



TOWN OF LOOMIS

ACTION MINUTES REGULAR MEETING OF LOOMIS TOWN COUNCIL LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650 AND
800 E. BURNSIDE STREET, PORTLAND, OR 97214

916-652-1840

www.loomis.ca.gov

TUESDAY	JULY 8, 2014	6:30 P.M.
<p>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.</p>		
<p>a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Section 54956.9 of the Government Code: Property: 3790 Taylor Road (currently leased to High Hand Nursery) Agency Negotiator: Rick Angelocci, Town Manager Under Negotiation: Price and term</p>		
<p>b. CONFERENCE WITH LABOR NEGOTIATOR: Pursuant to Section 54957.6 of the Government Code. Agency Negotiator: Rick Angelocci, Town Manager Employee Organizations: Loomis Diversified Employees Group and Maintenance Workers (Operating Engineers Local 39)</p>		
<p>c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Town Manager Evaluation, pursuant to Section 54957 of the Government Code. Title: Town Manager</p>		
TUESDAY	JUNE 8, 2014	7:30 P.M.

CALL TO ORDER

Call to order by Mayor Wheeler at 7:37 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Wheeler
Councilmember Black
Councilmember Morillas
Councilmember Ucovich

Absent: Councilmember Calvert

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action taken.
- b. No action taken.
- c. No action taken.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Ucovich stated the following:

- he suggested hiring a consultant to see if we are up to ADA standards on Taylor Road from Horseshoe Bar Road to Walnut Street
- he supports replacing the concrete if it is necessary for ADA requirements
- questioned what is going to be done with the plaque on Taylor Road by Sierra College Boulevard

Brian Fragalo, Town Engineer/Public Works Director, pointed out that they discussed this at the workshop and they are going to fill in around the plaque but first it has to be designed and that will come before the Council.

TOWN REPORT

LOOMIS CHAMBER OF COMMERCE UPDATE

Jenny Knisley, 4135 Hunters Drive, stated the following:

- she met with Placer County Visitors Center and talked about ways to promote the town
- they are working on a fact sheet showing points of interest in Loomis and would like to send it to the Council for their feed back
- they are doing a "power hour with John L. Sullivan," he will be speaking on the 24th of July at High Hand

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.

Nancy Ucovich, 5911 Craig Court, stated the following:

- at the last Thursday Night Family Fest she showed someone where the dog water fountain was and it wasn't working
- she suggested putting a sign up showing it is broken

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. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by the following vote:

Ayes: Black Morillas, Ucovich, Wheeler
Noes: None
Abstained: None
Absent: Calvert

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.

A motion was made to adopt the Consent Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following vote:

Ayes: Black, Morillas, Ucovich, Wheeler
Noes: None
Abstained: None
Absent: Calvert

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|--|-------------------------|
| 1. Council Minutes – 6/10/14 (with Councilmember Calvert Abstaining) | <i>APPROVE</i> |
| 2. Monthly Check Register – June | <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. | Update on Council Committee Reports | <i>RECEIVE AND FILE</i> |
| 7. | 2014 CIP Asphalt Overlay and Reconstruction Project -
Advertise For Bids | <i>APPROVE</i> |
| 8. | Community Mini-Grant Program | <i>APPROVE</i> |
| 9. | Setting The Date For The Town's Strategic Planning Retreat | <i>APPROVE</i> |
| 10. | Request for Placement of Wine Trail and Wineries Directional Signs
Within The Town Right-of-Way | <i>APPROVE</i> |

CONSENT ITEMS FORWARDED

PUBLIC COMMENT

11. **Recology Request for Rate Increase**

Pursuant to the Town's agreement with Recology Auburn Placer a rate change is being requested that will increase rates from 0.37% to 2.00% with an effective increase of 0.97% as a Cost of Living Adjustment.

Recommended action: Hold public hearing and approve resolution increasing refuse service rates as presented or as amended

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 14-13, approving a rate increase to the Solid Waste Refuse Collection and Hauling Contract for Recology Auburn Placer. On motion by Councilmember Ucovich, Seconded by Councilmember Black and passed by the following vote:

Ayes: Black, Morillas, Ucovich, Wheeler
 Noes: None
 Abstained: None
 Absent: Calvert

12. **Chapter 7.20 of the Loomis Municipal Code (Sex Offender Separation)**

Consider first reading of an ordinance repealing Chapter 7.20 of the Loomis Municipal Code (Sex Offender Separation) based on two recent court decisions holding that the extensive State Legislation regulating and restricting the lives of registered sex offenders preempts any local regulation.

Recommended action: Hold first reading of ordinance repealing Chapter 7.20 of the Loomis Municipal Code.

Public comment:

Mona Ebrahimi, Town Attorney, stated the following:

- Chapter 7.20 of the Loomis Municipal Code imposed additional restrictions regarding sex offenders
- this year we have received two cases where local agencies could not expand upon what the state has already required with respect to sex offenders
- the Supreme Court has decided not to take those cases up
- there are a number of cities within California that have an ordinance similar to the one Loomis has and they are all in the process of repealing that because they are no longer good law
- there is a woman going up and down the state and suing cities who are not repealing their ordinances
- we would be exposed to potential litigation because it is no longer legal

Rick Angelocci, Town Manager, pointed out that this woman has already contacted the Town on three occasions.

No public comment.

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 253, repealing Chapter 7.20 of the Loomis Municipal Code (regulating registered sex offenders). On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by the following vote:

Ayes: Black, Morillas, Ucovich, Wheeler
 Noes: None
 Abstained: None
 Absent: Calvert

BUSINESS

13. **Town Facilities/Special Event/Rental Application & Fees** (Continued from June 10, 2014)

At the May 13, 2014 Town Council meeting, Council directed staff to return with a policy/application regarding renting out the Town's public facilities.

Recommended action: Approve the Special Event/Rental Application and fees.

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to approve the Special Event/Rental Application and fees. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following vote:

Ayes: Black, Morillas, Ucovich, Wheeler

Noes: None

Abstained: None

Absent: Calvert

14. **Voting Delegates To League Conference**

The League of California Cities Conference in September 2014 will include League business and cities are asked to appoint voting delegates to conduct that business

Recommended action: Appoint a voting delegate and alternate to act on behalf of the Town and give direction.

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to appoint Mayor Wheeler as the voting delegate, Councilmember Morillas as the first alternate and Councilmember Ucovich as the second alternate. On motion by Councilmember Ucovich, seconded by Councilmember Black and passed by the following vote:

Ayes: Black, Morillas, Ucovich, Wheeler

Noes: None

Abstained: None

Absent: Calvert

FUTURE AGENDA ITEMS

Councilmember Ucovich suggested the following:

- having on a future agenda a landscape design on completing the island where the center monument is on Taylor Road by Sierra College Boulevard
- he would like the Council to discuss a bench policy on a future agenda, some of the Town benches are blocking events at the Multi-Modal, and maybe look at another program that honors people
- he would like to discuss the plaque sign for Blue Anchor Park and when it will be put in place

Rick Angelocci, Town Manager, stated the following:

- he will check with Bureau Veritas to see if they have someone that can inspect the ADA requirements, for the two blocks discussed earlier, on Taylor Road
- they have the plaque and the stands for the Blue Anchor Park and will advise the Council when that is going in

Mayor Wheeler pointed out that there may be some amendments coming forward on the General Plan.

Rick Angelocci stated the following:

- there will be amendments coming forward on the Housing Element overlay process
- there is a request to submit an application from the Monte Claire Estates to reconsider prohibiting gated communities
- consider discussing the Quimby Act and the Park, Recreation and Open Space plan

COMMITTEE REPORTS

- Project Go, Inc. – Community Action Agency – Morillas/Ucovich
- Placer County Economic Development Board – Black/Wheeler
- Placer County Flood Control/Water Conservation District – Morillas
- Placer County Transportation Planning Agency – Ucovich/Calvert
- Placer County Mosquito Abatement – Russ Kelley as citizen rep
- Placer County Air Pollution Control District – Black/Ucovich
- Local Agency Formation Commission – Ucovich
- Sacramento Area Council of Governments – Wheeler/Black
- Placer Land Trust ex-officio representative – Calvert
- Borders Committee – Wheeler/Morillas
- Business Committee – Black/Morillas
- Schools Liaison – Black/Wheeler
- SPMUD Ad Hoc Committee – Wheeler/Morillas

ADJOURNMENT

Mayor Wheeler stated there was no further business and adjourned at 8:13 p.m.

Town Clerk

Mayor



TOWN OF LOOMIS
AGENDA
ACTION MINUTES
LOOMIS TOWN COUNCIL SPECIAL MEETING
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650
www.loomis.ca.gov

TUESDAY

APRIL 22, 2014

7:00 P.M.

CALL TO ORDER Call to order by Mayor Wheeler at 7 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Dave Wheeler
Councilmember Robert Black
Councilmember Sandra Calvert
Councilmember Rhonda Morillas
Councilmember Miguel Ucovich

Absent: None

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 may be limited to five minutes or less, at the discretion of the Mayor.

There was 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.

A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler

Noes: None

BUSINESS

1. Proposed Revised Tree Ordinance (Continued from April 8, 2014)

On February 1, 2014 a tree ordinance workshop was held and staff was directed to return with a revised tree ordinance that was based on comments received at the meeting.

Recommendation: Discuss, take public comment and provide a recommendation to staff to return with the proposed ordinance for first reading at the May 13, 2014 Council meeting.

Public comment:

Diameter of trees to protect.

Pat Brechtal, 5815 Brace Road, asked about the diameter of the tree and where the measurement is taken from and if this includes all trees, like the cottonwood?

Rick Angelocci, Town Manager, stated the ordinance is limited to the oak trees and you measure 54 inches height from the ground.

Irene Smith, 6755 Wells Avenue, stated she supports 6 inches in diameter at breast height.

Gary Liss, 4395 Gold Trail Way, stated he supports keeping 6 inches because it will preserve the young trees.

Lois Engel, 3617 Del Mar Avenue, stated the following:

- certain oak trees (Valley Oak) have shallow roots and in a wet winter with a lot of wind the trees will fall down
- the white oak has a long tap root that will not come down in rain and wind
- council should look at the type of root on the oak trees before council says a certain size of a tree because some of the trees are dangerous

Jean Wilson, 4301 Barton Road, stated not all oak trees are slow growth and it will depend on where it is planted.

Roger Smith, 6755 Wells Avenue, stated he supports the Planning Commission's recommendation of 6 inches in diameter.

Kim Fittke, 3070 Humphrey Road, stated she supports 6 inch diameter for protected tree.

Brian Baker, Arcadia Avenue, stated he supports whatever size is healthy to maintain the tree canopy.

Shawna Martinez, Penryn, stated the following:

- smaller diameter trees have the most vigor and are important to protect
- she recommends keeping it at 6 inches in diameter for all of the oaks
- the blue oaks in particular are hard to establish and hard to establish from seedlings

Following further discussion on the matter, a motion was made to approve six inches in diameter to protect the Valley Oak, Interior Live Oak, the Oracle Oak, California White Oak and the Blue Oak at four inches in diameter. On motion by Councilmember Calvert, seconded by Councilmember Ucovich and passed by the following vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler

Noes: None

Size of residential parcels to exempt.

Gary Liss stated the following:

- we need to focus on developers coming in, there are hundreds of acres that could be developed
- some of the letters that have come in focuses on one acre as the appropriate size, because of anything larger there should be plenty of room on a 2.3 – 4.6 acre lot to design around the trees that are there
- the majority of residents in town live on one acre and smaller, so if you have one acre parcels exempt, at a minimum, it will provide a huge benefit to most people in town and it will clearly communicate that it is not about them, it's about new development

John Gant, 5610 Shady Canyon Court, stated the following:

- He just purchased his property, 4.6+ acres and there are over 275 trees on his property
- he had a certified arborist look at his property and he evaluated 131 trees on less than ¾ of an acre
- approximately 25% of the trees are rated at a 3 or higher and 75% of the trees are rated at a 2 or 1 on his property
- the trees are not healthy, the majority of them are choking each other out
- those fees are strictly against a resident who moved here to be a part of Loomis
- the size should be as large as possible

Irene Smith, 6755 Wells Avenue, stated the following:

- someone could come in and clear cut 2.3 acres or more for a vineyard and if we have that repeating itself, how do you control the clear cut
- 2.3 acres is giving away too much and asked Council to keep the exemption at ¼ acre lot size and smaller

Pat Brechtal, 5815 Brace Road, stated he supports increasing size of the lot.

Pat Miller, 4395 Gold Trail Way, stated that she would be happy with the ¼ acre or even the 1 acre exemption.

Brian Phillipe, 6835 Brooks Lane, supports 4.6 acre exemption that is non-subdividable.

Kim Fittke, 3070 Humphrey Road, stated the following:

- this ordinance came up because we don't want to pick on residents
- there shouldn't be an exemption
- every resident should have to get a tree permit whether they are exempt or not so they can be given information on the trees and make an educated decision before they decide to cut a tree
- the Planning Commission's version of the ordinance wasn't just based on discussions, it was also based on hours upon hours of research
- if there is any issues that you may be in doubt about she asked that they would refer to that

Sonja Cupler, 5630 Tudor Way, stated she was also in favor of the 4.6 acre lot exemption.

Shawna Martinez, 2332 Lynnwood Lane, Penryn, stated the following:

- if a resident wanted to take down a tree on larger acreage they could apply for the 10% rule
- if a resident wanted to take down 2 or 3 trees on an acre they should have enough room to plant trees
- her proposal is to come up from the ¼ acre to 1 acre but not any more

Russ Kelley, 4246 Barton Road, stated the following:

- he has been planting trees on his 3.75 acres over 48 years and some of his best trees are redwood trees
- there are only two kinds of oak trees, ones that are growing and ones that are dying
- if a property is not splittable the larger acreage should just be left alone and left up to the property owners

Brian Baker, 6020 Arcadia Avenue, stated the following:

- on page 3 it says the property owner is responsible for their trees to maintain
- if a resident has 4.6 acres that can't be split and they need to remove a tree, then they should be able to without mitigation
- if property can be subdivided then it will need to be mitigated

Roger Smith, 6755 Wells Avenue, stated the following:

- the opening paragraph in the tree ordinance states that the highest priority of our tree ordinance is to maximize the preservation of existing protected trees
- we are here tonight to preserve protected trees not to find ways to allow residents to remove them
- he supports exempting small parcel sizes

Councilmember Black stated the following:

- all of us invest hundreds of thousands of dollars in our homes and we will not detract from the property value
- we should have the ability to do what we want with our property
- he supports going with a minimum of 4.6 acre that cannot be split

Councilmember Calvert stated the following:

- she feels like they won't make anyone happy so they need to meet in the middle
- there are a lot of exemptions in here to protect some of those 163 parcels, under the woodland and the 10%

Councilmember Ucovich stated the following:

- to allow 4.6 acre exempt would basically be the whole town
- he would like to save the oak trees and stay with the ¼ acre lot exemption

Councilmember Morillas stated she agrees with Councilmember Black, the residents with the larger lots should have the same rights as the smaller lots.

Mayor Wheeler stated the following:

- he agrees with Ms. Fittke's suggestion of having a required tree permit and information given on trees before a tree is cut down
- he is also believes in property rights
- he supports exemption of a 4.6 acre lot that can no longer be subdivided

Following further discussion on the matter, a motion was made to require a tree permit for all tree removal and exempt mitigation fees for lots that cannot be subdivided up to 4.6 acre minimum or less. On motion by Councilmember Black, seconded by Councilmember Morillas and passed by the following roll call vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler

Noes: None

Recess at 8:50 p.m. to 9:00 p.m.

Number of trees to replant.

Gary Liss stated the following:

- save our trees don't lower the fees
- the Planning Commission's recommendation for large scale projects is already 73% lower than current Loomis fees
- this is a huge give-away by decreasing the trees, it's all about development
- the number of trees and the mitigation fees are the key tool for communicating the Town's values of preserving trees
- don't decrease the number of trees and increase the fees back to the current level

Jean Wilson stated the following:

- one advantage of reducing the mitigation table is that we would have a much better chance to get trees replanted rather than pay the money to the Town
- the Town doesn't have the space or the means for replanting oaks
- if we were challenged on the old fees it would probably not stand up in court
- we are better off leaving the chart the way it is

Mayor Wheeler pointed out that they have accepted the fee schedule that was forwarded from the Planning Commission, at this time they are discussing the number of trees required for mitigation.

Brian Phillipe, 6835 Brooks Lane, stated the following:

- the stated goal in the ordinance indicates the Town's goal is to "achieve an overall healthy tree canopy"
- the goal does not state, "to add to the existing canopy"
- the more trees that is required to mitigate is in addition to the canopy
- he would recommend to stay with the proposed ordinance that is presented tonight

Roger Smith stated the following:

- the best way to conserve the canopy is to not cut the trees
- questioned what is the biggest disincentive for the developer to cut the trees, having to replant 15 trees/seedlings or having to pay a big chunk of money
- we want to keep the disincentive nature of the mitigation table, now it is focused on developers

Shawna Martinez stated the following:

- in-lieu of the 4.6 acre decision, the fees should be revisited
- in her table (she handed out) she met in the middle
- she would like to see the sizes of the trees be in one column
- Valley Oak and California White Oak are the same tree
- the numbers she proposed in her table is accurate for filling the canopy of the replacement tree

Kim Fittke stated the following:

- it doesn't address how the trees are planted, what area, and density, to insure that what you plant makes any sense
- in a rural area like Loomis, a large part of the benefit is based on the whole ecosystem
- the least we can do is to keep the ratios high enough where you are trying to replace the real value of the trees lost
- the point is to discourage the clear cutting of the trees
- the Planning Commission's ordinance included common sense caveats and she would defer to the ratios presented in their ordinance

Rick Angelocci, Town Manager, pointed out that a developer has to go through enormous scrutiny before they can remove any trees, a tree protection plan is still required in this ordinance and they won't have the right to clear cut.

Russ Kelley stated the following:

- it takes a lot of planning to get a project finished
- the tree ordinance was designed to look at canopy and we are at 35% now, and are well ahead of schedule
- on the smaller lots, if you go to Environmental Health for a septic permit you will be giving up about an acre
- we are going to lose some trees for solar panels
- he encouraged Council to go with the ordinance that is before them

Councilmember Ucovich stated the following:

- he is concerned about high fees forcing the developer to drive up the price of housing
- we don't have any place to plant trees

Following further discussion on the matter, a motion was made to adopt the table 5-3 as recommended with the addition of the 6 inch size of trees put back in for the Valley Oak, Interior Live Oak, Oracle Oak, California White Oak and 4 inches for the Blue Oak. On motion by Councilmember Black, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Black, Morillas, Ucovich, Wheeler

Noes: Calvert

On the tree replacement include up to 50% smaller trees (5 gallon) in replacement.

Jean Wilson stated the following:

- she interviewed growers of the native trees and they are moving away from the nursery pots to T pots because they take hold so much faster and it allows them to have a deeper root that adapts to the location much faster than putting in a bigger tree
- one reason to put in a 15 gallon is because a person would want instant effect but it has nothing to do with the health and growth of a tree
- another reason they recommend a 15 gallon is for parks and along streets because of vandalism or people leaning on them

Shawna Martinez stated the following:

- they have been using the T pots along the freeways for several years now because of the success
- the research done on the T pots has been fairly recent and her recommendation was to combine them and allow people to choose what size tree they want to put in
- the smaller trees tend to take off and do better

Kim Fittke stated that before you see the leaves come out of an oak they are growing underground, the 80% that is growing underground is what matters, not what is on top unless it is an older tree.

Following further discussion on the matter, a motion was made to add the sentence : "Up to 50% of the required replacement trees may have T4, T6, T8 Tree Pots (oaks) or a #5/5 gallon (other species) container size, where the Town Manager determines that long term tree health and survival will be improved by starting with a smaller container size, and that each tree with a container size less than #15 will not be in a location where it will be more subject to damage while it is becoming established than a larger tree." On motion by Councilmember Black, seconded by Councilmember Morillas, and passed by the following vote:

Ayes: Black, Calvert, Morillas, Wheeler

Noes: Ucovich

Add "other than a Minor Land Division" under 13.54.110 Section E, following "if a subdivision application"

Jean Wilson stated the following:

- when the subdivision clause was put in they were thinking about the infrastructure and houses and didn't think about a minor land division
- she would like to add to Section E in the last sentence after the word "subdivision" the following: "other than a minor land division"
- she asked Council to clarify what they meant by 4.6 acres or 4.6 acre zoning that is non-splittable

Mayor Wheeler stated if you have a 5.2 acre piece of property and you are zoned 4.6 acre, than that is non-splittable.

Jeff Mitchell, Town Attorney, agreed it is by zoning categories that are non-splittable.

Pat Miller stated she agrees with Ms Wilson and asked to include "when agricultural is continued."

Following further discussion on the matter, a motion was made for 13.54.110 Section E, to read in the last sentence: " If the agricultural use is terminated before ten (10) years, and/or if a subdivision application, other than a Minor Land Division, for non-agricultural development is filed with the Town within that period, mitigation shall be required in compliance with Sections 13.54.090. On motion by Councilmember Calvert, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler

Noes: None

Add "Removal of trees for defensible space."

No public comment.

Following further discussion on the matter, a motion was made that any tree removal, pursuant to State Law, is exempt from mitigation fees. On motion by Mayor Wheeler, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler

Noes: None

Include Heritage tree definition

Pat Miller stated the following:

- she was never in favor of removing the definition of a heritage tree
- our logo hi-lights a tree and we have spent a lot of time talking about trees
- she suggested including any important/special tree for this area that we might want to include

Irene Smith quoted from the City of Rocklin's definition of heritage oaks and said we should apply that in Loomis too.

Jean Wilson pointed out that there was a provision in the previous tree ordinance for a landmark tree like Ms. Miller suggested.

Gary Liss stated that he is in favor of designating a heritage or landmark tree in the ordinance.

Roger Smith stated the following:

- he agrees that the designation of a heritage oak should be left in
- an example would be the one on the corner of Rocklin Road and Barton Road, right on the corner of the strawberry patch
- how can we go above and beyond the normal rules for a heritage tree

Russ Kelley stated the following:

- there is only one way for a heritage tree to go and that is down
- he had a huge one on his property and he came out one morning and it was down
- we don't need to designate a heritage oak tree, we can do it by proclamation

Following further discussion on the matter, a motion was made to keep the wording of the Heritage Protected Tree and staff will bring back a clear definition that will also include trees other than oaks. On motion by Councilmember Calvert, seconded by Councilmember Morillas and passed by the following roll call vote:

Ayes: Black, Calvert, Morillas, Wheeler
Noes: Ucovich

Following further discussion on the matter, a motion was made to direct staff to bring amended ordinance, that includes all straw vote decisions made tonight, back for first reading at the next Council meeting. On motion by Councilmember Morillas, seconded by Councilmember Black and passed by the roll call vote:

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

ADJOURNMENT

Mayor Wheeler stated there was no further business and adjourned at 10:25 p.m.

Mayor

Town Clerk