TOWN OF LOOMIS

ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650 AND
5777 CENTURY BOULEVARD, SUITE 1555, LOS ANGELES, CA 90045
www.loomis.ca.gov

TUESDAY	NOVEMBER 13, 2012	7:00 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 LEGAL COUNSEL – ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 cases		
TUESDAY	**NOVEMBER 13, 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 by phone
Councilmember Ucovich

RECOGNITIONS/PROCLAMATIONS

Brandon Jeppson, Blue Anchor Park Sign

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Liss stated the following:
- **on November 6th the Board of Supervisors continued the Orchard 150 Apartments**
- **the project was not consistent with the Horseshoe Bar/Penryn Community plan**
- **staff was directed to work with the developer and come back with resolutions to the issues that were raised by the Town of Loomis and the Stop 150 Group**
- **Placer County Manufacturing Workshop on October 30th was successful**
- **he would like to see staff address the MOU with the County on the traffic impacts from projects on our borders**
- **also he would like to have brought forward in the near future the Sierra College opening and the broad band efforts to move forward with the service issues**

Councilmember Ucovich stated the following:
- **he has had several items that he asked to discuss on the agenda**
- **Council agreed that there would be a list of items that were asked to be put on the agenda and as they were discussed they would come off the list**
- **he has asked to have several items brought forward and they have not been on the agendas**
- **he asked to have the list put on the agenda**

Mayor Calvert stated she would like to give recognition to Kate Rebecci, who over the past five years, has picked up trash along Barton Road and has requested a trash receptacle at the park and ride by Interstate 80 off ramp

TOWN REPORT

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 three minutes but can be changed by the Mayor.

Sonja Cupler, 5630 Tudor Way, stated the following:
- **at the last Council meeting there was a violation of the Brown Act**
- **the "Public Comment" on subjects that are not on the agenda, was moved to the end of the agenda**
- **that meeting adjourned before taking "Public Comment" on subjects that are not on the agenda**
- **at the March Council meeting she stated there was a conflict of interest with Councilmember Liss by sitting on the Board of Directors of Placer Sustain**
- **in July 2011 Councilmember Liss recused himself due to a conflict of interest but the following year he did not recuse himself, he received legal counsel and stated it was no longer a conflict of interest**

Jeff Mitchell, Town Attorney, stated the following:
- **they looked at the conflict of interest issue and their conclusion was based on a change in status of Placer Sustain**
- **their 501(c)(3) status which changed the conflict of interest analysis under Government Code**
- **at the meeting in 2012 he was operating under a different exception**

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.

Following further discussion on the matter, a motion was made to continue item 13 to the December 11th Council meeting, pull item 12 forward for discussion, and to adopt the Agenda. On motion by Councilmember Liss, 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.

No public comment.

Following further discussion on the matter, a motion was made by the Mayor to pull items 7, 9, and 12 forward for discussion. Approved by voice vote only

CONSENT AGENDA		RECOMMENDED ACTION
1.	Council Minutes – 10/9/12	*APPROVE*
2.	Monthly Check Register – October	*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.	2012/2013 Goals Update	*RECEIVE AND FILE*
8.	Blue Anchor Park Restroom Project, To Authorize Staff To Advertise For Bids With The Findings That the Project Is Exempt Under CEQA Categories 15303, 15304 and 15332	*APPROVE*

10. New Lease Agreement With South Placer Heritage Foundation For Blue Goose Land Lease — *APPROVE*

11. A Resolution Of The Council Of The Town Of Loomis Acknowledging The Review, Receipt and Filing Of The Annual Statement of Investment Policy — *ADOPT RESOLUTION* **Resolution 12-27**

CONSENT ITEMS FORWARDED

7. A Resolution Of The Council Of The Town Of Loomis Awarding To Low Bidder, Grand Sierra Construction, Inc. And Authorizing Town Manager To Execute An Agreement Acceptable To The Town Attorney For The Nancy Beck Multi-Use Plaza Project In The Amount Not-To-Exceed O $191,550.00 — *ADOPT RESOLUTION* **Resolution 12-26**

Councilmember Ucovich stated that his first concern was public safety and had a few questions about the design in the middle of the plaza.

Councilmember Scherer was connected by phone at 7:50 p.m.

No public comment.

Councilmember Liss stated the following:
- **he approves this project and noted that the community has indicated interest in this project and we have gone out to bid a second time**
- **it was designed with additional safety features to cover the concerns that have been described**

Councilmember Ucovich stated the following:
- **the price is too far above the engineer's estimate and would like to go out TO bid again to save money**
- **he would like the attorney to make sure this is an eligible project under the Quimby Act**

Councilmember Scherer stated the following:
- **he is ready to move forward, the public has come in and spoke in support of this project and would like to see this finished**
- **he doesn't see going out to bid would lower the price**

Mayor Calvert stated that the prices have probably gone up because we are getting better quality this time.

Following further discussion on the matter, a motion was made to adopt Resolution 12-26, awarding to low bidder, Grand Sierra Construction, Inc. and authorizing the Town Manager to execute an agreement acceptable to the Town Attorney for the Nancy Beck Multi-Use Plaza Project in the amount not-to-exceed $191,550.00. On motion by Councilmember Liss, seconded by Councilmember Morillas and passed by voice vote with Councilmember Ucovich voting no (4/1).

9. Financial Recap of 2012 Season Summer Swim Program — *RECEIVE AND FILE*

Councilmember Ucovich stated the following:
- **he would like to have staff and maybe a Councilmember go to the high school and discuss a rental fee**
- **the fee has significantly gone up from the previous years**

Councilmember Scherer stated he would be glad to join in the negotiations.

Pat Brechtal, 3330Spence Road, stated the following:
- **the rates are $55 an hour and the school is not going to negotiate on the rate**
- **the school has put it down in pencil what it cost and they want to make sure that is covered**

Following further discussion on the matter, a motion was made to have Councilmember Scherer and the Town Manager negotiate with Del Oro High School on the rental fee. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

12. Authorize Town Manager To Issue Request for Proposals For Building Inspection And Plan Check Services — *APPROVE*

Rick Angelocci, Town Manager, stated the following:
- **our current Building Official, John Kintz, indicated this morning that he is retiring**
- **Mr. Kintz has been in the process of buying a house and we have been using a consultant, Bureau Veritas, to do the Building Inspection services when Mr. Kintz has been off**
- **he will need to continue the temporary services until the RFP goes out and he is coming up to his $5,000 limit**
- **he requests that the Council add an agenda item to expend up to an additional $5,000 until they approve the proposal that comes in**
- **he will need three motions: 1) to authorize an RFP for building inspection/plan check services; 2) add an item on the agenda due to unforeseen circumstances; and 3) authorize Town Manager to spend up to an additional $5,000 on temporary building inspections and plan check services**

Mike Langford, 7880 Jeannie Court, stated the following:
- **he was hired by John Kintz back in 2008 to take over for him in 2010**
- **he would work two days at town hall then Mr. Kintz would work two days**
- **unfortunately, we had a difference of opinion on enforcing the codes and he was asked to leave**
- **he is qualified and would continue charging $40 an hour and asked Council to reconsider hiring him**

Mike Boberg, 4052 Hunter Oaks Drive, stated the following:
- **the bigger the firm the more they have to justify their work or different people are doing the inspections and there may be communication problems because they may not all be on the same page**
- **he suggested getting a smaller business or individual that is a retired inspector that can do it part time**

Following further discussion on the matter, a motion was made to add an emergency item to the agenda due to unforeseen circumstances that came up after the agenda was posted, to add to the agenda: consider authorizing Town Manager to spend up to an additional $5,000 on temporary building inspections and plan check services. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote (5/0).

A motion was made to authorize Town Manager to spend up to an additional $5,000 on temporary building inspections and plan check services. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote (5/0).

A motion was made to authorize the Town Manager to issue an RFP for building inspection and plan check services. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote (5/0).

BUSINESS

13. **Grant Writing Services**
Presentation by California Consulting regarding Grant Writing services
Recommended action: Hear presentation, discuss and direct staff
Public comment:

Continued to December 11, 2012.

14. **Election Results**
Discussion of Election Results
Recommended action: Discussion and action.
Public comment:

Mayor Calvert stated the following:
- **she asked to have this item placed on the agenda and there is no question that Mr. Wheeler has a full legal right to take his seat on the Council in December**
- **he is also the Fire Chief and some people have raised a legal question as to whether the law against incompatible offices would or would not make it difficult for Mr. Wheeler to hold both those offices at once**
- **we have no idea what Mr. Wheeler's final decision will be but some have asked whether he might potentially decide to resolve that controversy by voluntarily giving up one of the two positions**
- **there is a potential for a sudden vacancy on this Council and the Council needs to know in advance how to handle it and what our legal options for filling a vacancy are**

Councilmember Liss stated the following:
- **the question before us tonight is "if there is a vacancy on the council, what are the steps to fill that"**
- **he was in the last election and he wants to be crystal clear that he is not interested in gaining his seat on the Council**
- **if a vacancy on the Council arose due to this issue he is not interested in being appointed to fill such a vacancy on a temporary basis nor running for a seat in a special election and he would decline that position if offered to him**
- **it is not about him, it is about the law**

Jeff Mitchell, Town Attorney, expounded on "if there is a vacancy" and "the process" by California Law and the Loomis Municipal Code.

Dave Wheeler stated the following:
- **he was elected to Town Council a week ago**
- **he would like to see a quick end to this discussion and he will serve on the Town Council**
- **the voters selected him and that would be disgracing the voters and the framers of our Constitution and those service men who have paid the ultimate price to maintain our Constitution and our right to vote-----he will be seated**
- **the question is to the Council----who is stepping down**

John Picone, lives across the street from Mr. Wheeler, stated the following:
- **he has known Mr. Wheeler for several years and has found him to be an honorable and intelligent man**
- **he asked why we are here and who instigated this and for what reason**
- **Mr. Wheeler has enough intelligence to know his ramifications in this issue, he knows the conflict if there is any**

A concerned citizen from Placer County stated the following:
- **she asked why the Mayor is directing her son to film them**
- **the Mayor filmed them without their knowledge and permission back in March and questioned if that was against the Ralph Brown Act**

Ron Kester stated the following:
- **he had a business in Loomis for many years and raised 5 kids that have all gone to Del Oro High School**
- **there is only one dignified response a candidate has and that is to step aside, accept the will of the sovereign electorate who chooses whom they will hire and whom they will fire**
- **it is an affront to the system that somebody would suggest in the 'open letter" an amazing thoughtless opinion that a civil servant can't serve on an elected board**
- **it's Council's attempt to obviate the elective vote**
- **there is another potential vote that the electorate has and he will be the first one to donate to it, and that is a recall election**

Brian Mishler stated the following:
- **he has lived in Loomis since 1971**
- **he is proud to be a citizen of Loomis but he isn't proud right now of what is going on**
- **he asked if this investigation goes forward will there be a cost**
- **his concern is that not only does he agree with Mr. Kester but that the wasteful spending of this Council needs to stop**
- **if there is a penny that will be spent doing research to determine whether or not Dave Wheeler is eligible, he recommends against it**

Jeff Mitchell stated that at this point he has no direction from the Council.

Richard Klauson, Loomis resident, stated the following:
- **this Council has assumed there is a conflict**
- **he read the "open letter" from the Public Interest Coalition and it is a work of fiction**
- **the law is very specific, when you are elected, you are seated**
- **if there is a conflict and someone wants to pursue that and have it resolved then there is a mechanism to go to the Attorney General and ask for an opinion**
- **that doesn't change the fact that Mr. Wheeler keeps his job and he is seated on the Council**
- **to all of a sudden have this item on the agenda, a week after the election, and to talk about how to fill a vacancy is appalling**
- **if there is one nickel spent of the Town's money on this, then he will agree with Mr. Kester**

Darren Johnson, 5805 Craig Street, stated the following:
- **he graduated from Del Oro and now he has boys going to Del Oro**
- **he was taught as a young man that our votes count for something**
- **now in the shadow of Veteran's day, all those that have died to give us this right to vote and for Council to even consider to take that away is appalling thought**
- **he asked Council to not take our vote away**

John Schearer, on the Board of Directors of the Loomis Fire District, stated the following:
- **after discussing with Counsel their position is that Dave Wheeler is an employee of the District**
- **he does not hold a public office and they see absolutely no reason why he can't be seated on this Council**
- **in their opinion, the notion that he shouldn't be, is absurd**

Linda Kelly, Loomis resident, stated the following:
- **she asked Council not to spend any of the Town's money to fight the election of Dave Wheeler**
- **this Council has a history of spending money on frivolous lawsuits and not listening to the Town that they represent**
- **the public has spoken loud and clear that they want a change in this body of elected Councilmembers**
- **Council works for the people, we voted for Dave Wheeler because he will listen to the public and hear all sides before making any decision, unlike the seating Council who seems to have minds made up no matter what the public wants**
- **we don't need tree parks, we need to improve the parks we have**
- **we need affordable housing, not low cost Section 8 apartments**
- **we need business back in our downtown**
- **we don't need a study to tell us we can't afford NEV lanes**
- **we need smooth paved roads that are safe**
- **safe walking paths for our children to get to school, not a downtown skate park**
- **the only money she would be more than happy to spend of our tax dollars would be to recall Walt Scherer and Mayor Calvert**

Melanie Beddes, Loomis resident, stated the following:
- **she was adopted but her biological father served in the Army in World War II**
- **her adopted father served in World War II**
- **she had two brothers who served in Viet Nam (one in the Marines)**
- **my brother's best friend died in his arms for our right to vote and for our voice to be heard**
- **this is an insult to the sacrifices that my flesh and blood gave**
- **how dare our Council even consider this action**

Concerned citizen, Placer County, stated the following:
- **she has watched the Council for some time now and Council does not listen to the people**
- **the people spoke loud and clear in this election**
- **the people voted Mr. Wheeler into office by a large number, we are tired of Council's personal agendas**
- **she supports a recall**

Pat Miller, 4395 Gold Trail Way, stated the following:
- **the election happened, Dave Wheeler won, next month he will take office**
- **the question remains is the incompatibility of offices**

Sonja Cupler stated the following:
- **according to Roger Carroll, the Town Treasurer, in the Loomis News dated November 8th it says the Town Attorney's bill in October for 2.8 hours was $816.50 for Loomis Fire Protection District incompatibility office research**
- **Town Manager said on Monday, November 12th, that Mayor Calvert directed the Town Attorney to research the issue**
- **she read the "open letter" and did her own research and things were half way explained**

Jeff Mitchell, Town Attorney, pointed out that there has been no additional research done on this issue since October.

Wes Beddes, Humphrey Road, stated the following:
- he questioned why this is even on the agenda and why we are looking at filling a seat
- Dave Wheeler is a good man and we are looking forward to him serving, there is no conflict of interest

Ken Hockenson, King Road, stated the following:
- he doesn't know Mr. Wheeler but it is pretty clear that he won the election and he deserves to be seated
- assume that he wasn't allowed to take the seat, he questioned how much will that cost for a special election

Mike Boberg, 4052 Hunter Oaks, stated the following;
- the item on the agenda shows action can be taken tonight
- hopefully Council listens to what the people have said and acts the right way

Pat Brechtal questioned who the "public interest coalition" is because they don't have his interest in mind.

Jean Wilson, 4301 Barton Road, stated the following:
- she affirms what Mr. Boberg said, it does say "discussion and action" on the agenda for this item
- there was no staff report so it wasn't very helpful for the people

Bill Branch, Wells Avenue, stated the following:
- there has been talk tonight about the sacrifices that were made by men in the service and he also has respect for them
- he volunteered during the Korean war for hazardous duty and he did that for a Nation of laws, he served to protect a Nation of laws, that is what democracy is all about, if we don't have law and order, then we have anarchy
- elections are regulated by laws and our job is to follow the law, that is the only question tonight
- the California Attorney General has stated specifically, in black and white, the name of fire chief and city councilman and that there may be a violation of incompatibility of offices
- if we don't like the law we get the law changed but we don't ignore the law and we don't show contempt toward the law
- nobody is saying that Mr. Wheeler can't take the seat but he must follow the law like the rest of us
- every American citizen has an obligation to ensure that the laws are followed

Hazel Hineline, Barker Road, stated the following:
- she read the "open letter" and there was a lot of 'mays', "mights" and "shalls"
- if the opposition doesn't agree with Mr. Wheeler serving then they need to get their own attorney and find out
- don't use our taxpayers dollars and don't use our Council as a platform to deal with it

Bob Jibson, 5690 Connie Court, stated the following:
- he has lived here for 37 years
- he appreciates Mr. Branch's great respect for the law, in fact California law is very clear, it provides a remedy for anybody who thinks that there may be a conflict of interest by any officer of the city
- the law provides that a group, a private group, or a private citizen can go through the Attorney General and seek permission to file what is called a "quo warranto" lawsuit to make a determination whether there is a conflict of interest and a violation of the incompatibility laws
- there is nothing for the Town of Loomis to do in this regard, a private citizen can file a lawsuit with the permission and supervision of the Attorney General using their own funds and there is nothing that the Town of Loomis needs to do
- there is no presumption that there is a conflict of interest in this case
- he read the "open letter," did some research, read the opinions cited, and they are misrepresented in that letter
- the Attorney General has never (in black and white or any other color) made the decision or opinion that there's an incompatibility in a case like this one
- an Attorney General opinion is nothing more than an opinion, it's not binding on anybody, it's not binding on the Town or any member of Council
- all that the law provides is that a private citizen can go through the Attorney General, file a private lawsuit and if they win that using their own funds then there would be a remedy
- there is nothing for the Council to do, it's obviously a transparent attempt to undo what was done in the election

Randy Elder, Loomis resident, stated the following:
- he would like to address what Mr. Branch said about it being black and white as to a fire chief not able to serve while being a member of the city council
- he is citing that from the conflict of interest document published by the Attorney General's office and it references a case
- if you trace that back it refers to an opinion from 1993 and it involves the City of Hesperia, California, and the Fire Chief of Hesperia was elected to the city council of which the city council also has the duties to appoint it's members to the Board of Director of the Fire District
- that has no bearing on Loomis, Chief Wheeler is a part time Chief, he is an employee of the Loomis Fire District, an independent Fire District that has no over-lapping duties with the Town of Loomis, the Town of Loomis has no over-lapping responsibilities regarding audit, removal from office or any situation like that
- for Mr. Branch to quote that this being "black in white" is simply not true
- if anybody wants to proceed with a complaint to the Attorney General, I recommend they do it with their own money because the majority of the citizens in the Town of Loomis would not support that

Connor Calvert, 4285 Indian Creek Drive, stated the following:
- this frustrates him that we are coming at each other like democrats and republicans
- Dave Wheeler earned his spot to be on the Council
- the Council isn't coming after Dave Wheeler they are just trying to get this ironed out

Public comment closed.

Mayor Calvert stated the following:
- **this item is to understand what to do should there be a vacancy for any reason**
- **she doesn't see any need for an action and does not want to spend any of the town money on this issue**
- **she would like to see Dave Wheeler take his seat in December and she would like to move forward**
- **she agrees with Bob Jibson that this is not for the Town Council to decide whether or not this is an incompatibility of offices**

Councilmember Morillas stated the following:
- **this item shouldn't have been on the agenda tonight**
- **the public spoke in the election and no one thought there was a conflict of interest**
- **we have a separate Fire District and we don't interact with them**
- **this has been a waste of everyone's time, we will seat Mr. Wheeler at the next meeting and we need to move on with the business of the Town**

Councilmember Liss stated the following:
- **he agrees with the people tonight, there is no issue about seating Mr. Wheeler**
- **there is no action for the Town to proceed and the Town should not be spending any money on this**
- **he would favor receiving and filing this item**

Councilmember Ucovich pointed out the following:
- **we have never had an item like this on the agenda before during his three terms**
- **he asked the attorney who decides the legality of the election**

Jeff Mitchell stated that it is not the responsibility of the Town to determine if Dave Wheeler is illegible to be seated.

Councilmember Scherer stated the following:
- **we go through a healing process after every election**
- **he knows incompatibility of offices is out there and the Town obviously had to look into it**
- **it's up to Dave to make his decision and if he chooses to seat we will seat him**
- **he doesn't see any need to spend any money and looks forward to serving with Dave and helping him serve the people of Loomis who elected him**

Recess at 9:19 to 9:31 p.m.

15. **League of California Cities Conference** **(Continued from October 9, 2012)**
Discussion of Exhibitor and Vendor offerings.
Recommended action: Discuss and direct staff
Public comment:

Sonja Cupler stated the following:
- **she is in favor of having the council meetings broadcast live, filmed and archived**
- **there are a lot of folks that are disabled and it is hard for them to come down and sit for a long period of time and questioned if this is an ADA issue**

A citizen stated the following:
- **she would like to see this on a live stream basis and not on the WAVE basis, not everyone has WAVE**
- **if it is on the live stream basis you can be on your computer anywhere in the world and still be able to see it**
- **she would also like it archived, it is time for transparency**

Russ Kelley stated the following:
- **he worked in Roseville and it was a significant benefit to be able to look at Council sessions as well as Planning Commission meetings**
- **we should step forward and do this, he prefers live stream and using two cameras and can help if needed**

Councilmember Liss stated the following:
- **he likes the public live stream, transparency is important, and he likes the idea to have it accessible by computer and archived**
- **he likes the idea of borrowing the asphalt zipper from Rocklin**
- **if someone else can do this at a lower price than Granicus he would encourage that**

Councilmember Ucovich stated the following:
- **the live stream is the best**
- **he suggested checking with Lincoln to see how they did it**
- **he would like new banners for downtown to be put in the budget**

Councilmember Scherer stated the following:
- **he likes the idea of working with Rocklin on the asphalt zipper**
- **he would like a lighting system for mid-block crossing so you can push a button to walk across the street and it flashes**
- **regarding taping of the meetings, he wants to make sure it isn't too expensive, we need to stay within the budget**

Mayor Calvert stated the following:
- **she likes the free AP**
- **she likes the idea of working with Rocklin for the use of the asphalt zipper**
- **she would love to see the meetings televised, we need to make it affordable**
- **she is concerned about seniors that still can't access computers, we need to get the community input**
- **she would like mid-block flashers (LED) moved to the top of the list**

Councilmember Ucovich suggested checking with other cities that have gotten the free AP.

Following further discussion on the matter, a motion was made to direct staff to research the mid-block flashers, the free AP, the televised options for the Council meetings, continue relationships with Rocklin for the asphalt zipper, and consider grant funding for the televised options. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

16. **Tree Lighting**
Discuss Loomis lighting of the tree event.
Recommended action: Discuss
Public comment:

Mayor Calvert expounded on the activities for the tree lighting.

Trish Browning stated the following:
- **regarding being televised suggested working with Rocklin to get a package deal to make the cost smaller**
- **she lived in Roseville for 18 years and enjoyed their lighting of the Christmas tree**
- **Safeway donated about 1000 cookies for their event and suggested asking Safeway for the Loomis event**

Gayle Wheeler suggested getting a bigger tree or even a tall fake tree.

Pat Brechtal questioned why we are taking Christmas out of the theme of this event.

Jeff Mitchell stated the following:
- **the question has been raised as to whether or not that is a violation of the Establishment Clause in the First Amendment of the United States Constitution**
- **the Town can't officially endorse Christianity, it only becomes an issue when someone raises the issue, than there is a potential risk**

Russ Kelley stated the following:
- **he agrees with Gayle Wheeler, we need a decent tree and it is a simple process**
- **we can put a steel sleeve in the ground to hold the tree**
- **he will design the stand and have it welded and the Town can buy it**

Councilmember Ucovich will look at the trees on his property to see if that will work.

Councilmember Morillas asked if next year we should give this event to a service group.

COMMITTEE REPORTS

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

ADJOURNMENT

A motion was made to adjourn at 10:17 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

Mayor

Town Clerk