

**CITY OF FOLSOM**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**DECEMBER 11, 2007**

**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 Mayor Morin presiding.

**ROLL CALL:**

Council Members Present:	Miklos, Starsky, Morin
Council Members Absent:	King, Howell
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 Legal Counsel - Anticipated Litigation
- i. Significant Exposure to Litigation Pursuant to Government Code section 54956.9(b)(3)(C):
    - 1 potential case  
Denise Archuleta
- 3b. Conference with Real Property Negotiator - Pursuant to Government Code section 54956.8
- i. Property: The water rights conferred in the 1986 Agreement between the City of Folsom and Aerojet-General Corporation
  - Negotiating Parties: Utilities Director Kenneth V. Payne on behalf of the City of Folsom  
Bill Hatch on behalf of Aerojet-General Corporation
  - Under Negotiation: Price and Terms of Water Supply
- 3c. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code section 54956.9(a)
- i. Kemper v. City of Folsom  
United States District Court Eastern District Case No. 2:07-cv-00678-DFL-GGH
  - ii. City of Folsom v. Sacramento County Airport System, County of Sacramento, Sacramento County Board of Supervisors  
Superior Court Case No. 34-2007-00881506-CU-WM-GDS

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

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

Mayor Morin reconvened the special meeting at 6:31 p.m. City Attorney Cline announced that the City Council took final action in consideration of item 3a; the City Council rejected the request to submit a late claim.

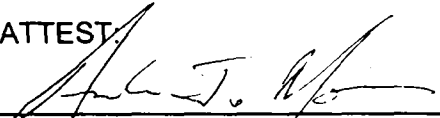
Approved 1/8/2008

**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, City Clerk

ATTEST:

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

**CITY OF FOLSOM**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**DECEMBER 11, 2007**

**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, with Mayor Morin presiding.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

Mayor Morin noted for the record that Vice Mayor King is participating in the Selection of the Mayor and Vice Mayor portions of the meeting via teleconference, as noted on the agenda. Vice Mayor King voiced his presence, and confirmed that he could hear the meeting proceedings. Council Member Starsky asked City Attorney Cline if Vice Mayor King's teleconference participation was in compliance with the Brown Act and in compliance with Government Code section 54953 as noted on the agenda.

<b><u>ROLL CALL:</u></b>	Council Members Present:	King (by teleconference), Miklos, Starsky, Howell (arrived at 6:33), Morin
	Council Members Absent:	None
	Staff Present:	City Manager Kerry Miller Assistant City Manager Evert Palmer City Attorney Bruce Cline City Clerk Christa Schmidt

**AGENDA UPDATE:**

Assistant City Manager Palmer announced that item 8d has been amended and item 8q will be continued to the January 8, 2008 City Council meeting.

**SELECTION OF MAYOR AND VICE MAYOR**

5a. Mayor

Council Member Starsky requested that the City Clerk utilize a random draw method to determine the order in which Mayoral nominees will be voted on; Mayor Morin concurred.

Mayor Morin nominated Vice Mayor King to serve as Mayor; Council Member Miklos seconded the nomination.

Council Member Howell nominated Council Member Starsky to serve as Mayor. Council Member Starsky requested that Council Member Howell withdraw the nomination, and expressed his concerns that the current system of appointing the Mayor and Vice Mayor is flawed. Council Member Starsky nominated Council Member Howell to serve as Mayor; Council Member Howell seconded the nomination.

City Clerk Schmidt drew nominee Eric King's name. Mayor Morin called for the vote on Eric King's nomination as Mayor. The nomination passed by the following roll call vote:

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

5b. Vice Mayor

Mayor King nominated Council Member Miklos to serve as Vice Mayor; Council Member Morin seconded the nomination.

Council Member Howell nominated Council Member Starsky to serve as Vice Mayor; Council Member Starsky seconded the nomination.

City Clerk Schmidt drew nominee Steve Miklos' name. Council Member Morin called for the vote on Steve Miklos' nomination as Vice Mayor. The nomination passed by the following roll call vote:

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

Council Member Starsky reiterated his concerns with the current appointment process.

Mayor King advised that he would now end his participation in this meeting via teleconference.

City Attorney Cline responded to Council Member Starsky's earlier question regarding whether or not Vice Mayor King's teleconference participation was in compliance with the Brown Act and in compliance with the Government Code section 54953 et al. as noted on the agenda; Mr. Cline responded in the affirmative to both questions.

#### **SCHEDULED PRESENTATIONS:**

6a. Presentation of \$20,000 Check from McCarthy and Cook to the City of Folsom Parks and Recreation Department as a Contribution for Public Art

Vice Mayor Miklos, Vice Chair Edmondson and Commissioner Pat Finnegan accepted the check on behalf of the City and the Arts and Cultural Commission from McCarthy and Cook.

6b. Presentation by Bay Area Economics and Rooney Public Affairs on Greenback Lane Economic Development Strategy Report and Recommended Actions

Economic Development Director Luchi introduced the item. Matt Coda, Bay Area Economics, made a presentation

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

None

Approved 1/8/2008

**CONSENT CALENDAR:**

- 8a. Approval of the November 13, 2007 Special/Regular Meeting Minutes
- 8b. Approval of the November 27, 2007 Special/Regular Meeting Minutes
- 8c. Resolution No. 8199 - A Resolution Approving the Name of the Folsom Lake College Studio Theater as "City Theater" and Designating Folsom Arts and Cultural Commissioners to the Folsom Lake College Foundation Grant Review Committee
- 8d. Resolution No. 8200 - A Resolution Appropriating Funds for the Cummings Family Park Off-Leash Dog Park Area Project (**amended**) (**pulled for discussion**)
- 8e. Resolution No. 8201 - A Resolution Authorizing the City Manager to Execute a Consultant and Professional Services Agreement with the HLA Group Landscape Architects and Planners, Inc. for Design Services for the Livermore Community Park Phase 5 Project and Appropriation of Funds
- 8f. Resolution No. 8202 - A Resolution Establishing an Arts Endowment Fund with the Sacramento Region Community Foundation and Authorizing the City Manager to Execute Necessary Agreements, Appropriate and Transfer Funds
- 8g. Resolution No. 8203 - A Resolution Authorizing Installation of Stop Signs at the Intersection of Ebi Way and Fisher Circle and at the Intersection of Silberhorn Drive and Morningside Way
- 8h. Resolution No. 8204 - A Resolution Authorizing the City Manager to Proceed with the Sale of Six Surplus Vehicles and an Air Compressor
- 8i. Resolution No. 8205 - A Resolution Authorizing the City Manager to Execute Agreements with the Sacramento Regional Transit District for the FY 2007 Allocation of Federal Transit Administration Grant Section 5307 for Preventative Maintenance
- 8j. Maintenance Services Agreements for Landscaping and Lighting Districts
  - i. Resolution No. 8206 - A Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Agreement with Sunworld Landscape LLC for Landscape Maintenance Services within Landscaping and Lighting Districts for American River Canyon (ARC) North, ARC North No. 2, ARC North No. 3, Briggs Ranch, Broadstone Units No. 1 & 2, Broadstone Unit No. 3, Hannaford Cross, Natoma Station, Prairie Oaks Ranch, The Residences at ARC, Willow Creek East, Willow Springs, Natoma Valley, and La Collina dal Lago (Contract A)
  - ii. Resolution No. 8207 - A Resolution Authorizing the City Manager to Execute Amendment No. 3 to the Agreement with Sunworld Landscape LLC for Landscape Maintenance Services within Landscaping and Lighting Districts for Blue Ravine Oaks, Cobble Hills Ridge II/Reflections II, Cobble Ridge, Folsom Heights, Lake Natoma Shores, Los Cerros, Sierra Estates, Silverbrook, Steeplechase, Willow Creek South, and Fieldstone Meadows (Contract B)
- 8k. Resolution No. 8208 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement with BCB Construction Services for Construction Management and Inspection Services for the Natoma Standpipe Relocation Project, in Connection with the American River Watershed Project-Folsom Bridge Project No. 2319

Approved 1/8/2008

- 8l. Resolution No. 8209 - A Resolution of the City Council Supporting Extended Producer Responsibility Legislation Regarding Household Hazardous Waste
- 8m. Resolution No. 8210 - A Resolution Authorizing Acceptance and Execution of Grant Contract and Administrative Documents from the California Integrated Waste Management Board
- 8n. Resolution No. 8211 - A Resolution Authorizing the City Manager to Purchase Library Shelving and Furnishings for the Vista del Lago Library Building from Ross McDonald
- 8o. Resolution No. 8212 - A Resolution Authorizing the City Manager to Execute a Contract Change Order with Syblon Reid for the American River Water Education Center Relocation Project No. 2319
- 8p. Resolution No. 8213 - A Resolution Authorizing the City Manager to Execute an Agreement with Western Power & Equipment to Purchase One Municipal Street Sweeper
- 8q. Resolution No. 8214 - A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for Estacio Estates Subdivision AND Approval of the Final Map for Estacio Estates (**continued to January 8, 2008**)

Vice Mayor Miklos commented briefly regarding time 8q, and thanked staff member Steve Krahn for his efforts to bring this item before the City Council for approval.

**Motion by Council Member Howell, second by Vice Mayor Miklos to approve the Consent Calendar, with the exception of items 8d and 8q. Motion carried with the following roll call vote:**

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

**CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION:**

- 8d. Resolution No. 8200 - A Resolution Appropriating Funds for the Cummings Family Park Off-Leash Dog Park Area Project (**amended**) (**pulled for discussion**)

Council Member Starsky pulled this item to clarify the cost of the entire project and encouraged funding of the project. Parks and Recreation Director Goss responded to questions from the City Council.

**Motion by Council Member Starsky, second by Vice Mayor Miklos to approve item 8d as amended. Motion carried with the following roll call vote:**

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

**OLD BUSINESS:**

- 9a. Ordinance No. 1101 - An Ordinance of the City of Folsom Amending Chapter 17.59 of the Folsom Municipal Code to Allow Off-Site Advertisement on a Permitted Animated Sign (Second Reading and Adoption)

**Motion by Council Member Morin, second by Council Member Starsky to adopt Ordinance No. 1101. Motion carried with the following roll call vote:**

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

- 9b. Gekkeikan Sake Expansion, General Plan Amendment, Rezone, and Variance - 1136 Sibley Street (PN07-256)
- i. Resolution No. 8188 - A Resolution to Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the Gekkeikan Sake Expansion Project, to Amend the General Plan Land Use Designation for a .5-Acre Area of a Larger 7.66-Acre Parcel (APN: 071-0020-057) from Multi-Family High Density (MHD) to Industrial/Office Park (IND), to Approve a Parking Variance to Allow for a Reduced Number of Onsite Parking Spaces, and to Approve a Height Variance to Allow the Proposed Bottling/Storage/Office Building to Exceed the Height Limitation Established for the Light Industrial Zoning District for the Gekkeikan Sake Expansion Project
  - ii. Ordinance No. 1102 - An Uncodified Ordinance to Amend the Zoning Designation for a .5-Acre Area of a Larger 7.66-Acre Parcel (APN: 071-0020-057) from General Apartment, Planned Development District (R-4, PD) to Light Industrial District (M-1) for the Gekkeikan Sake Expansion Project (Second Reading and Adoption)

**Motion by Council Member Starsky, second by Council Member Howell to approve Resolution No. 8188 and adopt Ordinance No. 1102. Motion carried with the following roll call vote:**

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

**PUBLIC HEARING:**

- 10a. Ordinance No. 1089 - An Ordinance of the City of Folsom Repealing Chapters 8.36 and 14.18; and Re-Enacting Chapter 8.36 of the Folsom Municipal Code Concerning Adoption of the International Fire Code (Second Reading and Adoption)

Vice Mayor Miklos opened the Public Hearing at 7:25 p.m. Hearing no speakers, the Public Hearing was closed.

**Motion by Council Member Starsky, second by Council Member Howell to adopt Ordinance No. 1089. Motion carried with the following roll call vote:**

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

**NEW BUSINESS:**

11a. Appointment of Three At-Large Members to the Folsom Historic District Commission

**Vice Mayor Miklos nominated Glenn Riley to serve as the business owner within the Sutter Street Sub-area representative; second by Council Member Starsky. The nomination passed by the following roll call vote:**

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

Council Member Howell nominated Jennifer Lane to serve as the resident within the Historic District representative.

Vice Mayor Miklos nominated Daron Bracht to serve as the resident within the Historic District representative.

**City Clerk Schmidt drew nominee Jennifer Lane's name. Vice Mayor Miklos called for the vote on Jennifer Lane's nomination. The nomination failed by the following roll call vote:**

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

**Vice Mayor Miklos called for the vote on Daron Bracht's nomination. The nomination passed by the following roll call vote:**

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

Council Member Howell nominated Candy Miller to serve as the Historical Society/Historic Preservation representative.



Vice Mayor Miklos called for the vote on Candy Miller's nomination. The nomination passed by the following roll call vote:

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

**CITY MANAGER REPORTS:**

City Manager Miller advised residents that the Santa Sleigh visits begin on December 13. Tree recycling on December 29 at Rodeo Park.

**COUNCIL COMMENTS:**

Council Member Morin thanked his family, City Council members, and city staff for their support during his tenure as Mayor.

Council Member Howell spoke of resident Georgia Murray being featured in national news media. Ms. Howell urged residents to drive carefully.

Council Member Starsky thanked and commended the Police Department for their holiday Wal-Mart shopping program for underprivileged children. Mr. Starsky also thanked those who attended a recent fundraiser event for Powerhouse Ministries.

Vice Mayor Miklos congratulated Council Member Morin and Mayor King and thanked the City Manager and staff for their work.

**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 7:40 p.m.

  
Christa Schmidt, City Clerk

ATTEST:

  
Stephen E. Miklos, Vice Mayor