

**CITY OF FOLSOM**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**MARCH 13, 2007**

**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 Morin presiding.

**ROLL CALL:**

Council Members Present:	Howell, King, Miklos, Starsky, Morin
Council Members Absent:	None
Staff Present:	City Manager Kerry Miller Assistant City Manager Nav Gill Assistant City Manager Evert Palmer City Attorney Bruce Cline City Clerk Christa Schmidt

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

- 3a. Conference with Real Property Negotiator - Pursuant to Government Code section 54956.8:
  - i. Property: 1301 Bidwell Street; APN: 071-0181-003
  - Negotiating Party: City Manager Kerry L. Miller on behalf of the City of Folsom
  - Under Negotiation: Price and terms of sale
  
- 3b. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code section 54956.9(a):
  - i. Steve Hardenburg v. City of Folsom  
WCAB No. SAC 317551
  
- 3c. Conference with Labor Negotiator - Pursuant to Government Code section 54957.6:
  - i. Agency Negotiator: Human Resources Director John Spittler
  - Employee Organizations: International Union of Operating Engineers Local No. 39  
Folsom Middle Management Group  
City of Folsom Fire Department Middle Management  
Employees (CFFDMME)  
Sacramento Area Firefighters Local No. 522, IAFF  
Folsom Police Officers' Association
  
- 3d. Conference With Legal Counsel - Anticipated Litigation
  - i. Significant Exposure to Litigation Pursuant to Government Code section 54956.9(b)(3)(C):  
3 potential cases  
Sara Myers  
Eddie and Sandy Parris  
Dan Near and Denise Mayhugh

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


<b>AYES:</b>	<b>Council Members:</b>	<b>Howell, King, Miklos, Starsky, Morin</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>

**RECONVENE:**

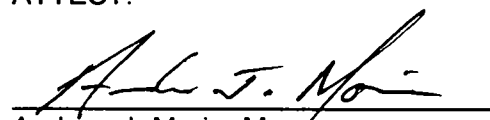
Mayor Morin reconvened the special meeting at 6:38 p.m. City Attorney Cline announced that no final action was taken during Closed Session.

**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the special meeting was adjourned at 6:39 p.m.

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

ATTEST:

  
\_\_\_\_\_  
Andrew J. Morin, Mayor

**CITY OF FOLSOM**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**MARCH 13, 2007**

**CALL TO ORDER:** The regular meeting of the Folsom City Council was called to order at 6:39 p.m. in City Council Chambers, 50 Natoma Street, Folsom, with Mayor Morin presiding.

**ROLL CALL:**

Council Members Present:	Howell, King, Miklos, Starsky, Morin
Council Members Absent:	None
Staff Present:	City Manager Kerry Miller Assistant City Manager Nav Gill Assistant City Manager Evert Palmer City Attorney Bruce Cline City Clerk Christa Schmidt

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**AGENDA UPDATE:**

Assistant City Manager Gill announced that item 7e has been amended.

**SCHEDULED PRESENTATIONS:**

- 5a. Resolution of Commendation Honoring Neva J. Cimaroli for Her Service and Dedication on the Redevelopment Citizens' Advisory Committee

Council Member Miklos presented the Resolution of Commendation.

**BUSINESS FROM THE FLOOR:**

None.

**CONSENT CALENDAR:**

- 7a. Approval of the February 27, 2007 Special/Regular Meeting Minutes
- 7b. Resolution No. 8008 - A Resolution Authorizing the City Manager to Execute a Contract Change Order with Central Valley Engineering & Asphalt, Inc. for the Street Repair and Resurfacing 2005 Phase I - Various Locations Project No. 8017
- 7c. Resolution No. 8009 - A Resolution Authorizing the City Manager to Execute an Agreement with Fehr & Peers Associates for Folsom Boulevard/Blue Ravine Road Intersection Design PN 2410
- 7d. Resolution No. 8011 - A Resolution Authorizing the City Manager to Execute Modification No. 2 to Addendum No. 1 to the Agreement with AT&T for Data Communications Services
- 7e. Resolution No. 8012 - A Resolution Authorizing the City Manager to Execute a Change Order with PBM Construction, Inc. for Additional Work Associated with ADA Compliance Between the Seniors and Arts Center and the Police Department and Appropriation of Funds (**amended**)

Approved 3/27/2007

- 7f. Resolution No. 8013 - A Resolution Waiving a Potential Conflict of Interest and Consenting to Representation of the Owners Group in the Folsom Sphere of Influence Area on Environmental Issues by James Moose and the Firm of Remy, Thomas & Moose

**Motion by Council Member Miklos, second by Council Member Starsky to approve the Consent Calendar, as amended. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Howell, King, Miklos, Starsky, Morin</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>

**OLD BUSINESS:**

- 8a. 807 Bidwell Homes Rezone, Tentative Subdivision Map, Planned Development Permit and Negative Declaration (PN06-206) (Continued to April 10, 2007)
- i. Resolution No. 7992 - A Resolution to Adopt the Negative Declaration, and to Approve the Tentative Subdivision Map to Subdivide a 13,731-Square-Foot Parcel at 807 Bidwell Street into Five Residential Lots and a Planned Development Permit for the Development of Five, Two-story Residential Units
  - ii. Ordinance No. 1072 - An Uncodified Ordinance to Amend the Zoning Designation of a 13,731-Square-Foot Parcel (APN 071-0190-092-0000) at 807 Bidwell Street from Neighborhood Apartment District (R-3) to Residential, Multifamily Dwelling, Planned Development District (R-M PD) (Second Reading)

Mayor Morin noted item 8a is being continued to April 10, 2007, as agendized.

- 8b. Ordinance No. 1071 - An Ordinance of the City of Folsom Adding Chapter 13.03 to Title 13 of the Folsom Municipal Code to Establish Regulations to Prohibit and Control the Discharge of Fat, Oil and Grease (Second Reading)

Assistant Utilities Director Sadler presented the staff report.

**Motion by Council Member Miklos, second by Vice Mayor King to adopt Ordinance No. 1071. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Howell, King, Miklos, Starsky, Morin</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>

- 8c. Ordinance No. 1073 - An Uncodified Ordinance Approving the Amendment No. 4 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)

Community Development Director Miller presented the staff report.

**Motion by Council Member Miklos, second by Council Member Howell to adopt Ordinance No. 1073. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Howell, King, Miklos, Starsky, Morin</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. Ordinance No. 1075 - An Uncodified Urgency Interim Ordinance of the City of Folsom Adopting a Moratorium on Smoking Bars and Lounges

Community Development Director Miller presented the staff report.

**Motion by Council Member Howell, second by Council Member Starsky to adopt Ordinance No. 1075. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Howell, King, Miklos, Starsky, Morin</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. 1076 - An Ordinance of the City of Folsom Amending Section 2.08.060 of Title 2 of the Folsom Municipal Code Pertaining to Appeals of Actions of the City Manager (First Reading)

City Attorney Cline presented the staff report and responded to questions from the City Council.

**Motion by Council Member Howell, second by Vice Mayor King to introduce Ordinance No. 1076. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Howell, King, Miklos, Starsky, Morin</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>

- 9c. Resolution No. 8010 - A Resolution of the Folsom City Council Declaring Its Support of Senate Bill 266 Making Vehicles Used in an Unlawful Motor Vehicle Speed Contest Subject to Forfeiture

Economic Development Director Luchi introduced the item. Police Lieutenant Sterling made a presentation and responded to questions from the City Council.

Council Member Starsky expressed his concern that the proposed senate bill could infringe upon due process rights through it's provision relating to vehicle forfeiture resulting from "exhibition of speed", particularly if "exhibition of speed" is determined by the discretion of the law enforcement officer, and is not defined by either the proposed senate bill or state law. Mr. Starsky clarified that he was supportive of the proposed senate bill's provision relating to vehicle forfeiture resulting from unlawful motor vehicle speed contests.

Approved 3/27/2007

**Motion by Council Member Howell, second by Vice Mayor King to approve Resolution No. 8010.  
Motion carried with the following roll call vote:**

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

The City Council adjourned to the special Redevelopment Agency meeting at 7:16 p.m. The regular City Council meeting was reconvened from the special Redevelopment Agency meeting at 8:13 p.m.

**CITY MANAGER REPORTS:**

City Manager Miller announced the reorganization of Community Development Department and Neighborhood Services Department.

**COUNCIL COMMENTS:**

Council Member Miklos advised residents that he would be in Washington DC next week, working on the city's behalf.

Council Member Starsky complimented the City Manager on the reconfiguration of the Community Development Department.

Council Member Howell asked residents to drive carefully.

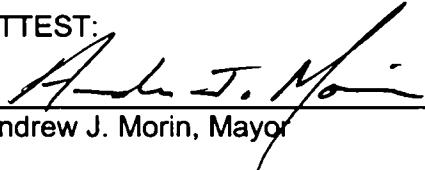
Vice Mayor King echoed compliments on the reconfiguration of the Community Development Department, and his excitement for current projects within the Historic District.

Mayor Morin congratulated Girls Softball Tournament participants, and commended staff on recent Arbor Day and Fire Department anniversary activities. He invited residents to participate in the Run With Nature event in May.

**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 8:22 p.m.

ATTEST:

  
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Andrew J. Morin, Mayor

  
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Christa Schmidt, City Clerk