TOWN OF LOOMIS

ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650
AND 1600 EUREKA ROAD, ROOM 3116, ROSEVILLE, CA 95661

TUESDAY	JUNE 8, 2010	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 LABOR NEGOTIATOR:** Pursuant to Section 54957.6 of the Government Code.
Agency Negotiator: Perry Beck Town Manager
Employee Organizations: Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group

b. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Initiation of litigation pursuant to subdivision Section 54956.9: Two cases
- Rocklin Crossing: Case #S CV 24099 Town of Loomis v City of Rocklin et al & Rocklin Crossings LLC et al
- Rocklin Clover Valley: Case #34-2007-00002871-CU-WM-GDS Town of Loomis v City of Rocklin et al and Rocklin 650 Venture et al

TUESDAY	JUNE 8, 2010	7:30 P.M.

CALL TO ORDER

Call to order by Mayor Liss at 7:32 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:
Mayor Liss
Councilmember Kelley
Councilmember Morillas
Councilmember Ucovich

Absent:
Councilmember Scherer

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

a. No action taken.
b. Council directed staff to submit a settlement agreement to the Rocklin Crossing attorneys.

PROCLAMATIONS/RECOGNITIONS

Del Oro Students, Graduate Dignitaries

Retiring Del Oro Teachers

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich stated the following:
- **he would like a discussion on improving the WAVE Broadcasting customer service and repair**
- **he complimented South Placer Municipal Utility District on the re-paving over the sewer cuts last week on some of the streets (Margaret, Pearson, Francis, etc.)**

Mayor Liss suggested for the next agenda items to consider the following:
- **he would like to consider sending a letter on AB32 Initiative that is coming up this Fall**
- **he noted the upcoming events: Horse Expo this weekend; Mayor Kevin Johnson is having a second meeting on his "green initiative" on June 16, 2010 at 2 p.m. to 4 p.m.; on Monday, Cal Recycle is organizing a tour of the recology composting facility in Marysville; on July 2nd is the next Summer Concert; and July 9 and 10 is the next Pablo Cruise concert**
- **he asked for a moment of silence for Councilmember Scherer who is in the hospital and Kathy Kerdus who's daughter, Erin, passed away on May 30th**

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

Jeremy Sutter, 3145 Orchard Park Court, stated the following:
- **he was on the committee that put together the soap box derby last month**
- **they had over 80 that registered and around 300 people attended**
- **they were able to raise money for the Loomis Grammar School and they plan on doing this every year**

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, continuing item 18 to another meeting. On motion by Councilmember Ucovich, seconded by Councilmember Kelley 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 adopt the Consent Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA		RECOMMENDED ACTION
1.	Council Minutes – 5/11/10	*APPROVE*
2.	Monthly Check Register – May	*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.	2010/11 Goals Update	*RECEIVE AND FILE*
7.	Select Rocklin Development Projects Update	*RECEIVE AND FILE*
8.	A Resolution of the Council of the Town of Loomis Accepting The Loomis Town Hall Building Remodel Project Completed By Melnikov Construction	*ADOPT RESOLUTION* **Resolution 10-14**

9. Hunter Oaks Subdivision – Homeowners Association Open Space Non-Development Easement Donation — *APPROVE*

10. Pacific Gas and Electric Rule 20 Funds — *RECEIVE AND FILE*

11. Placer County Transit Agreement 2010/11 Year — *APPROVE*

CONSENT ITEMS FORWARDED

PUBLIC HEARING

12. **Recology Auburn Placer Request to Raise Rates**
Pursuant to the Town's agreement with Recology Auburn Placer (formerly Auburn Placer Disposal) a rate change is being requested that will increase rates from 0.70% to 2.18% on the common refuse services
Recommended action: Hold public hearing and approve resolution increasing refuse service rates as presented or as may be amended; or determine whether a pilot program providing users of 32 gallon containers a green toter should be implemented
Public comment:

John Rowe, General Manager for Ecology Auburn Placer, expounded on the green waste program and answered questions.

Pat Miller, 4395 Gold Trail Way, stated the following:
- **pointed out that there have been lots of pilot programs on this kind of service, not only in California but Nationwide as well**
- **she supports the pilot program providing users of 32 gallon containers a green toter**

Councilmember Kelley stated the following:
- **he agrees with surveying the people to see if they want a green toter**
- **we should get rid of all plastic**
- **we should proceed with the rate increase as requested**

Councilmember Ucovich stated the following:
- **he would like to re-visit this to see if the green waste program is really cost effective**
- **we need to promote the blue bag program**

Mayor Liss stated the following:
- **he suggested that we proceed with the pilot program providing users of 32 gallon containers a green toter**
- **he would like to survey the entire Town showing all the services that are available then we could find out how much of a demand there is and then implement the program**

Following further discussion on the matter, a motion was made to adopt Resolution 10-15, approving a rate increase to the Solid Waste Refuse Collection and Hauling contract for Recology Auburn Placer, and provide users of 32 gallon containers a green toter. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.

Recess at 8:35 p.m. to 8:45 p.m.

At this time Council discussed item 15.

BUSINESS

13. **Downtown Park Parking Facility Design**
Consider recommendation for the parking/travel design for the downtown park
Recommended action: Approve Alternative A1 design
Public comment:

Council discussed this item after item 15.

Pat Miller stated the following:
- **Sandra Calvert couldn't be here tonight but asked to change her vote to Option A2, (7/6 vote)**
- **she supports maximizing the parking for paying customers**
- **she objects to providing parking for employees in the new parking lot**

Jean Wilson stated the following:
- **she is not in favor of reducing parking**
- **as a potential user of the facility she would prefer to be able to turn around at the cul-de-sac and come out at the signal (safer alternative to driving out onto Taylor Road)**
- **she prefers not to come out at Walnut street onto Taylor Road**

Nancy Beck, 6304 David Avenue, stated the following:
- **she voted for Alternative 2, if we are going to design the park for everyone then there should be more than two handicap parking areas**
- **if we focus on the employee parking back there then we are not addressing the people that will be using the park or customers that will be going into the businesses**
- **there is parking available for employees behind the Main Drug store**

Councilmember Ucovich stated the following:
- **re-emphasize that part of the funding is for "park and ride" and not for downtown parking**
- **he is more concerned with a nice downtown area, with a park and a skate park**
- **he would like to see alternate 2 with the first five parking spaces taken out, the plaza extended, the next four spaces handicap, and the five other spaces put in where the turn-about is**

Councilmember Kelley stated the following:
- **on the east side of Nelthorpes (parking area) he would like to maintain that as two- way, that will allow customers to have access coming from Horseshoe Bar Road and to Taylor Road**
- **he likes Alternate 1 but would like to do it in phases and maintain flexibility to change it if we find better uses of angle parking, what works, what we don't like, etc.**

Perry Beck, Town Manager, stated the following;
- **regarding the CMAQ money, we don't want to experiment, we have other places we can use the money**
- **if the Council wants to do some experimentation then we don't have to spend $195,000 to do it, we can do it with DG and not paving**

Mayor Liss stated the following:
- **we want to enhance the businesses for the customers, not the employees**
- **we want to minimize the negative impact on the park, if we do temporary improvements in the parking lot (using DG) and not take away from the park area (focus on the park as far as the capital improvement) figure out the traffic flow through trying different things that come up over time**
- **moving the five parking spaces down for emphasis on the plaza is a good idea**
- **design as much grant money as we can into the park and figure out the parking over time as the businesses and parking evolves**

Brian Fragiao, Town Engineer/Public Works Director, pointed out that $195,000 has to be used for the parking lot and the $220,000 can be used for the park.

Councilmember Morillas stated the following:
- **she hates to lose too many parking spaces**
- **she likes Alternative A1 because it has eleven more parking spaces**
- **we need to keep in mind safety regarding one-way or two-way**
- **paving encourages people to speed, the DG would keep traffic slower**

Following further discussion on the matter, a motion was made to approve the following:
- **use DG on the road and parking area for flexibility and modifications**
- **two-way around the Wild Chicken/Nelthorpe parking area and one-way behind the businesses from Nelthorpes towards Christensens**
- **extend the plaza out and move the five parking spaces down**
- **focus on the park**

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

Council agreed to continue the items that were not discussed tonight to the next Council meeting.

14. **A CDBG Loan Forgiveness Request At 3457 Colvin Road**
At the May Council meeting Kevin Johnson asked to address the Council in June to ask that a 1994 Community Development Block Grant Housing and Rehabilitation Loan be forgiven
Recommended action: Deny the request to forgive the CDBG Housing and Rehabilitation Loan for the reasons noted in the report from 2005
Public comment:

Continued to July 13, 2010 Council meeting.

15. **Homewood Conditions and Mitigation Implementation**
Mr. Hamid Noorani asks that the Council approve a different method to satisfy conditions 10 and 105 for the Homewood Relocation Project
Recommended action: Approve the method to satisfy condition 105 as detailed in this report to replace the method approved in September 2009 and give direction as to how Council wishes to address condition 10.
Public comment:

Council discussed this item after item 12.

Hamid Noorani, owner of Homewood Lumber, stated the following:
- in Condition 105 there was an exchange of trees for improving and dedicating 3.6 acres that will be turned into a preserve
- to meet the conditions of the tree ordinance we had to enter into a separate agreement that called for Homewood to contribute more than a thousand trees over a ten year period in exchange of the removal of 143 trees
- Condition 10 states that if we create the preserve, then improving the road would become the responsibility of the Town
- they have met with the Town many times and in order to move forward where permits can be issued they must overcome a hurdle
- the improvement of Brace Road, all the way to the gate, is estimated to cost from $150,000 to $200,000
- he asked the Town to make it possible for them to move forward by honoring Condition 10, the way it was intended
- their part of the bargain requires that they give the Town a plan for preservation and to respond to ideas about long term maintenance
- he suggested listening to Kevin Kemper who can create a preserve at a minimal cost and have interaction with the PROSC and put together something that evolves rather than following a plan
- they have not been opposed with dedicating the 3.8 acres to the Town and also taking responsibility for the maintenance

Kevin Kemper, 7912 Oak Glen Lane in Granite Bay, stated the following:
- he is an arborist who has made a career in taking care of trees and he has had his own land restoration projects in various states
- the site already has wetlands with seasonal rains that flow across it and it just needs a little help
- the willow tree thicket is over-taking the area and needs to be removed
- he suggested not removing any trees and doing a minor amount of grading (5 to 6 inches in the high spots) needs to be done to help guide the water down to the basin area
- the Town will get everything they want and more because Mr. Noorani is going to put money aside into a wetland mitigation fund that helps another area and still be helping this area to add to the Town's open space

Perry Beck, Town Manager, noted the following:
- the Town has not received any detail plan of this
- an evolving plan would be something unique
- there is nobody on staff that could evaluate this but we do have resources through Sacramento Tree Foundation and Placer Land Trust that do have skilled people that can evaluate how the land and wetlands are evolving and if we are going in the right direction
- one of the options they discussed was having the Town take the land and being responsible for the road and Homewood would not be responsible for any endowment for maintenance

Dave Larsen, Town Attorney, stated the following:
- suggested looking at the history
- we started with set fees that anyone would be charged
- we talked about a development agreement to begin with and under the flexibility of a development agreement you can negotiate waiving fees in exchange for keeping a company in Town or getting other enhancements on the site and at some point the development agreement was dropped
- staff has tried to make sure there was a balance between concessions that the applicant is willing to do and credits that he is due
- keep in mind the development fees and at the end of the day you should be able to show that if you take that in some other way you are still getting value for the trade-off

Brian Fragiao, Town Engineer/Public Works Director, stated the following:
- we are not allowed to go into the flood way without permits from Fish and Game and FEMA
- we can't just let anyone go in there and start grading (even if it is just 4 to 6 inches) because we don't have any guidelines or a plan and we could be changing the capacity of the creek system

Mr. Noorani stated the following:
- there was no definition given to preserve and none for the long term maintenance
- we had to find a way to save money and knock off a big chunk of what Restoration Resource was going to cost Homewood
- if we go back and start taking away those savings then that would kill the project

Jean Wilson, 4301 Barton Road, stated she understood Condition 10 was saying to either give it to the Town or keep it as a preserve.

Councilmember Ucovich stated the following:
- he is opposed to giving Town money away without getting something in return
- the only way he would support paying for the road would be if the 3.6 acres were given to the Town

Councilmember Kelley stated the following:
- there is significant benefits for the Town, if they take the property, and it will satisfy the condition
- he agrees with Councilmember Ucovich

Councilmember Morillas stated she agrees with the Town taking possession of the property, taking the responsibility of the maintenance, and doing the road improvements in front of the site along Sierra College Boulevard.

Mayor Liss stated that his preference would be for Mr. Noorani to consider the value of the road improvements and to have some kind of agreement on how much work is done there to satisfy the obligation.

Following further discussion on the matter, a motion was made to direct staff to prepare necessary documents so the Town can acquire the 3.6 acre wetlands for significant value and in exchange, the Town will build the road improvements recommended in Condition 10 (and what staff deems fulfillment of condition 10). On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by the following roll call vote:
Ayes: Kelley, Morillas, Ucovich
Noes: Liss
Absent: Scherer

Council discussed item 13 at this time.

16. **Blue Goose Facility Use Agreement**
A Blue Goose facility use agreement would formalize an informal understanding that now exists between the South Placer Heritage Foundation and Town concerning Town use, at no cost, of the Blue Goose Shed
Recommended action: Approve agreement and authorize Mayor to sign
Public comment:

Continued to July 13, 2010 Council meeting.

17. **I-80 Bridge Raising Strategies**
CalTrans is planning a major work along *-80 to raise a number of bridges, three of which are in Loomis and given where the planning process is, it would be prudent to consider a Town response to the planning and be prepared to respond when the environmental document is released in July 2010
Recommended action: Discuss and decide on a response to the CalTrans bridge raising planning process
Public comment:

Continued to July 13, 2010 Council meeting.

18. **Lot Coverage and Floor Area Ratio** **(Continued from May 11, 2010)**
Councilmember Ucovich asked that Council discuss lot coverage and floor area ratio, lot size and related topics in the Zoning Ordinance
Recommended action: Discuss and give direction as to how Council wants to proceed
Public comment:

Continued to July 13, 2010 Council meeting.

19. **Public Participation in Town Consultant Contracts**
Council Member Scherer asked that Council discuss public education and participation component in Town consultant contracts
Recommended action: Discuss and give direction
Public comment:

Continued to July 13, 2010 Council meeting.

20. **Placer County mPower Program Financing Problems**
Mayor Liss asks that Council discuss and give direction on an issue that is affecting the Placer County mPower program concerning where mPower loans stand in the hierarchy of loans that may encumber a property
Recommended action: Discuss and give direction.
Public comment:

Continued to July 13, 2010 Council meeting.

COMMITTEE REPORTS

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

ADJOURNMENT

A motion was made to adjourn at 10:44 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.

Mayor

Town Clerk