



**TOWN OF LOOMIS**  
**ACTION MINUTES**  
**REGULAR MEETING OF**  
**LOOMIS TOWN COUNCIL**  
**LOOMIS DEPOT**

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

**TUESDAY**

**DECEMBER 8, 2009**

**7:00 P.M.**

**CALL TO ORDER** Call to order by Mayor Scherer at 7:03 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present:

Mayor Scherer  
Councilmember Kelley  
Councilmember Liss  
Councilmember Morillas  
Councilmember Ucovich

**AT THIS TIME SELECTION OF MAYOR AND MAYOR PRO TEMPORE FOR THE TERM DECEMBER 2005 THROUGH THE SEATING OF THE NEW MAYOR AT THE BEGINNING OF THE FIRST REGULAR MEETING OF DECEMBER 2006 WILL OCCUR.** (Need motion for both appointments)

A motion was made to appoint Councilmember Liss as Mayor and Councilmember Morillas as Vice Mayor for 2010. On motion by Councilmember Ucovich, seconded by Mayor Scherer and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich  
Noes: None

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**AT THIS TIME THE NEW MAYOR WILL GIVE RECOGNITION TO THE OUT GOING MAYOR**

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**TAKE A 10 MINUTE RECESS FOR REFRESHMENTS**

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**DURING HIS TERM AS MAYOR FOR THE 2010 YEAR COUNCILMEMBER LISS WANTED THE COUNCIL TO BE AWARE OF THE FOLLOWING PRIORITIES THAT HE WOULD LIKE TO ENCOURAGE:**

1. **Green Ribbon Task Force** – Help Loomis residents, businesses and the Town be more sustainable and benefit from the new Green Economy.
2. **Shed to Shed** – Continue the focus on the downtown, including completing the MIG study, designing and constructing the downtown park, and promoting downtown businesses with more festivals, events and ILoveLoomis.com.
3. **Better Borders** – Continue to resolve impacts from developments in neighboring communities beyond litigation.

**RECOGNITIONS/PROCLAMATIONS**

Loomis Assembly of God Royal Rangers

**MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS**

Councilmember Ucovich suggested the following future agenda items:

- directional signage throughout Town to direct people to the downtown
- discuss Assemblyman Gaine's progress with Caltrans so we can get an identification sign on Interstate 80 for the local businesses in Loomis (similar to the one in Penryn)

Councilmember Kelley stated the following:

- reminded everyone that the Christmas Basket program is in progress and will continue until December 19<sup>th</sup> and all items can be left at the Blue Goose
- Thursday night at 5:30 p.m. at the Blue Goose is the Chamber mixer and their goal is to raise \$5000 for the Christmas basket program

Councilmember Scherer wished everyone a very Merry Christmas and a safe and happy New Year.

**All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.**

**Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.**

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.**

Lisa Pytorak, 4255 Dias Lane, stated the following:

- she was pleased to hear that some progress has been made with Rocklin in court as far as the judgment regarding a 24/7 operation for Rocklin Crossings
- she is concerned in this economic climate with subdivisions that sit empty and doesn't want to see that happen across the street from her
- asked if the Town could communicate the message that this would be a bad time for a half empty subdivision and a half empty commercial center

Jeremy Sutter, Legacy Lane, stated the following:

- he talked to staff and did some reading about the litigation that is going on and found out that it has been unsuccessful at this point
- the Town has paid over \$125,000 for outside counsel costs on three lawsuits and this doesn't include staff time
- the judge only said there was a failure to do an alternative for less than 24/7 operation
- this is a great opportunity to rethink what we are doing with our litigations, now is the time to change directions

**ADOPTION OF AGENDA:** Council will typically adopt the agenda in the order listed or modify the order in a way that can best accommodate the time of people in attendance who wish to speak on particular items.

A motion was made to adopt the Agenda pulling items 15, 18, 19 and 20 forward after consent. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

**OPPORTUNITY TO COMMENT ON CONSENT CALENDAR:** All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to continue item 7 to the January Council meeting and adopt the amended Consent Agenda pulling item 12 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

## CONSENT AGENDA

## RECOMMENDED ACTION

- |                                      |                         |
|--------------------------------------|-------------------------|
| 1. Council Minutes – 11/10/09        | <i>APPROVE</i>          |
| 2. Monthly Check Register – November | <i>RECEIVE AND FILE</i> |
| 3. Statement of Activity             | <i>RECEIVE AND FILE</i> |
| 4. Treasurer's Report                | <i>RECEIVE AND FILE</i> |
| 5. Planning Status Report            | <i>RECEIVE AND FILE</i> |
| 6. 2009/10 Goals Update              | <i>RECEIVE AND FILE</i> |

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|-----|--|---|
| 7.  | A Resolution Of The Town Council Of The Town Of Loomis Approving A Memorandum Of Understanding With The Loomis Public Works Employee's Bargaining Unit (Operating Engineers, Stationary Local no. 39)  | <i>ADOPT RESOLUTION</i><br>Continued to January |
| 8.  | Mayor's Recommendations On Committee Assignments   | <i>APPROVE</i>                                  |
| 9.  | Select Rocklin Development Projects Update   | <i>RECEIVE AND FILE</i>                         |
| 10. | A Resolution Of The Town Council Of The Town Of Loomis Awarding The Engineering Design Services To RSC Engineering Of Roseville California And Authorizing Town Manager To Prepare An Agreement Acceptable To The Town Attorney For The Magnolia Street Drainage Project In The Amount of \$25,000 | <i>ADOPT RESOLUTION</i><br>Resolution 09-40     |
| 11. | A Resolution Of The Town Council Of The Town Of Loomis Authorizing Submittal of Claims For Local Transportation Funds And State Transit Assistance Funds And Authorizing Town Manager To Execute   | <i>ADOPT RESOLUTION</i><br>Resolution 09-41     |

CONSENT ITEMS FORWARDED

- |     |  |                |
|-----|--|----------------|
| 12. | Tree Planting and Plaque for 25 <sup>th</sup> Town Anniversary | <i>APPROVE</i> |
|-----|--|----------------|

Councilmember Kelley stated the following:

- he would like to keep it simple
- everyone contributes to Loomis, they buy, they vote, they pay their taxes, etc.
- he would like to celebrate the people of Loomis

Lisa Pytorak pointed out that there were some punctuation problems in the wording for the plaque.

Kathren Seers, 3720 Sierra College, agrees with Councilmember Kelley's suggestion.

Councilmember Morillas suggested using the heading "Loomis Founder's Tree 1984-2009", with the seal, and "dedicating the tree to recognize the contributions of all of those who have given of themselves"

A motion was made to use the following wording for the plaque:

Loomis Founders' Tree  
1984 – 2009  
(Seal)

Dedicated to the contributions of all  
Those who have given of themselves

On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

At this time Council discussed item 15.

**PUBLIC HEARING**

This item was discussed after item 20.

Michael Littlejohn, 6050 Veria Way in Granite Bay, asked if the Green River Task Force will be discussed this evening.

Mayor Liss said no.

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|-----|--|-----------|
| 13. | <b><u>2006-2013 Housing Element Update</u></b> (Continued from 10/13/09) | TC 9/8/09 |
|-----|--|-----------|
- State law requires that communities accommodate their "fair share" of housing for all economic groups within the community. The Housing Element is the state-mandated General Plan element that addresses how the Town will strive to achieve its share of regional housing need within the assigned planning period. By Government Code 65588, the Town is required to update its Housing Element at specific times (was every five years, now changing to every eight years) by recent legislation (SB375) to conform to the Metropolitan Transportation Planning process).
- Recommended action:** Take public comment and continue to January 12, 2010
- Public comment:**

No public comment.

A motion was made to continue this item to January 12, 2010. On motion by Councilmember Scherer, Seconded by Councilmember Ucovich and passed by voice vote.

14. **Bikeway and Trails Master Plan**

Consider the Bikeway and Trails Master Plan

**Recommended action:** Take public comment and continue to January 12, 2010

**Public comment:**

No public comment.

A motion was made to continue this item to January 12, 2010. On motion by Councilmember Scherer, seconded by Councilmember Kelley and then there was question on the motion:

Mayor Liss stated that he would like to have the Park, Recreation and Open Space Committee consider this item at their next meeting.

Motion passed by voice vote.

At this time Council discussed item 16.

15. **Heritage Park Subdivision Reversion to Acreage**

The Heritage Park Subdivision has not initiated any building to complete the subdivision since receiving approval in 2006 and the Council approved initiating a reversion to acreage process at the October 13, 2009 meeting

**Recommended action:** Decide whether to: 1) give Warmington Homes six months to prepare project revisions acceptable to the Town Council and complete the improvement plans and post acceptable surety; or 2) approve resolution to revert the property to acreage as allowed by law

**Public comment:**

Council discussed item 15 after item 12.

Lincoln Layman, Warmington Homes Inc., stated the following:

- we entered into a contract with the owners of the property (California Capital Loans) to develop the property
- it will take several months just to purchase the property
- there ability to close will be predicated on whether there is a map to close on
- it's too early to say how many and what lots will be dedicated to the Town but they are prepared to have a discussion on this
- they will evaluate what will be the best use for a lot and whatever the market is at that time
- bonds are not easily come by and it is impossible to get a bond within 30 days, the best they could do is about 60 days
- we have to have a cushion to get everything in place
- they will not move dirt until they build a project
- he needs more specifics from staff to sort it all out before he can give a timing frame

Jean Wilson, 4301 Barton Road, stated the following:

- we have a better chance of having something happen there if we give him the six months he needs rather than let it revert and have someone come in fresh and start all over again
- six months is not unreasonable and if it doesn't work out then do the reversion at that time
- this has a potential to come in with a good project and one of the findings is that we don't lose dedicated land of significance
- having a road from Brace to Walnut street is a benefit to the Town

Brent Speckert, 2413 St Andrews Drive in Rocklin and represents the lender on the property, stated the following:

- they are looking at this as a secured piece of real estate and now the Council is proposing to take the value away
- they need to retain the value of the property and protect their position
- it has only been six weeks since they took possession of the property
- ask Council to approve the extension up to a year until they find a proper buyer

Kevin Stevens, represented previous owners of the property, stated the following:

- he supports Mr. Layman and Mr. Speckert
- staff needs to clarify who owns lots A, B and C and who owns the right of way from Stone Road to South Walnut connection
- the road connection would provide circulation and safe route to schools

Pat Miller, 4395 Gold Trail Way, stated the following:

- asked Council to look at this project from the point of view of the citizens who live in Loomis
- she doesn't see the urgency to proceed with development like this because the market is not there yet

Vic Markey, 5254 Taylor Road, stated the following:

- he supports reversion to acreage
- they cannot guarantee anything with the market now
- if we give them six months then we need measurable proof that they will do something

Councilmember Morillas stated the following:

- she would like to give them six months to see what they can do
- she would like to see the road connection completed
- this would be a chance to get a park

Councilmember Scherer stated the following:

- he would like to revert it to acreage
- he would not want to see any lots back up to the water and that would require major revisions to the subdivision
- to put a road across there would need Army Core of Engineers approval and that would take longer than six months

Councilmember Kelley stated the following:

- he likes the idea to be able to connect the two roads
- he is disappointed in the amount of time this has taken
- he is willing to give the lender six months to work with the developer

Councilmember Ucovich stated the following:

- we have seen the project sit here for 12 years
- he agrees that the lots backing up to the pond should be redone for better utilization of the open space
- regardless what happens with this project or any future project, we will have a connector roadway

Mayor Liss stated the following:

- there has been no testimonies stating that there is a problem with the current state of the property
- at the last Council meeting he asked the owner to come forward with some specifics on size and type of houses, a timeline, assurance on how this would be committed, and none of this has been done
- without any commitment tonight he doesn't see how, in good conscience, he can support anything but reverting to acreage

Dave Larsen, Town Attorney, suggested bringing this back at the next meeting with a resolution that addresses all of the findings and to make sure we do it right.

Following further discussion on the matter, a motion was made to direct staff to bring back a resolution to be adopted at the January Council meeting. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote, with Councilmember Kelley and Morillas voting no.

Recess at 9:05 p.m. to 9:15 p.m.

Council discussed item 20 at this time.

#### 16. Medical Marijuana Dispensaries Ordinance

Ordinance disallowing illegal uses including medical marijuana dispensaries

**Recommended action:** Introduce proposed ordinance, hold first reading

**Public comment:**

This item was discussed after item 14.

Vic Markey, 3254 Taylor Road, asked Council to look into prohibiting all cultivation of marijuana in Loomis

Councilmember Kelley stated that staff was previously asked to investigate prohibiting cultivation.

Dave Larsen pointed out that this is an involved matter but he will research it if Council wishes.

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 245, prohibiting illegal uses including medical marijuana dispensaries. On motion by Councilmember Scherer, seconded by Councilmember Morillas and passed by voice vote.

At this time Council discussed item 19.

## BUSINESS

#### 17. Green Ribbon Task Force

For the 2010 year Mayor Liss plans to name and chair an informal group called the "Green Ribbon Task Force" to address various sustainability issues, and asks for the Council's thoughts and ideas

**Recommended action:** Give the Mayor suggestions on things the task force should consider and names of people who may be interested to help with this ad hoc group

**Public comment:**

Continued to January 12, 2010.

18. **Park, Recreation and Open Space Committee Review**

At the November 2009 meeting Council requested a review of the Park, Recreation and Open Space Committee

**Recommended action:** Hear update and give direction as needed

**Public comment:**

Continued to January 12, 2010.

19. **Open Space Committee 2 Recommendations Review**

Council completed most of its review of Open Space Committee 2 recommendations however there were some items that were slated to return to Council for further deliberation and decision

**Recommended action:** Decide on the recommendations and determine which, if any, to forward to the Park, Recreation and Open Space Committee for inclusion in the draft Park Master Plan

**Public comment:**

2. **Fund Open Space Preservation on a Sustainable Basis**

No public comment.

Following further discussion on the matter a motion was made to table this item. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

A. GENERAL PLAN

5. **Increase required buffer(setback) near creeks and wetlands.**

Jean Wilson, 4301 Barton Road, stated the following:

- encouraged Council not to require this because we don't have evidence that we should do a wholesale increase on "required buffers"
- to make a broad increase in setbacks as a blanket statement when we don't know if that is needed is overkill
- Council can have wetland experts tell us how much is needed for different situations

Roger Smith, 6755 Wells Avenue and , stated the following:

- this recommendation was intended for the non-blue lined smaller creeks and the wetland area
- staff was using a 25 foot setback without a consistent guideline, especially in seasonal wetland areas
- agrees with Ms. Wilson, there needs to be a consistent policy developed with input from the right experts, not just a blanket requirement for an increased buffer

Following further discussion on the matter, a motion was made to dispose of this item for the next two years. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote with Mayor Liss voting no.

6. **Maintain a list of Special Properties with significant potential for preserving open space and natural resources, and provide incentives to willing property owners**

Roger Smith stated the following:

- they did some outreach to the property owners in the form of mailed materials suggesting that they be aware of conservation easements and working with land trusts, etc.
- they really didn't know what to do with the special list of properties but they are out there and there is an education process that is needed with the owners of the properties
- the Town should continue to play some role in being proactive on some of these properties and working with willing property owners

Irene Smith, 6755 Wells Avenue, stated the following:

- if we don't identify the space we want then it won't happen
- we chose significant parcels in terms of locations, visibility, size, or large habitat areas
- the list of special properties gives us something to aim for

Following further discussion on the matter, a motion was made to adopt item 6, maintain a list of special properties with significant potential for preserving open space and natural resources, and provide incentives to willing property owners of 1 acre or larger. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

20. **Town Roles For Affordable Housing**

Mayor Liss would like the Council to consider a role for the Town in assisting with affordable housing aside from the housing element required by law

**Recommended action:** Consider suggestions and give direction as needed

**Public comment:**

This item was discussed after item 15.

Lisa Pytorak, 4255 Dias Lane, stated the following:

- currently a person is allowed to have a temporary mobile home on property for up to one year while they are building a home
- she is not clear why that cannot be extended, given the difficulty these days of getting financing, selling homes, etc.
- she would like to have an extended period of time to live on her property, save money for a down payment, get a loan and build a home
- if we want to encourage people to be able to stay in the community and build homes then there has to be a way to do that

Councilmember Scherer suggested sending a letter to the bank.

Following further discussion on the matter, a motion was made to direct staff to draft a letter, as needed, with the Town attorney's approval. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Council discussed item 13 at this time.

## COMMITTEE REPORTS

21. Placer County Economic Development Commission – Ucovich
22. Placer County Flood Control/Water Conservation District – Morillas
23. Placer County Transportation Planning Agency – Ucovich/Kelley
24. Placer County Mosquito Abatement – Kelley/Ucovich
25. Placer County Air Pollution Control District – Ucovich/Morillas
26. Sacramento Area Council of Governments – Scherer/Liss
27. Placer Land Trust ex-officio representative – Scherer
28. Borders Committee – Scherer/Liss
29. Business Committee – Scherer/Liss

**ADJOURNMENT** Mayor Liss stated there was no further business and adjourned at 10:05 p.m.

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Mayor

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Town Clerk