Proposed Anaerobic Digester on Prison Property in Folsom (**additional information provided**)

Economic Development Director Luchi introduced the item; representatives from Clean World Partners made a presentation and responded to questions from the City Council.

Approved 8/25/2009

The following speakers addressed the City Council regarding the proposed anaerobic digester:

- Glenn Fait
- Jeff Ferreira-Pro
- Liz Donnelly, Senior Field Representative, representing Congressman Dan Lundgren
- David Storer
- Jerry Bernau, representing La Collina del Lago
- Loretta Hettinger
- Robert Holderness

Fire Chief Haverty responded to questions from the City Council.

- 5c. Report from Bob Holderness Regarding Chamber / El Dorado County Fact Finding Mission Trip to Boulder, Colorado

Bob Holderness made a presentation and responded to questions from the City Council.

**BUSINESS FROM THE FLOOR:**

None

**CONSENT CALENDAR:**

- 7a. Approval of the July 14, 2009 Special/Regular Meeting Minutes
- 7b. Resolution No. 8526 - A Resolution Adopting the Sewer System Management Plan
- 7c. Resolution No. 8527 - A Resolution Authorizing the City Manager to Execute Amendment No. 3 with David Evans and Associates (Contract No. 174-21 08-028) for Design Services for the Widening of East Natoma Street from Folsom Lake Crossing to Blue Ravine Road, Project No. PW 0803, as an Adjunct to the Folsom Lake Crossing Project
- 7d. pulled for discussion
- 7e. Resolution No. 8530- A Resolution Authorizing the City Manager to Execute an Agreement with CKB Environmental Consulting, Inc. for Stormwater Quality Compliance Support Project No. 7011
- 7f. Resolution No. 8531 - A Resolution Authorizing a Transfer of Police Special Revenue Funds – Drug Asset Forfeiture, to the Police Department Operating Budget and Appropriation of Funds for We Tip Contract and Criminal Investigations Bureau Equipment and Training
- 7g. Resolution No. 8532 - A Resolution Authorizing the City Manager to Execute a Contract with PBM Construction, Inc. for the Construction of the Humbug-Willow Creek Trail - Morrison Homes Segment Funded through a Grant from the Recreational Trails Program and Appropriation of Funds
- 7h. Resolution No. 8533 - A Resolution Amending Resolution No. 8366 and Authorizing the City

Approved 8/25/2009

**Manager to Execute an Agreement with California First National Bank to Provide  
Lease/Purchase Financing for One Mobile Air Unit**

7i. pulled for discussion

**Motion by Council Member Howell, second by Vice Mayor Starsky to approve Consent Calendar items a, b, c, e, f, g, and h. Motion carried with the following roll call vote:**

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

**CONSENT CALENDAR ITEM PULLED FOR DISCUSSION:**

7i. Resolution No. 8534 - A Resolution of the City Council Authorizing the Issuance and Sale of Not to Exceed \$12,000,000 Principal Amount of City of Folsom Refunding General Obligation Bonds, Series 2009, Prescribing the Terms of Such Bonds Approving the Form of and Authorizing the Execution and Delivery of a Paying Agent Agreement for Such Bonds, Approving the Form and Distribution of an Official Statement and Official Notice of Sale for Such Bonds, Authorizing Publication of Notice of Intention to Sell Bonds, Delegating Authorization to Award Bids to an Officer of the City, Authorizing the Execution and Delivery of a Continuing Disclosure Certificate for Such Bonds, and Authorizing Certain Other Actions in Connection with Such Bonds

**Motion by Mayor Miklos, second by Vice Mayor Starsky to approve Resolution No. 8534.  
Motion carried with the following roll call vote:**

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

7d. Resolution No. 8528 - A Resolution Authorizing the City Manager to Execute an Agreement with Central Valley Engineering and Asphalt, Inc. for the FY 2009-10 Pavement Repair and Street Sealing Project No. 8017, and Appropriation of Funds

Public Works Director Lorenz presented the staff report, and City Attorney Cline provided advice to the City Council regarding the bid protest that has been received from Valley Slurry Seal Company regarding this contract.

Ryan Wood, attorney for Valley Slurry Seal Company, addressed the City Council and responded to questions from the City Council.

Mike Wallen, Valley Slurry Seal, addressed the City Council regarding their experience and relationship with the City of Folsom.

City Attorney Cline noted for the record that staff has provided the City Clerk with a copy of the project manual for the Pavement Repair and Street Sealing project, which contains the Sub Bidder Form and Special Provisions referred to by the City Council and staff, has also provided and copies of the July 23

letter from Mr. Will Cross, the July 24 letter from city staff to Mr. Will Cross, and the July 27 letter from Valley Slurry Seal legal counsel.

**Motion by Mayor Miklos, second by Council Member Howell to reject the bid protest.**

**Motion carried with the following roll call vote:**

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

**Motion by Mayor Miklos, second by Vice Mayor Starsky to approve Resolution No. 8528.**

**Motion carried with the following roll call vote:**

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

City Attorney Cline reminded Valley Slurry Seal Company of time limits to file an action.

**PUBLIC HEARING:**

8a. Resolution No. 8525 - A Resolution Establishing New Fares for Folsom Stage Lines

Transit Chief Gary made a presentation and responded to questions from the City Council.

Mayor Miklos opened the Public Hearing at 9:01 p.m. Hearing no speakers, the Public Hearing was closed.

**Motion by Council Member Howell, second by Vice Mayor Starsky to approve Resolution No. 8525. Motion carried with the following roll call vote:**

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

8b. Resolution No. 8529 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect Such Charges on the Tax Roll

Finance Director Francis made a presentation and responded to questions from the City Council.

Mayor Miklos opened the Public Hearing at 9:08 p.m. Hearing no speakers, the Public Hearing was closed.

**Motion by Vice Mayor Starsky, second by Council Member Sheldon to approve Resolution No. 8529. Motion carried with the following roll call vote:**

Approved 8/25/2009

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

**NEW BUSINESS:**

9a. Ordinance No. 1123 - An Ordinance of the City of Folsom Repealing and Re-Enacting Chapter 9.120 of Title 9 of the Folsom Municipal Code Concerning Sexual Offenders' Proximity to Children's Facilities (Introduction and First Reading)

Police Lt. Sterling made a presentation and responded to questions from the City Council.

**Motion by Mayor Miklos, second by Vice Mayor Starsky, to introduce Ordinance No. 1123.  
Motion carried with the following roll call vote:**

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

The meeting was adjourned to the special Redevelopment Agency meeting at 9:12 p.m.

The special Redevelopment Agency meeting was adjourned to the special joint City Council / Redevelopment Agency meeting at 9:33 p.m.

**CALL TO ORDER:** The special joint meeting of the City Council / Redevelopment Agency was called to order at 9:33 p.m. in City Council Chambers, 50 Natoma Street, Folsom, with Mayor/Chair Miklos presiding.

**ROLL CALL:**

<b>Council / Board Members Present:</b>	<b>Council / Board Member Jeff Starsky</b>
	<b>Council / Board Member Kerri Howell</b>
	<b>Council / Board Member Ernie Sheldon</b>
	<b>Mayor / Chair Steve Miklos</b>

<b>Council / Board Members Absent:</b>	<b>Council / Board Member Andy Morin</b>
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<b>Staff Present:</b>	<b>City Manager / Executive</b>	<b>City Clerk / Secretary Christa Schmidt</b>
	<b>Director Kerry Miller</b>	<b>Redevelopment and Housing Director</b>
	<b>City Attorney / Agency Counsel</b>	<b>Amy Feagans</b>
	<b>Bruce Cline</b>	
	<b>Assistant City Manager Evert Palmer</b>	

**CONSENT CALENDAR:**

- 11b(i). Approval of the July 14, 2009 Joint City Council / Redevelopment Agency Special Meeting Minutes

**Motion by Council/Board Member Starsky, second by Council/Board Member Howell to approve the minutes. Motion carried with the following roll call vote:**

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

- 11b(ii). Resolution No. 299-R - A Resolution Approving and Authorizing Execution of an Affordable Housing Agreement Providing a Loan of \$2,500,000 to USA Properties Fund, for the Development of 55 Affordable Housing Units at 9483 Greenback Lane (amended)

**Motion by Vice Mayor/Board Member Starsky, second by Mayor/Board Chair Miklos to approve Resolution No. 299-R. Motion carried with the following roll call vote:**

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

**ADJOURNMENT**

There being no further business to come before the City Council / Redevelopment Agency, the special joint meeting was adjourned at 9:36 p.m. to the regular City Council meeting.

**CITY MANAGER REPORTS:**

City Manager Miller spoke of the State budget and announced the August 8 Free Summer Movie Night event at the Aquatic Center.

**COUNCIL COMMENTS:**

Council Member Sheldon lamented the loss of funding for high school sports.

Council Member Howell urged residents to drive carefully, slow down, and wear their seatbelts.

Vice Mayor Starsky thanked Bob Holderness for his presentation regarding the trip to Boulder, Colorado. He commented on the State's budget and complimented the City Manager and city staff for their work on the city's budget.

Mayor Miklos offered comments regarding the State's budget.



**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 9:50 p.m.

ATTEST:

  
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Stephen E. Miklos, Mayor

  
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Christa Schmidt, City Clerk