

City Council Special Meeting

MINUTES

Tuesday, May 10, 2022 6:00 PM

CALL TO ORDER

The special City Council meeting was called to order at 6:00 pm with Mayor Kerri Howell presiding.

ROLL CALL:

Councilmembers Present: Sarah Aquino, Councilmember
YK Chalamcherla, Councilmember
Rosario Rodriguez, Vice Mayor
Kerri Howell, Mayor

Councilmembers Absent: Mike Kozlowski, Councilmember

Participating Staff: City Manager Elaine Andersen
City Attorney Steven Wang
Deputy City Clerk Lydia Konopka

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Conference with Legal Counsel - Anticipated Litigation. Significant Exposure to Litigation Pursuant to Government Code section 54956.9(e)(3): Application for Leave to File a Late Claim by George Lane

Motion by Councilmember Sarah Aquino, second by Vice Mayor Rosario Rodriguez to adjourn to Closed Session for the above referenced item. Motion carried with the following roll call vote:

AYES: Councilmember(s): Rodriguez, Aquino, Chalamcherla, Howell
NOES: Councilmember(s): None
ABSENT: Councilmember(s): Kozlowski
ABSTAIN: Councilmember(s): None

RECONVENE

City Attorney Steven Wang announced that no final action was taken during Closed Session.

ADJOURNMENT

The meeting was adjourned at 6:17 p.m.

SUBMITTED BY:

Lydia Konopka, Deputy City Clerk

ATTEST:

Kerri Howell, Mayor

City Council Regular Meeting

MINUTES

Tuesday, May 10, 2022 6:30 PM

CALL TO ORDER

The regular City Council meeting was called to order at 6:30 pm with Mayor Kerri Howell presiding.

ROLL CALL:

Councilmembers Present: Sarah Aquino, Councilmember
YK Chalamcherla, Councilmember
Rosario Rodriguez, Vice Mayor
Kerri Howell, Mayor

Councilmembers Absent: Mike Kozlowski, Councilmember (arrived at 7:39 pm)

Participating Staff: City Manager Elaine Andersen
City Attorney Steven Wang
Deputy City Clerk Lydia Konopka
Communications Director Christine Brainerd
Administrative Assistant Jennifer Thiot
Police Lieutenant Lou Wright
Police Lieutenant Brian Lockhart
Senior Office Assistant Lindsey Tayler
CFO/Finance Director Stacey Tamagni
Associate Planner Josh Kincade
Community Development Director Pam Johns
Public Works Director Mark Rackovan

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AGENDA UPDATE

City Attorney Steven Wang announced that item 18 had additional information.

BUSINESS FROM THE FLOOR:

None

SCHEDULED PRESENTATIONS:

1. Proclamation of the Mayor of the City of Folsom Proclaiming May 15-21, 2022 as National Police Week in the City of Folsom

Mayor Kerri Howell presented the proclamation to Lieutenant Lou Wright and Lieutenant Brian Lockhart.

2. Proclamation of the Mayor of the City of Folsom Proclaiming May 15 through May 21, 2022 as "National Public Works Week" and May 18, 2022 as "City Works Day" in the City of Folsom

Communications Manager Christine Brainerd introduced the item. Administrative Assistant Jennifer Thiot and Senior Office Assistant Lindsey Tayler made a presentation.

Councilmember Sarah Aquino presented the proclamation.

3. City Manager's Fiscal Year 2021-22 Third Quarter Financial Report

CFO/Finance Director Stacey Tamagni made a presentation and responded to questions from the City Council.

4. Presentation of the City Manager's Fiscal Year 2022-23 Proposed Operating and Capital Budgets for the City of Folsom, the Successor Agency, the Folsom Public Financing Authority, and the Folsom Ranch Public Financing Authority

CFO/Finance Director Stacey Tamagni made a presentation and responded to questions from the City Council.

CONSENT CALENDAR:

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. City Councilmembers may pull an item for discussion.

5. Approval of April 12, 2022 Special and Regular Meeting Minutes
6. Approval of April 26, 2022 Regular Meeting Minutes
7. Resolution No. 10839 – A Resolution of the City Council Ratifying the City Manager's Authorization for Emergency Replacement of the On-Site Fuel Tanks at the City of Folsom Corporation Yard, Determining the Project is Exempt from CEQA, and Appropriation of Funds
8. Resolution No. 10840 – A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Mangini

Ranch Phase 2 Village No. 3 Subdivision, and Approval of the Final Map for the Mangini Ranch Phase 2 Village No. 3 Subdivision

9. Resolution No 10841 – A Resolution Ratifying the City Manager’s Execution of a Purchase Agreement with Golden State Fire Apparatus Inc. for a Ladder Truck from Pierce Manufacturing Inc. Pursuant to Folsom Municipal Code Section 2.36.150, and the Approval of an Interfund Loan and Appropriation of Funds
10. Resolution No. 10842 – A Resolution Authorizing the City Manager to Execute an Agreement with McGuire and Hester for Construction of the Water Treatment Plant Backwash and Recycled Water Upgrades Project and Appropriation of Funds
11. Resolution No. 10843 – A Resolution Authorizing the City Manager to Execute an Agreement with Inferrera Construction Management Group, Inc. for Construction Management and Inspection Services for the Water Treatment Plant Backwash and Recycled Water Upgrades Project
12. Resolution No. 10844 – A Resolution Approving the Preliminary Engineer’s Report for the following Landscaping and Lighting Districts for Fiscal Year 2022-2023 and Setting Public Hearing for American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs
13. Resolution No. 10845 – A Resolution Authorizing the City Manager to Execute an Amendment to the Memorandum of Understanding Agreement (Contract No. 174-21 20-062) with the Capital Southeast Connector Joint Powers Authority for the Southeast Connector Segment D3(A) Bike Trail and Appropriation of Funds
14. Resolution No. 10846 - A Resolution Authorizing the City Manager to Execute a Design and Consulting Services Contract with Bennett Engineering Services, Inc. for the East Bidwell Street/Iron Point Road and US50 Onramp Improvement Project and Appropriation of Funds
15. Resolution No. 10847 - A Resolution Authorizing the City Manager to Execute a Contract Change Order for the Pedestrian/Bike Trail with Goodfellow Brothers, LLC (Contract No. 174-21 20-060) for the Capital SouthEast Connector Segment D3(A), Project No. PW1607, Federal Project No. 5288(046)
16. Resolution No. 10848 – A Resolution Adopting a List of Projects for Fiscal Year 2022-23 to be Funded by Senate Bill 1: The Road Repair and Accountability Act
17. Resolution No. 10850 - A Resolution Authorizing the City Manager to Execute a Subdivision Improvement Agreement and Accept Offers of Dedication for the Mangini

Ranch Phase 1C South Village No. 4 Subdivision, and Approval of the Final Map for the Mangini Ranch Phase 1C South Village No. 4 Subdivision

Motion by Vice Mayor Rosario Rodriguez second by Councilmember YK Chalamcherla, to approve the Consent Calendar.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Aquino, Chalamcherla, Rodriguez, Howell
NOES: Councilmember(s): None
ABSENT: Councilmember(s): Kozlowski
ABSTAIN: Councilmember(s): None

PUBLIC HEARING:

(item taken out of order)

19. Folsom Corporate Center Apartments – South Side of Iron Point Road, East of the Intersection of Iron Point Road and Oak Avenue Parkway (PN 21-120)
 - i. Resolution No. 10849 - A Resolution to Adopt a Mitigated Negative Declaration, Approve a General Plan Amendment, and Approve a Planned Development Permit for the Folsom Corporate Center Apartments Project
 - ii. Ordinance No. 1327 – An Uncodified Ordinance to Amend the Zoning Designation for a 7.24-acre Parcel (Lot 1) from M-L PD to R-4 PD and to Amend the Zoning Designation for a 4.68-acre Parcel (Lot 6) from BP PD to R-4 PD for the Folsom Corporate Center Apartments Project (Introduction and First Reading)

Councilmember Sarah Aquino announced that she needed to recuse herself from this item due to both members of Cole Partners being family friends and one is also a client at her insurance business. She left the room for the duration of this agenda item.

Councilmember Mike Kozlowski arrived at 7:39 pm.

Community Development Director Pam Johns made a presentation and responded to questions from the City Council. Traffic consultant Dr. Thomas Kear from T. Kear Transportation, Planning and Management, Inc. provided clarification.

Mayor Kerri Howell opened the public hearing. Hearing no public comments, the public hearing was closed.

Motion by Vice Mayor Rosario Rodriguez second by Councilmember Mike Kozlowski, to approve Resolution No. 10849.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Chalamcherla, Kozlowski, Rodriguez, Howell
NOES: Councilmember(s): None

ABSENT: Councilmember(s): Aquino (recused)
ABSTAIN: Councilmember(s): None

Motion by Councilmember Mike Kozlowski second by Vice Mayor Rosario Rodriguez, to introduce and conduct the first reading of Ordinance No. 1327.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Chalamcherla, Kozlowski, Rodriguez, Howell
NOES: Councilmember(s): None
ABSENT: Councilmember(s): Aquino (recused)
ABSTAIN: Councilmember(s): None

Councilmember Sarah Aquino returned to the dais.

18. Appeal by Igor Semenyuk of a Decision by the Historic District Commission Denying a Conditional Use Permit for the Lakeside Memorial Lawn Crematorium project (PN 19-182) located at 1201 Forrest Street **(Continued from April 26, 2022)**

Associate Planner Josh Kinkade made a presentation and responded to questions from the City Council. Additional clarification was provided by Community Development Director Pam Johns.

Appellant Igor Semenyuk addressed the City Council and responded to questions.

Mayor Kerri Howell opened the public hearing.

The following speakers addressed the City Council:

1. Janice Brial
2. Dean Dodson
3. Dan Charlebois
4. Dan Winkelman
5. Steve Walsh
6. Matt Almas
7. Larry Allbauch
8. Isaac Monical
9. Dwight B.
10. Kathryn Corbett
11. Dr. McGary (via teleconference)
12. Owen Thomas (via teleconference)
13. Mike Reynolds (via teleconference)
14. Tim McGary (via teleconference)

Hearing no further comments, the public hearing was closed.

Appellant Igor Semenyuk provided closing remarks to the City Council.

Associate Planner Josh Kinkade responded to questions from the City Council.

Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to deny the appeal and affirm the Historic District Commission's decision to deny the conditional use permit.

City Attorney Steven Wang provided clarification regarding the finding of the conditional use permit as it related to the motion.

Each of the Councilmembers commented regarding the project.

City Attorney Steven Wang asked Mayor Kerri Howell to allow community member Loretta Hettinger to speak on this item now, as she was unable to comment using her Webex connection at home. Mayor Howell agreed.

The following speaker addressed the City Council:

- Loretta Hettinger

Mayor Kerri Howell called for the vote on Councilmember Sarah Aquino's motion.

Motion failed with the following roll call vote:

AYES: Councilmember(s): Aquino, Kozlowski
NOES: Councilmember(s): Chalamcherla, Rodriguez, Howell
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

City Attorney Steven Wang explained that the motion failed, but another motion may be made. He suggested that the Mayor call for a recess to help craft the findings should the Council wish to make a different motion.

Motion by Vice Mayor Rosario Rodriguez to grant the appeal and overturn the Historic District Commission's decision.

Councilmember YK Chalamcherla asked to amend the motion to add the requirement that the applicant add a weather station for monitoring air quality to the project and that the project go before a design review committee. Vice Mayor Rosario Rodriguez agreed to the amendment to her motion.

Mayor Kerri Howell called for a recess at 9:56 pm. The City Council resumed the meeting at 10:09 pm.

City Attorney Steven Wang reminded the City Council that the pending motion was a motion to grant the appeal by Igor Semenyuk, thereby overturning the decision of the Historic District Commission denying a Conditional Use Permit for the Lakeside Memorial Lawn Crematorium (PN 19-182) located at 1201 Forrest Street, based upon the conditions of approval and based upon the following findings:

**Community Development Director Pam Johns read the findings for the record:
General Findings:**

- A. Notice of hearing has been given at the time and in the manner required by State law and City code.**
- B. The project is consistent with the General Plan and the Zoning Code of the City**

CEQA Findings:

- C. A mitigated negative declaration has been prepared for the project in accordance with CEQA.**
- D. Pursuant to AB 52, before release of the Mitigated Negative Declaration for this project, the City contacted all California Native American tribes on the City's AB 52 contact list in association with the project.**
- E. The City received one request for consultation from California Native American tribes and consultation was subsequently concluded. No changes to the project were required as a result of the consultation.**
- F. The City Council has considered the Initial Study, the proposed Mitigated Negative Declaration and all comments received during the public review process before making a decision regarding the project.**
- G. The Mitigated Negative Declaration reflects the independent judgement and analysis of the City of Folsom.**
- H. The Mitigated Negative Declaration has determined that the proposed project would not have a significant effect on the environment with the required with the required mitigation measures and the conditions of approval on the project.**
- I. On the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment with the required mitigation measures and the conditions of approval on the project.**

Land Use Compatibility Finding:

- J. As conditioned, the proposed crematory is appropriate as an accessory use to the existing cemetery.**

Conditional Use Permit Finding:

- K. As conditioned, the establishment, maintenance and operation of the use applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, as the proposed project will not have negative impacts to nearby commercial or residential uses that have not been mitigated.**

Additionally, the conditions in the staff report Attachment 2 starting on page 514 as presented to the Historic District Commission, Conditions No. 1-30, with the addition of new condition No. 31.

New condition 31 would read:

"31. A Davis Instruments Vantage Vue, Vantage Pro2 or similar weather station shall be installed on the shed on which the crematory machine is proposed prior to installation of the crematorium to the satisfaction of the Community Development Department."

City Attorney Steven Wang reminded the City Council that If the Council were to approve this motion, the Council will also be approving the Initial Study and Mitigated Negative Declaration.

There was more discussion and clarification between the City Council and staff on requiring the applicant to install a weather station. Vice Mayor Rosario Rodriguez recommended that the motion not include requiring the applicant to install a weather station because it is not a requirement of the Air Quality Management District for other crematoriums. Councilmember YK Chalamcherla concurred. Community Development Director Pam Johns confirmed that a condition requiring the applicant to install a weather station will not be a part of the approval.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Chalamcherla, Rodriguez, Howell
NOES: Councilmember(s): Aquino, Kozlowski
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

OLD BUSINESS:

20. Resolution No. 10831 - A Resolution of the City Council of the City of Folsom Approving an Affordable Housing Loan in the Amount of \$588,265.55 to Bidwell Place, LP for Construction of the 75-unit Bidwell Place Affordable Multifamily Project, and Appropriation of Funds

Mayor Kerri Howell announced that she needed to recuse herself from this item due to leasing property within 500 feet of the project location. She left the room for the duration of this agenda item.

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

Motion by Councilmember Sarah Aquino second by Councilmember Mike Kozlowski, to approve Resolution No. 10831.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Aquino, Chalamcherla, Rodriguez, Kozlowski
NOES: Councilmember(s): None
ABSENT: Councilmember(s): Howell (*recused*)
ABSTAIN: Councilmember(s): None

Mayor Kerri Howell returned to the dais.

Councilmember Sarah Aquino asked that the 10:30 rule be waived in order to continue the meeting.

Motion by Councilmember Sarah Aquino second by Vice Mayor Rosario Rodriguez to waive the 10:30 rule.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Aquino, Chalamcherla, Kozlowski, Rodriguez, Howell
NOES: Councilmember(s): None
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

NEW BUSINESS:

21. Ordinance No. 1326 - An Uncodified Ordinance of the City of Folsom Approving the Folsom Police Department's Military Equipment Use Policy in Compliance with Assembly Bill 481 (Introduction and First Reading)

Police Lieutenant Brian Lockhart made a presentation.

Motion by Councilmember Sarah Aquino second by Councilmember YK Chalamcherla, to introduce and conduct the first reading of Ordinance No. 1326.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Aquino, Chalamcherla, Kozlowski, Rodriguez, Howell
NOES: Councilmember(s): None
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

22. Consideration of Letter in Response to Demand Letter Received from Scott Rafferty Regarding Alleged Non-Compliance with the Brown Act

Motion by Councilmember Mike Kozlowski second by Councilmember YK Chalamcherla, to continue to comply with the Brown Act.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Aquino, Chalamcherla, Kozlowski, Rodriguez, Howell
NOES: Councilmember(s): None
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

CITY MANAGER REPORTS:

City Manager Elaine Andersen announced that Folsom was named in the top 50 livable small cities in the United States by the Personal Finance website. She congratulated Folsom businesses and apartment communities for diverting food waste from landfills and explained that voters can drop off their ballots at the ballot drop box location at City Hall or the vote center at the Community Center.

CITY COUNCIL COMMENTS:

Vice Mayor Rosario Rodriguez commented regarding her positive experience on the recent Cap to Cap trip. Mayor Kerri Howell responded with her past experiences on that trip.

Councilmember YK Chalamcherla spoke of the recent School Board/City Council Two by Two meeting and the Golden State Regional Scouts Council meeting he attended. He stated that he will also be attending the City Leadership Summit. He commented about attending the upcoming City Works Day and thanked staff for all their hard work.

Councilmember Mike Kozlowski commented regarding the recent SACOG Policy and Innovation meeting he attended and the Vista Del Lago Varsity track meet and their 8th consecutive win.

Mayor Kerri Howell spoke of the continuing construction of the Southeast Connector segment and the recent Regional Transit meeting. She encouraged everyone to drive safely.

ADJOURNMENT

There being no further business to come before the Folsom City Council, Mayor Kerri Howell adjourned the meeting at 10:44 pm.

SUBMITTED BY:

Lydia Konopka, Deputy City Clerk

ATTEST:

Kerri Howell, Mayor