



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Agenda

City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

October 11, 2022

6:30 PM

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city’s legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

Participation

If you would like to provide comments to the City Council, please:


- Fill out a blue speaker request form, located at the back table.
- Submit the form to the City Clerk before the item begins.
- When it’s your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.

Reasonable Accommodations

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk’s Office at (916) 461-6035, (916) 355-7328 (fax) or CityClerkDept@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

How to Watch

The City of Folsom provides three ways to watch a City Council meeting:

In Person	Online	On TV
		
City Council meetings take place at City Hall, 50 Natoma Street	Watch the livestream and replay past meetings on the city website, www.folsom.ca.us	Watch live and replays of meetings on Sac Metro Cable TV, Channel 14

More information about City Council meetings is available at the end of this agenda



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

City Council Regular Meeting

Folsom City Council Chambers
50 Natoma Street, Folsom, CA

www.folsom.ca.us

Tuesday, October 11, 2022 6:30 PM

Kerri Howell, Mayor

Rosario Rodriguez, Vice Mayor
YK Chalamcherla, Councilmember

Sarah Aquino, Councilmember
Mike Kozlowski, Councilmember

REGULAR CITY COUNCIL AGENDA

Effective July 7, 2022, the City of Folsom returned to all in-person City Council, Commission, and Committee meetings. Remote participation for the public will no longer be offered. Everyone is invited and encouraged to attend and participate in City meetings in person.

CALL TO ORDER

ROLL CALL:

Councilmembers: Chalamcherla, Kozlowski, Rodriguez, Aquino, Howell

The City Council has adopted a policy that no new item will begin after 10:30 p.m. Therefore, if you are here for an item that has not been heard by 10:30 p.m., you may leave, as the item will be continued to a future Council Meeting.

PLEDGE OF ALLEGIANCE

AGENDA UPDATE

BUSINESS FROM THE FLOOR:

Members of the public are entitled to address the City Council concerning any item within the Folsom City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.

SCHEDULED PRESENTATIONS:

- [1.](#) Presentation of 2022 Community Service Day Results
- [2.](#) Proclamation of the Mayor of the City of Folsom Proclaiming October 2022 as National Arts and Humanities Month

3. Project Update of the Capital Southeast Connector Segment D3

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.

4. Approval of September 27, 2022 Special and Regular Meeting Minutes
5. Appointment of At-Large Member to the Folsom Landscaping and Lighting District Advisory Committee to Represent the Prospect Ridge District
6. Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code (Second Reading and Adoption)
7. Resolution No. 10925– A Resolution Authorizing the City Manager to Execute a Design Consulting Services Agreement with TAIT Environmental Services, Inc. for the Corporation Yard Fuel Tank and Fuel Management System Replacement Project
8. Resolution No. 10926 – A Resolution Authorizing the City Manager to Execute a Construction Change Order with Central Valley Engineering and Asphalt, Inc. for the On-Call Concrete and Asphalt Maintenance Services Project (Contract 174-21 21-073) and Appropriation of Funds
9. Resolution No. 10927 – A Resolution Authorizing the City Manager to Execute a Consultant and Professional Services Agreement with West Coast Arborists, Inc. for On-Call Tree Trimming and Removal Services
10. Resolution No. 10928 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Lake Ford for the Purchase of a Crane Truck

PUBLIC HEARING:

11. Resolution No. 10924 - A Resolution Reducing the Annual Assessment in the Final Engineer's Report for Fiscal Year 2022-23 for Blue Ravine Oaks No. 2 Landscaping and Lighting District

NEW BUSINESS:

12. Ordinance No. 1334 – An Ordinance of the City of Folsom Amending Section 5.20.070(A)(2) and Repealing Section 5.20.070(A)(13)(d) of the Folsom Municipal Code to Increase the Number of Card Tables and Allow Backline Betting (PN 22-157) (Introduction and First Reading)
13. Landmark Tree Considerations and Direction to Staff

CITY MANAGER REPORTS:

COUNCIL COMMENTS:

ADJOURNMENT

***NOTICE:** Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.*

NOTICE REGARDING CHALLENGES TO DECISIONS: Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.

PERSONS INTERESTED IN PROPOSING AN ITEM FOR THE CITY COUNCIL AGENDA SHOULD CONTACT A MEMBER OF THE CITY COUNCIL.

The meeting of the Folsom City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety on the Friday and Saturday following the meeting, both at 9 a.m. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14. The City of Folsom provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the online services page of the City's website www.folsom.ca.us.

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (916) 461-6035, (916) 355-7328 (fax) or CityClerkDept@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

Any documents produced by the City and distributed to the City Council regarding any item on this agenda will be made available at the City Clerk's Counter at City Hall located at 50 Natoma Street, Folsom, California and at the Folsom Public Library located at 411 Stafford Street, Folsom, California during normal business hours.



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Presentation of 2022 Community Service Day Results
FROM:	Parks and Recreation Department

BACKGROUND / ISSUE

Staff and members of the Community Service Day Steering Committee will provide a brief overview of the 2022 Folsom Community Service Day.

RECOMMENDATION / CITY COUNCIL ACTION

No action is requested of the City Council at this time.

Submitted,

Lorraine Poggione, Parks & Recreation Director

This page is intentionally left blank.

PROCLAMATION
OF THE MAYOR OF THE CITY OF FOLSOM
PROCLAIMING OCTOBER 2022
as
NATIONAL ARTS AND HUMANITIES MONTH

WHEREAS, National Arts and Humanities Month has been celebrated for nearly 30 years by cities and states to recognize the importance of culture in the lives of individuals and the health of thriving communities; and

WHEREAS, the Folsom City Council recognizes that arts and cultural activities benefit the residents and visitors of Folsom and these activities are a significant contributor to Folsom’s high quality of life; and

WHEREAS, the City of Folsom provides the opportunity for the community to enjoy the benefits of art and cultural activities through numerous programs and an active professional art gallery; and

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities, and our country; and

WHEREAS, the Arts and Culture Commission works with the community to increase public awareness of, understanding of, and participation in the humanities and the arts; and

WHEREAS, Folsom has a diverse and vibrant arts scene with local organizations providing opportunities for the public to celebrate and participate in performances, exhibits and events throughout the year.

NOW, THEREFORE, I, KERRI M. HOWELL, Mayor of the City of Folsom, do hereby proclaim October 2022 as ***National Arts and Humanities Month*** in the City of Folsom and invite our residents to recognize the contributions of the arts to the community. We encourage everyone to visit the art gallery and to attend the many special cultural activities offered within the city.

PROCLAIMED this 11th day of October 2022.

Kerri M. Howell, MAYOR

Attest: _____
Christa Freemantle, CITY CLERK

This page is intentionally left blank.



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Project Update of the Capital Southeast Connector Segment D3
FROM:	Public Works Department

BACKGROUND / ISSUE

Staff will be presenting a project update of the Capital Southeast Connector Segment D3, which will include the construction of Segment D3A and design timeline of Segment D3B.

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

This page is intentionally left blank.

City Council Special Meeting

MINUTES

Tuesday, September 27, 2022
6:15 PM

CALL TO ORDER

The special City Council meeting was called to order at 6:15 pm with Mayor Kerri Howell presiding.

ROLL CALL:

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

Councilmembers Absent: None

Participating Staff: City Manager Elaine Andersen
City Attorney Steven Wang
City Clerk Christa Freemantle

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Conference with Legal Counsel – Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1): Laura Knudsen v. City of Folsom, Workers' Compensation Appeals Board Case No. ADJ14465604

City Attorney Steven Wang read the closed session item into the record.

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

RECONVENE

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

ADJOURNMENT

There being no further business to come before the City Council, the special meeting was adjourned at 6:30 p.m.

SUBMITTED BY:

Christa Freemantle, City Clerk

ATTEST:

Kerri Howell, Mayor

City Council Regular Meeting

MINUTES

Tuesday, September 27, 2022
6:30 PM

CALL TO ORDER

The regular City Council meeting was called to order at 6:31 pm with Mayor Kerri Howell presiding.

ROLL CALL:

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

Councilmembers Absent: None

Participating Staff: City Manager Elaine Andersen
City Attorney Steven Wang
City Clerk Christa Freemantle
Finance Director/CFO Stacey Tamagni
Public Works Director Mark Rackovan
Senior Civil Engineer Ryan Chance
Senior Civil Engineer Zach Bosch
Associate Planner Josh Kinkade
Community Development Director Pam Johns

AGENDA UPDATE

City Attorney Steven Wang noted that additional information was available for items 4, 8, 10, and 11.

BUSINESS FROM THE FLOOR:

None

SCHEDULED PRESENTATIONS:

1. US50/Empire Ranch Road Interchange Project Update

Public Works Director Mark Rackovan introduced the item, and Senior Civil Engineer Ryan Chance made a presentation and responded to questions from the City Council.

2. East Bidwell/Iron Point and US50 Improvement Project Update

Public Works Director Mark Rackovan introduced the item, and Senior Civil Engineer Zach Bosch made a presentation and responded to questions from the City Council.

CONSENT CALENDAR:

- 3. Approval of September 13, 2022 Special and Regular Meeting Minutes
- 4. pulled for discussion
- 5. Resolution No. 10919 - A Resolution Authorizing the Police Department to Accept a Selective Traffic Enforcement Grant in the Amount of \$63,000 from the State of California Office of Traffic Safety and Appropriation of Funds
- 6. Resolution No. 10921 – A Resolution Authorizing the City Manager to Execute an Agreement with National Auto Fleet Group to Purchase Three Ford Ranger Pickup Trucks
- 7. Resolution No. 10923 - A Resolution Authorizing the City Manager to Execute a Memorandum of Understanding between the City of Folsom and the Sacramento Area Firefighters Local 522, IAFF, Folsom Unit

Motion by Councilmember Mike Kozlowski, second by Councilmember YK Chalamcherla to approve Consent Calendar items 3,5-7. 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

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION:

- 4. Ordinance No. 1332 – An Ordinance of the City of Folsom Adding Chapter 12.25, “Temporary Outdoor Dining Permit”, to the Folsom Municipal Code Regarding Temporary Use of Parking Space on City Streets and City-owned Public Properties for Outdoor Dining (Second Reading and Adoption)

Vice Mayor Rosario Rodriguez recused herself from voting on this item, due to a conflict of interest.

Motion by Mayor Kerri Howell, second by Councilmember YK Chalamcherla to adopt Ordinance No. 1332. Motion carried with the following roll call vote:

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

OLD BUSINESS:

- 8. Resolution No. 10922 – A Resolution Rescinding the Approval of PN 19-182: Lakeside Memorial Lawn Crematorium Conditional Use Permit and Mitigated Negative Declaration

Draft – Not Official Until Approved

Associate Planner Josh Kinkade made a presentation and responded to questions from the City Council.

Motion by Councilmember Mike Kozlowski, second by Vice Mayor Rosario Rodriguez, to approve Resolution No. 10922. 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

Historic District Residential Permit Parking Program:

9. Ordinance No. 1331 – An Ordinance of the City of Folsom adding Sections 10.20.290, 10.20.295, and 10.20.300 to the Folsom Municipal Code to Establish a Residential Permit Parking Program in Designated Areas of the Historic District (Second Reading and Adoption)

Public Works Director Mark Rackovan made a presentation and responded to questions from the City Council.

Motion by Councilmember Mike Kozlowski, second by Vice Mayor Rosario Rodriguez, to adopt Ordinance No. 1331. Motion carried by 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

10. Resolution No. 10920 – A Resolution Establishing a Residential Permit Parking Zone in the Historic District

Public Works Director Mark Rackovan made a presentation and responded to questions from the City Council.

Vice Mayor Rosario Rodriguez requested the item be continued to a later meeting to allow additional discussion with Historic District merchants. The City Council discussed the proposed continuance.

At the suggestion of City Attorney Steven Wang, Vice Mayor Rosario Rodriguez recused herself from the remainder of the discussion and left the room.

The following speakers addressed the City Council:

Loretta Hettinger
Michael Reynolds

In response to Council discussion, Public Works Director Mark Rackovan proposed amendments to the resolution amending the first "be it further resolved" clause to "...67% of property owners..." and amending the fourth "be it further resolved" clause to "...property owner provides proof that the additional vehicle(s)...".

Motion by Council Member Mike Kozlowski, second by Councilmember Sarah Aquino, to approve Resolution No. 10920 with amendments proposed by Public Works Director Mark Rackovan.

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

Vice Mayor Rosario Rodriguez returned to the room.

NEW BUSINESS:

11. Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code (Introduction and First Reading)

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

Motion by Councilmember Sarah Aquino, second by Vice Mayor Rosario Rodriguez to introduce Ordinance No. 1333. Motion carried by 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 welcomed new Library Director Thom Gruneisen and announced the promotion of Allison Garcia to Human Resources Director. She spoke of the Folsom Police Coffee with a Cop event and the Bark and Splash event at the Aquatic Center.

COUNCIL COMMENTS:

Vice Mayor Rosario Rodriguez spoke of the Relay for Life event at Sutter Middle School.

Councilmember YK Chalamcherla spoke of Community Service Day, a recent 2x2 meeting with School District representatives, Citrus Heights' anniversary celebration, and the Coffee with a Cop event.

Councilmember Mike Kozlowski congratulated Thom Gruneisen and Allison Garcia, spoke of high school football, the Muslim Center open house event, an upcoming Eagle Scout ceremony, the Choose Folsom event, recent medical project announcements, and sports facility announcement.

Mayor Kerri Howell spoke of the recent medical facility announcements, meetings of Regional San, Regional Transit and Southeast Connector agencies, striping work on Iron Point Road, the importance of driving carefully, and the City Manager's contract.

ADJOURNMENT

There being no further business to come before the Folsom City Council, the meeting was adjourned at 8:04 p.m.

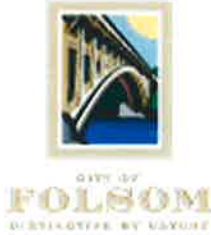
SUBMITTED BY:

Christa Freemantle, City Clerk

ATTEST:

Kerri Howell, Mayor

This page is intentionally left blank.



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Appointment of At-Large Member to the Folsom Landscaping and Lighting District Advisory Committee to Represent the Prospect Ridge District
FROM:	City Clerk's Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff requests that the Mayor appoint Benjamin Mattocks (with approval from the City Council) to the Folsom Landscaping and Lighting District Advisory Committee to represent the Prospect Ridge District for the term ending in December 2024.

BACKGROUND / ISSUE

Folsom Municipal Code Chapter 16.56 establishes the Landscaping and Lighting District Advisory Committee (L&L Committee) and defines the Committee’s purpose as helping to enhance the line of communication between city staff and elected/appointed city bodies. The citizens’ committee may also make recommendations to the Landscaping and Lighting District Manager, the Community Development Director and the Public Works Director concerning the maintenance and associated costs to maintain and improve landscaping and lighting districts. The Committee is comprised of one person from each landscaping and lighting district. The members shall be registered voters and residents or owners within their respective landscaping and lighting district and serve for a period of four years.

POLICY/ RULE

Folsom Municipal Code Section 16.56.030(B) states that the mayor shall appoint each of the members, subject to the approval of the City Council.

ANALYSIS

The L&L Committee continues to have vacancies for certain districts, and staff maintains an open recruitment for these vacancies. One application has recently been received for the Prospect Ridge District vacant seat.

Staff has confirmed that the applicant's address is within the Prospect Ridge District and that the applicant is a registered voter and they are therefore eligible to be appointed.

ATTACHMENT

Application from Benjamin Mattocks

Respectfully submitted,

Christa Freemantle, CMC
City Clerk



Folsom Commission and Committee APPLICATION

Thank you for your interest in serving on a Folsom commission or committee.

Before You Begin:

- Please read this form and instructions carefully.
- Complete all pages and sign the application.
- Applications remain active for six months after submittal.

Return completed applications to:

City Clerk's Department, Folsom City Hall, 50 Natoma Street, Folsom, CA 95630

Applicant Information: (All information is required)

Name: Benjamin Mattocks

Residence Address: Folsom, CA 95630

Email: benmattocks@gmail.com

Phone: _____

Employer and Occupation: Employer: athenahealth Occupation: Software Engineer

Currently Serving on a Commission/Committee? If yes, please specify:

No

Folsom Residency / Registered Voter Verification: Commission and Committee members must be residents and registered voters of Folsom.

Registered to vote? Indicate Yes / No Yes

Financial Disclosure / Ethics Training:

I understand that commission and committee members must file statements disclosing financial information.

Indicate Yes / No:

Yes

I understand that commission and committee members must complete ethics and harassment training.

Indicate Yes / No:

Yes

Truth and Accuracy: I certify that the information contained on this form is true and accurate:

Signature: Benjamin Mattocks Date: 9/21/2022

Important Public Records Information: The city may receive requests from the public to review documents such as this form and the city is obligated to release these public records, including all information contained on the form.

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: Benjamin Mattocks

Choice of Commission or Committee:

(If you are interested in multiple commissions, please rank them numerically according to your preference)

Arts and Culture Commission

Historic District Commission*

Please identify which seat you qualify for:

representative who is actively involved with historic preservation

representative who is a resident of the Historic District

representative who owns a business within the Sutter Street Subarea

Planning Commissioners

representative from a Historic District business outside the Sutter Street Subarea

architect, landscape architect, or other design professional with expertise in historic preservation

X Landscaping and Lighting District Advisory Committee*

Please advise which L&L District you live in:

District of Residence: Prospect Ridge

Library Commission

Parks and Recreation Commission

Planning Commission

Traffic Safety Committee*

Please identify which seat you qualify for:

representative representing a wide cross section of interests

representative who has demonstrated an interest in or a concern for pedestrian and bicycle safety

Utility Commission

Other:

*Application Supplement Required:

Supplemental information is required for the Historic District Commission, Landscape and Lighting District Advisory Committee, and the Traffic Safety Committee. These boards have special qualification requirements for certain seats.

Continue to next page

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: Benjamin Mattocks

Informational Questions: (you must answer all four questions, for all commissions or committees you are applying for):

1. Why do you want to serve on this commission or committee:

I would like to provide representation for the Prospect Ridge L&L District, as the position is currently vacant and I live in the district.

2. What do you think is(are) the top issue(s) facing this commission or committee:

I think the top issue is to ensure that any landscaping and lighting issues within the district are brought to the city's attention and subsequently addressed.

Continue to next page

Page 3 of 4

FOLSOM COMMISSION AND COMMITTEE APPLICATION

Applicant Name: Benjamin Mattocks

3. Briefly describe how your experiences qualify you to serve on the commission or committee:

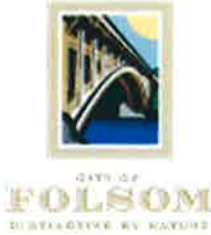
I am a homeowner in the Prospect Ridge district.

4. Which commission or committee meetings have you attended?

I have not attended any meetings.

END OF APPLICATION FORM

Return completed applications to:
City Clerk's Department, Folsom City Hall, 50 Natoma Street, Folsom, CA 95630



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code (Second Reading and Adoption)
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council conduct the second reading and adoption of Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code.

BACKGROUND / ISSUE

Since its enactment in 1997, Section 5.09.020 of the Folsom Municipal Code has limited garage sales in the City to no more than three consecutive days and no more than two garage sales on the same premises in any one calendar year. That provision was suspended by Emergency Order DES-03-20 (dated May 1, 2020) until termination of the COVID-19 local emergency.

On September 27, 2022 City Council introduced and conducted first reading of Ordinance 1333. No changes have been made to the ordinance since first reading.

POLICY / RULE

The City Council has authority to enact or repeal ordinances pursuant to Section 2.12(A) of the Folsom City Charter.

ANALYSIS

For over two years since the suspension of Section 5.09.020, the City has received no complaint from residents about the numbers and frequency of garage sales. To make the suspension permanent, staff is presenting a proposed Ordinance to repeal Section 5.09.020 from the Folsom Municipal Code so that City residents may hold garage sales without limitation on frequency or duration.

FINANCIAL IMPACT

The City does not charge a fee for garage sales, hence there is no financial impact associated with this action.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENT

Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code (Second Reading and Adoption)

Respectfully submitted,



Pam Johns, Community Development Director

ATTACHMENT 1

ORDINANCE NO. 1333 – AN ORDINANCE OF THE CITY OF FOLSOM REMOVING LIMITATIONS ON FREQUENCY OF GARAGE SALES BY REPEALING SECTION 5.09.020 FROM THE FOLSOM MUNICIPAL CODE (SECOND READING AND ADOPTION)

ORDINANCE NO. 1333**AN ORDINANCE OF THE CITY OF FOLSOM
REMOVING LIMITATIONS ON FREQUENCY OF GARAGE SALES BY
REPEALING SECTION 5.09.020 FROM THE FOLSOM MUNICIPAL CODE**

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to remove limitations on the frequency of garage sales in the City of Folsom by repealing Section 5.09.020, "Limitations", from the Folsom Municipal Code.

SECTION 2 REPEAL OF CODE

Section 5.09.020, "Limitations", is hereby repealed and deleted from the Folsom Municipal Code.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on September 27, 2022 and the second reading occurred at the regular meeting of the City Council on October 11, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 11th day of October 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

This page is intentionally left blank.



CITY OF
FOLSOM
DISCOVERED BY NATURE

Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10925 – A Resolution Authorizing the City Manager to Execute a Design Consulting Services Agreement with TAIT Environmental Services, Inc. for the Corporation Yard Fuel Tank and Fuel Management System Replacement Project
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 10925 – A Resolution Authorizing the City Manager to Execute a Design Consulting Services Agreement with TAIT Environmental Services, Inc. for the Corporation Yard Fuel Tank and Fuel Management System Replacement Project.

BACKGROUND / ISSUE

The current Corporation Yard fuel tanks are over 30 years old and have exceeded their useful life. The diesel tank has a slow leak and is unrepairable. Emergency operations planning typically recommends keeping two weeks' worth of fuel in reserve; the diesel tank allows for less than 12 hours reserve, and the unleaded tank is approximately 75% undersized compared to current industry best practices.

POLICY / RULE

Section 2.36.080 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$66,141 or greater shall be awarded by the City Council.

ANALYSIS

Current industry best practices and emergency operations planning guidelines recommend keeping a minimum two-week fuel reserve. Obtaining the best pricing on fuel requires purchasing a full truck and tanker load (roughly 9,000 gallons) of product. Tanks may only be filled to 80% of their rated capacity to allow for product expansion due to thermal changes. These factors, combined with the City's average fuel usage over the last five years, result in recommended tank sizes of 18,000 gallons for unleaded gasoline and 23,000 gallons for diesel fuel. Depending on the pricing of prefabricated tanks, purchasing slightly larger capacity tanks may be more cost effective.

The City Corporation Yard's current fuel station consists of a 4,000 gallon unleaded gasoline tank and a 2,000 gallon diesel tank. Both tanks are repurposed, single-walled former underground storage tanks, mounted above ground and co-located within a secondary containment structure along with a central tank product fill station and four product dispensing pumps.

Modern, purpose-built aboveground storage tanks are double-walled, with their required secondary containment built into the tank itself. Modern tanks typically do not require an additional secondary containment structure.

The current secondary containment structure and infrastructure can be reused with new equipment but will only accommodate one of the new tanks, most likely the unleaded gasoline tank. The new diesel tank will need to be installed at a different location within the Corporation Yard.

The City Manager authorized the emergency procurement for construction services under the existence of threat to public health, welfare, and safety, pursuant to Folsom Municipal Code Section 2.36.150, Emergency Procurement.

While not required by the Municipal Code, this matter was presented to the City Council for the Council's awareness and ratification, which was recognized through the passage of Resolution No. 10839 on May 10, 2022.

Staff recommended that this emergency procurement be used to select a contractor through a competitive bidding process. Two Request for Proposals were released, with the first receiving no responses, and the second resulting in a single response from TAIT Environmental Services, Inc. for a total amount of \$196,898.00.

The scope of the Design Consulting Service Agreement with TAIT Environmental Services, Inc. will consist of preliminary engineering, environmental clearance, construction documents, and design, permitting, and construction services.

FINANCIAL IMPACT

Resolution No. 10839 authorized the appropriation of the amount bid by the successful contractor in the competitive bidding process, not to exceed \$1,000,000 from the General Fund (Fund 010).

Given the immediate lower per-gallon cost of fuel that will be purchased less frequently but in greater quantities, the projected return on investment is less than 10 years.

No significant revenue is anticipated from the sale of the existing equipment.

ENVIRONMENTAL REVIEW

This emergency replacement project is exempt from the requirements of the California Environmental Quality Act per Section 15269(b) and (c), Emergency Projects.

ATTACHMENT

Resolution No. 10925 – A Resolution Authorizing the City Manager to Execute a Design Consulting Services Agreement with TAIT Environmental Services, Inc. for the Corporation Yard Fuel Tank and Fuel Management System Replacement Project

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

RESOLUTION NO. 10925

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN CONSULTING SERVICES AGREEMENT WITH TAIT ENVIRONMENTAL SERVICES, INC. FOR THE CORPORATION YARD FUEL TANK AND FUEL MANAGEMENT SYSTEM REPLACEMENT PROJECT

WHEREAS, the Corporation Yard fuel tanks are over 30 years old and have exceeded their useful life; and

WHEREAS, the diesel fuel tank located at the Corporation Yard has an unrepairable slow leak; and

WHEREAS, both of the fuel storage tanks at the Corporation Yard are undersized compared to current industry best practices and emergency operations planning guidelines; and

WHEREAS, the City Manager made a determination for emergency procurement for construction serves under the existence of threat to public health, welfare and safety, pursuant to Folsom Municipal Code Section 2.36.150, Emergency Procurement; and

WHEREAS, City Council ratified the City Manager’s determination for emergency procurement through the passage of Resolution No. 10839 on May 10, 2022; and

WHEREAS, the project was publicly advertised August 1, 2022, and on August 31, 2022, one bid was received from TAIT Environmental Services, Inc. with an amount of \$196,898; and

WHEREAS, sufficient funds were appropriated through Resolution No. 10839 and are available in the General Fund (Fund 010); and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute a Design Consulting Services Agreement with TAIT Environmental Services, Inc. for the Corporation Yard Fuel Tank and Fuel Management System Replacement Project in the amount of \$196,898.

PASSED AND ADOPTED this 11th day of October 2022, by the following roll-call vote:

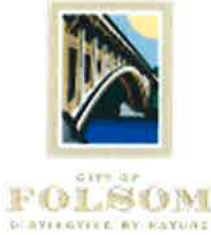
- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

This page is intentionally left blank.



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10926 - A Resolution Authorizing the City Manager to Execute a Construction Change Order with Central Valley Engineering and Asphalt, Inc. for the On-Call Concrete and Asphalt Maintenance Services Project (Contract 174-21 21-073) and Appropriation of Funds
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 10926 – A Resolution Authorizing the City Manager to Execute a Construction Change Order with Central Valley Engineering and Asphalt, Inc. for the On-Call Concrete and Asphalt Maintenance Services Project (Contract 174-21 21-073) and Appropriation of Funds.

BACKGROUND / ISSUE

The City currently has a contract (Contract No. 174-21 21-073) with Central Valley Engineering and Asphalt (CVE&A) to perform concrete and asphalt maintenance services on an as needed basis.

The reduction in the median diameter of Wellsley Court was initiated by multiple residents that live on the street that had notified city officials about difficult vehicle maneuverability around the court and emergency vehicle access, especially if vehicles were parked on the street. City staff met with the residents and ultimately came to an agreement that the median would be reduced by 10 feet in radius, mitigating their concerns about the safety and accessibility of the court.

A healthy cork oak tree is located within the existing median. Consultation with the City Arborist determined that the proposed median width reduction would not infringe on the root system of the tree.

The Public Works Department was tasked with reducing the raised median radius of Wellsley Court by 10 feet, installing new rolled concrete curb, relocating the existing mailbox cluster, and paving new asphalt as required. CVE&A provided a quote of \$59,269 to perform this work.

POLICY / RULE

Section 2.36.080, Award of Contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services and construction with an estimated value of \$66,141 or greater shall be awarded by City Council.

ANALYSIS

The quote to provide these services was analyzed by Public Works staff and it was determined to be consistent with expected costs for this type of work.

FINANCIAL IMPACT

The City Council's approval of Resolution No. 10736 authorized the execution of the original contract for an annual amount of \$524,069, with a total not-to-exceed amount of \$1,572,207 over the three years of the contract.

If approved, this change order request would increase the FY 2022-23 budget by \$59,269 to \$583,338, with a total not-to-exceed amount of \$1,631,476 over the three years of the contract.

The funding for this change order with the CVE&A contract is shown in the table below. In summary, the table shows that \$59,269 for the Wellsley Court improvements would be funded through the General Fund.

Fund	Contract Change Order Project	Amount
General Fund (Fund 010)	Wellsley Court	\$ 59,269
Total Amount of FY 2022-23 Contract with Change Order		\$ 583,338

These improvements were not included in the FY 2022-23 budget and require an additional appropriation to be funded by the General Fund contingency.

ENVIRONMENTAL REVIEW

This project has been deemed categorically exempt from environmental review.

ATTACHMENT

Resolution No. 10926 – A Resolution Authorizing the City Manager to Execute a Construction Change Order with Central Valley Engineering and Asphalt, Inc. for the On-Call Concrete and Asphalt Maintenance Services (Contract 174-21 21-073) and Appropriation of Funds

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

RESOLUTION NO. 10926

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CHANGE ORDER WITH CENTRAL VALLEY ENGINEERING AND ASPHALT, INC. FOR THE ON-CALL CONCRETE AND ASPHALT MAINTENANCE SERVICES PROJECT (CONTRACT 174-21 21-073) AND APPROPRIATION OF FUNDS

WHEREAS, the City Council approved contract 174-21 21-073 with Central Valley Engineering and Asphalt, Inc. for the On-Call Concrete and Asphalt Maintenance Services Project; and

WHEREAS, it was determined that reducing the Wellsley Court median diameter would eliminate the issue of vehicle and emergency access; and

WHEREAS, an additional appropriation will be required in the amount of \$59,269 from the General Fund (Fund 010), increasing the FY 2022-23 project budget to \$583,338, with a total project budget of \$1,631,476 over the three years of the on-call contract; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute a construction change order with Central Valley Engineering and Asphalt, Inc. for the On-Call Concrete and Asphalt Maintenance Services Project in the amount of \$59,269.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is authorized to appropriate \$59,269 from the General Fund (Fund 010) for the On-Call Concrete and Asphalt Maintenance Services Project, for a total not-to-exceed amount of \$1,631,476 over the three years of the contract.

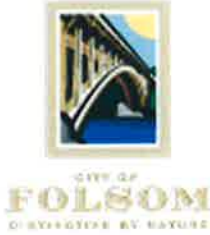
PASSED AND ADOPTED this 11th day of October 2022, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10927 – A Resolution Authorizing the City Manager to Execute a Consultant and Professional Services Agreement with West Coast Arborists, Inc. for On-Call Tree Trimming and Removal Services
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 10927 – A Resolution Authorizing the City Manager to Execute a Consultant and Professional Services Agreement with West Coast Arborists, Inc. for On-Call Tree Trimming and Removal Services.

BACKGROUND / ISSUE

The City is responsible for the ongoing maintenance of trees located along the public right of way and on various City owned properties, including City parks and within Landscape and Lighting Districts. The Public Works Department and the Parks and Recreation Department have worked collaboratively to determine tree maintenance needs specific to each department and have identified these needs in the solicitation of proposals for this work. To better streamline the efficiency of this work, it was decided to proceed with one contract for both departments.

Folsom has been designated as a “Tree City”. As such, the health and upkeep of trees within the City is critical in maintaining this designation. While City crews do perform routine small-scale tree maintenance, there are many cases where staff does not have the adequate equipment or training to perform work on large trees, around structures, or near utilities. Typical items of work that will be utilized under this contract include general canopy trimming, maintaining vertical clearance over roadways, large limb removal, tree removal, stump removal, and emergency tree needs. Staff coordinates with the City Arborist for all large-scale pruning or

removal of trees.

POLICY / RULE

Section 2.36.080, Award of Contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$66,141 or greater shall be awarded by City Council.

ANALYSIS

On August 17, 2022, staff publicly advertised a Request for Proposals to provide On-Call Tree Trimming and Removal Services for a period of five years. On September 8, 2022, proposals were received from West Coast Arborists, Inc., Fallen Leaf Tree, Tree Services Unlimited, Atlas, and Capax.

The City has had an On-Call Tree Trimming contract with West Coast Arborists, Inc. since July 2017. The funds for that contract have been expended and the term of the contract has expired. Staff has been pleased with the professionalism, prompt scheduling, and quality of tree services that West Coast Arborists, Inc. has provided.

A proposal review panel consisting of two Public Works staff members and one Parks and Recreation staff member separately reviewed and ranked all proposals received. The scoring of each proposal is included in the chart below. In summary, the chart shows that West Coast Arborists was rated highest by all three reviewers with a total score of 270; the next highest score was 243 by Tree Service Unlimited.

Tree Company	Reviewer 1	Reviewer 2	Reviewer 3	Total Score
West Coast Arborists, Inc.	90	93	87	270
Tree Service Unlimited	80	84	79	243
Atlas	80	81	73	234
Capax	83	79	71	233
Fallen Leaf Tree	70	86	57	213

FINANCIAL IMPACT

The City Council’s approval of Resolution No. 10927 would authorize the execution of a Consultant and Professional Services Agreement with West Coast Arborists, Inc. for a yearly amount of \$289,360, for a total not-to-exceed contract amount of \$1,446,8000 over five years. A contingency will not be required for this contract.

The yearly funding amounts for the contract will be divided as shown below; in summary, the table shows that Public Works will allocate \$150,000 from Fund 023 and Parks and Recreation will allocate \$79,360 from various L&L Districts as well as \$60,000 from Park Maintenance:

Public Works

	Fund Number	Amount
Roadside Landscape Maintenance	023 (276)	\$ 100,000
Landscape/Weed Abatement	023 (276)	\$ 50,000
Sub-Total		\$ 150,000

Parks and Recreation (Landscape and Lighting)

ARC�2 (CFD)	267	\$ 5,000
ARC�3	275	\$ 10,000
Broadstone Unit No. 3 (CFD)	266	\$ 13,000
Broadstone Unit No. 4	282	\$ 3,000
Cobble Ridge	234	\$ 600
Cobble Ridge II / Reflections	214	\$ 1,000
Folsom Heights	281	\$ 2,000
Islands	283	\$ 5,500
Natoma Shores	213	\$ 1,000
Los Cerros	204	\$ 1,500
Natoma Station	207	\$ 2,500
Natoma Valley	232	\$ 200
Prairie Oaks Ranch	215	\$ 4,000
Sierra Estates	231	\$ 300
Steeplechase	251	\$ 1,500
The Residences	271	\$ 600
Willow Creek East	284	\$ 4,000
Willow Creek South	252	\$ 3,000
Willow Springs	262	\$ 8,000
Prospect Ridge	285	\$ 1,660
CFD 18	288	\$ 9,000
CFD 19	289	\$ 2,000
Sub-Total		\$ 79,360

Parks and Recreation (Facilities Maintenance)

Park Maintenance	010	\$ 60,000
------------------	-----	-----------

Total **\$ 289,360**

There are funds budgeted and available in each of the funds designated for this contract for Fiscal Year 2022-23. Funds for the remaining four years of this contract will be appropriated during the budget process for each of the additional years.

ENVIRONMENTAL REVIEW

These services have been deemed categorically exempt from environmental review.

ATTACHMENT

Resolution No. 10927 - A Resolution Authorizing the City Manager to Execute a Consultant and Professional Services Agreement with West Coast Arborists, Inc. for On-Call Tree Trimming and Removal Services

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

Lorraine Poggione, PARKS AND RECREATION DIRECTOR

RESOLUTION NO. 10927**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR ON-CALL TREE TRIMMING AND REMOVAL SERVICES**

WHEREAS, the City of Folsom desires to supplement the maintenance of City owned trees through the on-call services of a professional tree company; and

WHEREAS, a Request for Proposals was publicly advertised on August 17, 2022 and on September 8, 2022, proposals were received from West Coast Arborists, Inc., Fallen Leaf Tree, Tree Services Unlimited, Atlas, and Capax; and

WHEREAS, the proposals were individually reviewed by a proposal review panel consisting of two Public Works staff members and one Parks and Recreation staff member, with West Coast Arborist, Inc. being chosen as the most qualified firm by all reviewers; and

WHEREAS, the City of Folsom desires to enter into a five-year on-call contract with West Coast Arborists, Inc. to maintain consistency of tree trimming and removal services; and

WHEREAS, funds in the amount of \$150,000 are available in the Measure A Fund (Fund 276) for the Public Works Department for Fiscal Year 2022-23; and

WHEREAS, funds in the amount of \$79,360 are available in various Landscape and Lighting Funds for Fiscal Year 2022-23; and

WHEREAS, funds in the amount of \$60,000 are available in the Parks and Recreation Division of the General Fund (Fund 010) for Fiscal Year 2022-23; and

WHEREAS, funds for the remaining four years of this contract will be appropriated during the budget process for each of the additional years; and

WHEREAS, a contingency is not required for this contract; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute a Consultant and Professional Services Agreement with West Coast Arborists, Inc. for On-Call Tree Trimming and Removal Services for an annual amount of \$289,360, for a total not-to-exceed amount of \$1,446,800 over five years.

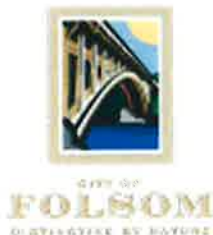
PASSED AND ADOPTED this 11th day of October 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10928 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Lake Ford for the Purchase of a Crane Truck
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends that the City Council pass and adopt Resolution No. 10928 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Lake Ford for the Purchase of a Crane Truck.

BACKGROUND / ISSUE

The Environmental and Water Resources Department (EWR) recognizes the need to maintain a fleet of vehicles that will be able to provide reliable, efficient and responsive service. In coordination with the City of Folsom Fleet Manager, current department vehicles are reviewed to help identify priority vehicles for replacement based on service life, mileage and purpose. This agreement will facilitate replacement of a crane truck to be used by the wastewater division that, based on this review, has exceeded its' expected service life in terms of age, mileage and ongoing maintenance costs.

This resolution authorizes the City Manager to execute an agreement with Folsom Lake Ford for the purchase of a crane truck for a total amount of \$179,989.00.

POLICY / RULE

Section 2.36.120 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$66,141 or greater shall be awarded by the City Council.

Section 2.36.140 of the Folsom Municipal Code permits the City Manager to award a contract without competition when there is only one source for the required equipment.

Section 2.36.150 of the Folsom Municipal Code permits the emergency procurement of equipment when there exists a threat to public health, welfare or safety, provided, that such emergency procurement shall be made with sufficient competition as is practicable under the circumstances.

ANALYSIS

Review of EWR vehicles identified the wastewater division's crane truck as high priority for replacement. The truck recently required repair that resulted in it being out of service for 16 weeks. The crane truck is an essential piece of equipment for maintenance of the City's sewer infrastructure. Maintenance of the sewer infrastructure is imperative in avoidance of potential health and safety risks to the Folsom community.

EWR staff coordinated with the City of Folsom Fleet Manager to obtain a quote for a replacement crane truck. Under current conditions, the City will not be able to obtain a quote or submit a direct order for this type of vehicle until later this year. The City is also experiencing lengthy lead times of 18 months or more for orders of any utility and similar special-order vehicles.

Folsom Lake Ford provided a quote for a truck matching the City's requirements that is currently being built. This vehicle had originally been requested by another customer who then cancelled the order. The vehicle that is being built by Folsom Lake Ford meets the requirements of the wastewater division and would allow for replacement in a more timely manner.

EWR is requesting authority to purchase this vehicle without competition as it will enable the department to access essential equipment without the lengthy delay resulting from a direct order purchase. After discussion with the City Attorney's Office, Section 2.36.140 and Section 2.36.150 of the Folsom Municipal Code allow for the purchase of this vehicle.

FINANCIAL IMPACT

Sufficient funds are budgeted and available in FY 2022-23 in the Wastewater Operating Fund (Fund 530) for the requested vehicle purchase for a total price of \$179,989.00.

The replaced vehicle will be sold in accordance with Folsom Municipal Code, section 2.36.220, Disposition of surplus personal property.

ENVIRONMENTAL REVIEW

This action is exempt from environmental review under the California Environmental Quality Act (CEQA).

ATTACHMENT

Resolution No. 10928 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Lake Ford for the Purchase of a Crane Truck

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 10928

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FOLSOM LAKE FORD FOR THE PURCHASE OF A CRANE TRUCK

WHEREAS, Environmental and Water Resources Department staff has validated the need to purchase a crane truck based on an approved replacement schedule; and

WHEREAS, this vehicle is essential for maintenance of the sewer infrastructure and therefore for safeguarding the health and safety of the Folsom community; and

WHEREAS, the City is experiencing lengthy delays in receiving any utility and special-order vehicles; and

WHEREAS, Folsom Lake Ford has a crane truck under construction, which would be available for use within a much shorter time frame than would otherwise be expected for an order of this type of vehicle; and

WHEREAS, sufficient funds are available in the Wastewater Operating Fund (Fund 530); and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an Agreement with Folsom Lake Ford for the purchase of a crane truck for a not-to-exceed amount of \$179,989.00.

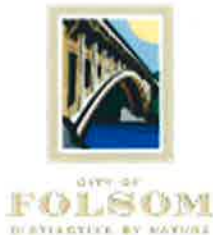
PASSED AND ADOPTED this 11th day of October, 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Public Hearing
SUBJECT:	Resolution No. 10924 - A Resolution Reducing the Annual Assessment in the Final Engineer's Report For Fiscal Year 2022-23 For Blue Ravine Oaks No. 2 Landscaping And Lighting District
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council adopt Resolution No. 10924 - A Resolution Reducing the Annual Assessment in the Final Engineer's Report For Fiscal Year 2022-23 For Blue Ravine Oaks No. 2 Landscaping And Lighting District.

BACKGROUND / ISSUE

On July 12, 2022, the City Council adopted Resolution No. 10887 - A Resolution Approving the Final Engineer's Report, Confirming the Diagrams and Assessments, and Ordering the Continued Levying of Assessments for Maintenance and Serving of Improvements within the City of Folsom for the following Landscaping and Lighting Districts for Fiscal Year 2022-2023 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. The Engineer's Report for the City of Folsom Landscaping and Lighting (L&L) Districts addresses the annual assessment for each of the City's 30 existing Landscaping and Lighting Districts.

On September 15, 2022, staff was notified of a possible incorrect rate of assessment for the Blue Ravine Oaks No. 2 Landscaping and Lighting District. During our investigation we found that the

resolution that formed this district (RESOLUTION NO. 8874 PASSED AND APPROVED JULY 18, 2011) had a reduction built into its formation that was to take effect in the 11th year of assessment which is FY 22-23. Upon learning the existence of this provision staff immediately contacted our assessment engineering consultant, SCI Consulting, and the Sacramento County Assessor's Office to give notice of the error and confirm they were in agreement that the assessment should indeed be reduced for fiscal year 22-23. All parties agreed that the assessment needed to be reduced and staff subsequently started the process both internally and with the county to have the levy corrected. All necessary corrections at the county and City level have been made with this revised Final Engineer's Report being the last corrective measure needing completion. Furthermore, impacted residents will be receiving a letter from both SCI and the county explaining the reduction and clarifying their tax bill.

POLICY / RULE

Pursuant to Streets and Highways Code Section 22586, an annual Engineer's Report shall be filed with the City Clerk. The City Council is also required to adopt a resolution confirming the diagram and assessment pursuant to Section 22631 of the Streets and Highway Code.

ANALYSIS

The Final Engineer's Report approved by Resolution No. 10887 described the maintenance and servicing to be performed in the City's 30 Landscaping and Lighting Districts for Fiscal Year 2022-2023. The establishment of annual assessments for each of the L&L Districts requires a resolution confirming the diagram and assessment. The Engineer's Report is in compliance with the Landscaping and Lighting Act of 1972; including but not limited to Sections 22565 et seq (preparing a report that complies with the article); and Sections 22660 and 22662 (regarding annual installments procedures/process).

The only revision being made to the approved engineer's report is that of the amount being assessed for Blue Ravine Oaks No. 2. All other aspects of the approved Engineer's Report remain the same. Any reference to the incorrect amount has been updated in the attached revised Engineer's Report. The revision is discussed below.

Assessment to Properties

Assessments to properties within the Blue Ravine Oaks No. 2 Landscaping and Lighting District will be reduced for FY 2022-23 from \$213.26 to \$104.55 for a reduction of \$108.71 per single family unit (see table below).

Comparison to Last Year

The Blue Ravine Oaks No. 2 Landscaping and Lighting District budget for this upcoming year will continue focusing on improvements and restorations within the district, specifically tree removals and replacements in the interior landscape beds as well as along the frontage of Riley Street.

FINANCIAL IMPACT

Each Landscaping and Lighting District levies and collects funds to cover operating and maintenance costs. There is no fiscal impact to the City of Folsom General Fund.

District	Previously Approved Annual Assessment	Corrected Annual Assessment
Blue Ravine Oaks No. 2	\$213.26	\$104.55

ENVIRONMENTAL REVIEW

N/A (This does not apply as there is no environmental review aspect to the engineer's report.)

ATTACHMENTS

1. Resolution No. 10924 A Resolution Reducing the Annual Assessment in the Final Engineer's Report For Fiscal Year 2022-23 For Blue Ravine Oaks No. 2 Landscaping And Lighting District
2. Final Engineer's Report – City of Folsom Final Engineers Report for Blue Ravine Oaks No.2 Landscaping and Lighting Assessment District
3. Letters to Residents – Letters from both SCI Consulting and Sacramento County Assessor's Office to residents within the Blue Ravine Oaks No. 2 L&L District

Submitted,

Lorraine Poggione, Parks & Recreation Director

ATTACHMENT 1

Resolution No. 10924

RESOLUTION NO. 10924**A RESOLUTION REDUCING THE ANNUAL ASSESSMENT IN THE FINAL ENGINEER'S REPORT FOR FISCAL YEAR 2022-23 FOR BLUE RAVINE OAKS NO. 2 LANDSCAPING AND LIGHTING DISTRICT**

WHEREAS, On July 12, 2022, the City Council adopted Resolution No. 10887 – A Resolution Approving the Final Engineer's Report, Confirming the Diagrams and Assessments, and Ordering the Continued Levying of Assessments for Maintenance and Servicing of Improvements within the City of Folsom 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; and

WHEREAS, a reduction to the assessment for the Blue Ravine Oaks No.2 is needed pursuant to Resolution No. 8874, the original resolution of formation for the district; and

WHEREAS, October 11, 2022, at 6:30 p.m. is the day and time set for hearing objections to the levying of said assessments as identified in Exhibit A attached to this resolution; and

WHEREAS, the Final Engineer's Report for Blue Ravine Oaks No. 2 Landscaping and Lighting District has been made, filed with the City Clerk and considered by the City Council and is deemed sufficient and approved. The Final Engineer's Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to this resolution, Section 22500, *et seq.*, of the California Streets and Highways Code and Article XIID of the California Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOLSOM DOES HEREBY RESOLVE AS FOLLOWS:

The City Council finds that the Final Engineer's Report for the Blue Ravine Oaks No. 2 Landscaping and Lighting Districts is in full compliance with the Landscaping and Lighting Act of 1972 and, based on said Report, adopts and approves the following actions:

1. Approve as submitted, the Final Engineer's Report filed with this City Clerk for the City of Folsom Blue Ravine Oaks No. 2 Landscaping and Lighting District for Fiscal Year 2022-2023.

- 2. Confirm and approve the diagrams and assessments as set forth in the City of Folsom Blue Ravine Oaks No. 2 Landscaping and Lighting District Final Engineer’s Report for Fiscal Year 2022-2023.
- 3. Continue to order the levy of assessments as set forth in the City of Folsom Blue Raine Oaks No. 2 Landscaping and Lighting District Final Engineer’s Report for Fiscal Year 2022-2023.
- 4. Order the maintenance and servicing of improvements as set forth in the City of Folsom Blue Ravine Oaks No. 2 Landscaping and Lighting District Final Engineer’s Report for Fiscal Year 2022-2023.
- 5. Declare that the assessments set forth in the Final Engineer’s Report now constitute liens upon the lots or parcels of land described in said report.
- 6. Request that the Auditor of Sacramento County enter on the Sacramento County Assessment Roll the assessment for each lot or parcel of land in the amount indicated in the Final Engineer’s Report.

PASSED AND ADOPTED this 11th day of October 2022 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Exhibit A
OF RESOLUTION No. 10924
CITY OF FOLSOM
BLUE RAVINE OAKS NO. 2 LANDSCAPING AND
LIGHTING DISTRICT FISCAL YEAR 2022-2023

District	Annual Assessment Per Unit For First 10 Years	Decrease in Assessment starting FY 2022-23	Annual Net Assessment
Blue Ravine Oaks No. 2	\$213.26	108.71	104.55

ATTACHMENT 2

Final Engineer's Report

FY 2022-23

ENGINEER'S REPORT

City of Folsom

Blue Ravine Oaks No. 2

Landscaping and Lighting Assessment District

September 2022

Final Report

Engineer of Work:



4745 Mangels Boulevard
Fairfield, California 94534
707.430.4300
www.sci-cg.com

(This Page Intentionally Left Blank)

City of Folsom

City Council

Kerri Howell, Mayor
Rosario Rodriguez, Vice Mayor
Sarah Aquino, Member
YK Chalamcherla, Member
Mike Koslowski, Member

City Manager

Elaine Andersen, City Manager

City Attorney

Steve Wang, City Attorney

Folsom Parks & Recreation Director

Lorraine Poggione

Municipal Landscape Services Manager

Zachary Perras

Engineer of Work

SCI Consulting Group

Table of Contents

- Introduction 1**
 - Overview..... 1
 - Legal Analysis..... 2
- Plans & Specification..... 6**
- Estimate of Cost and Budget 7**
 - Description of Improvements..... 7
- Method of Apportionment..... 8**
 - Discussion of Benefit 8
 - Benefit Factors 9
 - General versus Special Benefit..... 11
 - Method of Assessment..... 13
- Assessment 15**
- Assessment Diagram 17**
- Appendix A – Blue Ravine Oaks No. 2 Budget..... 18**
 - Category Descriptions 18
 - Improvement Costs 18
 - Current Year Improvement Projects 19
- Appendix B – Assessment Roll, FY 2022-23..... 23**

Introduction

Overview

The Blue Ravine Oaks No. 2 Landscaping and Lighting District (the "District") assessments were established in 2011 with an understanding that for the first ten years, the assessment would address immediate short-term repairs required to remove and replace sidewalks, curbs, gutters, and trees that have been badly damaged by overgrown trees and root systems. During this time frame, an escalator was built into it to allow for cost-of-living increases as needed. The proposed and approved rate was \$168.35 per single family equivalent which was made up of \$91.62 for the capital improvements and \$76.73 for the deferred maintenance. On the eleventh year, the rate would be adjusted to cover the costs for on-going maintenance and deferred maintenance as well as provide an incremental increase as needed to adequately maintain the improvements into the future that are within the existing Blue Ravine Oaks District. The rate was approved at \$76.73 including any inflation escalator incurred in the last 10 years.

This report was prepared to establish the budget for the improvements that would be funded by the proposed 2022-23 assessments and to define the benefits received from the improvements by property within the District and the method of assessment apportionment to lots and parcels. This report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIII D of the California Constitution (the "Article").

Following the minimum 10-day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for October 11, 2022. At this hearing, the Council would consider approval of a resolution confirming the assessments for fiscal year 2022-23. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2022-23.

Included is a separate but integral tool: the Blue Ravine Oaks No. 2 Landscaping and Lighting District Improvement Plan ("Improvement Plan"). It is a separate planning document that identifies the type of upcoming improvement (e.g. re-landscaping a corridor or painting a wall); the estimated cost; any installments required for short-term (less than five years) and/or long term (not greater than 30 years) improvements, and the approximate schedule for completion of the improvement. The City intends to continually update and revise the Improvement Plan throughout each year to reflect the current status of improvement projects, budget updates and/or changes in priorities.

The concept of the Improvement Plan arose from the City's commitment to comply with the requirements of the Act as well as produce a valuable instrument that enables the City to schedule, prioritize, and plan for needed maintenance and servicing improvements in the district. It also serves as a user-friendly means for members of the public to review and understand the use of the assessment revenues generated from each district.

Legal Analysis

Silicon Valley Taxpayers Association, Inc. v Santa Clara County Open Space Authority

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218 which was approved by California voters in 1996. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in each district

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to only include the specially benefiting parcels, and the assessment revenue derived from real property in each District is expended only on specifically identified improvements and/or maintenance and servicing of those improvements in that District that confer special benefits to property in that District.
2. The use of unique and narrowly drawn District ensures that the improvements constructed and maintained with assessment proceeds are located in close proximity to the real property subject to the assessment, and that such improvements provide direct and special benefit to the property in that District.
3. Due to their proximity to the assessed parcels, the improvements and maintenance thereof financed with assessment revenues in the District provide a direct advantage to properties in that District, and the benefits conferred on such property in each District are more extensive and direct than a general increase in property values.
4. The assessments paid in each District are proportional to the special benefit that each parcel within that District receives from such improvements and the maintenance thereof because:

- a. The specific improvements and maintenance and utility costs thereof in each District and their respective costs are specified in this Engineer's Report; and
- b. Such improvement and maintenance costs in each District are allocated among different types of property located within each District, and equally among those properties which have similar characteristics and receive similar special benefits.

Therefore, given the factors highlighted above, this Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC & XIID of the California Constitution.

Dahms v. Downtown Pomona Property

On June 8, 2009, the 4th District Court of Appeal upheld a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. In Dahms the court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

Bonander v. Town of Tiburon

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

Beutz v. County of Riverside

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefit associated with improvements and services were not explicitly calculated and quantified and separated from the special benefits.

Golden Hill Neighborhood Association v. City of San Diego

On September 22, 2011, the Court of Appeal issued a decision on the Golden Hill Neighborhood Association V. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

Compliance with Current Law

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements provide a direct advantage to property in each of the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz, Dahms and Greater Golden Hill* because the Improvements will directly benefit property in each of the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

Impact of Recent Proposition 218 Decisions

This Engineer's Report is consistent with the *SVTA vs. SCCOSA, Dahms, Bonander – Beutz* and *Greater Golden Hill* decisions and with the requirements of Article XIII C and XIII D of the California Constitution based on the following factors:

1. The assessment revenue derived from real property in each assessment District within the City of Folsom is extended only on specific landscaping and other improvements and/or maintenance and servicing of those improvements in that assessment district
2. The use of various assessment districts ensures that the landscaping and other improvements constructed and maintained with assessment proceeds are located in close proximity to the real property subject to the assessment, and that such improvements provide a direct advantage to the property in the assessment district.

3. Due to their proximity to the assessed parcels, the improvements and maintenance thereof financed with assessment revenues in each assessment district benefits the properties in that assessment district in a manner different in kind from the benefit that other parcels of real property in the City of Folsom derive from such improvements, and the benefits conferred on such property in each assessment district are more extensive and direct than a general increase in property values.
4. The assessments paid in each assessment district are proportional to the special benefit that each parcel within that assessment district receives from such improvements and the maintenance thereof because:
 - a. The specific landscaping and other improvements and maintenance and utility costs thereof in each assessment district and the costs thereof are specified in this Engineer's Report; and
 - b. Such improvement and maintenance costs in each assessment district are allocated among different types of property located within each assessment district, and equally among those properties which have similar characteristics and receive similar special benefits.

There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

Plans & Specification

The work and improvements proposed to be undertaken by the Blue Ravine Oaks No. 2 Landscaping and Lighting District and the cost thereof paid from the continuation of the annual assessment provide special benefit to parcels within the district defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the work and improvements (the "Improvements") are generally described as follows:

Within the district, the existing and proposed improvements are generally described as the installation, maintenance and servicing of turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, fencing, soundwalls, sidewalks, monuments, statuary, fountains, water quality ponds, park facilities, open space, bike trails, walkways, drainage swales and other ornamental structures and facilities, entry signage, street pavers, art work, and monuments and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for property owned or maintained by the City of Folsom. Any plans and specifications for these improvements have been filed with the City of Folsom and are incorporated herein by reference.

"Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- (a) Repair, removal, or replacement of all or any part of any improvement.*
- (b) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.*
- (c) The removal of trimmings, rubbish, debris, and other solid waste.*
- (d) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

"Service" or "servicing" means the furnishing of:

- (a) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.*
- (b) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.*

The assessment proceeds from the District will be exclusively used for Improvements within that District plus Incidental expenses. Reference is made to the Estimate of Cost and Budget, Appendix A and to the additional plans and specifications, including specific expenditure and improvement plans by District, which are on file with the City.

Estimate of Cost and Budget

Description of Improvements

Blue Ravine Oaks No. 2

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from City of Folsom.
- Maintenance of irrigation system, plantings, sidewalks, fences, walls and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for 2022-23:

- Tree removal/replacement.

Future Improvement Projects:

- Riley Street Fence Replacement.
- Tree removal/replacement.
- Signage replacement.

Method of Apportionment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of the Improvements throughout the District, and the methodology used to apportion the total assessment to properties within the Blue Ravine Oaks No. 2 Landscaping and Lighting District.

The Blue Ravine Oaks No. 2 Landscaping and Lighting District consist of all Assessor Parcels within the boundaries of the District defined as defined by Assessment Diagram included within this report and the Assessor Parcel Numbers listed within the included Levy roll. The parcels include all privately or publicly owned parcels within said boundaries. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Blue Ravine Oaks No. 2 Landscaping and Lighting District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

Discussion of Benefit

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property and the assessment must not exceed the reasonable cost of the proportional benefit upon the assessed parcel:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the Improvements to be provided with the assessment proceeds. These categories of special benefit are supported by various California legislation and supporting studies which describe the types of special benefit received by property from Improvements such as the proposed Blue Ravine Oaks No. 2 Landscaping and Lighting District. These types of special benefit are summarized as follows:

- Proximity to improved landscaped areas within the District.
- Access to improved landscaped areas within the District.
- Improved Views within the District.
- Extension of a property's outdoor areas and green spaces for properties within close proximity to the Improvements.
- Creation of individual lots for residential use that, in absence of the District and the services provided by the District, would not have been created.

In this regard, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

Benefit Factors

The special benefits from the Improvements are further detailed below:

Proximity to improved landscaped areas within the District

Only the specific properties within close proximity to the Improvements are included in the District. Therefore, properties in the District enjoy unique and valuable proximity and access to the Improvements that the public at large and property outside the District do not share.

In absence of the assessments, the Improvements would not be provided and the landscaping areas in the District would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide Improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits but when combined with the unique proximity and access enjoyed by parcels in the District, they provide a direct advantage and special benefit to property in the District.

Access to improved landscaped areas within the District

Since the parcels in each District are the only parcels that enjoy close access to the Improvements, they directly benefit from the unique close access to improved landscaping areas that are provided by the Assessments. This is a direct advantage and special benefit to property in that District.

Improved views within the District

The District, by maintaining these landscaped areas, provides improved views to properties in each District. The properties in a District enjoy close and unique proximity, access and views of the Improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in a District.

Extension of a property's outdoor areas and green spaces for properties within close proximity to the Improvements

In large part because it is generally cost prohibitive to provide large open land areas in development projects, the residential and other benefiting properties in the District do not have large outdoor areas and green spaces. The landscaped areas within the District provide additional outdoor areas that serve as an effective extension of the land area for properties that are in close proximity to the Improvements. The Improvements, therefore, provide an important, valuable and desirable extension of usable land area, which confers a direct advantage and special benefit to properties in close proximity to the Improvements.

Creation of individual lots for residential and commercial use that, in absence of the assessments, would not have been created

Typically, the original owner/developer of the property within the District can petition the City to establish the assessment district. As parcels were sold, new owners were informed of the assessments through the title reports, and in some cases, through Department of Real Estate "White Paper" reports that the parcels were subject to assessment. Purchase of property was also an "agreement" to pay the assessment. In absence of the assessments, the lots within the District would probably not have been subdivided and created. These lots, and the improvements they support, are a special benefit to the property owners.

General versus Special Benefit

The assessments from the Blue Ravine Oaks No. 2 Landscaping and Lighting District are used to fund improvements and increased levels of maintenance to the grounds adjoining the properties in the District. In absence of this District, such Improvements would not be provided and the properties would not have been subdivided and improved to the same extent. The District was specifically proposed for formation to provide additional and improved improvements, and services in the District. In absence of the assessments, these public resources could not be created and revenues would not be available for their continued maintenance and improvement. Therefore, the assessments solely provide special benefit to property in the District over and above the general benefits conferred by the general facilities of the City.

Although these Improvements may be available to the general public at large because the District are accessible by members of the public, the Improvements within the District was specifically designed, located and created to provide additional and improved public resources for property inside the District, and not the public at large. Other properties that are either outside the District or within the District and not assessed, do not enjoy the unique proximity, access, views and other special benefit factors described previously. These Improvements are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in absence of the assessments.

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments - the funding must come from other sources.

The maintenance and servicing of these improvements is also partially funded, directly and indirectly from other sources including City of Folsom, the County of Sacramento and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, and other infrastructure maintenance items such as pond clean outs and street sweeping, etc.) This funding from other sources more than compensates for general benefits, if any, received by the properties within the district.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district over and above the services already provided by the City within the boundaries of the assessment district. It is also important to note that certain services funded by the assessments in Pomona are similar to the services funded by the Assessments described in this Engineer’s Report and the Court found these services to be 100% special benefit. Similar to the assessments in Pomona, the Assessments described in this Engineer’s Report fund improvements and services directly provided within the Assessment District to benefit properties within the assessment district and not to the public at large, and these properties enjoy close proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments.

Step 1: Calculation of the General Benefit

The general benefits from this assessment may be quantified as illustrated in the following table.

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0
Improved views	5	10%	0.5
Improved nighttime visibility and safety from streetlights	5	20%	1
	100		1.5
Total Calculated General Benefit =			1.5%

As a result, the City of Folsom will contribute at least 1.5% of the total budget from sources other than the assessment. The contribution offsets any general benefits from the Assessment Services.

Step 2: Calculation of Current General Benefit Contribution from City

The general benefit contribution is satisfied from the sum of the following components:

The City of Folsom owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City of Folsom toward general benefit from the maintenance, rehabilitation and replacement of the curb gutter is conservatively estimated to be 1%.

The City of Folsom owns and maintains storm drainage systems along the border of the Assessment District improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff including local pollutants loading from the improvements. The contribution from the City of Folsom towards general benefit from the maintenance, and operation of the local storm drainage systems are conservatively estimated to be 1%.

The City of Folsom owns and maintains local public streets along the border of the Assessment District improvements. These public streets proved access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Folsom towards general benefit from the maintenance of local public streets is conservatively estimated to contribute 1%.

The Improvements were constructed by the original owner/developer(s) as a condition of development. The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid by non-assessment funds, this "annuity" can be used to offset general benefit costs, and is conservatively estimated to contribute 25%.

Therefore, the total General Benefit that is conservatively quantified at 1.5% is more than offset by the total non-assessment contribution towards general benefit of 28%.

Method of Assessment

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated a SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent or one SFE.

Each assessable parcel in the Assessment District receives a special and direct benefit from the Improvements in the Assessment District. Since the Assessment District is comprised of residential single family improved properties and all properties have good proximity to the improvements, all assessable parcels within the Assessment District are estimated to benefit equally from the Improvements associated with the Assessment District, and the costs associated with the Improvements are apportioned equally to all parcels on the basis of current or proposed dwelling units. Each parcel is assigned SFE units relative to the number of current or proposed dwelling units on the parcel.

SINGLE FAMILY RESIDENTIAL PROPERTIES

Single Family Residential properties will each be assigned 1 benefit unit, called a single-family equivalent (SFE).

OTHER PROPERTIES

All properties that are specially benefited are assessed. Public right-of-way parcels, well, reservoir or other water rights parcels, limited access open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

Assessment

WHEREAS, the City of Folsom, County of Sacramento, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), initiated the preparation of an Engineer's Report for the Blue Ravine Oaks No. 2 Landscaping and Lighting District;

WHEREAS, the City of Folsom directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the District and an assessment of the estimated costs of the improvements upon all assessable parcels within the District, to which the description of said proposed improvements therein contained;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City of Folsom, hereby make the following assessment to cover the portion of the estimated cost of said improvements, and the costs and expenses incidental thereto to be paid by the District.

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Blue Ravine Oaks No. 2 Landscaping and Lighting District for the fiscal year 2022-23 is generally as follows:

Summary Cost Estimates	
Improvement Costs	\$53,380.06
Incidental Costs	\$5,917.35
Other Costs	<u>\$0.00</u>
Total Improvement Costs	<u>\$59,297.41</u>

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Blue Ravine Oaks No. 2 Landscaping and Lighting District. The distinctive number of each parcel or lot of land in the said Blue Ravine Oaks No. 2 Landscaping and Lighting District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Blue Ravine Oaks No. 2 Landscaping and Lighting District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the City of Blue Ravine Oaks No. 2 Landscaping and Lighting District in proportion to the special benefits to be received by the parcels or lots of land, from said improvements.

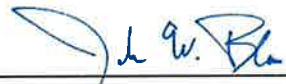
The Blue Ravine No. 2 Landscaping and Lighting District is subject to a maximum annual adjustment not to exceed 3%. Any change in the CPI in excess of the maximum annual increase shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3%.

The proposed assessments for 2022-23 the Blue Ravine Oaks No. 2 Landscaping and Lighting District will be assessed at the maximum authorized rate for fiscal year 2022-23 at the rate of \$104.55.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Sacramento for the fiscal year 2022-23. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2022-23 for each parcel or lot of land within the said Blue Ravine Oaks No. 2 Landscaping and Lighting District.

Dated: September 22, 2022

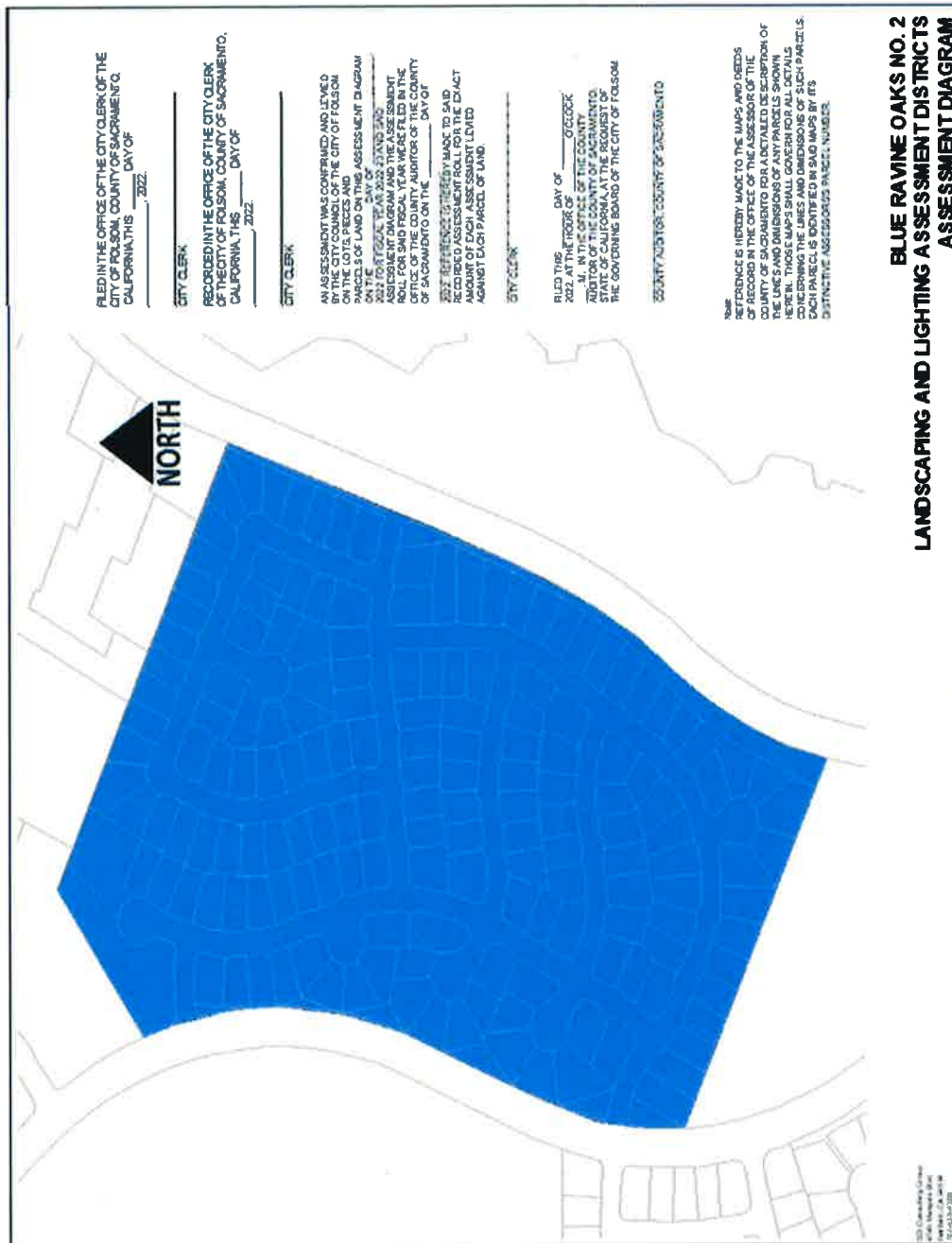


Engineer of Work
John W. Bliss, License No. C52091



Assessment Diagram

The boundary of the Blue Ravine Oaks No. 2 Landscaping and Lighting District is displayed on the following Assessment Diagram. The specific lines and dimensions of each lot or parcel are on file at the City.



Appendix A – Blue Ravine Oaks No. 2 Budget

Category Descriptions

Fund Balance Calculation:

This calculation determines funds available in a district. This calculation includes the included funds remaining after being allocated to the estimated reserve.

Estimated Reserves

Estimated Reserve to finance approximately 6 months of the following year: This is approximately 45% of the operating and incidental costs of a Landscaping and Lighting District to fund the operations until collected revenue is received from the County.

Short-Term Installments

Funds listed here are monies collected in prior years and set aside for future proposed improvements projected to be completed within the next five years.

Long-Term Installments

Funds listed here are monies collected in prior years and set aside for future proposed improvements projected to be completed within five to thirty years.

Improvement Costs

General Maintenance Costs

- Scheduled: monthly landscape maintenance and service
- Unscheduled: unscheduled but potential costs for repairs (i.e. broken sprinklers and irrigation systems), replacements (i.e. remove and replace dead tree or irrigation controller), and other services (i.e. repair fence post or treat for a specific pest) not included in monthly maintenance and service costs
- Streetlights: repair and replace bulbs and ballasts in streetlights

Service Costs

- Electrical: electric costs for streetlight maintenance and power to irrigation controllers
- Water: water costs to irrigate landscaping

Current Year Improvement Projects

Funded improvements planned to occur in the upcoming fiscal year

Incidental Costs

- Professional Services: consultant cost for Engineer's Report and Improvement Plan
- Contract Services: other contracts or professional services such as backflow testing (yearly tests), vector control, graffiti removal, and streetlight pole replacement
- Publications/Mailings/Communications: yearly notices in public hearings, mailings to Advisory Committee Members, and telephone expenses
- Staff: Landscaping and Lighting District Manager and/or inspector, clerical support, and/or other city staff.
- Overhead: General overhead (Landscaping and Lighting District's share of general overhead categories such as City Clerk, City Attorney, City Manager, etc.) and Department overhead (Landscaping and Lighting District's share of department overhead categories such as City Attorney, City Clerk and Finance Dept. Costs).
- County Auditor Fee: Per Parcel Fee charged by County to put levy on tax bills

Total Improvement Costs

This is the total of all improvement costs budgeted for the upcoming year. This cost includes current improvements that are funded by fund balance monies. Fund balance monies are monies that have been collected in prior years in anticipation of being used for specific improvements and/or intended for replacement or improvement of capital items within a district.

Assessment to Property (Current)

This calculation takes the number of single-family equivalent benefit units and multiplies it by the amount that each property within a district will be assessed for the upcoming year. This is the total assessment amount that will be generated by the properties within the District.

District Balance

The purpose of this calculation is to describe all costs expected to occur in the upcoming year, any installments being collected as part of the upcoming year's assessment and contributions from other sources. The outcome of the calculation is the total assessment for the district. A surplus would be applied and/or credited to the upcoming year's assessment. If there are insufficient funds in the fund balance to cover the 6-month reserve, or the current and/or proposed improvements, then a deficit would exist. A deficit generally indicates that an increase in assessment may be necessary (requiring voter approval with a simple majority), however there may be a one-time reason for the deficit and an increase may not be necessary. Deficit situations are reviewed and analyzed on a case-by-case basis.

Net Assessment Calculation

This calculation determines the net assessment after the surplus or deficit is factored into the calculation. If a deficit exists, the net assessment will indicate that the assessment for the district might be too low. If a surplus exists, the net assessment will indicate that the assessment for the district might be too high. Any increased adjustments require voter approval (simple majority).

Allocated Net Assessment to Property

This calculation takes the net assessment for the district that was calculated above (i.e. factoring in a surplus or deficit) and divides it by the number of single-family equivalent benefit units. The outcome of the calculation is the total allocated net assessment per single-family equivalent benefit unit. This calculation is generally the same as the allocated assessment however if there is a deficit it will indicate the revised amount that would be required to eliminate the deficit. Conversely if there is a surplus the calculation would show the amount that the assessment could be reduced by and still cover the anticipated costs for current and future years.

Comparison of Net Assessment and Assessment

Shows a comparison of the net assessment and the current assessment and indicates a per parcel deficit or surplus.

City of Folsom Blue Ravine Oaks No. 2 Landscaping and Lighting District Fund 278 2022-23		Total Budget
Fund Balance Calculation		
Starting Fund Balance (as of April 2022)	\$180,675.00	
Estimated Reserve to finance approx. first 6 months of 22-23	(\$7,703.76)	
Available Funds		\$172,971.24
Improvement Costs		
<u>General Maintenance Costs</u>		
1. Scheduled	\$22,080.06	
2. Unscheduled	\$15,000.00	
3. Streetlights	\$0.00	
4. Irrigation	\$1,300.00	
<u>Service Costs</u>		
5. Electrical	\$0.00	
6. Water	\$0.00	
<u>Current Year Improvement Projects</u>		
7. Drip conversion/Fence replacement	\$15,000.00	
Subtotal	Subtotal of Item 8 \$15,000.00	\$53,380.06
Incidental Costs		
8. Professional Services (Engineer's Report and IP)	\$750.00	
9. Contract Services (all other contracts and services)	\$0.00	
10. Publications/Mailings/Communications	\$0.00	
11. Staff	\$4,080.00	
12. Overhead	\$990.00	
13. County Auditor Fee	\$97.35	
Subtotal		\$5,917.35
Total Improvement Costs		\$59,297.41
Assessment to Property (Current)		
Assessment per Single Family Equivalent	\$104.55	
Single Family Equivalent Benefit Units	165	
Total Assessment		\$17,250.75
Installment Costs (see Installment Plan and Summary next page)		
Short-Term Installment Plan (previously collected)	\$6,000.00	
Long-Term Installment Plan (previously collected)	\$33,600.00	
Short-Term Installment Plan (collected this year)	\$1,000.00	
Long-Term Installment Plan (collected this year)	\$4,200.00	
Total Installment Costs		\$44,800.00
District Balance		
Total Assessment	\$17,250.75	
Total Improvement Costs	(\$59,297.41)	
Subtotal	(\$42,046.66)	
Total Available Funds	\$172,971.24	
Total Funds	\$130,924.58	
Total Installment Cost	(\$44,800.00)	
Contributions from other sources	\$0.00	
Net Balance	\$86,124.58	
District Balance (surplus is +; deficit is !)		\$86,124.58
Net Assessment Calculation		
Assessment	\$17,250.75	
Surplus or Deficit (surplus is subtracted; deficit is added)	(\$86,124.58)	
Net Assessment		(\$68,873.83)
Allocated Net Assessment to Property		
Net Assessment	(\$68,873.83)	
Single Family Equivalent Benefit Units	165	
Allocated Net Assessment to Property		(\$417.42)
Comparison of Net Assessment and Assessment		
Allocated Net Assessment to Property	\$417.42	
Allocated Assessment to Property	\$104.55	
Per Parcel Surplus (+) or Deficit (-)		\$521.97

Blue Ravine Oaks No. 2 - Installment Summary

District:	Blue Ravine Oaks No. 2							
Fiscal Year:	2022-23							
Fund Balance (2022)	\$180,675							
Short Term Installment Summary								
								Approx.
Project	Yearly	Prior Years	Year 1	Year 2	Year 3	Year 4	Year 5	Total
	Installment	Collections	2018	2019	2020	2021	2022	Required
Tree Removal/Replacement (Blue Ravine Road)	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$35,000
Totals:	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$35,000
Long Term Installment Summary								
								Approx.
Project	Yearly	Prior Years	Year 1	Years 2-5	Years 5-10	Years 10-20	Years 20-30	Total
	Installment	Collections	2018	2019-2022	2022-2027	2027-2037	2037-2047	Required
Fence Replacement on Riley	\$1,200	\$3,600	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$65,000
Tree Removal/Replacement	\$2,500	\$7,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$80,000
Signage Replacement	\$500	\$1,500	\$500	\$500	\$500	\$500	\$500	\$4,000
Totals:	\$4,200	\$12,600	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200	\$149,000

Appendix B – Assessment Roll, FY 2022-23

Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file with the City of Folsom City Clerk, as the Assessment Roll is too voluminous to be bound with this Engineer's Report.

**Blue Ravine Oaks No. 2
Landscaping and Lighting District
Assessment Roll 2022-23
Parcel Number Order**

Parcel	Situs Address	Assessment	Parcel	Situs Address	Assessment
071-0780-001-0000	102 HAZELMERE DR	104.55	071-0780-059-0000	128 CHESTERFIELD WAY	104.55
071-0780-002-0000	104 HAZELMERE DR	104.55	071-0780-062-0000	118 CHESTERFIELD WAY	104.55
071-0780-003-0000	106 HAZELMERE DR	104.55	071-0780-063-0000	116 CHESTERFIELD WAY	104.55
071-0780-004-0000	108 HAZELMERE DR	104.55	071-0780-064-0000	114 CHESTERFIELD WAY	104.55
071-0780-005-0000	110 HAZELMERE DR	104.55	071-0780-065-0000	112 CHESTERFIELD WAY	104.55
071-0780-006-0000	112 HAZELMERE DR	104.55	071-0780-066-0000	108 CHESTERFIELD WAY	104.55
071-0780-007-0000	114 HAZELMERE DR	104.55	071-0780-067-0000	104 CHESTERFIELD WAY	104.55
071-0780-008-0000	116 HAZELMERE DR	104.55	071-0780-070-0000	107 CROSSING WAY	104.55
071-0780-009-0000	118 HAZELMERE DR	104.55	071-0780-071-0000	109 CROSSING WAY	104.55
071-0780-010-0000	120 HAZELMERE DR	104.55	071-0780-072-0000	111 CROSSING WAY	104.55
071-0780-015-0000	103 CHESTERFIELD WAY	104.55	071-0780-073-0000	116 CROSSING WAY	104.55
071-0780-016-0000	105 CHESTERFIELD WAY	104.55	071-0780-076-0000	144 TIMSON DR	104.55
071-0780-017-0000	107 CHESTERFIELD WAY	104.55	071-0780-077-0000	142 TIMSON DR	104.55
071-0780-018-0000	109 CHESTERFIELD WAY	104.55	071-0780-078-0000	140 TIMSON DR	104.55
071-0780-019-0000	111 CHESTERFIELD WAY	104.55	071-0780-079-0000	141 TIMSON DR	104.55
071-0780-020-0000	113 CHESTERFIELD WAY	104.55	071-0780-080-0000	143 TIMSON DR	104.55
071-0780-021-0000	115 CHESTERFIELD WAY	104.55	071-0780-083-0000	110 CROSSING WAY	104.55
071-0780-022-0000	117 CHESTERFIELD WAY	104.55	071-0780-084-0000	108 CROSSING WAY	104.55
071-0780-023-0000	119 CHESTERFIELD WAY	104.55	071-0780-085-0000	106 CROSSING WAY	104.55
071-0780-024-0000	121 CHESTERFIELD WAY	104.55	071-0780-086-0000	104 CROSSING WAY	104.55
071-0780-025-0000	123 CHESTERFIELD WAY	104.55	071-0780-087-0000	102 CROSSING WAY	104.55
071-0780-026-0000	125 CHESTERFIELD WAY	104.55	071-0780-093-0000	125 HAZELMERE DR	104.55
071-0780-027-0000	127 CHESTERFIELD WAY	104.55	071-0780-094-0000	123 HAZELMERE DR	104.55
071-0780-028-0000	129 CHESTERFIELD WAY	104.55	071-0780-095-0000	121 HAZELMERE DR	104.55
071-0780-029-0000	131 CHESTERFIELD WAY	104.55	071-0780-098-0000	115 HAZELMERE DR	104.55
071-0780-030-0000	133 CHESTERFIELD WAY	104.55	071-0780-099-0000	113 HAZELMERE DR	104.55
071-0780-031-0000	135 CHESTERFIELD WAY	104.55	071-0780-100-0000	111 HAZELMERE DR	104.55
071-0780-032-0000	137 CHESTERFIELD WAY	104.55	071-0780-106-0000	101 HAZELMERE DR	104.55
071-0780-033-0000	139 CHESTERFIELD WAY	104.55	071-0780-107-0000	100 HAZELMERE DR	0
071-0780-034-0000	141 CHESTERFIELD WAY	104.55	071-0780-110-0000	114 CROSSING WAY	104.55
071-0780-035-0000	143 CHESTERFIELD WAY	104.55	071-0780-111-0000	145 TIMSON DR	104.55
071-0780-036-0000	145 CHESTERFIELD WAY	104.55	071-0780-112-0000	100 CROSSING WAY	104.55
071-0780-037-0000	147 CHESTERFIELD WAY	104.55	071-0780-113-0000	127 HAZELMERE DR	104.55
071-0780-038-0000	149 CHESTERFIELD WAY	104.55	071-0780-114-0000	119 HAZELMERE DR	104.55
071-0780-039-0000	151 CHESTERFIELD WAY	104.55	071-0780-115-0000	109 HAZELMERE DR	104.55
071-0780-040-0000	153 CHESTERFIELD WAY	104.55	071-0780-116-0000	122 HAZELMERE DR	104.55
071-0780-043-0000	113 CROSSING WAY	104.55	071-0780-117-0000	101 CHESTERFIELD WAY	104.55
071-0780-044-0000	152 CHESTERFIELD WAY	104.55	071-0780-118-0000	100 CHESTERFIELD WAY	104.55
071-0780-045-0000	150 CHESTERFIELD WAY	104.55	071-0780-119-0000	120 CHESTERFIELD WAY	104.55
071-0780-048-0000	136 CHESTERFIELD WAY	104.55	071-0780-120-0000	130 CHESTERFIELD WAY	104.55
071-0780-051-0000	103 HERRILL CT	104.55	071-0780-121-0000	134 CHESTERFIELD WAY	104.55
071-0780-052-0000	105 HERRILL CT	104.55	071-0780-122-0000	138 CHESTERFIELD WAY	104.55
071-0780-053-0000	107 HERRILL CT	104.55	071-0780-123-0000	155 CHESTERFIELD WAY	104.55
071-0780-054-0000	106 HERRILL CT	104.55	071-0790-001-0000	138 TIMSON DR	104.55
071-0780-055-0000	104 HERRILL CT	104.55	071-0790-002-0000	136 TIMSON DR	104.55
071-0780-056-0000	102 HERRILL CT	104.55	071-0790-003-0000	134 TIMSON DR	104.55

Blue Ravine Oaks No. 2
Landscaping and Lighting District
Assessment Roll 2022-23
Parcel Number Order

10/11/2022 Item No. 11.

Parcel	Situs Address	Assessment	Parcel	Situs Address	Assessment
071-0790-004-0000	132 TIMSON DR	104.55	071-0790-078-0000	103 FRAMINGHAM WAY	104.55
071-0790-005-0000	130 TIMSON DR	104.55	071-0790-079-0000	105 FRAMINGHAM WAY	104.55
071-0790-006-0000	128 TIMSON DR	104.55	071-0790-080-0000	107 FRAMINGHAM WAY	104.55
071-0790-007-0000	126 TIMSON DR	104.55	071-0790-081-0000	109 FRAMINGHAM WAY	104.55
071-0790-008-0000	124 TIMSON DR	104.55	071-0790-082-0000	111 FRAMINGHAM WAY	104.55
071-0790-009-0000	122 TIMSON DR	104.55	071-0790-085-0000	142 HAZELMERE DR	104.55
071-0790-010-0000	120 TIMSON DR	104.55	071-0790-088-0000	107 TIMSON DR	104.55
071-0790-013-0000	103 TIMSON CT	104.55	071-0790-089-0000	109 TIMSON DR	104.55
071-0790-014-0000	105 TIMSON CT	104.55	071-0790-090-0000	111 TIMSON DR	104.55
071-0790-015-0000	104 TIMSON CT	104.55	071-0790-091-0000	113 TIMSON DR	104.55
071-0790-016-0000	102 TIMSON CT	104.55	071-0790-092-0000	115 TIMSON DR	104.55
071-0790-019-0000	114 TIMSON DR	104.55	071-0790-093-0000	117 TIMSON DR	104.55
071-0790-020-0000	112 TIMSON DR	104.55	071-0790-094-0000	119 TIMSON DR	104.55
071-0790-021-0000	110 TIMSON DR	104.55	071-0790-096-0000	101 TIMSON CT	104.55
071-0790-022-0000	108 TIMSON DR	104.55	071-0790-097-0000	116 TIMSON DR	104.55
071-0790-023-0000	106 TIMSON DR	104.55	071-0790-098-0000	144 HAZELMERE DR	104.55
071-0790-024-0000	104 TIMSON DR	104.55	071-0790-100-0000	100 FRAMINGHAM WAY	104.55
071-0790-025-0000	102 TIMSON DR	104.55	071-0790-101-0000	139 TIMSON DR	104.55
071-0790-026-0000	100 TIMSON DR	104.55	071-0790-102-0000	112 SEERGREEN WAY	104.55
071-0790-033-0000	117 FRAMINGHAM WAY	104.55	071-0790-103-0000	134 HAZELMERE DR	104.55
071-0790-034-0000	119 FRAMINGHAM WAY	104.55	071-0790-104-0000	138 HAZELMERE DR	104.55
071-0790-035-0000	118 FRAMINGHAM WAY	104.55	071-0790-105-0000	140 HAZELMERE DR	104.55
071-0790-036-0000	116 FRAMINGHAM WAY	104.55	071-0790-106-0000	139 HAZELMERE DR	104.55
071-0790-041-0000	119 SEERGREEN WAY	104.55	071-0790-107-0000	137 HAZELMERE DR	104.55
071-0790-043-0000	121 SEERGREEN WAY	104.55	071-0790-108-0000	114 FRAMINGHAM WAY	104.55
071-0790-044-0000	122 SEERGREEN WAY	104.55	071-0790-109-0000	133 HAZELMERE DR	104.55
071-0790-045-0000	120 SEERGREEN WAY	104.55	071-0790-110-0000	116 SEERGREEN WAY	104.55
071-0790-046-0000	118 SEERGREEN WAY	104.55	071-0790-113-0000	121 TIMSON DR	104.55
071-0790-050-0000	110 SEERGREEN WAY	104.55			
071-0790-051-0000	108 SEERGREEN WAY	104.55			
071-0790-052-0000	106 SEERGREEN WAY	104.55			
071-0790-053-0000	104 SEERGREEN WAY	104.55			
071-0790-054-0000	102 SEERGREEN WAY	104.55			
071-0790-057-0000	101 SEERGREEN WAY	104.55			
071-0790-058-0000	103 SEERGREEN WAY	104.55			
071-0790-059-0000	105 SEERGREEN WAY	104.55			
071-0790-060-0000	107 SEERGREEN WAY	104.55			
071-0790-061-0000	109 SEERGREEN WAY	104.55			
071-0790-062-0000	111 SEERGREEN WAY	104.55			
071-0790-063-0000	113 SEERGREEN WAY	104.55			
071-0790-066-0000	136 HAZELMERE DR	104.55			
071-0790-069-0000	110 FRAMINGHAM WAY	104.55			
071-0790-070-0000	108 FRAMINGHAM WAY	104.55			
071-0790-071-0000	106 FRAMINGHAM WAY	104.55			
071-0790-072-0000	104 FRAMINGHAM WAY	104.55			
071-0790-073-0000	102 FRAMINGHAM WAY	104.55			

ATTACHMENT 3

Letters to Residents



September 23, 2022

Dear Property Owner,

Your property is located within the City of Folsom's Blue Ravine Oaks No. 2 Landscaping & Lighting Assessment District. My firm, SCI Consulting Group, administers and calculates the annual assessment for parcels in this district each year, under contract with the City. You are receiving this letter due to an error that was discovered in the calculation of your proportionate share of the 2022-2023 special taxes for the Blue Ravine Oaks No. 2 Assessment District. This error resulted in the over assessment of this special tax. A corrected property tax bill with the lower assessment will be issued by the County of Sacramento that replaces your original annual property tax bill that has been cancelled.

Beginning this year, the assessment rate for Blue Ravine Oaks No. 2 has been reduced to \$104.55, which has been adjusted annually by the consumer-price-index, as stipulated in the ballot measure conducted 10 years ago. This corrected assessment is only for the Blue Ravine Oaks No. 2 Assessment District and does not affect the assessment for the original district, referred to as, Blue Ravine Oaks.

If you have any questions regarding this assessment, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Arcelia Herrera".

Arcelia Herrera
Senior Consultant
SCI Consulting Group
arcelia.herrera@sci-cg.com
707-430-4300

Department of Finance
Ben Lamera, Director
Joyce Renison, Deputy Director



Auditor-Controller Division
Mark Aspesi
Interim Assistant Auditor-Controller

County of Sacramento

September 27, 2022

Dear Property Owner,

Please see enclosed your annual property tax bill for 2022-2023. This bill has been cancelled. The City of Folsom recently notified us of an error made on the calculation of the special tax amount for Blue Ravine Oaks N2 Assessment District (Direct Levy No. 0153). This error resulted in the over assessment of \$108.72 for this special tax for 2022-2023. Please see the enclosed letter from the City of Folsom's consultant, SCI Consulting Group, for more information regarding this assessment district or the special tax amount.

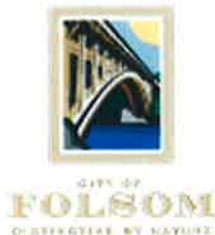
You will receive a corrected property tax bill that replaces this original annual property tax bill. Your corrected bill will be issued on November 1, 2022. Payments on this corrected bill are due by **December 10, 2022** and **April 10, 2023** to avoid penalties.

If you have arranged for your taxes to be paid through an impound or escrow account with your lender, please know that we have provided this billing information to your lender. Contact your lender if you have any concerns regarding the payment of this corrected bill.

If you have any other questions regarding the payment of this corrected property tax bill, please contact the Tax Collector's office at (916) 874-6622 or email taxsecured@saccounty.gov.

Sincerely,

Ben Lamera
Director of Finance



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	New Business
SUBJECT:	Ordinance No. 1334 – An Ordinance of the City of Folsom Amending <u>Section 5.20.070(A)(2)</u> and Repealing Section 5.20.070(A)(13)(d) of the <u>Folsom Municipal Code</u> to Increase the Number of Card Tables and <u>Allow Backline Betting</u> (PN 22-157)(Introduction and First Reading)
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council introduce and conduct first reading of Ordinance No. 1334 – An Ordinance of the City of Folsom Amending Section 5.20.070(A)(2) and Repealing Section 5.20.070(A)(13)(d) of the Folsom Municipal Code to Increase the Number of Card Tables and Allow Backline Betting.

BACKGROUND / ISSUE

Legal gambling establishments, popularly referred to as cardrooms, have existed in California since the 1850s, and for the majority of that time, regulation of cardroom activities was left almost exclusively to local governments. The Folsom City Council formally began regulating cardrooms in 1988 with the approval of Ordinance No. 618, which enacted Chapter 5.20 Cardrooms of the Folsom Municipal Code.

Control of cardrooms began to shift to the State of California in 1995 when the Legislature enacted a 5-year moratorium that restricted the licensing of new cardrooms within the state. The original intent of the moratorium was to temporarily freeze the expansion of gambling in California while the State Legislature crafted what would eventually become the Gambling Control Act (“Act”) in 1997, legislation that requires the licensure and regulation of cardrooms on a statewide level.

Passage of the Act ultimately extended the moratorium on issuing any new cardroom licenses and expanded the definition of "expansion of gambling" to also include the number of tables

in a local jurisdiction. Under this definition, a local governmental body is prohibited from amending its Ordinance in a manner that would result in an increase of 25% or more (when compared to that authorized on January 1, 1996) in either the number of gambling tables in the jurisdiction or in the number of gambling tables operated in a cardroom in that jurisdiction.

In the 20 plus years since the Act's passage, the Legislature has enacted several exceptions to the moratorium that allow for a modest increase in the number of tables operated in a licensed gambling establishment (e.g., 2-3 tables). The city of Folsom utilized one of these statutes to increase the number of tables that could be operated in a cardroom from 6 to 9 in 2010. Under the most recent statute enacted in 2013, the City is eligible to add 2 additional tables to its Ordinance increasing the number of card tables from 9 to 11.

In addition to the State legislation, the Folsom Municipal Code (FMC, Chapter 5.20 Cardrooms) includes provisions regarding the number of cardrooms permitted within the City and the number of card players allowed at a table. Specifically, the Folsom Municipal Code (FMC Section 5.20.050 (C)) states that no cardroom license shall be granted when the number of cardroom licenses in the City exceeds the ratio of one cardroom for each two thousand five hundred persons in the City according to the last preceding federal census. The 2020 United States Census estimated the population of Folsom at 80,454 persons, thus a maximum of 32 cardrooms would be permitted if consistent with state law. The Folsom Municipal Code (FMC, Section 5.20.070 (A)(4)) also dictates that no more than 10 players be permitted at a single card table within a cardroom.

The City currently only has one authorized cardroom (Lake Bowl Cardroom) which is situated within the FLB Entertainment Center located at 511 East Bidwell Street. The owners of Lake Bowl Cardroom have entered into negotiations for the sale of the cardroom's physical assets to Delta C, LP. in consideration of FLB's agreement to surrender both its local cardroom license and State gaming license so that Delta C, LP may apply for a new cardroom license with both the City and the State. Delta C, LP has extensive experience in operating cardrooms and own 3 cardrooms, all of which are located in the City of Stockton. The Folsom Municipal Code (FMC, Section 5.20.080(B)(1)) states that the assignment or transfer of a cardroom license from a partnership to one or more of the individual partners, or the addition of a new partner is prohibited. As a result, Delta C, LP will be required to apply for a new cardroom license to operate within the City as Lake Bowl's cardroom license is not transferrable (FMC, Section, 5.20.080).

On June 1, 2022, Delta C, LP submitted an application to the City requesting approval of a Municipal Code Amendment to amend the City of Folsom Cardroom Ordinance with the purposes of (1) increasing the number of permitted card tables in any cardroom from 9 to 11; and (2) allowing the practice of Backline Betting to occur in any cardroom. Delta C, LP stated in their application that these amendments to the City's Cardroom Ordinance are necessary for the cardroom to be able to compete with cardrooms in other local jurisdictions in the Sacramento area.

The following are the specific amendments to the Cardroom Ordinance being proposed:

- Amend Chapter 5.20, Section 5.20.070(A)(2) of the Folsom Municipal Code to increase the number of card tables in the City from 9 to 11, pursuant to the allowance provided by Business and Professions Code § 19961.06(b), and add language to this Section that would allow the City to take advantage of any future table increases authorized by the Legislature without amending the Cardroom Ordinance as follows:

5.20.070 Cardroom regulations.

A. No person shall operate a cardroom in violation of any of the following regulations:

...

2. No more than ~~nine~~ *eleven (11)* card tables shall be permitted in any cardroom. *However, should judicial or legislative action alter the restrictions or limitations in the Gambling Control Act, Business and Professions Code section 19800 et seq., to allow for an increase in the current number of tables without voter approval, the maximum number of tables permitted in any cardroom may be increased, subject to city council allocation by Resolution, up to the amount such judicial or legislative action allows, not to exceed a maximum of fifteen (15) tables.*

- Delete Section 5.20.070(A)(13)(d) of the Folsom Municipal Code, which currently prohibits the practice of “Backline Betting” within the City as follows:

13. The following provisions shall govern wagering limits: It is unlawful for any person to bet or wager at or against any card game held at a licensed gaming club except as allowed by this chapter. In addition to any conditions that may be imposed on a license, the following restrictions shall apply:

...

~~d. Other than seated players actively participating in the game, no person shall be permitted to place a wager on any card game, and a player shall only place a wager on his or her own card hand. Backline Betting or side-betting is prohibited.~~

Backline Betting is the practice of placing a bet behind any seated player’s bet on a California table game such as Baccarat, California Blackjack, and Pai Gow Poker. A backline bettor does not occupy a seat at the gaming table, regardless of whether the table has seats available, and may place bets behind multiple seated players. The Gambling Control Act expressly authorizes Backline Betting and states that “The Commission shall not prohibit, on a statewide basis, the placing of a wager on a controlled game by a person at a gaming table, if the person is present at the table and actively participating in the hand with a single-seated player upon whose hand the wagers are placed” (Business and Professions Code section 19843).

On September 13, 2022, City staff provided the City Council with an overview of the proposed amendment to the Cardroom Ordinance for the purpose of soliciting feedback and receiving direction from the Council. The Council discussed the proposed cardroom amendments and indicated that they were supportive of the proposed amendments.

POLICY / RULE

Under Section 2.12 of the City Charter, amendments to the Folsom Municipal Code require review and approval by the City Council.

ANALYSIS

As referenced in the Background section of this report, the proposed Municipal Code Amendment would amend the City of Folsom's Cardroom Ordinance with the goals of (1) increasing the number of permitted card tables in any cardroom from 9 to 11; and (2) allowing the practice of Backline Betting to occur in any cardroom. The implications associated with these two amendments are a minor increase in the number of customers (potentially 20 additional customers) and employees (potentially 5-10 additional employees) present in a cardroom at any given point in time.

In evaluating the proposed Cardroom Ordinance, City staff consulted with the appropriate internal staff including the Chief of Police, Fire Chief, Chief Building Official, Code Enforcement Supervisor, Community Development Director, and City Attorney. In addition, City staff also solicited feedback regarding general cardroom operations and concerns from code enforcement officers throughout the Sacramento region. The general consensus of the outreach effort with the aforementioned individuals and groups was that there were no concerns with the proposed Cardroom Ordinance due the limited nature of the proposed modifications. As a result, City staff determined that the proposed Cardroom Ordinance will not be likely to result in any direct impacts (traffic, parking, noise, aesthetics, safety, etc.) due to the fact that the Ordinance is simply providing the opportunity for a cardroom to increase the number of card tables within an establishment while also allowing for increased participation at the card tables through the process of Backline Betting. Any cardroom seeking to operate 11 tables and/or allow backline betting must receive individual approval from the City Council pursuant to the Cardroom Ordinance.

The applicant for the proposed Cardroom Ordinance (Delta C, LP) indicated that it is their intent to apply for a Conditional Use Permit and Cardroom License to own and operate a cardroom within an existing 4,680-square-foot freestanding commercial building (formerly Applebee's Restaurant and Casa Ramos Restaurant) located at 400 Iron Point Road. The Conditional Use Permit, which will be subject to review and approval by the Planning Commission, will include an extensive evaluation of potential direct impacts associated with the cardroom including but not limited to site design, vehicle access and circulation, parking, noise, safety, building design, signage, and days/hours of operation. The Cardroom License will be subject to separate review and approval by the City Council.

FINANCIAL IMPACT

A recent Economic Impact Analysis (Analysis) commissioned by the California Gaming Commission in 2019 (<https://californiagamingassociation.org/cardroomimpact/>) found the

total annual economic impact of California's cardroom industry to be \$5.6 billion dollars, providing over 32,000 local jobs.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15061(b)(3) Review for Exemption of the California Environmental Quality Act (CEQA). New cardroom applications (Conditional Use Permit) in the City will be subject to CEQA review

ATTACHMENTS

1. Ordinance No. 1334 – An Ordinance of the City of Folsom Amending Section 5.20.070(A)(2) and Repealing Section 5.20.070(A)(13)(d) of the Folsom Municipal Code to Increase the Number of Card Tables and Allow Backline Betting.

Submitted,



PAM JOHNS
Community Development Director

Attachment 1

Ordinance No. 1334 – An Ordinance of the City of Folsom Amending Section 5.20.070(A)(2) and Repealing Section 5.20.070(A)(13)(d) of the Folsom Municipal Code to Increase the Number of Card Tables and Allow Backline Betting

ORDINANCE NO. 1334

**AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 5.20.070(A)(2)
AND REPEALING SECTION 5.20.070(A)(13)(d) OF THE FOLSOM MUNICIPAL
CODE TO INCREASE THE NUMBER OF CARD TABLES AND ALLOW BACKLINE
BETTING**

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend the Folsom Municipal Code to increase the number of card tables in the City from 9 to 11 pursuant to the allowance provided by Business and Professions Code § 19961.06(b), to allow the City to take advantage of any future table increases authorized by the Legislature without amending the Cardroom Ordinance, and allow the practice of “Backline Betting” within the City.

SECTION 2 AMENDMENT TO CODE

Section 5.20.070(A)(2) of the Folsom Municipal Code is hereby amended to read as follows:

5.20.070 Cardroom regulations.

A. No person shall operate a cardroom in violation of any of the following regulations:
2. No more than eleven (11) card tables shall be permitted in any cardroom. However, should judicial or legislative action alter the restrictions or limitations in the Gambling Control Act, Business and Professions Code section 19800 et seq., to allow for an increase in the current number of tables without voter approval, the maximum number of tables permitted in any cardroom may be increased, subject to city council allocation by Resolution, up to the amount such judicial or legislative action allows, not to exceed a maximum of fifteen (15) tables.

SECTION 3 REPEAL OF CODE

Section 5.20.070(A)(13)(d) is hereby deleted from the Folsom Municipal Code in its entirety.

SECTION 4 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent

jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on October 11, 2022, and the second reading occurred at the regular meeting of the City Council on October 25, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 25th day of October, 2022 by the following roll-call vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	New Business
SUBJECT:	Landmark tree Considerations and Direction to Staff
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Consider additional landmark tree designations and provide direction to staff on whether to proceed with initiating landmark tree designations for specific privately owned trees on behalf of private property owners. Additionally, provide direction to staff on whether to proceed with initiating the process for designating oaks located along the Oak Parkway Trail on city property between the two intersections of Willow Creek Drive as a landmark grove.

BACKGROUND / ISSUE

Trees are both community and environmental assets, unique in their ability to provide a multitude of benefits that appreciate over time. Longstanding trees contribute to the City of Folsom's character and "Distinctive by Nature" adage. One of the ways in which the City of Folsom shows recognition for particularly noteworthy specimens is through a landmark tree Registry. Landmark trees are trees that have been designated by the City Council as exceptional due to outstanding characteristics, special ecological contributions, or historical importance.

Prior to this year, the City of Folsom landmark tree program had not added a new tree to the registry since 1999. However, at the urging of staff, this year the California Independent System Operator Corporation (California ISO) became the first applicant in 23 years to submit an application to establish a landmark tree. The subject tree was an impressive interior live oak located on the property, estimated to be at least 150 years old. The application was well received at the February 22nd, 2022 City Council meeting; during which, council expressed great interest in revitalizing the landmark tree program and requested staff to look into bringing additional landmark tree proposals forward in the future. This report represents City Arborist recommendations and other suggestions to designate

three individual trees and two groves of trees as landmark with City Council direction and property owner authorization as required.

POLICY / RULE

Section 12.16.170 of the Folsom Municipal Code gives a private property owner or interested party the right to submit an application to the Community Development Department, requesting that the City Council establish by Resolution a tree or group of trees as a landmark tree(s). In order to designate a tree as a landmark tree, the City Council must find that the tree is a significant community benefit because it possesses one or more of the following attributes:

- 1) historical value,
- 2) outstanding habitat value,
- 3) unusual species, or
- 4) superior beauty.

The City Council, on its own motion and without the payment of the application fee, may also commence the process of designating a landmark tree. If the owner of the proposed landmark tree is not the applicant, the Community Development Department shall notify, by first-class mail, the owner of the proposed landmark tree thirty days before the hearing of the application. The owner must provide written confirmation to the city that they support the application.

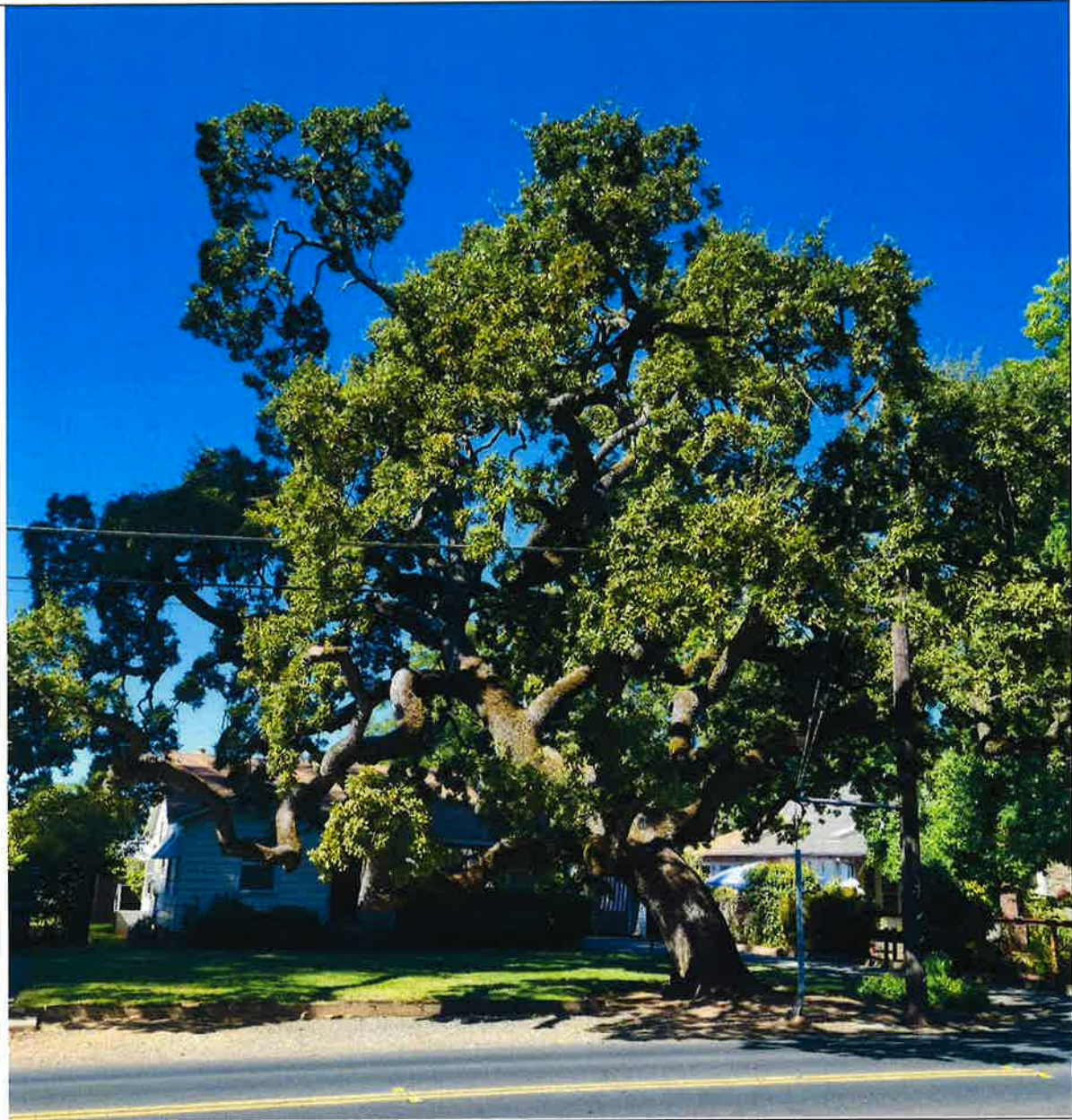
Section 12.16.170 of the Folsom Municipal Code further specifies that, upon the request of a property owner, the city arborist may arrange for a landmark tree to be inspected and a report prepared which assesses the tree's health and provides recommendations for maintenance. Section 12.16.160 grants utilization of the Tree Planting and Replacement Fund for maintenance of landmark trees at the recommendation of the city arborist.

ANALYSIS

Staff are cognizant of a handful of trees, both on public and private properties within the city that would be appropriate candidates for landmark tree status. In recent years staff have engaged with a few owners of particularly outstanding tree specimens to inform them of the landmark tree registry, the benefits of owning a landmark tree, and the process for garnering formal approval for a landmark tree designation. Although some tree owners have expressed interest, California ISO is the only owner to bring forward an application.

Staff have identified the following trees and groves as potential landmark candidates for City Council consideration and direction:

Landmark Tree Candidate #1



Location: 710 Sibley St, residential front yard

Owner: Leo P Grover Trust

Species: Valley oak (*Quercus lobata*)

Trunk Diameter: 41.5"

Description: Picturesque heritage-sized oak (*Quercus lobata*) along Sibley Street.

Qualifying Attribute(s): historical value and superior beauty

Landmark Tree Candidate #2

Location: 192 Blue Ravine Rd, commercial parking lot

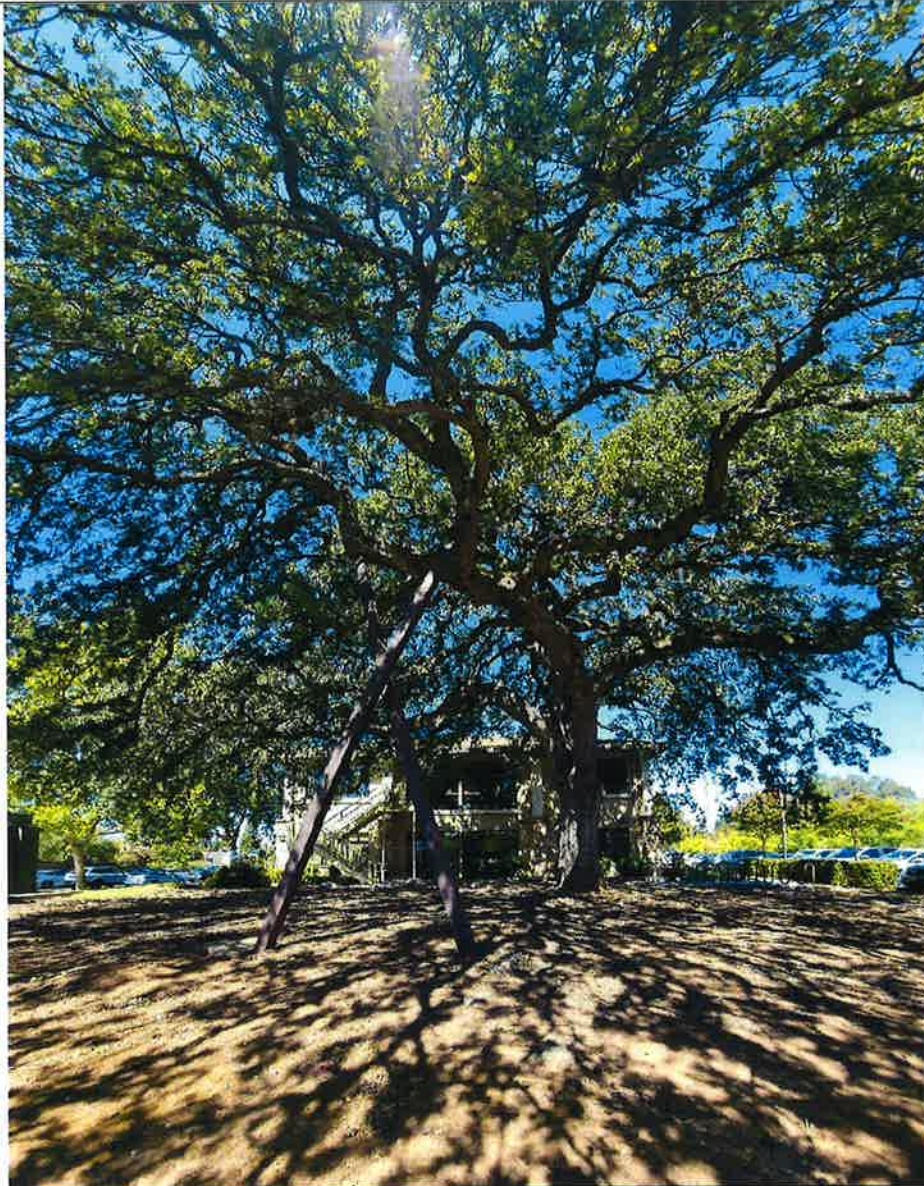
Owner: NickJake LLC

Species: Interior live oak (*Quercus wislizeni*)

Trunk Diameter: 53" at 18"

Description: Very large specimen for the species in the Folsom area. This tree was preserved during the original development of the parcel and has been carefully managed by the owner. Earlier this year, bracing rods and cables were installed in the tree by the owner to provide structural support for the large, ever-growing scaffold branches.

Qualifying Attribute(s): historical value and superior beauty

Landmark Tree Candidate #3

Location: 785 Hana Way, commercial parking lot

Owner: Folsom Dental Associates LLC

Species: Blue oak (*Quercus douglasii*)

Trunk Diameter: 44.5"

Description: Very large specimen that the original developer went to great lengths to preserve. In addition to working around the tree in the original site design, the developer also arranged to have a custom support structure constructed under the large eastern facing scaffold limb to reduce weight loads on the limb and ensure longevity.

Qualifying Attribute(s): historical value and superior beauty

Landmark Grove Candidate #4



Location: Oak Parkway Trail between both intersections of Willow Creek Drive

Owner: City of Folsom

Species: Primarily blue oak (*Quercus douglasii*) and interior live oak (*Quercus wislizeni*)

Grove Acreage: approximately 50 trees

Description: This popular trail corridor is heavily used by both pedestrians and cyclists. The oak stands along the trail provide a nexus to natural habitat that Folsom users can enjoy.

Qualifying Attribute(s): historical value, outstanding habitat value, and superior beauty

Landmark Grove Candidate #5



Location: 300 Prison Rd,

Owner: State of California

Species: Primarily blue oak (*Quercus douglasii*)

West Grove Acreage: approx. 140 acres

East Grove Acreage: approx. 90 acres

Description: Owned by Folsom State Prison, these oaks are concentrated in two distinct western and eastern stands on the parcel. The historical and habitat value of these two groves are potential points of merit for a Landmark designation.

Qualifying Attribute(s): historical value outstanding habitat value, and superior beauty

FINANCIAL IMPACT

The current application fee for establishing a landmark tree designation is \$280.00. By initiating the process for establishing landmark tree designations on behalf of private property owners, the city would waive this application fee.

Upon the request of the property owner, the City Arborist may inspect a landmark tree and prepare a report on the health and recommendations for necessary maintenance. Maintenance activities for landmark trees are funded by the City's Tree Planting and Replacement fund in accordance with FMC 12.16.160. Given the potential financial impact of preparing the report and maintenance for landmark trees, the designation of landmark groves with multiple trees in particular has the potential for significant cost from the Tree Planting and Replacement Fund that could otherwise be used for planting new trees.

ENVIRONMENTAL REVIEW

Landmark tree Classification is an administrative action and not considered a project under the California Environment Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3). As a result, the action is exempt from environmental review.

ATTACHMENTS

1. Public Comments

Submitted,

PAM JOHNS
Community Development Director

ATTACHMENT 1

Public Comments

**BRUCE C CLINE
152 REBECCA WAY
FOLSOM, CALIFORNIA 95630**

October 3, 2022

SUPPORT FOR CITY COUNCIL ITEM TO DESIGNATE LANDMARK TREES

Dear Mayor and Councilmembers,

I sincerely urge you to provide unanimous direction to Staff to bring back a City Council action to designate the Oak Trees and Groves between Willow Creek at the Water Treatment plant and Willow Creek at BT Collins Park.

As you know, last year PG&E threatened to cut scores of trees down in the Oak Parkway Corridor. At the last minute PG&E heard enough concern over the trees and agreed to trim them rather than remove them. Of Course, there is NO legal authority to remove these trees in PUC orders, easements or other statutes and regulations. I understand that PG&E recently suggested it had changed its position regarding some trees on PG&E land between Willow Creek and Natoma Street near St. Johns. Again, they have no legal authority to remove oak trees there either.

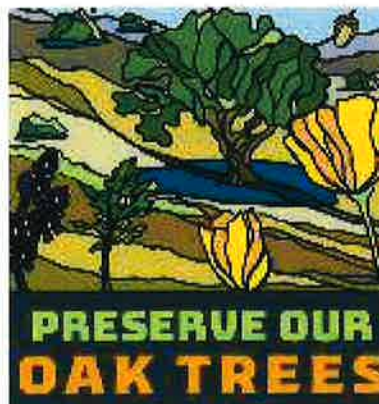
The City must take all actions it can to protect Oak Trees in our City and, in particular in the century plus year old groves and trees along the bike path corridor between each section of Willow Creek. These trees are a treasure and are a beautiful, shaded section of this corridor that exists in sharp contrast to the scorched earth area under the powerlines near BT Collins and on the PG&E owned section of the corridor.

PG&E will be back after these trees, mark my words. New staff will be assigned, people will retire, memories fade or new policies will be adopted. The City must take a firm stand and use all the tools available to it to demonstrate its support for Oak Tree preservation in this City and Corridor. Designation of these as Landmark Trees is just one tool.

I regret that I cannot be at the meeting in person, but trust you will protect ALL these trees and provide Staff clear direction to protect all of them including individual trees and Groves and to take all necessary steps to protect these and other oak trees in the City.

Thank you,

Bruce Cline, 32 year Folsom Resident





Friends of Folsom Parkways

P.O. Box 1501
Folsom, CA 95763-1501

Our vision is to promote the usage, preservation and development of parkways within the City of Folsom.

October 4, 2022

Mayor and City Council
50 Natoma St,
Folsom, CA 95630

SUPPORT FOR CITY COUNCIL ITEM TO DESIGNATE LANDMARK TREES

Dear Mayor and Councilmembers,

The Friends of the Folsom Parkway have long been advocates for the trails, trees and wildlife that exist in our City. We continue to urge the City to take positive action to protect the Oak Trees that are an integral part of our trail system. Last year, two of our Board Members Bruce Cline and Robert Goss addressed the City Council when trees were threatened by PG&E action along the Oak Parkway Corridor. We applaud the City Council's action to support these trees and to advocate to PG&E that there are viable alternatives simply removing Oak Trees along the Corridor.

The City Council has a great opportunity to push for protection of the Oak Trees in the bike corridor between Willow Creek at the Water Treatment Plant and Willow Creek at BT Collins. Please direct staff to bring back and action that will protect all the Oak Trees in this corridor and preserve this very unique and special section of bike trail.

On Behalf of Members and Supporters of the Friends of the Folsom Parkways and the hundreds of people that use this section of bike trail each week, we urge you to direct staff to take action at the earliest opportunity to designate the groves and trees in this section as Landmark Trees.

Thank you,

A handwritten signature in black ink, appearing to read "Lynn LePage". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lynn LePage
Vice President Friends of Folsom Parkways

This page is intentionally left blank.