

**CITY OF FOLSOM**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**OCTOBER 13, 2009**

**CALL TO ORDER:** The special meeting of the Folsom City Council was called to order at 5:47 p.m. in City Council Chambers, 50 Natoma Street, Folsom, California 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

**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):  
1 Potential Case
- ii. Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)(1)(C):  
1 Potential Case  
Valley Property Investments, LLC / Roger Miller

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

**Motion by Vice Mayor Starsky, second by Council Member Howell 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, 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 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 6:31 p.m.

Christa Schmidt  
Christa Schmidt, City Clerk

ATTEST

Stephen E. Miklos  
Stephen E. Miklos, Mayor

**CITY OF FOLSOM**  
**REGULAR CITY COUNCIL MEETING**  
**OCTOBER 13, 2009**

**CALL TO ORDER:** The regular meeting of the Folsom City Council was called to order at 6:31 p.m. in City Council Chambers, 50 Natoma Street, Folsom, California 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  
City Attorney Bruce Cline  
Assistant City Manager Evert Palmer  
City Clerk Christa Schmidt  
Community Development Director Miller  
Public Works Director Rich Lorenz  
Finance Director Jim Francis  
Parks and Recreation Director Goss

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**AGENDA UPDATE:**

Assistant City Manager Palmer announced that items 5c and 8b will be continued and item 8a will be moved to scheduled presentation item.

**SCHEDULED PRESENTATIONS:**

- 5a. Proclamation of the Mayor of the City of Folsom Proclaiming the Week of October 18-24, 2009 as Teen Read Week in the City of Folsom

Mayor Miklos presented the Proclamation.

- 5b. Proclamation of the Mayor of the City of Folsom Proclaiming October 2009 as Arts and Humanities Month in the City of Folsom

Council Member Howell presented the Proclamation.

Approved 10/27/2009

- 5c. Resolution of Commendation Honoring McCarthy Cook & Company for Their Outstanding Contribution to the Public Art Collection in Folsom

Continued to October 27, 2009.

- 5d. Resolution of Commendation Honoring Caryn Rizell for Her Outstanding Contribution to Arts and Culture in Folsom

Council Member Sheldon presented the Resolution of Commendation.

Item 8a was taken next, out of order.

- 8a. Presentations of Annual Reports for the Folsom Economic Development Corporation, the Folsom Tourism Bureau, and the Folsom Tourism Business Improvement District

MaryAnn McAlea and Joe Gagliardi gave a presentation and responded to questions from the City Council.

#### **BUSINESS FROM THE FLOOR:**

Speaker Michael Harris, representing the Black Farmers Organizations, addressed the City Council advocating William Leidesdorff Day.

#### **CONSENT CALENDAR:**

- 7a. Approval of the September 22, 2009 Special/Regular / Joint City Council / Redevelopment Agency / Public Financing Authority Special Meeting Minutes
- 7b. Ordinance No. 1124 - An Uncodified Ordinance Approving Amendment No. 8 to the Development Agreement by and Between the City of Folsom and Elliott Homes, Inc. Relating to the Development Known as Empire Ranch (Second Reading and Adoption)

pulled for discussion

- 7c. Ordinance No. 1125 - An Uncodified Ordinance Approving Amendment No. 6 to the Development Agreement by and Between the City of Folsom and Elliott Homes, Inc. Relating to the Development Known as "Palladio Mall" in Broadstone Unit No. 2 (Second Reading and Adoption)
- 7d. Resolution No. 8546 - A Resolution Authorizing the City Manager to Execute an Agreement with Dyett & Bhatia for Updating of the General Plan, and Preparing the Environmental Impact Report and Appropriation of Funds
- 7e. Resolution No. 8554 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement (Contract No. 172-21-09-005) with Datamatic, LTD. for Fixed Network Implementation and Data Management Services for the Water Meter Implementation Project and Appropriation of Funds

pulled for discussion

Approved 10/27/2009

- 7f. Resolution No. 8555 - A Resolution Authorizing the City Manager to Execute a Memorandum of Agreement with the City of Roseville and San Juan Water District Regarding Contracting for Lobbying Support Over a Three-year Period with the Ferguson Group for Modifications to Folsom Dam Facilities for Reliable Water Supply Deliveries
- 7g. Resolution No. 8556 - A Resolution Approving the Application for Grant Funds from the Recreational Trails Program for the Humbug - Willow Creek Trail Project - Levy Park to Blue Ravine Road
- 7h. Resolution No. 8557 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Construction Agreement with Hemington Landscape Services, Inc. (Contract No. 174-21 09-064) for the Nisenan Community Park Project and Appropriation of Funds
- 7i. Resolution No. 8558 - A Resolution Authorizing the City Manager to Execute a Construction Contract with Restroom Facilities Limited for the Purchase and Installation of the Nisenan Community Park Pre-Fab Restroom Structure Funded through Park Development Impact Fees and Supplemental Park Fees
- 7j. Resolution No. 8559 - A Resolution Authorizing the City Manager to Execute a Contract Change Order with Lund Construction (Contract No. 174-21 09-051) for the East Natoma Widening Project, Project No. PW0803
- 7k. Resolution No. 8560 - A Resolution Authorizing the Final Reimbursement to the Sacramento Municipal Utility District for Relocation of Facilities Related to the Folsom Lake Crossing Project No. 2319
- 7l. Resolution No. 8561 - A Resolution Authorizing the City Manager to Execute an Agreement with the Sacramento Regional Transit District for the FY 2009 Allocation of Federal Transit Administration Grant Section 5307 for Preventative Maintenance and Americans with Disabilities Act Operations
- 7m. Resolution No. 8562 - A Resolution Authorizing an Increase in the Contingency Amount for Change Orders with Central Valley Engineering and Asphalt (Contract No. 174-21 09-058) for the Pavement Repair and Street Sealing FY 2009/10 Project No. 8017, and Appropriation of Funds

**Motion by Vice Mayor Starsky, second by Council Member Howell to approve the Consent Calendar items 7a, c, d, f, g, h, i, j, k, l, and m. 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. Ordinance No. 1124 - An Uncodified Ordinance Approving Amendment No. 8 to the Development Agreement by and Between the City of Folsom and Elliott Homes, Inc. Relating to the Development Known as Empire Ranch (Second Reading and Adoption)

Approved 10/27/2009

Council Member Howell pulled this item to ask about rezoning the nine acres. Community Development Director Miller responded.

**Motion by Council Member Howell, second by Council Member Morin to adopt Ordinance No. 1124. 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>

- 7e. Resolution No. 8554 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement (Contract No. 172-21-09-005) with Datamatic, LTD. for Fixed Network Implementation and Data Management Services for the Water Meter Implementation Project and Appropriation of Funds

Council Member Howell pulled this item to point out that while State law requires metered rate implementation by 2013, the City Council has directed implementation by 2012.

**Motion by Council Member Howell, second by Vice Mayor Starsky to approve Resolution No. 8554. 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:**

- 8a. Presentations of Annual Reports for the Folsom Economic Development Corporation, the Folsom Tourism Bureau, and the Folsom Tourism Business Improvement District

Discussed out of order during Scheduled Presentations.

- 8b. Appointment of an At-Large Member to the Library Commission

Continued

- 8c. Appointment of At-Large Member (Design/Development/Construction Professions) to the Redevelopment Agency Citizens' Advisory Committee

**Motion by Mayor Miklos, second by Council Member Howell to appoint Michael Kozlowski. 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>

- 8d. Report Regarding SB 375: Transportation Planning, Travel Demand Models, Sustainable Communities Strategy, and Environmental Review (Steinberg)

Community Development Director Miller made a presentation and responded to questions from the City Council.

**CITY MANAGER REPORTS:**

None

**COUNCIL COMMENTS:**

Council Member Morin thanked city staff for their work in preparing for today's storm.

Council Member Howell offered to help Senator Steinberg's office with water legislation, noting the potential impacts on sanitation legislation. She spoke of upcoming need for water management.

Council Member Sheldon spoke of traffic congestion on Natoma Street created by the daily closures of the Folsom Lake Crossing.

**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 8:51 p.m.

ATTEST:

  
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Stephen E. Miklos, Mayor

  
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Christa Schmidt, City Clerk