

Meeting Minutes
of
November 12, 2013

The Closed Session was called to order by Mayor Stan Nader at 4:30 PM at Lincoln City Hall, First Floor, City Manager's Conference Room to discuss the following items:

CLOSED SESSION:

- A.** Conference with Legal Counsel--Existing Litigation
Government Code Section 54956.9(a)
Name of Case: Jason Maschmeyer v. City of Lincoln
Worker Compensation Appeal Board Case No: ADJ7850463
- B.** Conference with Legal Counsel--Existing Litigation
Government Code Section 54956.9(a)
Name of Case: Ace Body Shop and Towing, Inc. et. al. v. City of Lincoln, et al.,
Placer County Superior Court Case No. SCV0030882
- C.** Conference with Legal Counsel – Anticipated Litigation.
Significant exposure to litigation pursuant to Government Code section
54956.9(b) (Two Potential Cases)
- D.** Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Property Description: 2275 Hwy 193, Lincoln, Lincoln, CA
APN: 031-272-023-000
City Negotiators: Jim Estep, City Manager
Mark Miller, Community Development Director
Negotiating Parties: Chris Steele, Andrew Sackheim – East Lincoln
Associates, LLC
Harry Elliot, Price Walker – Elliot Homes, Inc.
Under Negotiation: Price and Terms
- E.** Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to Government Code Section 54956.9(c)
(Two Potential Cases)

The regular meeting of the Lincoln City Council and Lincoln Redevelopment Successor Agency was called to order by Mayor Stan Nader at 6:00 PM.

Roll Call Present: Councilmembers: Spencer Short, Peter Gilbert, Paul Joiner, Gabriel Hydrick, Mayor Pro tem and Mayor Stan Nader.

Also Present: Jim Estep, City Manager; Jonathan Hobbs, City Attorney; Mark Miller, Community Development Director; Mike Davis, Fire Department; Rex Marks, Chief of

Police and Patricia Avila, City Clerk. Various staff members and public visitors were also in attendance.

Pledge of Allegiance

The Pledge of Allegiance was led by Lincoln resident Vic Freeman.

Invocation

The invocation was given by Doug Bouws, Pastor of Hospitality, *Granite Springs Church*.

Mayor Nader announced there were no reportable actions from Closed Session.

Presentations

A. Thermalands Sportsmans Club Request for Fee Waiver and Possible Action on Request – *Robbie Noyes*

Robbie Noyes, Thermalands Sportsmans' Club, addressed Council once again asking for a waiver of rental fees for use of the pavilion for a fundraiser to benefit Ellie Wiswell, a local 8-year-old girl diagnosed with cancer. Council agreed that policy should be upheld, but also agreed to supporting a waiver. Councilman Paul Joiner said, "some situations called for exceptions" and Councilmember Short said "sometimes we have to balance human needs with those of the community." Short suggested that the Council charge \$450 instead of the usual \$915. Motioned by Councilmember Gilbert and seconded by Councilmember Short to reduce the rental fee rate to \$450.

APPROVED BY COUNCIL

Byron Chapman, Lincoln resident, congratulated Council for their decision to reduce the rental fee and contributed \$100 towards the fundraiser, handing Mr. Noyes a \$100 bill with Mayor Nader matching the \$100.

B. Art League of Lincoln's Annual Members' Meeting Request for Fee Waiver and Possible Action on Request – *Paul Apfel*

Paul Apfel, Art League of Lincoln's President, requested a fee waiver of \$120 for use of the newly remodeled Civic Center. A \$40 per hour rental fee for nonprofit

groups are charged for weekday use. The Art League rented the Civic Center for their Annual Members meeting which is scheduled for this evening.

C. Art League of Lincoln's Gladding McBean Retrospective Show Request for Fee Waiver and Possible Action on Request – *Paul Apfel*

Mr. Apfel also discussed the upcoming 2014 America's Clayfest and the use of the Civic Center for this month-long event, also asking for fees to be waived. After much discussion on whether or not to "tie up" the facility for a month, with no fees being paid was something Council could not make a decision on at this meeting. Mr. Apfel asked Council to consider a refund of \$120 in rental fees and to waive fees for the Art League's future events.

Motioned by Councilmember Short and seconded by Councilmember Gilbert to deny the reimbursement of rental fees in the amount of \$120 and to appoint an Ad Hoc Committee of two Council members (Joiner/Hydrick) working with the Parks/Recreation Committee and the Art League of Lincoln to find a location for the 2015 America's Clayfest.

APPROVED BY COUNCIL

CONSENT AGENDA

Mayor Nader announced that Items 6.1C, 6.1D, 6.2B, 6.2C and 6.2G would be removed from the Consent Agenda.

Motioned by Councilmember Joiner and seconded by Councilmember Short to approve the balance of the Consent Agenda. Those items approved:

6.1 CITY MANAGER'S DEPARTMENT

- A.** Approve Minutes of the October 22, 2013 Regular Meeting and the November 7, 2013 Special Meeting.
- B.** Adopt **Resolution 2013-235** receiving/filing the Warrants of October 18, October 25 and October 30, 2013.

6.2 COMMUNITY DEVELOPMENT DEPARTMENT

- A. Adopt **Resolution 2013-238** Authorizing the City Manager to Execute the Contract for Services with Willdan, Inc. in the amount of \$83,000 for On-call Plan Check, Map Check and Traffic Engineering Services from Developer Funded Accounts (Fund 248).
- D. Adopt **Resolution 2013-240** Authorizing the City Manager to Execute Program Supplement Agreement No. 012-N to Administering Agency-State Agreement for Federal Aid Projects No. 03-5089R for Preliminary Engineering for Phase II of the Lincoln Boulevard Improvements Project in the Grant Funded amount of \$114,000.
- E. Adopt **Resolution 2013-241** Approving the Final Subdivision Map and Authorizing the City Manager to Sign the Subdivision Improvement Agreement for Sorrento Village 4; **Resolution 2013-242** Approving the Final Subdivision Map and Authorizing the City Manager to Sign the Subdivision Improvement Agreement for Sorrento Village 8; **Resolution 2013-243** Authorizing the City to Accept Two Grant Deeds from Meritage Homes of CA, Inc. for Sorrento Village 4, Lots "B," "C" and "D" and Sorrento Village 8, Lots "A" and "B" for Landscape Lots; *and* **Resolution 2013-244** Authorizing the City Manager to Accept a Grant of Easement for Off-site Waterline and Drainage Purposes Associated with the Development of Sorrento Village 4.
- F. Adopt **Ordinance 888B** Amending Sections and Adding Sections to Title 13, Lincoln Municipal Code as it Relates to Water and Wastewater Services. *(second reading/adoption)*
- H. Adopt **Resolution 2013-246** Approving the Amendment to the Purchase and Sales Agreement between the City of Lincoln and Lewis Land Developers, LLC for the Former Wastewater Treatment Site of Approximately 192.8 Acres and Authorizing the City Manager to Execute the Amendment.
- I. Adopt **Resolution 2013-247** Authorizing the City Manager to Execute a Grant Deed Transferring a Portion of the Former Lincoln Wastewater Treatment Plant Site to the Western Placer Unified School District; *and* **Resolution 2013-248** Authorizing the City Manager to Execute a Grant Deed Transferring a Portion of the Former Lincoln Wastewater Treatment Plant Site to Lewis Land Developers, LLC with Reservations for Easements and Rights of Way.
- J. **Ordinance 889B** Adopting the 2013 CA Construction Codes Adoption Cycle, Amendments to Title 15, Chapters 15.04 and 15.06 of the Lincoln Municipal Code. *(introduction/first reading)*
- K. Adopt **Resolution 2013-249** Authorizing the City Manager to Execute Payment to the Lincoln Crossing Recreation Development Foundation in the amount of \$37,993 for Reimbursement for Professional Services Associated with the Development of Jimenez Park.

6.3 FIRE DEPARTMENT

- A.** Adopt **Resolution 2013-250** Accepting an Offer of \$525,000 from the City of Lodi for the Sale and Transfer of the Fire Department's 2007 American LaFrance Ladder Truck and Authorizing the City Manager to Prepare and Execute all Documents and Take all Actions Reasonably Necessary to Complete and Finalize the Sale of the Ladder Truck.

ITEM(S) REMOVED FROM CONSENT AGENDA

6.1 CITY MANAGER'S DEPARTMENT

- C.** Adopt **Resolution 2013-236** Authorizing the City Manager to Execute a Three-Month Lease Agreement with AARP, at a Cost of \$1 Per Term of Lease for Use of a Portion of the Third Floor in City Hall.

This item was removed by Councilmember Hydrick to discuss separately regarding the cost of the three-month lease. Mark Burke, local coordinator, addressed Council stating how beneficial the program was to low- to middle-class income taxpayers in the greater Lincoln area by offering tax service at no charge. Councilmember Hydrick supported the program, but wished to keep to the City's approved Master Fee Schedule. Councilmembers Joiner and Short were in support of the lease with AARP.

Motioned by Councilmember Gilbert and seconded by Councilmember Short to adopt **Resolution 2013-236** Authorizing the City Manager to Execute a Three-Month Lease Agreement with AARP, at a Cost of \$1 Per Term of Lease for Use of a Portion of the Third Floor in City Hall.

APPROVED BY COUNCIL

- D.** Adopt **Resolution 2013-237** Authorizing the City Manager to Execute a Contract for Services with Municipal Resource Group, LLC for Professional Human Resources Services.

Councilmember Hydrick removed this item for clarification regarding whether or not an RFP was done and his concern over the recurrent use of Municipal Resource Group, LLC. City Manager Estep responded that an RFP had not been completed due to the urgency and that there were a very limited number of companies that do this.

Motioned by Councilmember Hydrick and seconded by Councilmember Gilbert to adopt **Resolution 2013-237** Authorizing the City Manager to Execute a Contract for Services with Municipal Resource Group, LLC for Professional Human Resources Services.

APPROVED BY COUNCIL

Items 6.2B and 6.2C will be discussed simultaneously as there is significant crossover in the two items.

6.2 COMMUNITY DEVELOPMENT DEPARTMENT

- B.** Review of Status Report for Regional Water Quality Control Board on Closed Landfill and Discussion of Remediation Alternatives.

Staff asked to pull this item for discussion. Mark Miller, Community Development Director presented this item.

- C.** Adopt **Resolution 2013-239** Authorizing the City Manager to Execute a Contract for Services with Holdrege & Kull to Provide Waste Discharge Requirements Compliance and Remediation of the City's Closed Landfill and Appropriate an Additional \$122,330 to Complete the Scope of the Project in an amount not to exceed \$308,330.

Staff asked to pull this item for discussion. Wes Heathcock presented this staff report and introduced Tom Holdrege of Holdredge & Kull.

Council reviewed a status report for the Regional Water Quality Control Board and discussed remediation alternatives for the closed Virginiatown landfill. Councilmember Short asked why City Staff indicated to the board that the City would be pumping the leachate from the dump site and putting that into the sewer system. Further, Councilmember Short asked why City Staff approved this methodology in spite of the fact that the Council never gave that direction. Further still, Councilmember Short asked why the proposal that went out to award the contract which was in front of the Council did not include any other treatment options and why there was no cost-benefit analysis of the other options including over-excavation among other options. City Manager Estep said the City does not have the funds to complete any of the options stated. Mark Miller, Community Development Director, reported that Holdrege & Kull are the fourth consultants to work on the project and that Staff was not satisfied with

prior reports regarding remediation of the toxic issues at the landfill. The City needs the best information possible to make its decision.

Tom Holdrege, with Holdrege & Kull, said there may be more options for the City to explore and believed it was in the best interest of the City to step back and take another look at the research data.

Motioned by Councilmember Gilbert and seconded by Councilmember Joiner to adopt **Resolution 2013-239** Authorizing the City Manager to Execute a Contract for Services with Holdrege & Kull to Provide Waste Discharge Requirements Compliance and Remediation of the City's Closed Landfill and Appropriate an Additional \$122,330 to Complete the Scope of the Project in an amount not to exceed \$308,330, ***with no funds to be spent beyond the \$46,760 without Council's approval.*** Roll Call vote:

AYES:	COUNCILMEMBERS:	Gilbert, Joiner, Hydrick, Nader
NOES:	COUNCILMEMBERS:	Short
ABSENT:	COUNCILMEMBERS:	

APPROVED BY COUNCIL, with amended language.

G. Adopt **Resolution 2013-245** Authorizing the Execution of a First Supplemental Indenture Providing for the Issuance of the City of Lincoln CFD 2005-1 (Sorrento Project) Special Tax Bonds; Approving a Bond Purchase Contract Providing for the Sale of Such Bonds; Approving an Official Statement; Approving a Continuing Disclosure Agreement; Authorizing the Sale of Such Bonds; and Authorizing Necessary Actions and the Execution of Other Documents in Connection Therewith.

This item was pulled from the consent agenda by staff who wished to present the staff report. Steve Ambrose, Financial Analyst, presented this staff regarding Community Facilities District No. 2005-01 (Sorrento Project) Special Tax Bonds.

Motioned by Councilmember Hydrick and seconded by Councilmember Gilbert to adopt **Resolution 2013-245** Authorizing the Execution of a First Supplemental Indenture Providing for the Issuance of the City of Lincoln CFD 2005-1 (Sorrento Project) Special Tax Bonds; Approving a Bond Purchase Contract Providing for the Sale of Such Bonds; Approving an Official Statement; Approving a Continuing Disclosure Agreement; Authorizing the Sale of Such Bonds; and Authorizing Necessary Actions and the Execution of Other Documents in Connection Therewith.

APPROVED BY COUNCIL

7. CITIZENS ADDRESSING THE COUNCIL

Russ Crocco, Lincoln resident, addressed Council regarding the road noise heard from Highway 193 caused by trucks “jake” breaking. He suggests asking Caltrans to use rubber in their asphalt to help muffle the noise next time they repave.

Jean Ebenholtz, Lincoln resident, extended “kudos” to Council and staff for the recent Standard & Poor’s Rating Services upgrade of the City’s investment grade “A” rating to a “AA minus” -- referring to the recent Sacramento Bee article.

8. STAFF REPORTS - *none*

9. PUBLIC HEARINGS

9.1 COMMUNITY DEVELOPMENT DEPARTMENT

A. 2013-2021 Housing Element

George Dellwo, Community Development, presented this staff report regarding the City’s 2013-2021 Housing Element Update of the General Plan. As required by CA law, every jurisdiction in CA must adopt a General Plan and every General Plan must contain a Housing Element. CA law states that jurisdictions must update their Housing Elements every five years. Staff has taken the necessary steps to adhere to the deadline for updating the City’s Housing Element by submitting to the CA Department of Housing and Community Development (HCD) for review and certification by October 30, 2013. HCD completed its review of the *draft* Housing Element Update and staff has incorporated all of HCD’s comments. The City’s Planning Commission took action on October 16, 2013 to recommend to the City Council approval of the Housing Element as updated. Jennifer Gastelum, PMC, presented a PowerPoint presentation highlighting the Housing Element’s requirements, importance of compliance, State Law requirements, Regional Housing Needs Allocation, Lincoln Regional Housing Needs Allocation, HCD requested revisions, Housing Element programs with timelines and Housing Element Update schedule.

Mayor Nader opened/closed the public hearing at 9:05 PM with no comment. Motioned by Councilmember Joiner and seconded by Councilmember Short to adopt

Resolution 2013-251 adopting the Updated 2013-2021 Housing Element of the General Plan of the City of Lincoln.

APPROVED BY COUNCIL

B. Vacation of a Portion of the Public Utility Easement within Sorrento Parkway

Staff recommends that this item, properly noticed for a required public hearing on November 12, 2013, be continued to a date and time certain of December 10, 2013 at 6:00 PM by motion of the City Council.

Motioned by Councilmember Gilbert and seconded by Councilmember Short to continue this item until a date and time certain of December 10, 2013 at 6 PM.

APPROVED BY COUNCIL

10. COUNCIL INITIATED BUSINESS

A. Consider and Ratify Appointment of Councilmember Hydrick to the Parks/Recreation Committee as a Non-voting Member.

Motioned by Councilmember Short and seconded by Councilmember Joiner to approve the appointment of Councilmember Hydrick to the Parks/Recreation Committee as a non-voting member.

APPROVED BY COUNCIL

B. Mayor Nader provided the status and follow-up process for the Strategic Plan making note of those items that have revision dates.

C. Other Business

Councilmember Hydrick encouraged residents to become members of Friends of the Lincoln Library (FOLL) in support of their efforts.

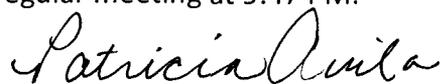
Councilmember Joiner stated that he and the Mayor had met with Kris Wyatt and Paul Carras of the WPUUSD Board of Directors to discuss the joint efforts of the City and the District. It was agreed that they would like to continue discussions in a setting much like that of the Placer City/County Officials dinner. Mayor Nader will provide a contact for staff.

Mayor Nader asked for consensus to bring an item forward on the next agenda regarding a resolution in support of the CA Water Agencies' Statewide Water Action Plan. Consensus was provided.

COUNCIL COMMITTEE REPORTS

Councilmember Short reported on the Finance, Investment and Retirement Authority Board meetings recently held. The Investment report for the quarter ended September 30, 2013 was provided at the Retirement Authority Board; the Annual review of the City's Investment Policy was reviewed and approved at the Investment Committee meeting. At the Finance Committee meeting a review of the finance reports for the FY ended June 30 and September 30, 2013 were reviewed as well as the Development Services Fund, GASB 45 actuarial valuation and the recent credit rating by Standard/Poor's. Short reported that he and Mayor Nader will be attending a meeting with two members from each agency regarding the regional sewer project. Councilmember Short and staff met with the United Auburn Indian Community regarding their interest in the City servicing their water and wastewater needs to the casino. Councilmember Gilbert reported on the Streets Committee recently held where an update on the AT&T Utility signoff delay to the Nelson Lane Project was discussed as well as an update on the Sun City stop sign survey and request for traffic enforcement and an update on the Flightline Drive paving and ongoing roadway crack sealing projects. Gilbert announced that the Economic Development Committee (EDC) will be holding a joint workshop tomorrow with the City Council. Councilmember Joiner attended the City/Chamber meeting where discussions included: Sports Complex, Leadership Lincoln, Study Mission to Lodi and the Economic Development Forum. Joiner attended the SACOG transportation meeting where no items were related to Lincoln. Councilmember Hydrick reported on the LAB meeting expressing his concerns over the departure of Sierra College and now there will only be two entities sharing the cost of the library. The WPUSD will be providing some funding for the library to purchase library books and materials. Mayor Nader added to both the LAB and Chamber/City meeting reports stating that the Sutter Respite program being held at the library is a good program and reported on the Lodi fieldtrip and Paradise Laundry.

With no further business, Mayor Nader entertained a motion to adjourn the regular meeting at 9:47 PM.



Patricia Avila, City Clerk