TOWN OF LOOMIS

ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

TUESDAY	JANAURY 10, 2012	6:30 P.M.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR:** Pursuant to Section 54956.9 of the Government Code.
Property: APN 044-111-001, 3750 Taylor Road, Town of Loomis owned property (currently leased to High Hand Nursery)
Negotiator: Rick Angelocci, Town Manager
Under Negotiation: price and terms

b. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR:** Pursuant to Section 54956.9 of the Government Code.
Property: APN 044-133-002, 3790 Taylor Road, Placer County owned property (currently leased to High Hand Nursery)
Negotiator: Rick Angelocci, Town Manager
Under Negotiation: price and terms

c. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Pursuant to California Government Code Subdivision (c) of Section 54956.9 - one potential case

TUESDAY	JANUARY 10, 2012	7:30 P.M.

CALL TO ORDER

Call to order by Mayor Calvert at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Calvert
Councilmember Liss
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

a. No action taken.
b. Council approved and authorized the Town Manager to enter into a purchase agreement with the County to acquire the property identified by a unanimous vote.
c. No action taken.

RECOGNITIONS/PROCLAMATIONS:

Gilbert Alvarez, Store Director for Loomis Raley's

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Liss stated the following:
- he would like to start planning for the Sierra College Boulevard ribbon cutting ceremony
- we need to proceed as soon as the project is done
- in the goals for the year, regarding the housing foreclosure issue in Loomis, it was discussed having a letter sent to State and Federal

officials stating our concerns about the housing foreclosures and he would like to see the Council have some input on what we will be asking about the housing foreclosures
- **at the last meeting there was a desire to talk about the Downtown Master Plan and he would like that brought forward**
- **he would like the "One Bin Program" brought forward for discussion preferable before the consideration of the sustainability goals to get beyond the "Big Bin Program" to provide more incentives for residents and to save money by recycling more**

Councilmember Ucovich stated the following:
- **he would like to have on another agenda the terms of the committee appointments**
- **there is nothing in writing that states when the council terms begin and end and he would like this in a written policy**

Mayor Calvert stated she would like the Council to take a look at the policy or procedure of the signatories that are on file.

Councilmember Morillas suggested not overloading the next agenda with the above items but to have some put on future meetings or where they may be discussed with other similar items.

Councilmember Scherer stated the following:
- **he agrees with Councilmember Morillas, he would like these items spaced out in future agendas**
- **he is waiting until after the goals workshop to put anything on the agenda**
- **anything we put on the agenda needs to be reflective of the goals of the Town in order to get anything accomplished**
- **he doesn't want staff diverting their energy and efforts, with the limited staff available, to take care of other issues that are not focused on the goals of the town**

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. **No public comment.**

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.

Rick Angelocci stated that representatives for the Gaber appeal (item 10) have requested to withdraw the appeal. The property has been purchased by the neighboring property owner who indicated the structure will be removed within the next two weeks.

Jeff Mitchell, Town Attorney, stated the following:
- **the applicant has a right to withdraw the appeal**
- **the Town Manager's decision stands, by January 31, 2012 the new property owner shall sell, rehabilitate to make it habitable,or demolish the building and provide the Town with evidence**

A motion was made to adopt the Agenda, with the amendment to withdraw item 10 from the agenda and move item 11 forward at the beginning of the agenda. On motion by Councilmember Liss, seconded by Councilmember Scherer 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.

Jean Wilson asked to remove item 8 forward for discussion.

A motion was made to approve the Consent Agenda, pulling item 8 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

CONSENT AGENDA		RECOMMENDED ACTION
1.	Council Minutes – 12/13/11	*APPROVE*
2.	Monthly Check Register – December	*RECEIVE AND FILE*
3.	Statement of Activity	*RECEIVE AND FILE*

4. Treasurer's Report *RECEIVE AND FILE*

5. Planning Status Report *RECEIVE AND FILE*

6. 2011/12 Goals Update *RECEIVE AND FILE*

7. Taylor Road Pedestrian & Bike Pathway Project *APPROVE*
Approve the Taylor Road Pedestrian & Bike Pathway Project and direct staff with the findings that the project is exempt under CEQA Categories 15301 & 15304 to advertise for bids once Caltrans approves the CMAQ funding and gives authorization to begin construction.

9. Mid-Year Budget Review *RECEIVE AND FILE*

CONSENT ITEMS FORWARDED

8. Second Reading of an Animal Keeping Ordinance *ADOPT ORDINANCE*
The Council directed the Planning Commission to evaluate the Town's Animal Keeping Ordinance and the permit requirements and process as related thereto and recommend draft changes to the Council

Jean Wilson, 4301 Barton Road, stated the following:
- **under "aviary for birds" the setback is 25 feet and under "fowl and poultry" the setback was changed to only 20 feet**
- **she recommended changing the aviary setback to 20 feet to make it consistent**
- **she lives on a large parcel and if she put a chicken coop on her property line it would back up to her neighbors front yard**
- **she asked Council to consider where they want to put it and adding something that would take into account the use of the property on the neighbors side**

Rick Angelocci, Town Manager, suggested after the adoption of Ordinance 249 to direct staff (Zoning Administrator) to incorporate "3)" in a policy when reviewing any requests for a variance under "Note(7)," he will consult with the neighbors as a standard policy.

Councilmember Scherer suggested having this as a policy at this time and to add , "3) does not create a nuisance to neighboring property" to "Note(7)," to the list of amendments to be brought forward as an amendment to this ordinance.

Kathleen Giel, 3455 Humphrey Road, stated the following:
- **this is a complicated issue, she borders large lots and properties that are less then ¼ acre**
- **some like to use their property for pasture and others like to landscape their property**
- **there is the concern about having dogs and having the neighbor with chickens on the property line**
- **she supports having the additional language added to Note(7), "3) does not create a nuisance to neighboring property"**

Cynthia Walden, 3467 Humphrey Road, clarified that the chickens will be allowed to graze up to the property line during the day and at night when they are confined they will be within the setback.

Pamela Wilson, 5691 Francis Drive, questioned if a resident had more than 4 hens if they would be grandfathered in?

Jeff Mitchell, Town Attorney, if it was legal before it was passed then they would be allowed to keep them but as the animals die they cannot be replaced.

A motion was made to waive further reading and read by title only second reading of Ordinance 249, "amending Sections 13.42.060, 13.28.030 of the Municipal Code relating to Animal Keeping Standards and Permit Requirements," with the understanding that there will be a policy to review application requests to reduce side or rear yard setbacks and review for any condition that might create a nuisance for neighboring property. Following the 30 day effective date for this ordinance, to bring it back for an amendment to add under Note (7): 3) does not create a nuisance to neighboring property . On motion by Councilmember Scherer, seconded by Councilmember Liss and following was discussion on the motion:

Councilmember Ucovich asked what would constitute a nuisance.

Jeff Mitchell stated the following:
- **he has some concerns with the language**
- **he would like the opportunity to flush it out before the amendment is brought forward to the Council**
- **staff may be able to provide some perimeters on odor, noise, etc.**

Motion passed by voice vote with Councilmember Ucovich voting no (4/1).

PUBLIC HEARING

10. **Gaber Appeal of Town Manger's Decision**
On November 7, 2011, the Town Manager held an Administrative Hearing pursuant to Municipal Code Section 7.04.060 regarding the failure to abate a nuisance at 5335 Poppy Ridge Road
Recommended action: Receive and review Administrative Hearings officer determination and statement of appeal; take testimony, hold hearing and uphold, reject, or modify Town Manager's determination.
Public comment:

The Gaber representative has withdrawn the appeal.

BUSINESS

11. **Pacific Gas & Electric Presentation**
Dave Bond with PG&E will give a presentation
Recommended action: Hear presentation and receive and file
Public comment:

Dave Bond, Pacific, Gas and Electric, presented the following:
- **a plaque in recognition of the Town's participation in the "Climate Smart Program"**
- **he pointed out that Loomis's contribution to the Program was to remove over 71 metric tons of greenhouse gas emissions**

Scott Paris, High Hand Nursery, stated the following:
- **he thanked the staff and Council for their support over the last 7 or 8 years**
- **the solar project is being completed on the roof of High Hand**
- **there are 410 American made panels on the roof, each panel will be individually monitored, and they are updating all the power services in the building**

Brandon, Magic Sun Solar, stated he went to Del Oro High School, two years ago started Magic Sun Solar, and High Hand is their biggest project they have done.

12. **Heritage Park Planning**
Discussion of the use of Heritage Park land
Recommended action: Discuss and give direction to staff.
Public comment:

Susan Kotelnicki, 5670 Arcadia Avenue, stated the following:
- **she is in favor of keeping the whole area as a park**
- **next to the freeway is a poor location for housing and a great location for a park**
- **we need to continue to keep the population growth at a minimum**
- **keeping the trees are essential in capturing the carbon dioxide**

Shawna Martinez, 2332 Lynnwood Lane, stated the following:
- **the most viable economic option is a full preserve, this would require no further mitigation, no additional tax dollars, while preserving the rural character of the Town**
- **in Section 13.54.060 D1. It is allowable to purchase property to plant or protect native oak trees**
- **this would allow future development projects to buy into a special "tree mitigation bank" as a way to mitigate for losses to the canopy in future development projects**

Jean Wilson, 4301 Barton Road, stated the following:
- **she agrees that this would be a loss to the Town if this was not kept as a conservation area**
- **she agrees with Ms. Martinez's letter regarding the use for Heritage Park: a downtown recreation area, a wildlife and natural area, a tree mitigation bank area, and accessible to the citizens of the Town**

Nancy Beck, 6304 David Avenue, stated the following:
- **this will be a model to others showing the value of open space, it is becoming a rare commodity**
- **children in school are not having field trips like they use to because of the expense but this preserve would be within a reasonable distance**
- **she urged Council to consider protecting Heritage Park as a preserve**

Steve Davis, 3561 Bankhead Road, stated the following:
- **he acts as a docent for children at Trailer Ranch and as a board member of Placer Nature Center**
- **they are having a hard time getting students to come out to the nature center because of their remote location, so they have been doing more field trips at the Trailer Ranch preserve in Penryn**
- **to have one in the Town of Loomis would be a tremendous asset, an educational resource, and a great opportunity**

Roger Smith, 6755 Wells Avenue, stated the following:
- **he generally supports Ms. Martinez's proposal**
- **one element he questions is the need to involve an outside land trust, such as the Placer Land Trust**

Councilmember Liss stated the following:
- **he is in favor of the approach that Shauna Martinez has outlined**
- **the opportunity is huge, to move forward with the tree mitigation bank idea, it could be used for development projects in Loomis and other development projects in the area**
- **Placer Land Trust needs to evaluate whether this project is appropriate for them**
- **staff will need to come back with specific recommendations to move forward in this direction**
- **more houses is not what we need or want, we need to preserve our heritage, the trees, wildlife and rural environment**
- **there is a possibility for a trail system from Sierra College Boulevard and along the tree line to Heritage Park**
- **he recommends having a motion to direct staff to come back with how to accomplish what Ms. Martinez has recommended and consider it as quickly as possible so it will be available for development projects pending before the Town**

Councilmember Scherer stated the following:
- **this location would probably provide for the most robust use of a passive open space project**
- **he is interested in exploring what has been brought before us tonight**

Councilmember Ucovich stated the following:
- **he questions if this is the best place for the tree mitigation program**
- **in our street master plan, Walnut is suppose to connect to Brace Road**
- **that is pretty raw land, to develop, to become usable, and to mitigate trees on it will be somewhat expensive**
- **he would like a rough estimate on what we are talking about and cost for this particular project**
- **in our park and open space plan a survey was done and 52% of the residents said we should sell a portion of the eleven acres to a developer and in return for the development of an access and park at the developers expense, and 24 % of the people wanted the Town to develop the whole thing**
- **questioned if there were other parcels in Loomis that might fit better for tree mitigation then Heritage Park**

Councilmember Morillas stated the following:
- **she suggested having a workshop to get public input on Heritage Park**
- **tonight we have only heard from 2 planning commissioners, 2 PROSC and 2 citizens and she would like to hear more input from the Loomis Residents before she makes a decision and we spend any more money**

Councilmember Scherer stated the following:
- **he agreed with having a workshop and suggested discussing how much it is going to cost**
- **he suggested sending this to the PROSC to discuss how much it is going to cost to develop the passive open space use, with the annual maintenance cost, and how we would fund that**

Councilmember Morillas suggested having staff do the research.

Councilmember Ucovich pointed out that there will need to be some technical staff, some engineering, and costs estimates based on a plan.

Councilmember Liss stated the following:
- **a public workshop on this issue is a good idea**
- **he likes the idea of referring it to the PROSC for their input**
- **the cost data should be done by staff, to come up with the details**
- **present the details to the PROSC to bring it back for Council deliberation**
- **he would like to get a sense from the Council of whether we want to proceed down this path, sooner than later**
- **there is a major project pending before the Town Planning Commission that could be impacted by what we decide to do here, so there is some urgency**
- **asked to have the PROSC review it at the January meeting, staff bring information on costs to the PROSC and to the February Council meeting**

Councilmember Liss made a motion to refer this to the PROSC for deliberation at their January meeting, for staff to present cost information to PROSC and for the February Council meeting, see if it pencils out,and how to accomplish it in a reasonable and feasible way. Seconded by Councilmember Scherer and following was discussion on the motion:

Mayor Calvert stated the following:
- **there is a reason we were number 2 on the County Tax Assessor's, we retained our property values, that is for our rural character and our open space**
- **the village is also a pending project that will be coming downtown, which will bring more need for passive open space**

Councilmember Ucovich stated the following;
- **doing this in two weeks will be difficult, staff will have to make determinations on public access, what will go in on the property, such as pathways, parking lots, etc.**
- **if we are concerned about planting trees in the near future, we have acres along Taylor Road next to the railroad tracks where we can do that**

Councilmember Scherer stated the following:
- **we have a wetland, rehabilitation, mitigation, and monitoring plan that was done for a piece of property (without a pond) that was almost like this one on Brace Road (Homewood property)**
- **we are dealing with the exact same species of plants and animals, and the same conditions**
- **it shouldn't be difficult to come up with an estimate of what that type of a project would be, in a short period of time**
- **we will need to identify the sources of funding that would pay for this**
- **we need to start today, it may take years, we will bring it forward with plenty of public hearings and input throughout the process**
- **we need to find out if it is financially feasible**

Councilmember Morillas stated that the workshop needs to be done by the Council.

Following further discussion on the matter, Mayor Calvert re-stated the motion to send this back to the Park, Recreation and Open Space Committee (PROSC), staff will review the cost for maintenance and submit it to the PROSC, PROSC will review costs and ways to offset it, staff will review the best way to proceed from Councilmember Liss's comments, bring this back to the February Council meeting to develop a plan for the annual maintenance and discuss where the money will come from. On motion by Councilmember Liss, seconded by Councilmember Scherer and passed by voice vote with Councilmember Morillas voting no (4/1)

Recess at 9:06 p.m. to 9:17 p.m.

13. **Bench Donations for The Blue Anchor Park**
During the bid process for the Blue Anchor Park improvements, Council directed staff to eliminate the line item in the bid proposal regarding purchase and installation of benches. It was the goal that donated benches would be installed in the park.
Recommended action: Discuss and direct staff.
Public comment:

Nancy Beck, 6304 David Avenue, stated she supports using the granite benches to be consistent with the others down main street and in front of the Depot.

Sonja Cupler, 5630 Tudor Way, asked if we could get benches in the United States instead of supporting China.

Following further discussion on the motion. a motion was made to allow benches to go in several different places throughout the Town, direct staff to look at alternate style of benches, explore alternate materials that are made in the United States and the price difference, and the priority should be to place the benches from shed to shed. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

14. **2011/2012 Goals Workshop**
Discuss setting a Goals Workshop in February 2012.
Recommended action: Discuss and set a date for the workshop
Public comment:

No public comment.

Following further discussion on the matter, a final motion was made to set the date for the goals workshop on February 4th (if it works for everyone) and an alternate date for February 18th; direct staff to see if the consultant, Dana Stone, is available for a fee not to exceed $2000; and with the funds taken from Planning. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by voice vote.

15. **Council Expectations of New Town Manager**
At the December 13, 2011 Council meeting a consensus was reached to place this item on the January 10, 2012 Council agenda for discussion
Recommended action: Discuss and direct staff.
Public comment:

Bill Branch, 6605 Wells Avenue, pointed out three primary qualities that an ideal Town Manager for Loomis should have:
1) remain as non-partisan as possible with councilmembers
2) respect for the Town's founding principles of remaining as semi-rural as possible
3) respect for the fact that Council sets policy, not the town manager, the manager should be the quite voice of reasonableness and the calming influence

Pat Miller, 4395 Gold Trail Way, stated the following:
- **last month Roger Smith made a statement about having seen other cities do an update at each meeting on Town projects and activities**
- **she stated that it was an excellent idea, we have a lot going on, and suggested posting it on our website**

Following further discussion on the matter, a motion was made to have Council send suggestions to Mr. Angelocci as to how Council would like to see this done, any questions or procedure style will be sent to the Town Attorney who will follow-up with a sample form for the Council to review. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

COMMITTEE REPORTS

16. Placer County Community Services Commission - Morillas
17. Placer County Economic Development Board – Liss
18. Placer County Flood Control/Water Conservation District – Morillas
19. Placer County Transportation Planning Agency – Calvert
20. Placer County Mosquito Abatement – Kelley as citizen rep
21. Placer County Air Pollution Control District – Ucovich/Morillas
22. Local Agency Formation Commission (alternate) - Ucovich
23. Sacramento Area Council of Governments – Scherer/Liss
24. Placer Land Trust ex-officio representative – Scherer
25. Borders Committee – Calvert/Liss
26. Business Committee – Calvert/Calvert
27. Schools Liaison - Calvert

ADJOURNMENT

Mayor Calvert stated there was no further business and adjourned at 10:06 p.m.

Sandra Calvert
Mayor

Charlene Strait
Town Clerk