



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Agenda

City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

May 09, 2023
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



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City Council Regular Meeting
City Council Chambers | 50 Natoma Street, Folsom CA 95630
www.folsom.ca.us

Tuesday, May 09, 2023 6:30 PM

Rosario Rodriguez, Mayor

YK Chalamcherla, Vice Mayor
Mike Kozlowski, Councilmember

Sarah Aquino, Councilmember
Anna Rohrbough, Councilmember

AGENDA

CALL TO ORDER

ROLL CALL:

Councilmembers: Chalamcherla, Kozlowski, Rohrbough, Aquino, Rodriguez

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.](#) Introduction of New Parks and Recreation Director Kelly Gonzalez
- [2.](#) Proclamation of the Mayor of the City of Folsom Proclaiming May 14-20, 2023 as National Police Officers Memorial Week in the City of Folsom
- [3.](#) Proclamation of the Mayor of the City of Folsom Proclaiming the Month of May 2023 as National Skin Cancer Awareness Month in the City of Folsom
- [4.](#) Presentation from HART of Folsom (Homeless Assistance Resource Team) Regarding the Winter Shelter

5. Presentation of the City Manager's FY 2023-24 Proposed Operating and Capital Budgets for the City of Folsom, the Successor Agency, the Folsom Public Financing Authority and the Folsom Ranch Public Financing Authority

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.

6. Approval of April 25, 2023 Special and Regular Meeting Minutes
7. Resolution No. 11023 - A Resolution Updating the City of Folsom Legislative Platform and Advocacy Manual
8. Resolution No. 11031 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for the Evaluation and Review of the Environmental Protection Agency's 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City
9. Resolution No. 11032 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program
10. Resolution No. 11033 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Turbine Water Meter Replacement Program
11. Resolution No. 11034 – A Resolution Authorizing the City Manager to Execute a Design and Consulting Services Contract with R.E.Y. Engineers, Inc. for the East Bidwell Corridor Drainage Analysis Project
12. Resolution No. 11035 - A Resolution Authorizing City Manager to Execute a Memorandum of Understanding with the Folsom Historic District Association (FHDA) for Operation of an Ice Rink on City Property

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS:

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.

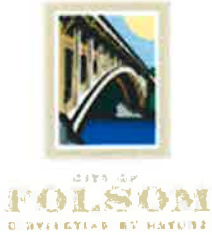
As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening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

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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.



Folsom City Council Staff Report



MEETING DATE:	5/9/2023
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Introduction of Parks and Recreation Director Kelly Gonzalez
FROM:	City Clerk's Department

CITY COUNCIL ACTION

City Manager Elaine Andersen will introduce new Parks and Recreation Director Kelly Gonzalez.

Respectfully submitted,

Christa Freemantle, CMC
City Clerk

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CITY OF
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DISTINCTIVE BY NATURE

**PROCLAMATION
OF THE MAYOR OF THE CITY OF FOLSOM**

**PROCLAIMING MAY 14 -20, 2023
as
NATIONAL POLICE OFFICERS MEMORIAL WEEK
IN THE CITY OF FOLSOM**

WHEREAS, in 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including 80 sworn members of the City of Folsom Police Department who work devotedly and selflessly on behalf of the residents of the City of Folsom, regardless of the peril or hazard to themselves; and

WHEREAS, since the first known line of duty death in 1786, more than 22,000 law enforcement officers in the United States have made the ultimate sacrifice; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial, which was dedicated in 1991 in Washington, D.C.; and,

WHEREAS, in 2022, 245 federal, state, tribal and local law enforcement officers died in the line-of-duty. This number represents a 65% decrease as compared to the previous year where nearly 500 officers died solely as a result of COVID-19; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored and the names of the officers newly engraved on the Memorial will be formally dedicated during the National Law Enforcement Officers Memorial Fund's Annual Candlelight Vigil, to be held on the evening of Saturday, May 13, 2023; and

WHEREAS, May 15, 2023, is designated as Peace Officers Memorial Day in honor of all the fallen officers and their families.

NOW, THEREFORE, I, Rosario Rodriguez, Mayor of the City of Folsom, on behalf of the Folsom City Council, do hereby proclaim the week of May 14- 20, 2023 as **National Police Officers Memorial Week** in the City of Folsom and publicly salute the service of law enforcement officers in our community and communities across the nation.

PROCLAIMED this 9th day of May 2023.

Rosario Rodriguez, MAYOR

Attest: _____

Christa Freemantle, CITY CLERK

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CITY OF
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PROCLAMATION

OF THE MAYOR OF THE CITY OF FOLSOM PROCLAIMING THE MONTH OF MAY 2023

as

NATIONAL SKIN CANCER AWARENESS MONTH in the City of Folsom

WHEREAS, skin is the largest and most visible organ of the body and performs many essential tasks, such as regulating body temperature, protecting internal organs, providing sensation, and supporting metabolic functions; and

WHEREAS, skin cancer is the most common cancer in the United States. Current estimates are that one in five Americans will develop skin cancer in their lifetime; and

WHEREAS, approximately 9,500 people are diagnosed with skin cancer every day, and approximately 20 people die of melanoma, the deadliest form of skin cancer, each day; and

WHEREAS, Skin Cancer Awareness Month is a public education initiative designed to promote the prevention and early detection of melanoma and other skin cancers:

NOW, THEREFORE, I, ROSARIO RODRIGUEZ, Mayor of the City of Folsom, on behalf of the Folsom City Council, do hereby proclaim **May 2023 as Skin Cancer Awareness Month** in the City of Folsom and encourage our community to increase awareness about the importance of early detection and treatment of this disease.

PROCLAIMED this 9th day of May 2023.

Rosario Rodriguez, MAYOR

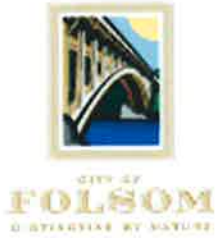
Attest:

Christa Freemantle, CITY CLERK

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Folsom City Council Staff Report



MEETING DATE:	5/9/2023
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Presentation from HART of Folsom (Homeless Assistance Resource Team) regarding the Winter Shelter
FROM:	City Clerk's Department

CITY COUNCIL ACTION

Representatives from HART of Folsom will make a presentation regarding their winter shelter.

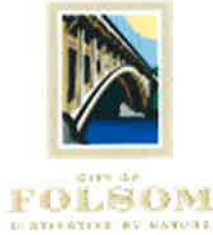
Respectfully submitted,

Christa Freemantle, CMC
City Clerk

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CITY OF
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Folsom City Council Staff Report



MEETING DATE:	5/9/2023
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Presentation of the City Manager’s FY 2023-24 Proposed Operating and Capital Budgets for the City of Folsom, the Successor Agency, the Folsom Public Financing Authority, and the Folsom Ranch Public Financing Authority
FROM:	Finance Department

The City Manager’s Fiscal Year 2023-24 proposed budget will be presented. This budget will encompass the 12-month period from July 1, 2023 through June 30, 2024 and will also include the Capital Improvement Plan.

Submitted,



Stacey Tamagni, Finance Director/CFO

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CITY OF
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City Council Special Meeting

MINUTES

Tuesday, April 25, 2023 6:00 PM

CALL TO ORDER

The special City Council meeting was called to order at 6:00 p.m. with Mayor Rosario Rodriguez presiding.

ROLL CALL:

Councilmembers Present: Sarah Aquino, Councilmember
YK Chalamcherla, Vice Mayor (participated via teleconference
as noticed on the agenda)
Mike Kozlowski, Councilmember
Anna Rohrbough, Councilmember
Rosario Rodriguez, Mayor

Councilmembers Absent: None

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

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Conference with Real Property Negotiator – Pursuant to Government Code section 54956.8: Retail Space at 905 Leidesdorff Street, APN 070-0052-023. Negotiating Parties: City Manager Elaine Andersen on behalf of the City of Folsom, and Taryn Grows and Charlie Grows, of Pour Leadership Inc., DBA Uncle Charlie's Firehouse & Brew. Under Negotiation: Price and Terms of Lease

Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to adjourn to closed session for the above referenced item. Motion carried with the following roll call vote:

AYES: Councilmember(s): Aquino, Chalamcherla, Kozlowski, Rohrbough, Rodriguez
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

The special meeting was adjourned to the regular City Council meeting at 7:02 p.m.

SUBMITTED BY:

Lydia Konopka, Deputy City Clerk

ATTEST:

Rosario Rodriguez, Mayor

City Council Regular Meeting

MINUTES

Tuesday, April 25, 2023 6:30 PM

CALL TO ORDER

The regular City Council meeting was called to order at 7:02 pm with Mayor Rosario Rodriguez presiding.

ROLL CALL:

Councilmembers Present: Sarah Aquino, Councilmember
YK Chalamcherla, Vice Mayor (participated via teleconference
as noticed on the agenda)
Mike Kozlowski, Councilmember
Anna Rohrbough, Councilmember
Rosario Rodriguez, Mayor

Councilmembers Absent: None

Participating Staff: City Manager Elaine Andersen
City Attorney Steven Wang
Deputy City Clerk Lydia Konopka
Parks and Recreation Director Lorraine Poggione
Public Works General Services Manager Marie McKeeth
Parks and Recreation Parks Manager Brad Nelson
Public Works Director Mark Rackovan
Public Works Administrative Assistant Jennifer Thiot
Public Works Senior Office Assistant Lindsey Taylor
Community Development Director Pam Johns
City Engineer Steve Krahn

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

City Manager Elaine Andersen made a special presentation to honor Parks and Recreation Director Lorraine Poggione on her retirement. Mayor Rosario Rodriguez presented Ms. Poggione with a Resolution of Commendation honoring her service to Folsom.

AGENDA UPDATE

Mayor Rosario Rodriguez announced that the Consent Calendar would be taken before Scheduled Presentations.

DRAFT - Not official until approved by City Council

City Attorney Steven Wang announced that there was a revised staff report and additional information for item 10.

BUSINESS FROM THE FLOOR:

The following speakers addressed the City Council:

1. Scott Rafferty regarding by-district elections
2. Robert Dresser regarding by-district elections
3. Margie Donovan thanked staff (via teleconference)

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.

6. Approval of April 11, 2023 Special and Regular Meeting Minutes
7. pulled for comment
8. pulled for comment
9. pulled for comment
10. Resolution No. 11026 – A Resolution of the City Council Amending Rule 6, “Appeals”, of Resolution No. 9689 Pertaining to Appeal Hearing Protocol
11. Resolution No. 11027 – A Resolution Accepting Four Green Means Go Grant Awards to Further Housing Program Goals and Appropriation of Funds
12. Resolution No. 11028 – A Resolution Authorizing the City Manager to Execute an Agreement with Mazingo Construction, Inc. for the Construction of the Folsom Boulevard 27-Inch Trunk Sewer Project (SECAP)
13. Resolution No. 11029 – A Resolution Authorizing the City Manager to Execute an Agreement with Psomas for Construction Management and Inspection Services for the Folsom Boulevard 27-Inch Trunk Sewer Project (SECAP)
14. Resolution No. 11030 – A Resolution Adopting a List of Projects for Fiscal Year 2023-24 to be Funded by Senate Bill 1: The Road Repair and Accountability Act

Motion by Councilmember Mike Kozlowski, second by Councilmember Anna Rohrbough, to approve item 6 and items 10-14 on the Consent Calendar.

Motion carried with the following roll call vote:

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

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION:

- 7. Resolution No. 11017 – A Resolution Authorizing the City Manager to Execute an Agreement with the County of Sacramento, and the Cities of Citrus Heights, Elk Grove, Galt, Rancho Cordova, and Sacramento to Meet Certain SB 1383 Edible Food Recovery Regulatory Requirements

Councilmember Sarah Aquino pulled the item to ask questions regarding the Edible Food Recovery Program. Public Works General Services Manager Marie McKeeth responded.

Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to approve Resolution No. 11017.

Motion carried with the following roll call vote:

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

- 8. Resolution No. 11024 – A Resolution Updating the City of Folsom Governance Manual

Mayor Rosario Rodriguez pulled the item to express support for the Governance Manual document.

Motion by Mayor Rosario Rodriguez, second by Councilmember Sarah Aquino, to approve Resolution No. 11024.

Motion carried with the following roll call vote:

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

- 9. Resolution No. 11025 – A Resolution Authorizing the City Manager to Execute a Construction Agreement with KYA Services, LLC for the Prospector Park Construction and Appropriation of Funds

Vice Mayor YK Chalamcherla pulled this item for clarification. Parks and Recreation Director Lorraine Poggione and Parks and Recreation Parks Manager Brad Nelson responded.

Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to approve Resolution No. 11025.

Motion carried with the following roll call vote:

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

ABSTAIN: Councilmember(s): None

SCHEDULED PRESENTATIONS: (items taken out of order)

1. Resolution of Commendation Honoring Community Emergency Response Team (CERT)'s Dedicated Service in 2022

Councilmember Sarah Aquino presented the Resolution of Commendation to the CERT team.

2. Proclamation of the Mayor of the City of Folsom Proclaiming May 21 through May 27, 2023 as "National Public Works Week" and May 17, 2023 as "City Works Day"

Councilmember Anna Rohrbough presented the proclamation to Public Works Director Mark Rackovan, Administrative Assistant Jennifer Thiot and Senior Office Assistant Lindsey Taylor.

3. Presentation by the Sacramento-Yolo Mosquito and Vector Control District

District Manager Gary Goodman made a presentation and responded to questions from the City Council. He introduced Craig Burnett who thanked the City Council for appointing him as the Folsom representative and spoke regarding his long-time service as a member of the Board of Directors.

4. Presentation by Housing Expert on New Housing Laws

City Attorney Steven Wang introduced the item and Barbra Kautz from Goldfarb and Lipman made a presentation and responded to questions from the City Council.

5. Folsom Plan Area Semi-Annual Report

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

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Vice Mayor YK Chalamcherla asked for a presentation regarding the grant process. City Manager Elaine Andersen asked that they meet in person to narrow the topic.

CITY MANAGER REPORTS

City Manager Elaine Andersen made announcements regarding the Folsom Public Library which will be temporarily closing for replacement of carpets, Parks and Recreation Department has begun a Feasibility Study for a new bicycle and pedestrian bridge over Folsom Boulevard, 10th Annual Community Service Day in September project ideas being accepted, a free workshop to learn how to optimize your sprinkler and drip system for maximum efficiency and the 9th Annual Love My Mom 5k and Kids Dash run.

COUNCIL COMMENTS:

Councilmember Anna Rohrbough thanked Friends of Folsom Parkways for trimming trees near her home. She commented regarding attending the Police Department promotion and award ceremony and congratulated all who were promoted and received awards.

Councilmember Sarah Aquino discussed meetings with regional dignitaries to build relationships and share best practices. She spoke regarding a visit to the Male Community Re-entry Program in Oroville and asked that California Department of Corrections and Rehabilitation make a presentation at a future City Council meeting. She updated the Council regarding regional meetings she has attended for Regional Sanitation and Sacramento-Placerville Corridor JPA.

Councilmember Mike Kozlowski discussed the SACOG meeting he attended. He thanked the Folsom Historic District Association for their ongoing work and spoke of the Folsom History Museum fundraiser event he attended and thanked Claudia Cummings for her generous donation to the museum.

Vice Mayor YK Chalamcherla talked about attending the Cap to Cap trip to Washington DC. He encouraged residents to attend the Folsom Garden Tour and requested that the City's public meetings be available for participation by video. He concluded by asking the Mayor to adjourn the meeting in honor of Bulldog Joe Lashinsky.

Mayor Rosario Rodriguez announced upcoming events including the California Jazz Competition, Future Folsom, Sutter Street Farmer's Market, May is Bike Month, Photo Contest by Friends of Folsom Parkway, Balance Bike Bash and Spring Concerts at Zittle Amphitheater. She thanked the Executive Management Team for their excellence and complimented Human Resources Director Allison Garcia and Environmental and Water Resources Director Marcus Yasutake for their work. She reported about the Sacramento Transportation Authority meeting.

ADJOURNMENT

There being no further business to come before the Folsom City Council, Mayor Rosario Rodriguez adjourned the meeting at 9:41 pm.

SUBMITTED BY:

 Lydia Konopka, Deputy City Clerk

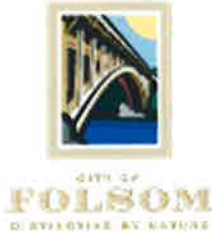
ATTEST:

 Rosario Rodriguez, Mayor

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Folsom City Council Staff Report



MEETING DATE:	5/9/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11023 – A Resolution Updating the City of Folsom Legislative Platform and Advocacy Manual
FROM:	City Clerk's Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council approve Resolution No. 11023 – A Resolution Updating the City of Folsom Legislative Platform and Advocacy Manual.

BACKGROUND / ISSUE

The City has a long practice of working with lobbyists and state and federal representatives regarding legislative matters of interest. To effectively advocate for the City's legislative interests, it helps to identify the City's legislative platform on current issues and to clarify roles and responsibilities within the advocacy process.

In 2021, the City Council approved a Legislative Platform and Advocacy Manual. Staff is proposing an update to ensure the guidelines address current issues.

ANALYSIS

A Legislative Platform establishes the City Council's position on current issues with the potential to impact the City. An Advocacy Manual describes the City's process for legislative activity and clarifies individual roles and responsibilities.

The City can act most efficiently to advocate in the City's best interest by establishing clear procedures and roles. Well-articulated policies help ensure that the City's position regarding

potentially impactful state and federal legislation is identified and communicated to policymakers. In addition, a formalized advocacy system is essential when pending legislative action calls for immediate action.

Department heads have viewed the 2021 document and suggested certain policy statements adjustments. New or amended policy statements are as follows:

7. Oppose legislation that creates unfunded mandates or that creates mandates which adversely impact the affordability of City services.
33. Support legislation and funding of local public libraries and their programs.
34. Support funding of the California Library Services Act that fosters physical and digital resource sharing among libraries.
35. Support legislation that preserves libraries' right to purchase digital content, including eBooks and eAudiobooks, at the same price as consumers.
36. Support continued funding of online educational and workforce development programs.
37. Support legislation defending the freedom to read and unrestricted access to materials that encompass diverse points of view.
38. Support ongoing funding of the Building Forward Library Improvement Grant Program to support local agencies in constructing and maintaining library facilities.

POLICY / RULE

The City of Folsom Charter vests the City Council with powers necessary for the performance of all duties and obligations (§ 2.02).

FINANCIAL IMPACT

There is no financial impact associated with the adoption of a Legislative Platform and Advocacy Manual. However, actions that support the City's efficient use of assets and resources will help control costs, implement the City Council's policies and goals, and protect Folsom residents' interests.

ATTACHMENTS

1. Resolution No. 11023 – A Resolution Updating the City of Folsom Legislative Platform and Advocacy Manual
2. Folsom Legislative Platform and Advocacy Manual - redline of changes to 2021 document

Submitted,

Christa Freemantle, CMC
City Clerk

ATTACHMENT 1

RESOLUTION NO. 11023

**A RESOLUTION UPDATING THE
CITY OF FOLSOM
LEGISLATIVE PLATFORM AND ADVOCACY MANUAL**

WHEREAS, the City has a long practice of working with state and federal legislative representatives; and

WHEREAS, in order to effectively advocate for the City's legislative interests, it helps to identify the City's legislative platform on current issues and to clarify roles and responsibilities within the advocacy process; and

WHEREAS, a Legislative Platform establishes the City Council's position on current issues with the potential to impact the City; and

WHEREAS, an Advocacy Manual describes the City's process for legislative activity and clarifies individual roles and responsibilities; and

WHEREAS, establishing a clear process enables the City to act efficiently with legislative representatives to advocate in the City's best interest; and

WHEREAS, a Legislative Platform and Advocacy Manual was approved in 2021 and should be regularly updated to address current issues:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom approves the 2023 update to the City of Folsom Legislative Platform and Advocacy Manual.

PASSED AND ADOPTED this 9th day of May 2023, by the following roll-call vote:

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

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

LEGISLATIVE PLATFORM

Redline of 2023 Update

The City of Folsom is a full-service charter city, providing a wide range of quality programs, services, and amenities to residents, with excellence as a top priority. Protecting the high quality and distinctive character of Folsom calls for an active and engaged legislative advocacy program, which guides how Folsom advocates for its legislative and policy interests by enabling the City Council and City staff to address legislative and regulatory issues promptly.

FOUNDATIONAL LEGISLATIVE PRINCIPLES

The below principles create the foundation for the City's policy interests.

Preserve Local Control

Preserve and protect the City's powers to enact local legislation, set policy direction concerning local affairs, and oppose legislation that preempts local authority. Local agencies should preserve authority and accountability for revenues raised and services provided.

Promote Fiscal Stability

Support measures that promote fiscal stability, predictability, financial independence, and preserve the City's revenue base and maximize local control over local government budgeting. Oppose measures that shift local funds to the county, state or federal governments and make cities more dependent on the county, state, or federal governments for financial stability, such as unfunded mandates or mandated costs with no guarantee of local reimbursement or offsetting benefits.

Support Diverse Funding Opportunities

Support opportunities for the City to compete for its share of regional, state, and federal funding. Support funding for programs with benefits to air quality, water quality, affordable housing, infrastructure, multi-modal transportation systems, public safety, and public health.

Enhance Quality of Life Through Adequate Public Safety

Support criminal justice laws that reinforce public safety protection for Folsom residents. Support legislation that reduces access to firearms for individuals who have been identified as potentially dangerous through civil measures such as extreme risk protection orders or red flag laws. Support measures that protect city authority and ability to deliver local emergency services.

POLICY STATEMENTS

Administration

1. Oppose State or Federal efforts to “borrow” local revenues and encourage the State to find other methods of balancing its budget.
2. Support local government control, rather than the imposition of state, federal or regional mandates upon local governments.
3. Support maximum flexibility for local government in contracting and contract negotiations.
4. Support reasonable legislation that sustains the principles of the open meetings provisions of the Ralph M. Brown Act without creating onerous burdens on local government.
5. Support legislation that preserves the ability of local governments to determine the appropriate type of election for their jurisdiction.
6. Oppose any amendment to the redistribution of sales and use taxes which will negatively affect the City and its ability to provide city services and thereby cause a negative fiscal impact.
- 6-7. Oppose legislation that creates unfunded mandates or that creates mandates which adversely impact the affordability of City services.

Air Quality

- ~~7~~.8. _____ Support continued funding and incentives to local agencies to work together to improve air quality through the reduction of emissions and advancing economic and technical developments.
- ~~8~~.9. _____ Oppose any policy or guidelines that restricts the introduction of mixed-use development projects near multi-modal transportation centers.
- ~~9~~.10. _____ Support policies, guidelines, incentives, and funding for programs with combined benefits to air quality, water quality, housing, infrastructure (including multi-modal transportation systems), and public health.

Building

- ~~10~~.11. _____ Support policies and guidelines to facilitate options for alternative building methods, materials, and technologies.

California Environmental Quality Act (CEQA)

- ~~11~~.12. _____ Support all efforts to create efficiencies within CEQA and support efforts to limit delays in the local planning and development process.
- ~~12~~.13. _____ Support legislation that allows state agencies and local governments to continue to retain full authority to reject projects or to condition project approvals and impose mitigation measures.

Economic Development

- ~~13~~.14. _____ Support international, statewide, regional, and local efforts to attract, retain and provide resources for current and future businesses.
- ~~14~~.15. _____ Support efforts to provide funding mechanisms for economic development tools including infrastructure investment, housing, and economic development.
- ~~15~~.16. _____ Support policies and programs that encourage working with other cities, counties, and government agencies to jointly leverage resources and assets to create and strengthen economic clusters within the region.

~~16~~.17. Support policies, projects, programs, and regulations for diversifying Folsom's economic base and facilitating investment that will result in maintaining or growing local jobs and creating an environment that is attractive to current and emerging industries.

~~17~~.18. Support economic development initiatives that preserve and enhance a positive business climate and maintain and grow the business tax base.

Environment

~~18~~.19. Support legislation that provides funding opportunities focused on coordinating sustainable planning in transportation, housing, and economic development.

Fire and Emergency Medical Services

~~19~~.20. Support local control of emergency medical services and ambulance services, including pre-hospital care and transport.

~~20~~.21. Support efforts to streamline and coordinate hazardous materials regulations.

~~21~~.22. Support legislation increasing resources and local authority for the appropriate abatement of homeless camps to mitigate public health risks, including fire risks in open space.

Human Resources and Risk Management

~~22~~.23. Oppose measures that reduce local control over employee relations issues or mandate new or enhanced local government employee benefits.

~~23~~.24. Oppose measures that impose compulsory and binding arbitration with respect to employees.

Land Use Planning and Housing

~~24~~.25. Support efforts to strengthen the legal and fiscal capability of local agencies to prepare, adopt and implement plans for orderly growth, development, beautification, and conservation of local planning areas.

- ~~25.26.~~ Support housing measures that promote the development and enhancement of safe and affordable housing and accessible housing within the City for all economic segments of the population.
- ~~26.27.~~ Support funding opportunities that are provided to local jurisdictions through statewide bond efforts.
- ~~27.28.~~ Monitor local, state, and federal actions related to medical and recreational marijuana regulatory changes.
- ~~28.29.~~ Oppose measures to withhold funding dedicated to transportation funding unless proposed housing goals are being met.
- ~~29.30.~~ Oppose measures that restrict local discretion over physical development and design in keeping with adopted plans and policies.
- ~~30.31.~~ Support measures that recognize and promote preservation of the unique development and design patterns of the City's Historic District.
- ~~31.32.~~ Support legislation increasing resources for services and shelters for those experiencing homelessness.

Libraries

- ~~33. Support legislation and funding of local public libraries and their programs.~~
- ~~32. Support legislation and funding of the library fund and other local public library programs.~~
- ~~34. Support funding of the California Library Services Act that fosters physical and digital resource sharing among libraries.~~
- ~~35. Support legislation that preserves libraries' right to purchase digital content, including eBooks and eAudiobooks, at the same price as consumers.~~
- ~~36. Support continued funding of online educational and workforce development programs.~~
- ~~37. Support legislation defending the freedom to read and unrestricted access to materials that encompass diverse points of view.~~
- ~~38. Support ongoing funding of the Building Forward Library Improvement Grant Program to support local agencies in constructing and maintaining library facilities.~~

Natural Hazards

- ~~33~~39. Support programs which provide funding to hazard mitigation projects including those identified in a FEMA-approved Local Hazard Mitigation Plan.
- ~~34~~40. Support funding of state efforts to update and prepare earthquake hazard mapping.
- ~~35~~41. Support legislation and funding that would create an earthquake early warning system.

Parks and Recreation

- ~~36~~42. Oppose efforts that erode funding for vital regional and community services that negatively impact Californian's access to parks, open space, bike lanes, after school programming, senior services, facilities that promote physical activity, protect natural resources, and strengthen safety and security.
- ~~37~~43. Support legislation and funding opportunities (e.g., federal and state park grant funds, conservancy grant funds, project mitigation funds, etc.) that helps cities build better, stronger communities by providing funding to improve air, water, parks, open space, natural resources, historic preservation, and arts and cultural resources.
- ~~38~~44. Promote local agency control over policies that recognize the benefits of parks and recreation facilities.

Police Public Safety

- ~~39~~45. Support measures that encourage community safety and well-being including those –which support state and federal reimbursement of homeland security related expenses.
- ~~40~~46. Support the use of Homeland Security Funds for local law enforcement agencies as first responders.
- ~~41~~47. Support local control over adult entertainment facilities, problem alcohol establishments and properties where illegal drugs are sold.

- ~~42~~:48. Support local control for the regulation of cultivation, storage, manufacture, transport and use of marijuana.
- ~~43~~:49. Support legislation increasing resources and local authority for abatement of public vandalism, especially graffiti.
- ~~44~~:50. Support use of Homeland Security Funds for local public safety agencies.
- ~~45~~:51. Monitor and review statewide actions to reform the California Public Safety Officers Procedural Bill of Rights Act, commonly referred to as POBR.

Solid Waste and Recycling

- ~~46~~:52. Support measures that maintain and enhance local authority and economic flexibility to regulate solid waste and recyclables.
- ~~47~~:53. Oppose any measures that invalidate AB 939 (California Integrated Waste Management Act of 1989) indemnification and prevent cities from negotiating indemnification clauses with waste haulers as well as support measures that would mandate state agencies to comply with AB 939 in the same manner as required of cities and counties.

Transportation and Public Works

- ~~48~~:54. Support legislation that would increase funding for local transportation projects including road resurfacing projects, local transit projects, adding bicycle lanes, sidewalks, and trails throughout the city where appropriate, programs that facilitate development-oriented transit and transit-oriented development and enhancing pedestrian safety.
- ~~49~~:55. Support increased State and Federal funding of transportation improvements with regional or sub-regional benefits for all modes of transportation.
- ~~50~~:56. Support protection of dedicated transportation-related tax revenues and enhance the ability of local agencies to finance local transportation programs and facilities.
- ~~51~~:57. Support joint planning efforts and projects with Folsom's border cities on traffic congestion relief projects.

~~52-58.~~ Support the reallocation of state or federal transportation dollars to fund local rail and transit projects.

~~53-59.~~ Support commuter public transportation hubs to be located in areas in populated areas where there will be a large public benefit.

Wastewater

~~54-60.~~ Support legislation or regulations that discourage the flushing of wipes through the sewer system unless they meet certain performance standards.

~~55-61.~~ Support and monitor legislation that would increase the availability of funding for infrastructure improvements and wastewater treatment.

~~56-62.~~ Oppose legislation or regulations that mandate volumetric pricing of wastewater

~~57-63.~~ Support legislation that allows State agencies and local governments to continue to retain full authority to reject projects or to condition project approvals and impose mitigation measures.

Water Quality and Water Supply

~~58-64.~~ Support and monitor legislation that would increase the availability of, and funding for, water conservation, water use efficiency, water reuse technologies, water recycling, local water storage stormwater capture, and other projects, programs, or technologies that improve water supply or water quality.

~~59-65.~~ Support the enhancement of a reliable, resilient, and sustainable water supply for California.

~~60-66.~~ Support measures to increase water supply and improve water quality in the region, including drought relief legislation

~~61-67.~~ Support funding opportunities that are provided to local jurisdictions through state or federal legislation.

~~62-68.~~ Support legislative and regulatory measures that enhance local agencies' ability to share regional water resources and the ability to implement regional conjunctive use.

~~63-69.~~ Support legislation that protects the security of, and access to, water rights' water and Central Valley Project contract water at Folsom Reservoir.

LEGISLATIVE ADVOCACY MANUAL

PURPOSE

The goals of the City of Folsom's Legislative Advocacy Program are to:

- ❖ Describe the City's internal procedures related to federal, state, and local advocacy
- ❖ Ensure potentially impactful federal, state, and local legislation is identified, analyzed, tracked, and that the City's legislative position is communicated to legislators

COORDINATION OF THE LEGISLATIVE PROGRAM

When City staff learns of governmental action potentially affecting the City, internal communication and coordination to analyze the action begins.

Action can then proceed in either of two ways:

1. If the Council has previously adopted a legislative policy statement relevant to the legislation, the City Manager may act by engaging in established advocacy methods.
2. If there is no relevant legislative policy statement or Council direction related to a potentially impactful bill, if the issue is politically controversial, or if there is significant local interest in the issue, the proposed legislation will be referred to Council for direction.

THE ROLE OF THE CITY COUNCIL

The City Council has ultimate responsibility for determining the City's position on legislative issues. The Council's specific responsibilities include:

1. Establish legislative priorities
2. Meet with the City's state and federal legislative advocates as needed or desired to best represent the interests of Folsom
3. Work with external entities on issues of shared regional policy concern

4. Determine positions on resolutions proposed for adoption by the League of California Cities, the National League of Cities, and similar regional entities, as requested
5. Assume an active advocacy role with legislators on behalf of the City. This may include travel, and any such travel will be consistent with current City travel policies

THE ROLE OF THE CITY MANAGER

The City Manager is the central coordinator of the City's legislative program. The City Manager may designate a legislative liaison to assist with coordinating the City's legislative program. The responsibilities and activities of the City Manager include:

1. Ensuring the consistency of legislative action throughout the City
2. Coordinating contacts and communications with legislators and their staff
3. With departmental assistance, evaluating proposed legislation that may affect the City
4. Disseminating information on public policy items of interest to City departments
5. Directing and overseeing the City's lobbyists, including setting priorities for action that are consistent with Council direction
6. Preparing advocacy letters for the Mayor or Vice Mayor's signature. If neither the Mayor nor Vice Mayor are available to sign advocacy letters, the City Manager shall sign on behalf of the City. Copies of the communication will be distributed immediately to the City Council.
7. Serving, as needed, as the liaison to stakeholder groups, legislative offices, and local jurisdictions concerning legislative activities
8. Coordinating, briefing, and providing support to Council members for visits with state and/or federal legislators, as requested

THE ROLE OF CITY DEPARTMENTS

Active departmental participation is essential to the success of the Legislative Program. Departmental employees can provide technical assistance and unique insight into issues

potentially impacting the City. Responsibilities of the departments include, but are not limited to:

1. Informing the City Manager of policy issues of importance to the City and any specific bills they become aware of that may impact the department
2. Designating key contacts within the department or division who are responsible for evaluating legislation and/or assisting with legislative analysis and advocacy letters
3. Suggesting organizations, individuals, publications, and/or legislators who may be allies in advocating the City's position on certain legislation

CITY COMMISSIONS AND COMMITTEES

City employees who are staff or liaison to Council appointed advisory commissions and committees should encourage those bodies to bring to the City Manager's attention any proposed legislation for which they recommend a position or wish the City Manager to track.

ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

The Environmental and Water Resources Department carefully monitors legislative developments, due to the heavily and separately regulated nature of the utilities. Advocacy actions that squarely and solely affect the Environmental and Water Resources Department (i.e.: an increase in utility rates, a change in departmental operations or policies, or additional work for staff of only the Environmental and Water Resources Department) and that conform with approved legislative guidelines, may be approved by the Director of the Environmental and Water Resources Department.

LEGISLATIVE ADVOCACY IN SPECIAL CIRCUMSTANCES

The City Council is the official voice of the City of Folsom and the final authority for determining legislative positions. The processes outlined below reflect instances when staff has no prior Council authority, the issue is controversial, or is a current item of significant community interest, or time constraints preclude action by the City Council.

Staff will place the item on a City Council agenda, including a specific bill number, if any, an analysis of the item, and a recommendation if warranted, for Council deliberation. Staff will follow the direction from the Council related to the specific item. If there is no relevant legislative platform guideline and time limits preclude action by the City Council, the Mayor and Vice Mayor shall coordinate with the City Manager to determine the City's position on proposed legislation and communicate the position as appropriate. Copies of the communication will be distributed to the City Council and presented for ratification at the earliest possible Council meeting. In the event that a majority of the City Council disagrees with the position expressed by the Mayor, Vice Mayor and/or City Council, clarifying communication will be sent as appropriate.

SIGNATURES ON LEGISLATIVE COMMUNICATION

Letters and other communications expressing the City's position will customarily bear the signature of the Mayor. However, if the legislation's principal impact is on the City's operating procedures, the communication may be signed by the City Manager. In order to keep the Council and others informed of all City communication on legislation, copies of the letters will be distributed to the City Council.

COMMUNICATION WITH ELECTED OFFICIALS

From time to time, Councilmembers may meet with the City's local, state, and/or federal representatives. These meetings are an important component of building legislative relationships and sharing issues of significance to Folsom. Any meetings or communication with local, state, or federal elected officials must be done in a coordinated way to ensure consistency of messaging, accurate information and record keeping, and sharing of resources. Therefore, any communication with a local, state, or federal elected official or legislative staff shall be coordinated through the City Manager.

ADVOCACY METHODS

-Drafting position letters is one advocacy tool, best used in conjunction with others. The City Council, City Manager, and lobbyists may use any, or a combination of the below additional advocacy methods:

1. Calls to policymakers, their staff, or legislative committee staff
2. Meeting with legislators and their staff, stakeholders, and other groups active on the same issue or bill
3. Testifying at a committee hearing regarding the City's position and/or concerns
4. Building coalitions with like-minded entities

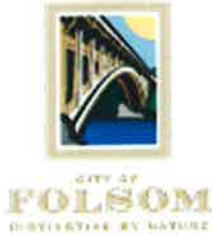
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CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report

MEETING DATE:	5/9/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11031 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for the Evaluation and Review of the Environmental Protection Agency’s 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 11031 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for the Evaluation and Review of the Environmental Protection Agency’s 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City.

BACKGROUND / ISSUE

The Environmental and Water Resources (EWR) Department identifies projects that are critical to ensuring the delivery of adequate and high quality water supply to all water customers through water master plans, ongoing condition assessment programs, and regulatory changes. Through these efforts, the EWR Department engaged Black & Veatch Corporation to perform an evaluation and review of the Environmental Protection Agency’s (EPA) 2021 Lead and Copper Rule Revisions and identifying if any actions are required by the City to maintain compliance.

In In October 2021 through Resolution No. 10713, City Council authorized an agreement with Black & Veatch Corporation to perform the evaluation and review of the Environmental Protection Agency’s 2021 lead and copper rule revisions. In December 2020, the EPA finalized

the first major update to the Lead and Copper Rule in nearly 30 years. These revisions focused on switching from a reactive to proactive approach to improve water quality and the compliance deadline for the Lead and Copper Rule revision is October 2024.

This resolution will authorize the City Manager to execute Amendment No. 1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for the Evaluation and Review of the Environmental Protection Agency’s 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City for a not-to-exceed amount of \$229,703.

POLICY / RULE

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$70,952 or greater shall be awarded by City Council.

ANALYSIS

The EPA’s new Lead and Copper Rule Revisions include new testing protocols to find and remove sources of lead in drinking water systems, establishes a lead concentration level for the replacement of lead service lines, and requires lead testing in schools and childcare facilities. Black & Veatch Corporation performed a detailed review of the EPA’s Lead and Copper Rule Revisions and created a detailed description of activities and new requirements the City needs to complete to remain in compliance with the Division of Drinking Water.

This Amendment No.1 will authorize the Black & Veatch Corporation to assist the City in achieving compliance by creating a City service line inventory dataset for all water service lines in the City, developing a Lead and Copper Rule Revision compliance monitoring plan based on the updated tier structure, developing a service line replacement plan based on the service line inventory findings, and establishing a public education and outreach program to coordinate with City residents to ensure that the City remains in compliance with the Lead and Copper Rule Revisions.

This resolution will authorize the City Manager to execute Amendment No.1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for an Evaluation and Review of the EPA’s 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City. Amendment No.1 will be in the amount of \$229,703 and the new total contract amount, including Amendment No.1 is \$356,127.

FISCAL IMPACT

There are sufficient funds budgeted and available for Amendment No. 1 with Black and Veatch Corporation in the amount of \$229,703 in the Water Operating Fund (Fund 520).

ENVIRONMENTAL REVIEW

This project is replacement and/or improvement of existing infrastructure with negligible or no expansion of use and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act, Article 19 – Categorical Exemptions, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land).

ATTACHMENT

Resolution No. 11031 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for the Evaluation and Review of the Environmental Protection Agency's 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City.

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 11031

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT (CONTRACT NO. 173-21 21-060) WITH BLACK & VEATCH CORPORATION FOR THE EVALUATION AND REVIEW OF THE ENVIRONMENTAL PROTECTION AGENCY’S 2021 LEAD AND COPPER RULE REVISIONS AND IDENTIFYING COMPLIANCE REQUIREMENTS FOR THE CITY

WHEREAS, the City identified that the evaluation and review is critical to ensuring the treatment of high quality water supply to be delivered to all water customers; and

WHEREAS, the Environmental Protection Agency’s 2021 Lead and Copper Rule Revisions require modifications to the City’s existing lead and copper sampling plan based on new tier structures and creation of a city service line inventory for compliance; and

WHEREAS, Black & Veatch Corporation, by reason of their past experience and abilities for performing these types of services, are qualified to perform the required consulting services for the project; and

WHEREAS, sufficient funds are budgeted and available in the Water Operating Fund (Fund 520), for this agreement, in the amount of \$229,703.; 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 Amendment No. 1 to the Agreement (Contract No. 173-21 21-060) with Black & Veatch Corporation for the Evaluation and Review of the Environmental Protection Agency’s 2021 Lead and Copper Rule Revisions and Identifying Compliance Requirements for the City in the amount of \$229,703, bringing the new total contract amount, including Amendment No.1 to \$356,127.

PASSED AND ADOPTED this 9th day of May, 2023, by the following roll-call vote:

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

Rosario Rodriguez, MAYOR

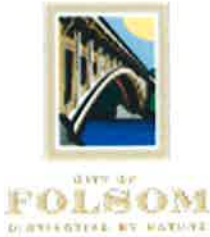
ATTEST:

Christa Freemantle, CITY CLERK

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report

MEETING DATE:	5/9/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11032 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Departments recommends that the City Council pass and adopt Resolution No. 11032 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program.

BACKGROUND / ISSUE

The Environmental and Water Resources Department has identified the need to purchase water meters for installation on new homes and to replace older water meters that may be reaching the end of their serviceable life. As required by State Law, water meters have been installed on all new homes since 1992, with metered rate billing for all the City’s water customers beginning in 2013. Water meters are used for water metering, water conservation and are an integral part of the water billing process. This authorization for the purchase of water meters will meet the anticipated demands of new residential construction and the necessary residential meter replacements.

The City currently has approximately 22,500 installed water meters, which range in size from 5/8-inch to 12-inch. Of the existing services and meters, it is anticipated that approximately 70 of these are of 2-inch and smaller positive displacement type meters that will need to be replaced annually. To meet this demand of the most widely used meters, staff issued a request for bids for the supply of 5/8-inch, 3/4-inch, 1.5-inch, and 2-inch water meters for a three-year period.

This resolution authorizes the City Manager to execute an agreement with Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program.

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 \$70,952 or greater shall be awarded by the City Council.

ANALYSIS

The City completed the Request for Bids for the City of Folsom Positive Displacement Water Meter Replacement Program and publicly advertised for bids in the January 4th, 2023 edition of the Sacramento Bee. In addition, the City provided these documents to www.ciplist.com which is picked up by several area builders' exchanges. The documents were also posted to the City's website. The Environmental and Water Resources Department received the following bids on February 2, 2023 for the City of Folsom Positive Displacement Water Meter Replacement Program.

Staff reviewed the bids submitted and in conjunction with the City Attorney's office, determined that Mueller was considered non-responsive. Mueller stated in the bid that if selected, pricing would not be adjusted for the first 12 months but pricing for years two and three would be subject to negotiation depending on what the relevant Producer Price Index was at that time.

Vendor	Bid Amount
Zenner USA	\$81,822.40
Mueller	\$83,378.80*
Ferguson Waterworks	\$103,887.50

*Bid considered non-responsive due to potential price fluctuations

Staff has reviewed the bids submitted and has determined that Zenner USA is the lowest responsible and responsive bidder who meets the requirements and specifications set forth in the invitation for bids.

FINANCIAL IMPACT

The City of Folsom Positive Displacement Water Meter Replacement Program was included in the Fiscal Year 2022-23 budget. There are funds budgeted and available in the Water Operating Fund (Fund 520) in the amount of \$81,822.40 for this agreement.

ENVIRONMENTAL REVIEW

This project is replacement and/or improvement of existing infrastructure with negligible or no expansion of use and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act, Article 19 – Categorical Exemptions, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land).

ATTACHMENT

Resolution No. 11032 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program.

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 11032

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ZENNER USA FOR THE CITY OF FOLSOM POSITIVE DISPLACEMENT WATER METER REPLACEMENT PROGRAM

WHEREAS, staff has identified the need to purchase water meters as required by State Law and to replace older water meters that may be reaching the end of their serviceable life; and

WHEREAS, a Request for Bids for 5/8-inch, 3/4-inch, 1.5-inch, and 2-inch positive displacement water meters was issued on January 4th, 2023; and

WHEREAS, Zenner USA submitted the lowest responsive, responsible bid that met required specification for the meter types and sizes outlined in the Bid Manual opened on February 2, 2023; and

WHEREAS, the project is categorically exempt from environmental review under the California Environmental Quality Act; and

WHEREAS, sufficient funds are budgeted and available in the Water Operating Fund (Fund 520), for this agreement in the amount of \$81,822.40; 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 Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program in the amount of \$81,822.40.

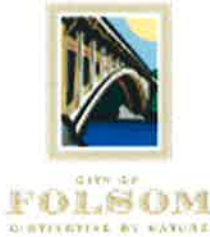
PASSED AND ADOPTED this 9th day of May, 2023, by the following roll-call vote:

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

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report



MEETING DATE:	5/9/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11033 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Turbine Water Meter Replacement Program
FROM:	Environmental and Water Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Departments recommends that the City Council pass and adopt Resolution No. 11033 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Turbine Water Meter Replacement Program and.

BACKGROUND / ISSUE

The Environmental and Water Resources Department has identified the need to purchase water meters for installation on new homes and to replace older water meters that may be reaching the end of their serviceable life. As required by State Law, water meters have been installed on all new homes since 1992, with metered rate billing for all the City’s water customers beginning in 2013. Water meters are used for water metering, water conservation and are an integral part of the water billing process. This authorization for the purchase of water meters will meet the anticipated demands of new residential construction and the necessary residential meter replacements.

The City currently has approximately 22,500 installed water meters, which range in size from 5/8-inch to 12-inch. Of the existing services and meters, it is anticipated that approximately 75 of these are of 1-1/2-inch to 10-inch turbine type meters that will need to be replaced annually. To meet this demand, staff issued a request for bids for the supply of 1-1/2-inch to 10-inch turbine water meters for a three-year period.

This resolution authorizes the City Manager to execute an agreement with Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program for and Appropriation of Funds.

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 \$70,952 or greater shall be awarded by the City Council.

ANALYSIS

The City completed the Request for Bids for the City of Folsom Turbine Water Meter Replacement Program and publicly advertised for bids in the January 4th, 2023 edition of the Sacramento Bee. In addition, the City provided these documents to www.ciplist.com which is picked up by several area builders’ exchanges. The documents were also posted to the City’s website. The EWR Department received the bids on February 2, 2023 for the City of Folsom Turbine Water Meter Replacement Program.

Staff reviewed the bids submitted and in conjunction with the City Attorney’s office, determined that Aqua-Metric was considered non-responsive. Aqua-Metric stated in the bid that if selected, pricing would be held firm until October 31st, 2023. After that date, pricing may be subject to adjustment based on inflation rates and supply chain constraints.

Vendor	Bid Amount
Zenner USA	\$158,900.04
Ferguson Waterworks	\$200,108.75
Aqua-Metric	\$246,610.92*

*Bid considered non-responsive due to potential price fluctuations

Staff has reviewed the bids submitted and has determined that Zenner USA is the lowest responsible and responsive bidder who meets the requirements and specifications set forth in the invitation for bids.

FINANCIAL IMPACT

The City of Folsom Turbine Water Meter Replacement Program was included in the Fiscal Year 2022-23 budget. Funds are budgeted and available for this agreement in the Water Operating Fund (Fund 520).

ENVIRONMENTAL REVIEW

This project is replacement and/or improvement of existing infrastructure with negligible or no expansion of use and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of

Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act, Article 19 – Categorical Exemptions, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land).

ATTACHMENT

Resolution No. 11033 – A Resolution Authorizing the City Manager to Execute an Agreement with Zenner USA for the City of Folsom Turbine Water Meter Replacement Program.

Submitted,

Marcus Yasutake, Director
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

RESOLUTION NO. 11033

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ZENNER USA FOR THE CITY OF FOLSOM TURBINE WATER METER REPLACEMENT PROGRAM

WHEREAS, staff has identified the need to purchase water meters as required by State Law and to replace older water meters that may be reaching the end of their serviceable life; and

WHEREAS, a Request for Bids for 1-1/2-inch through 10-inch turbine water meters were issued on January 4th, 2023; and

WHEREAS, Zenner USA submitted the lowest responsive, responsible bid that met required specification for the meter types and sizes outlined in the Bid Manual opened on February 2, 2023; and

WHEREAS, the project is categorically exempt from environmental review under the California Environmental Quality Act; and

WHEREAS, sufficient funds are budget and available in the Water Operating Fund (Fund 520), for this agreement in the amount of \$158,900.04; 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 Zenner USA for the City of Folsom Positive Displacement Water Meter Replacement Program in the amount of \$158,900.04.

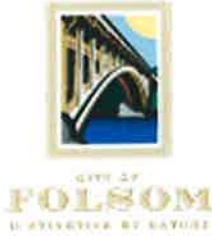
PASSED AND ADOPTED this 9th day of May, 2023, by the following roll-call vote:

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

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report

MEETING DATE:	5/9/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11034 – A Resolution Authorizing the City Manager to Execute a Design and Consulting Services Contract with R.E.Y. Engineers, Inc. for the East Bidwell Corridor Drainage Analysis Project
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11034 – A Resolution Authorizing the City Manager to Execute a Design and Consulting Services Contract with R.E.Y. Engineers, Inc. for the East Bidwell Corridor Drainage Analysis Project.

BACKGROUND / ISSUE

In the 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community. With this allocation, the state Department of Housing and Community Development (HCD) established the Regional Early Action Planning Grant Program (REAP) with \$125 million distributed to regions. REAP provides one-time grant funding to regional governments and regional entities for planning activities that will accelerate housing production and facilitate compliance in implementing the sixth cycle of the Regional Housing Needs Allocation (RHNA).

The Sacramento Area Council of Governments (SACOG) received \$6,612,880 in REAP funds to address the greater Sacramento region's unique housing priorities and planning needs. The SACOG board recommended approval of a framework for spending an initial 25 percent of the REAP funds using an early access option provided by the state. These early funds provided a formula allocation directly to local agencies for housing element updates or other planning

projects related to housing. The City's allocation from this initial portion of REAP funds was \$41,000 and was explicitly for use on our Housing Element update.

There were three additional REAP grant opportunities; two were non-competitive direct allocations for qualifying projects and the third was a competitive grant. Eligible activities were required to demonstrate housing-related planning activities and facilitate accelerated housing production. Zoning code updates and specific plans that include an Environmental Impact Report (EIR), as well as an evaluation of infrastructure needs and cost analyses, are strongly encouraged because these planning activities are identified as priorities in SACOG's Green Means Go Program. The planning activity must support the entire Green Zone or many parcels within the Green Zone.

Based on the City's Housing Element update and the comprehensive zoning code update, staff identified three distinct and qualifying grant projects to further the City's housing program goals and the city was successful in receiving all three grants. The grant project descriptions and grant award amounts are listed below.

- Grant #1, East Bidwell Drainage Study, \$100,000
- Grant #2, Multi-Family and Residential Mixed-Use Design, Density and Market Feasibility Analysis, \$90,000
- Grant #3, Housing Element Program H-2 Implementation: General Plan and Specific Plan Amendment and Environmental Analyses, \$575,000

The total amount of the grant funds awarded was \$765,000.

Professional service contracts for Grant #2 and #3 were approved by City Council on October 26, 2021. At this time, Public Works staff is requesting that City Council authorize a design and consulting services contract with R.E.Y. Engineer, Inc. for the East Bidwell Corridor Drainage Analysis Project (Grant #1).

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 \$70,952 or greater shall be awarded by City Council.

ANALYSIS

The Public Works Department publicly advertised a Request for Qualifications for engineering design services on December 4, 2020. Thirteen proposals were received, and four firms were chosen for the list of qualified consultants, including R.E.Y. Engineers, Inc.

R.E.Y. Engineers, Inc. is a civil engineering design firm that has completed several drainage projects within the City of Folsom, including recent work on the Natoma Street Drainage Projects Phase 1 and 2 which is adjacent to the proposed study area for this East Bidwell

Corridor Drainage Analysis. Staff has determined that R.E.Y. Engineers, Inc. is the most qualified from the current short-listed firms for this project and has solicited a scope and fee from them. The proposed consultant agreement is for a not-to-exceed amount of \$100,000.

The goal is to provide the city with a better understanding of the existing drainage system layout, configuration, and condition along the East Bidwell Corridor. The analysis will identify any deficiencies as well as recommended drainage system improvements or upgrades which may be utilized as groundwork for future projects in the area.

FINANCIAL IMPACT

The REAP Grants Program award for this grant is \$100,000. None of the REAP grant awards require a financial match. All grant funds are required to be fully expended and reimbursed by July 31, 2024. Consultant services will be funded initially through the Drainage Capital Improvement Fund (Fund 448) and reimbursed to that same fund by the REAP Grants Program funds in accordance with the reimbursement schedule.

ENVIRONMENTAL REVIEW

Design services are exempt from environmental review. Any potential future projects identified as a result of this analysis would undergo appropriate California Environmental Quality Act (CEQA) environmental review as necessary to clear the project for construction.

ATTACHMENT

Resolution No. 11034 - A Resolution Authorizing the City Manager to Execute a Design and Consulting Services Contract with R.E.Y. Engineers, Inc. for the East Bidwell Corridor Drainage Analysis Project

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

RESOLUTION NO. 11034

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN AND CONSULTING SERVICES CONTRACT WITH R.E.Y. ENGINEERS, INC. FOR THE EAST BIDWELL CORRIDOR DRAINAGE ANALYSIS PROJECT

WHEREAS, the City of Folsom desires to hire a consultant that can provide a drainage analysis of the existing storm drain infrastructure along the East Bidwell Corridor between Coloma Street and Blue Ravine Avenue; and

WHEREAS, the city received a Sacramento Area Council of Governments (SACOG) non-competitive Regional Early Action Planning Grant Program (REAP) grant in the amount of \$100,000 to conduct a drainage analysis of the East Bidwell Corridor; and

WHEREAS, city staff has selected R.E.Y. Engineers, Inc. from the Public Works Department’s list of qualified consultants to provide the required drainage analysis and engineering design services; and

WHEREAS, consultant services will be funded initially through the Drainage Capital Improvement Fund (Fund 448) and reimbursed by the REAP Grant Program funds; and

WHEREAS, R.E.Y. Engineers, Inc. assisted with the preparation of the Sacramento Area Council of Governments Maintenance & Modernization grant application for the East Bidwell Pavement Resurfacing Project. Staff requested assistance on this application from R.E.Y. Engineers, Inc. due to the proximity of the projects to each other and the overlapping data required for each application.; and

WHEREAS, funds in the amount of \$100,000 are budgeted and available in the Drainage Capital Improvement Fund (Fund 448) for Fiscal Year 2022-23; 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 and Consulting Services Agreement with R.E.Y. Engineers, Inc. for the East Bidwell Corridor Drainage Analysis Project for an amount not-to-exceed \$100,000.

PASSED AND ADOPTED this 9th day of May 2023, by the following roll-call vote:

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

Rosario Rodriguez, MAYOR

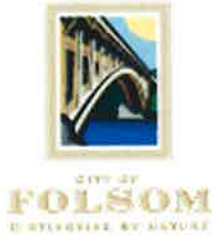
ATTEST:

Christa Freemantle, CITY CLERK

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to facilitate double-sided printing.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report



MEETING DATE:	5/9/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11035 - A Resolution Authorizing the City Manager to Execute a Memorandum of Understanding with the Folsom Historic District Association (FHDA) for Operation of an Ice Rink on City Property
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council approve Resolution No. 11035 - A Resolution Authorizing City Manager to Execute a Memorandum of Understanding with the Folsom Historic District Association (FHDA) for Operation of an Ice Rink on City Property

BACKGROUND / ISSUE

There has been an ice rink in the Historic District since 2008. The ice rink has generally been set up around the Turntable area, although there were a few years it was in parking lot areas. The first year it was run by the Chamber of Commerce. In 2009 there was no ice rink. Since 2010, Folsom Historic District Association (FHDA) has been the organization to carry out the ice rink operation. Starting around 2013, the City began to receive additional inquiries for renting the Amphitheater (now named Zittel Amphitheater) and other city-owned areas in the Folsom Historic District Plaza area. As such, rental zones with hourly rental fees were established for the top of the parking garage, turntable, alley, and amphitheater. See Attachment 2 for zones and rates.

The first Memorandum of Understanding (MOU) with FHDA was executed in August of 2013 and had a term that expired January 25, 2020. There was no fee associated with the rental of City property at that time. In 2015, damage to the plaza concrete had become noticeable. Staff analyzed the repairs needed and by 2017, Staff and FHDA arrived at a cost-sharing arrangement to make those repairs. The total cost was \$40,403 with the City paying \$27,085 and FHDA paying \$13,318. Degradation of the concrete has continued to take place in subsequent years

but has not been addressed since 2017. At the end of 2019, the City and FHDA were preparing to create a revised MOU. Staff was in the process of proposing to include in the new MOU a fee structure that would include an equitable rental rate and a fee discussion about long-term maintenance of the concrete and other assets that were getting extra wear and tear due to the ice rink operation. Unfortunately, the pandemic postponed the completion of the revised MOU. In 2022, discussions resumed but new dynamics took place related to the ice rink vendor utilized by FHDA. The parties then decided to postpone the discussion to a future timeframe.

For purposes of background, the FHDA's request for exclusive use of the turntable and surrounding areas is for 5 weeks to set-up, about 2 ½ months of operation, and 2 weeks to break-down. This totals approximately 112 days or approximately 3 months and 3 weeks.

POLICY / RULE

Pursuant to FMC 2.36.270(A), all transfers, sales, donations, or other disposition of real property interests in city property shall be approved by the city council except as otherwise provided for in the FMC.

ANALYSIS

The city has rentable assets in the Historic District that include the Zittel Amphitheater, the turntable, and the alley areas. The top of the parking garage has not been requested for rent in the last 8 to 10 years. The most frequent user of these spaces is the FHDA. The FHDA holds many events throughout the year at the Zittel Amphitheater including concerts, festivals, and various shows. The total number of days that FHDA uses the amphitheater is about 110 days per year. The FHDA is also the applicant for the Farmer's Market which is held every Saturday (year-round) in the alley area. As noted previously, the FHDA is also the applicant for the yearly ice rink which spans approximately 112 days each year, including set up and breakdown. To date, the city has not charged the FHDA for use of the amphitheater, the alley, or the turntable.

In recent years, staff has received direction from the City Council to find ways to generate additional revenue. One such way would be to arrive at agreeable terms between the City and FHDA for both parties to achieve some revenue benefits from these rental uses. Staff has recently prepared a draft plan that outlines ways in which most of the FHDA events that are offered free to public would remain free of charge to FHDA, and then suggests ways for the City to receive revenue to offset expenses as well as create a new revenue stream from events where FHDA charges the public, such as the ice rink or other ticketed events. Staff had intended to send this draft plan to FHDA by the end of this month when the request to execute the MOU as soon as possible was received.

According to the FHDA, an executed MOU is needed to secure the investment and ensure the commitment to purchase the ice rink equipment.

Staff realizes this type of revenue arrangement takes time to discuss and work out the details between both parties. As such, the attached MOU suggests discussing those terms in good faith by August of this year. Staff will bring those rental terms to the City Council for review and direction.

Attached you will find an MOU that has been reviewed by both parties. All aspects of the MOU are agreeable to both parties with the exception of Item 25, that FHDA is not in agreement with. Item 25 states, "During the Term of this MOU, but not later than August 5, 2023, the parties agree to negotiate in good faith regarding fair and equitable rental fees for the exclusive use of City property. (Attachment 3).

FINANCIAL IMPACT

The city is currently not generating sufficient revenue to offset expenses to maintain the rental assets or generate new revenue from the rentals. Agreeable terms for revenue would be a positive change to the current arrangement.

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.

ATTACHMENTS

1. Resolution No. **11035** - A Resolution Authorizing City Manager to Execute a Memorandum of Understanding with the Folsom Historic District Association (FHDA) for Operation of an Ice Rink on City Property
2. Historic District Rental Zones and Fee Schedule
3. Proposed Memorandum of Understanding

Submitted,

Zachary Perras, Municipal Landscape Services Manager

ATTACHMENT 1

RESOLUTION NO. 11035**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE FOLSOM HISTORIC DISTRICT ASSOCIATION (FHDA) FOR OPERATION OF AN ICE RINK ON CITY PROPERTY**

WHEREAS, the Folsom Historic District Association (“FHDA”) has sponsored and operated an ice rink on the Folsom Historic District Station Plaza over the past several years; and

WHEREAS, the areas where FHDA operated the ice rink on the Folsom Historic Station Plaza are owned by the City of Folsom (“City”); and

WHEREAS, FHDA desires to continue to make this venue available during the holiday season; and

WHEREAS, the City has historically provided the FHDA with the ability to utilize City property in the Historic District for this venture through a written contract; and

WHEREAS, both the FHDA and the City agree that the continuation of the annual ice rink would attract patrons to the Historic District and be of benefit to tourism, the local economy, and the residents of Folsom; and

WHEREAS, FHDA would like to provide its rink vendor with an assurance for using the Historic District property for an ice rink for a term that is longer than an annual use permit; and

WHEREAS, the City and FHDA agree during the term of this MOU, but no later than August 31, 2023, to negotiate in good faith regarding fair and equitable rental fees for the exclusive use of city property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the City Manager is hereby authorized to execute a Memorandum of Understanding with the Folsom Historic District Association for operation of an ice rink on City property.

BE IT FURTHER RESOLVED that property rental fees, once negotiated by City staff and FHDA under the MOU for use of City property to operate an ice rink, shall be subject to City Council consideration and approval.

PASSED AND ADOPTED this 9th day of May 2023, by the following roll-call vote:

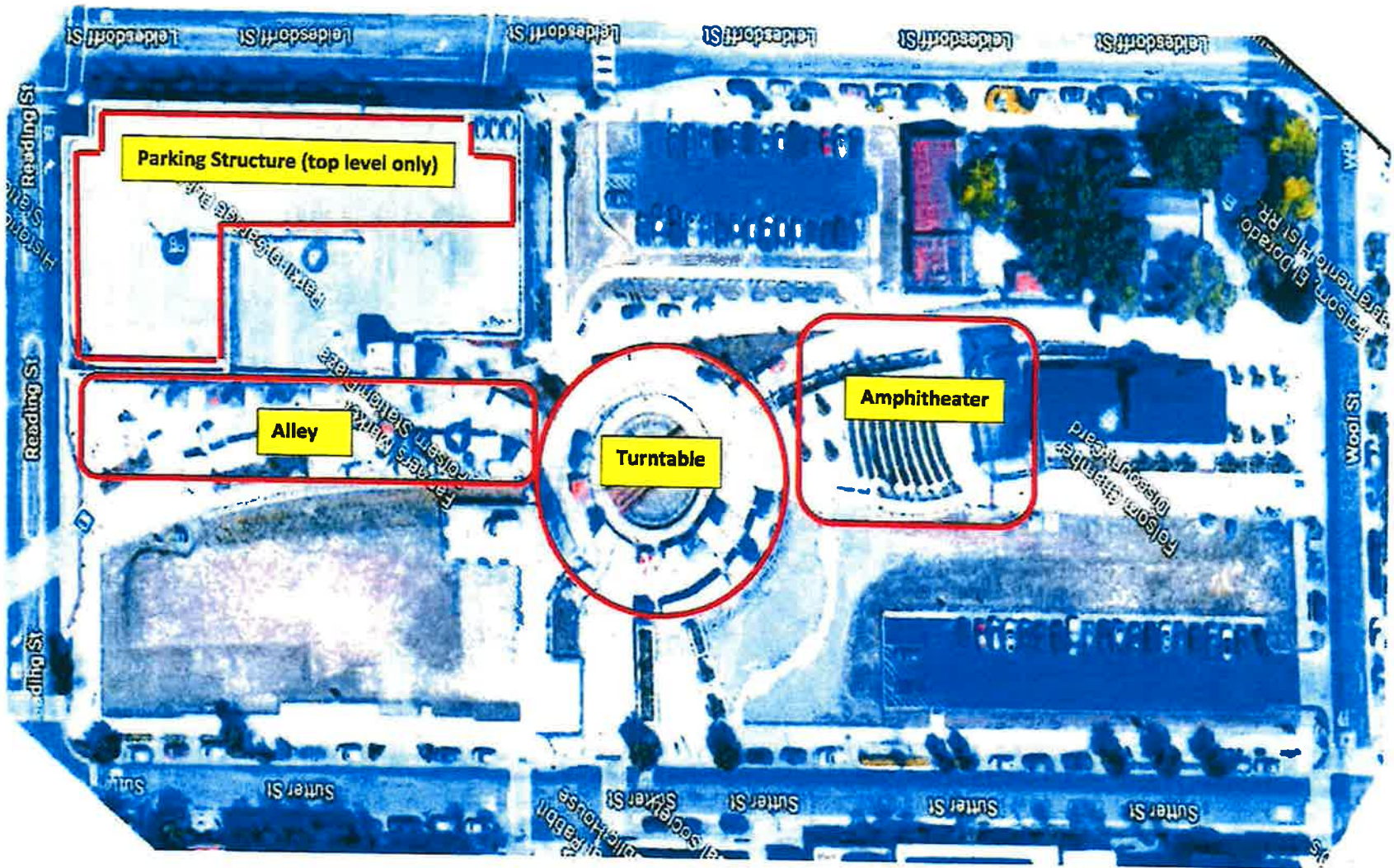
AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s)
ABSTAIN: Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2



Fee Schedule



PARKS & RECREATION | 50 NATOMA STREET, FOLSOM, CA 95630 | WWW.FOLSOM.CA.US

FOLSOM
CITY OF
DISTRICTS BY NATURE

Parks & Recreation Department Community Facilities Fee Schedule

Facilities

	Non-Resident Fee per hour	Resident Fee per hour	Capacity (banquet)
Community Center Ballroom	\$260	\$180	560
Community Center East Room	\$130	\$95	233
Community Center West Room	\$130	\$95	275
Community Center R.G. Smith Room	\$55	\$45	50
Robert H. Miller III Rotary Clubhouse	\$100	\$80	128
<ul style="list-style-type: none"> • Fridays and Saturdays- 8-hour minimum/ Sundays through Thursdays- 4-hour minimum • Additional fees may apply for events serving food. • Government Agency discounts available. • Folsom Non-Profit groups receive a special rate Sun-Thu (Mon-Thu @ Rotary Clubhouse) • General Liability Insurance required for indoor facility rentals 			

Outdoor Venues

	Rate	Add-on Rate*
Dan Russell Rodeo Arena	\$1,500 per day	(Includes the day before for setup and day after for clean-up)
Zittel Family Amphitheater	\$175/hr.	
Turntable	\$125/hr.	\$100/hr.
Alleyway	\$75/hr.	\$50/hr.
Parking Structure (top floor only)	8 Hour Block \$2,500	12 Hour Block \$3,000
<ul style="list-style-type: none"> • Add-on hourly rate applies when venue is rented along with Zittel Family Amphitheater 		

Park Pavilions

	Daily Rate (up to 8 hours between 9am-8pm)	Capacity
Folsom City Lions Park Gazebo	\$250	40
Folsom City Lions Park Pavilion	\$250	200
Lew Howard Park Pavilion	\$250	200
Livermore Park Pavilion (near sand courts)	\$250	70
John Kemp Park Pavilion (blue side)	\$250	45
<ul style="list-style-type: none"> • Reservations must be placed 7 days or more in advanced. No reservations on holiday weekends 		

FOLSOM, CA – INCORPORATED 1946

ATTACHMENT 3

DRAFT
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF FOLSOM AND
THE FOLSOM HISTORIC DISTRICT ASSOCIATION
REGARDING THE USE OF CITY PROPERTY
FOR AN ANNUAL ICE RINK

WHEREAS, the Folsom Historic District Association (“FHDA”) has sponsored and operated an ice rink on the Folsom Historic District Station Plaza over the past several years; and

WHEREAS, the areas where FHDA operated the ice rink on the Folsom Historic Station Plaza are owned by the City of Folsom (“City”); and

WHEREAS, FHDA desires to continue to make this venue available during the holiday season; and

WHEREAS, the City has historically provided the FHDA with the ability to utilize City property in the Historic District for this venture through a written contract; and

WHEREAS, both the FHDA and the City agree that the continuation of the annual ice rink would attract patrons to the Historic District and be of benefit to tourism, the local economy, and the residents of Folsom; and

WHEREAS, FHDA would like to provide its rink vendor with an assurance for using the Historic District property for an ice rink for a term that is longer than an annual use permit.

NOW, THEREFORE, the parties enter into this Memorandum of Understanding (“MOU”) as set forth below:

1. The City will provide FHDA with the exclusive right to use the real property identified as the plaza turntable, and generally depicted on Exhibit A, subject to certain conditions and restrictions as set forth herein, and as from time to time established through the special event permitting process, for the sole purpose of operating an ice rink in the Folsom Historic District during the times set forth in this MOU. The City may alter or modify the area(s) reserved as needed for access or other issues that may arise from year to year. FHDA will contract with a vendor to use the ice rink consistent with City conditions and requirements.
2. The ice rink is currently contemplated to be around the Historic District turntable. The City will provide FHDA use of the area described in Exhibit A for this purpose and for ancillary services consistent with the ice rink (e.g., ticket booth, skate rental, beverage stand). Any other activities which are not ancillary to the ice rink operation

shall require a separate agreement or special use permit.

3. The ice rink would operate annually from approximately November 10 (Veterans Day weekend) through January 10 (MLK Day) of each year of the MOU. The City would make the property available to FHDA for this exclusive purpose from approximately October 5 to opening day on November 10 to allow time for set up, and from the last day of operation on January 10 until January 31 for break down and restoration of the property. The total time of exclusive use is October 5 to January 31 or approximately 3.75 months.
4. This MOU would permit FHDA to use of the City's real property identified in Exhibit A, under the terms and conditions described herein, beginning on or about October 5, 2023, and ending on or about January 31, 2028. This MOU will not be effective until it is executed by all parties and approved by the Folsom City Council.
5. FHDA shall be solely responsible to arrange for and pay any and all costs associated with the ice rink, including, but not limited to, contracting with any and all vendors to provide the ice rink, power, City garbage service, City water service, insurance, marketing, security, trash pickup in and around the facility, restoration and repair of the premises including but not limited to, concrete, railings, and landscaping at the end of the season, staffing and compliance with any and all laws and regulations. The City shall in no event be responsible in any manner whatsoever for any aspect of the ice rink.
6. FHDA shall be solely responsible for any safety and/or Americans with Disability Act or state disability law requirements associated with the ice rink, including access, handrails, maintenance, and compliance with state and federal laws and regulations.
7. FHDA shall not operate the ice rink until and unless it has obtained all licenses, permits, qualifications and approvals legally required under this MOU and state and federal laws and regulations. FHDA represents and warrants to City that FHDA shall, at its sole cost and expense, obtain and/or keep in effect at all times during the term of this MOU any licenses, permits, and approvals which are legally required for the ice rink to operate, and will require the same of any vendors with which FHDA contracts for the operation of the ice rink.
8. FHDA's rights and obligations under this MOU are not assignable or transferable without the prior written approval of the City.
9. FHDA shall possess no authority with respect to any City decision and no right to act on behalf of City in any capacity whatsoever as agent, or to bind City to any obligations whatsoever.
10. FHDA shall indemnify, protect, defend, save and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of FHDA or its officers, employees, agents, volunteers,

contractors, and subcontractors during performance of this MOU, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of FHDA or its officers, employees, agents, volunteers, contractors, or subcontractors, or by the quality or character of FHDA's work or activities, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. It is understood that the duty of FHDA to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under any permit or this MOU does not relieve FHDA from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this MOU, FHDA acknowledges and agrees to the provisions of this Section and that it is a material element of consideration

11. Each year, no later than August 5 (approximately 60 days prior to use of the location), FHDA shall apply for a Special Event Permit from the City, and shall therein specify the exact days of operation, associated vendors for the season, provide current insurance, parking and traffic plans, and comply with all requirements for the issuance of such a permit. The City shall have the right to specify any additional conditions of operation for the ice rink prior to issuing the permit. In no event shall FHDA be allowed to operate the ice rink without a current and valid Special Event Permit.
12. FHDA shall maintain insurance coverage and provide evidence of that coverage as required under the Special Event Permit during the time it annually uses the real property.
13. FHDA may terminate this MOU by providing thirty (30) days written notice to City. City may terminate this MOU for cause by providing thirty (30) days written notice to FHDA such as, for example, FHDA's breach of any provision of this MOU or a permit related to this MOU, or the City's inability to continue to make the subject real property available pursuant to the terms and conditions herein, regardless of the cause.
14. Development and use of the Historic District, other events, or the need of the City to use its property, may, from time to time, affect the operation of the ice rink, or may require the closure of the ice rink earlier than contemplated, or during the season of operation of the ice rink. The parties agree to coordinate schedules and any planned work to minimize interference with the ice rink operations. The City agrees to make every reasonable effort to prevent any such closure, but both parties acknowledge that such closure may become necessary. The parties will endeavor to address any operational issues each year with the Special Event Permit. Should any such closure or alteration of ice rink operations occur as described herein, there shall be no money due or owing to FHDA or its ice rink vendor by the City for the closure/alteration period.

15. The parties acknowledge that there is a potential for construction to occur on the Historic District Station Plaza and surrounding properties during the term of this MOU. Such construction may create noise, dust, traffic, or other activities that might affect the ice rink operation. FHDA and its ice rink operator acknowledge, in advance, that construction and related effects from it may exist, and agree that there shall be no City liability connected with such construction or related construction activities.
16. Any modification or amendment of any provision of this MOU shall be in writing and must be executed by all parties.
17. Notice: FHDA shall transmit any notices required under this MOU to City as follows:
 Department of Parks and Recreation
 City of Folsom
 50 Natoma Street
 Folsom, CA 95630
- City shall transmit any notices required under this MOU to FHDA as follows:
 FHDA
 Executive Director
 P.O. Box 515
 Folsom, CA 95763
18. Waiver: In the event that either City or FHDA shall at any time or times waive any breach of this MOU by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or any other covenant, condition, or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.
19. Venue: This MOU and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Sacramento.
20. Enforceability: If any term or provision of this MOU is found to be void, voidable, invalid, or unenforceable by a court of competent jurisdiction under the laws of the State of California, any and all of the remaining terms and provisions of this MOU shall remain binding.
21. Time: All times stated herein are of the essence.
22. Binding: This MOU shall bind and inure to the heirs, devisees, assignees, and successors in interest of FHDA and to the successors in interest of City in the same manner as if such parties had been expressly named herein.
23. Survivorship: Any responsibility of FHDA for warranties, insurance, indemnity, or compliance with laws with respect to this MOU shall not be invalidated due to the

expiration, termination, or cancellation of this MOU.

24. This instrument and any attachments hereto constitute the entire agreement between the City and FHDA concerning the subject matter hereof and supersedes any and all prior oral and written communications between the parties regarding the subject matter hereof.
25. During the Term of this MOU, but no later than August 31, 2023, the parties agree to negotiate in good faith regarding fair and equitable rental fees for the exclusive use of City property.

-END OF TEXT – SIGNATURE PAGE IMMEDIATELY FOLLOWS-

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed.

FOLSOM HISTORIC DISTRICT ASSOCIATION:

(If a corporation, must be signed by two officers of the corporation per Corporations Code section 313.)

Date Tax I.D. Number

Signature Signature

Print Name Print Name

Title Title

CITY OF FOLSOM, A Municipal Corporation:

Date Elaine Andersen, City Manager

ATTEST:

FUNDING AVAILABLE:

Christa Freemantle, City Clerk Date Stacey Tamagni, Finance Director Date

ORIGINAL APPROVED AS TO CONTENT:

ORIGINAL APPROVED AS TO FORM:

Director of Parks and Recreation Date Steven Wang, City Attorney Date

NOTICE: SIGNATURE(S) ON BEHALF OF FHDA MUST BE NOTARIZED.

A certificate of acknowledgment in accordance with the provisions of California Civil Code section 1189 must be attached for each person executing this agreement on behalf of consultant. This section provides, at part (b): "Any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgment is made."