

**CITY OF FOLSOM**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**AUGUST 26, 2008**

**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 King presiding.

<b><u>ROLL CALL:</u></b>	Council Members Present:	Miklos, Morin, Starsky, Howell, King
	Council Members Absent:	None
	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- Existing Litigation - Pursuant to Government Code section 54956.9(a):
- i. Kemper v. City of Folsom, et al.  
United States District Court Case No. 2:07-CV-00678-RRB-GGH
  - ii. Mattingly Investments, Inc. v. Lavonia Gross, et al.  
Sacramento Superior Court Case No. 08UD07559
  - iii. Joseph Thomas v. City of Folsom  
WCAB No. SAC 0358143
  - iv. Tami Mangiapane, et al. v. City of Folsom  
Sacramento County Superior Court Case No. 06AS00618
- 3b. Conference with Legal Counsel - Pending Litigation
- i. Initiation of Litigation Pursuant to Government Code section 54956.9(c):  
1 potential case

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

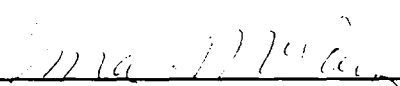
**Motion by Council Member Howell, second by Council Member Starsky to adjourn to Closed Session for the above-referenced items. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Miklos, Morin, Starsky, Howell, King</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 King reconvened the special meeting at 6:30 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.

  
\_\_\_\_\_  
Tina McVay, Deputy City Clerk

ATTEST:

  
\_\_\_\_\_  
Eric S. King, Mayor

**CITY OF FOLSOM**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**AUGUST 26, 2008**

**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 King presiding.

<b><u>ROLL CALL:</u></b>	Council Members Present:	Miklos, Morin, Starsky, Howell, King
	Council Members Absent:	None
	Staff Present:	City Manager Kerry Miller Assistant City Manager Evert Palmer Assistant City Attorney Steve Wang City Clerk Christa Schmidt

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**AGENDA UPDATE:**

Assistant City Manager Palmer announced that item 7y is being continued to September 9, 2008.

**SCHEDULED PRESENTATIONS:**

5a. Resolution of Commendation Honoring Fire Captain Shawn O'Neill Upon His Retirement

Council Member Starsky presented the Resolution of Commendation.

5b. Resolution of Commendation Honoring Lieutenant John Telban Upon His Retirement

Vice Mayor Miklos presented the Resolution of Commendation.

5c. Resolution of Commendation Honoring Dr. Steven Tharratt, M.D. for His Service to the City of Folsom Fire Department as its Medical Director from 1995 to 2008

Council Member Howell presented the Resolution of Commendation.

5d. Presentation by Federal Receiver's Office Regarding Alternative Sites for Proposed Inmate Medical Facility on California State Prison Property in Folsom

Economic Development Director Luchi introduced the item. Albert King and Wendy Saunders, URS, representing the Federal Receiver's Office, made a presentation and responded to questions from the City Council.

5e. City's Water Supply and Demand for the Current and Upcoming Year

Utilities Director Payne made a presentation and responded to questions from the City Council.

5f. City Manager's Fiscal Year 2007-08 Fourth Quarter Financial Report

Assistant City Manager/Acting Finance Director Palmer made a presentation and responded to questions from the City Council.

**BUSINESS FROM THE FLOOR:**

Robert Holderness addressed the City Council regarding the City's stance against various State mandates. He requested a citizen blue ribbon commission to study the proposed inmate medical facility and return with a report in January 2009. Mr. Holderness pointed out that the State needs to comply with NEPA and Federal Register noticing.

**CONSENT CALENDAR:**

- 7a. Approval of the July 22, 2008 Special/Regular Meeting Minutes
- 7b. Designation of Voting Delegate for the League of California Cities 2008 Annual Conference Business Meeting
- 7c. Appointment of City of Folsom Representative to the Citizens' Advisory Committee for Folsom State Prison
- 7d. Appointment of an At-Large Member to the Landscaping and Lighting District Advisory Committee
- 7e. Receive and File the City of Folsom Monthly Investment Reports for the Months of April through June 2008
- 7f. Resolution No. 8301 - A Resolution Rescinding Resolution 8081 and Enacting the Annual Inflationary Adjustment for City User Fees as of October 1, 2008, for Selected City Services
- 7g. Resolution No. 8345 - A Resolution Authorizing the Fire Department to Receive Grant Funds for Community Emergency Response Team (CERT) Program Activity from the 2006 California Office of Homeland Security - State Homeland Security Grant Program (SHSGP)
- 7h. Resolution No. 8346 - A Resolution Authorizing the Fire Department to Receive Grant Funds for Community Emergency Response Team (CERT) Program Activity from the 2007 California Office of Homeland Security - State Homeland Security Grant Program (SHSGP)
- 7i. pulled for discussion
- 7j. Resolution No. 8348 - A Resolution Authorizing the Police Department to Receive Grant Funds for the Satellite Internet Upgrade Project from the FY 2007 California Office of Homeland Security - State Homeland Security Grant Program (SHSGP) and Appropriation of Funds
- 7k. Resolution No. 8349 - A Resolution Establishing a 25-MPH Speed Zone on American River Canyon Drive Near the Children's Play Area at Davies Park
- 7l. Resolution No. 8350 - A Resolution Approving the City of Folsom Final Annual Anticipated DBE Participation Level for Federal Funding Assisted Projects for Federal Fiscal Year 2008-09

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- 7m. Resolution No. 8351 - A Resolution Authorizing the Request for a Traffic Grant in the Amount of \$54,502.55 from the State of California Office of Traffic Safety for the Seatbelt and Child Safety Seat Enforcement Program and the Appropriation of Funds
- 7n. Resolution No. 8352 - A Resolution Authorizing the Police Department to apply for a Sobriety Checkpoint Mini-grant in the amount of \$38,309.25 from the State of California Office of Traffic Safety
- 7o. pulled for discussion
- 7p. pulled for discussion
- 7q. pulled for discussion
- 7r. Resolution No. 8356 - A Resolution Authorizing the City Manager to Execute Amendment No. 4 to the Agreement with Bissell Brothers, Inc., to Provide Janitorial Services at Folsom City Facilities through June 2009
- 7s. Resolution No. 8357 - A Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Wittman Enterprises, LLC for Ambulance Billing and Collections Services with the Fire Department
- 7t. Resolution No. 8358 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding (MOU) by and between Sacramento Suburban Water District, City of Roseville, City of Sacramento, City of Folsom, Placer County Water Agency, California American Water Company, El Dorado County Irrigation District, and San Juan Water District for Consultant Services to Re-Negotiate Water Conservation Best Management Practices and Development of a Regional Water Conservation Master Plan
- 7u. pulled for discussion
- 7v. Resolution No. 8360 - A Resolution Amending Resolution No. 8227 to Establish a Residential Flat Rate Category for Condominium Customers with Individual Metered Units
- 7w. Resolution No. 8361 - A Resolution Authorizing the City Manager to Execute an Agreement with BCB Construction Services for Construction Management Services for the Water Meter Installation Project
- 7x. Resolution No. 8362 - A Resolution Authorizing the City Manager to Execute an Agreement with R3 Consulting Group, Inc. for Consulting Services for Technical and Management Assistance for the Solid Waste Division
- 7y. Resolution No. 8363 - A Resolution Authorizing the City Manager to Execute an Agreement with Circle Point, Inc. for Public Relations Services for the Water Meter Installation Project (**continued to September 9, 2008**)

**Motion by Council Member Morin, second by Council Member Howell to approve Consent Calendar items a through h, j through n, r through t and v through x, with item y being continued to September 9, 2008. Motion carried with the following roll call vote:**

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

Approved 9/23/2008

**CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION:**

- 7i. Resolution No. 8347 - A Resolution Authorizing a Transfer of Police Special Revenue Funds - Drug Asset Forfeiture, to the Police Department Operating Budget and Appropriation of Funds

Council Member Starsky pulled this item to commend the Police Department, and SENET specifically, for their work in support of drug asset seizures.

**Motion by Council Member Starsky, second by Council Member Howell to approve Resolution No. 8347. Motion carried with the following roll call vote:**

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

- 7o. Resolution No. 8353 - A Resolution Authorizing the City Manager to Execute an Agreement with Syblon Reid Construction, Inc. for Construction of the Orange Grove Wet Utilities Rehabilitation Project

- 7q. Resolution No. 8355 - A Resolution Authorizing the City Manager to Execute an Agreement with Syblon Reid Construction, Inc. for Construction of the Historic District Utilities Rehabilitation Project

- 7u. Resolution No. 8364 - A Resolution Authorizing the City Manager to Execute an Agreement with Marques Pipelines, Inc. for Construction of the Water Meter Installation Project and Appropriation of Funds

Council Member Howell pulled items o, q, and u collectively to congratulate the Utilities Department for these three contracts totaling \$2.7 below the engineer's estimate.

**Motion by Council Member Howell, second by Council Member Starsky to approve items o, q, and u. Motion carried with the following roll call vote:**

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

- 7p. Resolution No. 8354 - A Resolution Authorizing the City Manager to Execute a Memorandum of Understanding with the Folsom South Area Group, an Unincorporated Association Representing the Folsom Sphere of Influence Project, to Accept the Proposed Water Supply from the Natomas Central Mutual Water Company for the Folsom Sphere of Influence Project

Council Member Howell pulled this item to remind residents that developers will be paying for this water supply.

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

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

Approved 9/23/2008

**OLD BUSINESS:**

- 8a. Resolution No. 8365 - A Resolution of the City Council Endorsing a Proposed Highway 50 Corridor Mobility Partnership Regional Transportation Fee Program and Direction to Staff on Further Action

Public Works Director Lorenz introduced the item, and Tony Harris made a presentation and responded to questions from the City Council.

Russ Davis, Elliott Homes (property owner within the SOI area), addressed the City Council in support of the proposed fee program.

Nick Alexander, representing Carpenter Ranch (property owner within the SOI area), addressed the City Council in support of the proposed fee program.

Robert Holderness, representing AKT Development (property owner within the SOI area), addressed the City Council in support of the proposed fee program.

Diane Rogers, Folsom Chamber of Commerce, addressed the City Council in support of the proposed fee program.

**Motion by Council Member Starsky, second by Council Member Howell to approve Resolution No. 8365. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Miklos, Morin, Starsky, Howell, King</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 King called a recess at 9:26 p.m. The meeting was reconvened at 9:32 p.m.

**PUBLIC HEARING:**

- 9a. Ordinance No. 1110 - An Ordinance of the City of Folsom Amending Title 17 of the Folsom Municipal Code to add Chapter 17.105 Second Dwelling Units (Introduction and First Reading)

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

Mayor King opened the Public Hearing at 9:44 p.m. Hearing no speakers, the Public Hearing was closed.

**Motion by Vice Mayor Miklos, second by Council Member Howell to introduce Ordinance No. 1110 with option 1a requiring that one unit be owner-occupied. Motion carried with the following roll call vote:**

<b>AYES:</b>	<b>Council Members:</b>	<b>Miklos, Morin, Starsky, Howell, King</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. 1111 - An Uncodified Ordinance Approving the Development Agreement by and between the City of Folsom and Bradville - Evergreen / Folsom Land Joint Venture Relative to the Development Known as Folsom Corporate Center Located at 2125 to 2365 Iron Point Road (Introduction and First Reading)

**Continued to September 9, 2008**

**NEW BUSINESS:**

- 10a. Receive Presentation and Provide Direction to Staff Regarding the Scope of Work for the Willow Hill Reservoir Community Park Phase 2 Project

Parks and Recreation Director Goss made a presentation and responded to questions from the City Council.

Diana Shiraishi, addressed the City Council regarding the Master Development Plan and restroom placement.

Judy Osborn, addressed the City Council regarding the Master Development Plan and open space maintenance.

Carol Avasino addressed the City Council regarding impacts from development to their neighborhood.

**Motion by Vice Mayor Miklos, second by Council Member Howell to waive the 10:30 rule. Motion carried with the following vote:**

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

**Motion by Vice Mayor Miklos, second by Council Member Howell to approve the Phase 2 scope of work with flexibility on moving the restroom in the area, and paying attention to screening in the view shed and adding vegetation (at the direction of the Parks and Recreation Director) to enhance the view for residents.**

<b>AYES:</b>	<b>Council Members:</b>	<b>Miklos, Morin, Howell, King</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 asked staff to return with recommendations regarding boats and boat access for the reservoir.

The City Council adjourned to the special Redevelopment Agency meeting at 10:51 p.m. The special Redevelopment Agency meeting was adjourned to the special Public Financing Authority meeting at 10:51 p.m.

The City Council reconvened from the special Public Financing Authority meeting at 10:52 p.m.

Approved 9/23/2008



**CITY MANAGER REPORTS:**

City Manager Miller congratulated Police Officer James Dorris for his boxing gold medal in the Police and Fire Games in Idaho. Briggs Ranch Drive at East Natoma Street will remain closed until early October 2008; and the Cyclebration event is scheduled for September 12-14. September 13, third annual Emergency Preparedness Fair.

**COUNCIL COMMENTS:**

Council Member Starsky invited residents to sign up for the Cyclebration event online. He applauded the successful opening of the FIDO Field dog park and the opening day of football season at Livermore Park.

Council Member Howell also commended staff on the opening of the FIDO Field dog park, and suggested additional benches for seating (for people) at the park. She congratulated Ms. Cavitt on her 100<sup>th</sup> birthday, and thanked Folsom Fire and Police for their response to the fire at her home. Council Member Howell encouraged residents to drive carefully and to check their watering system.

Council Member Morin spoke of Regional Transit's discussion regarding budgetary issues. Mr. Morin talked about possibly expanding the small dog area at the dog park.

Vice Mayor Miklos reported on his attendance at the ACCAP Conference and thanked staff for their support work for SB 375.


Mayor King congratulated staff on the dog park opening and congratulated recent Eagle Scout Award recipients. Mr. King thanked the Police Department for letting him participate in taser training.

**ADJOURNMENT:**

There being no further business to come before the Folsom City Council, the regular meeting was adjourned at 11:03 p.m.

  
Christa Schmidt, City Clerk

ATTEST:

  
Eric S. King, Mayor

Approved 9/23/2008