



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

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650  
[www.loomis.ca.gov](http://www.loomis.ca.gov)

<b>TUESDAY</b>	<b>OCTOBER 8, 2013</b>	<b>7:00 P.M.</b>
<p><b>CLOSE SESSION</b> – 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><b>a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.</b> Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case</p>		
<b>TUESDAY</b>	<b>OCTOBER 8, 2013</b>	<b>7:30 P.M.</b>

**CALL TO ORDER**

Call to order at 7:32 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present:

Mayor Scherer  
 Councilmember Calvert  
 Councilmember Morillas  
 Councilmember Ucovich  
 Councilmember Wheeler

**STATEMENT OF ACTION DURING CLOSED SESSION**

a. No action taken.

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

Councilmember Ucovich stated the following:

- he asked to have the Heritage Park Study on a future meeting for discussion
- he thanked Jenny Knisley and all those that helped on the Eggplant Festival last Saturday

Councilmember Calvert stated the following:

- asked to recognize Cate Luebke next month, she has been cleaning the park and ride area, Barton Road, and Brace Road for the past fifteen years
- Interstate 80 finally completed 41 miles, there are wider lanes now
- she would like to bring back a study to do a bike and NEV lane

Mayor Scherer stated the following:

- he will take a poll of the Council to see if there is any interest in discussing NEV lanes again
- Councilmembers Morillas, Ucovich and Wheeler were not interested in discussing NEV lanes.
- we can have the information on the bike lanes, what we have is pretty substantial
- he submitted his notice to the Town that he will be resigning effective the end of this meeting
- in 1986, when he first came on the Council we had a vacant downtown, with no money, no economy and nothing to do
- we promised we would revitalize the downtown and the promise has been fulfilled
- in the 27 years he has been serving this community it has been personally satisfying to him
- he will be here to help the town in areas that he thinks are important, one is to bring back Christmas in Loomis
- he cannot serve as Mayor of the town and be that involved with bringing the religious oriented program back to our town, it is something that this community embraces and needs and unfortunately we were challenged and the town can no longer be involved but it will take some leadership to put it back into place and I will be serving to make sure that we do have Christmas in Loomis once again

## 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.**

Pat Brechtal and Jenny Knisley with the Loomis Chamber of Commerce addressed the Council thanking the Town, Public Works, the businesses and expounded on what they did to prepare for the flawless Eggplant Festival last Saturday.

Mikell Fox, Pearson Avenue, handed a photograph to the Council of the house next to his and asked Council for some resolution to the problem.

Richard Jackson, 4000 Hunters Drive, stated the following regarding Brace Road and Homewood Lumber:

- the gutters are still covered with grass and debris
- the Sierra College intersection has not had one thing done to it
- the islands on Sierra College still have weeds in them
- the roads were not built for the trucks going to Homewood Lumber

**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, discussing item 9 before item 8. On motion by Councilmember Ucovich, seconded by Councilmember Morillas 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.

A motion was made to adopt the Consent Agenda. On motion by Councilmember Morillas, seconded by Councilmember Wheeler and passed by voice vote.

## CONSENT AGENDA

## RECOMMENDED ACTION

- |  |                         |
|--|-------------------------|
| 1. Council Minutes – 9/10/13   | <i>APPROVE</i>          |
| 2. Monthly Check Register – September  | <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. Status on Review of Chapter 14.60 (Parkland Dedication)                             | <i>RECEIVE AND FILE</i> |
| 7. 2013/2014 Capital Improvement Program – Revision To The Taylor Road Overlay Project | <i>RECEIVE AND FILE</i> |

## CONSENT ITEMS FORWARDED

## BUSINESS

### 8. Mayor Resignation/ Appointment of Interim Mayor/Replacement Options

At the August 13, 2013 Council meeting, Mayor Scherer announced his intentions to resign as Mayor and Councilmember at the October 8, 2013 Council meeting.

**Recommended action:** Discuss and possibly take action on one or more of the following items:

- 1) the appointment of an interim Mayor to serve until the regular appointment process of appointing a Mayor occurs in December;
- 2) whether to fill the vacancy by appointment or by special election;
- 3) if the Council decides to fill by appointment:
  - a. set the date of the public meeting at which Council intends to make the appointment,
  - b. set a deadline for interested individuals to submit applications for appointment, and
  - c. set a date for the public meeting(s) to interview applicants (could be at a special or regular meeting).
- 4) If the Council decides to fill by special election, direct staff to prepare the necessary resolution calling a special election and to present the resolution to the Council for approval at the November regular meeting.

**Public comment:**

Jeff Mitchell, Town Attorney, stated the following:

- the Council can't take action until the vacancy exists
- you can discuss having a special meeting but you can't take any formal action
- it was placed on the agenda because, at the time, staff wasn't sure what Mayor Scherer was going to do

Rick Angelocci, Town Manager, stated that staff will notify Council of a special meeting before the next Council meeting.

### 9. Proposed Revised Tree Ordinance

The Town of Loomis has had a tree protection ordinance since 1989. The latest adopted version is dated 2003. Since that time requests to remove specific trees have gone through a review and permit process under the existing ordinance, with applicants being required to mitigate for the impact of tree removal with replanting or with the payment of a fee in-lieu of replanting. While the existing ordinance can be credited to having saved hundreds of trees that might otherwise be removed, and has led to new planting of replacement trees, there were concerns that the ordinance was too onerous and that the mitigation requirements were too extensive.

**Recommended action:** Open the public hearing and take public comment, discuss and provide a recommendation to the staff to proceed with returning with the proposed ordinance for first reading at the November 12, 2013 meeting with direction on incorporating the California White Oak and Oracle Oak into the proposed mitigation table.

**Public comment:**

John Picone, Barker Road, stated the following:

- this is a ridiculous report, you have to hire a lawyer just to read this every time you buy a piece of property
- if this passes will council monitor this just to see if people have pruned their trees, to comply
- this will evolve to other people who want to control our lives
- he bought his property with the trees and should be able to do what he wants with them

Hazel Hineine, Barker Road, stated the following:

- she was here when the first General Plan and Zoning Ordinance was written
- the tree ordinance we had then was a Heritage Tree Ordinance, oak trees not sycamores and others
- this is America, the land of the free
- there is no place in this town that has a shortage of trees

Roger Smith, 6755 Wells Avenue, stated the following:

- the Town of Loomis is a tree town, we have a strong tree ordinance
- we are introducing a slightly different tree ordinance, in some areas more strict and some areas more lenient
- it is very important that the "purpose and intent" sets the Town's position that we are a community that greatly values its trees
- "the highest priority of our tree ordinance is to maximize the preservation of existing protected trees," but when this is not feasible a permit may be issued for tree removal with proper mitigation, that is the general tone of the ordinance
- there should be some underlying thinking that says there should be no automatic pay and cut policy, town authorities will evaluate tree permits requests on a case by case basis
- under 13.54.090, there is no part A. and B. and questioned if something was cut out
- regarding "Agricultural Exemptions," right now the agricultural development can come in and clear cut trees, no questions asked
- he proposes that no agricultural development be allowed to remove more than 75% of the protected trees

Mark Westbrook, student at Sierra College, stated the following:

- he is 22 years old, an engineering major and he would like to see more people his age here, possible extra credit to classes
- his concern is that obscene amounts of trees might be clear cut for commercial reasons
- property owners should have a say on what to do on their land
- there should be no harm if you cut down a tree and elect to have another one planted
- this ordinance could be applied to commercial or industrial developers only

Vic Markey, 3452 Taylor Road, stated the following:

- there are a lot more trees now than when he left 30 years ago for college
- a lot of the fruit orchards are gone and now the fields are full of oak trees
- he has notes from four years ago when he was on the Park, Recreation and Open Space committee and this ordinance has changed, it is more aggressive and goes in the wrong directions
- he suggested taking out the word "shall" and put in "may", it gives the latitude to the manager to interpret it in a way that best benefits the people of Loomis
- how will this allow the developers a fair chance, and taxing the citizens \$500 for cutting a tree limb without a permit is ridiculous

Judd Rackam, 3847 Bankhead Road, stated the following:

- he wants to echo that this is not going in the right direction as a homeowner who is getting ready to write his property tax check
- this scares him, it makes him think he can't afford to do the things he wants to do in his back yard, they love the trees
- the solution is not more fees and fines and regulations

Tom Millward, 3893 South Holly Street, stated the following:

- the tree ordinance has gone too far, cottonwood is the biggest weed and now they are included
- we use to say native trees and now we say every tree

Pat Brechtal stated the following:

- at the end of the day is this more about money or people
- if I cut a tree down for a pool, I shouldn't have to plant six more
- we shouldn't have to pay to cut cottonwoods

Gary Liss, 4395 Gold Trail Way, stated the following:

- a lot of people feel that the average citizen will be impacted severely, that is a myth, most citizens will not be impacted in any way
- most of the situations talked about tonight would be exempted under the ordinance
- this ordinance has more lenient provisions than the current tree ordinance has
- trees are a lot of what makes Loomis distinct, the General Plan is clear that preserving our trees is a high priority
- if you must lower the fees, which he doesn't suggest on major commercial developers, than don't go lower than \$198 per inch, about 47% lower than the current Loomis fees
- the Planning Commission's recommendation is a 73% decrease from the current Loomis fees, that's too much of a give-a-way to major developers, please save our trees, don't lower the fees

Shawn Grant, 6786 Horseshoe Bar Road, questioned how this will be enforced.

Shawna Martinez, lives in Penryn, stated the following:

- she worked with Janet Thew and Jean Wilson on the sub-committee to redraft the tree ordinance
- she is a Professor of Botany at Sierra College and she worked with U.S. Forest Service
- the sub-committee's time was all voluntary, they consulted experts and read many other ordinances
- their ordinance was carefully worded and was a user friendly document, they featured major and minor use permits
- the draft ordinance was removed from the sub-committee over a year ago, before it was completed, and without explanation
- July of this year staff and the Town Attorney drafted yet a new version of an ordinance and much of the verbiage is difficult to interpret and is written in legalese
- staff should have used the sub-committee's draft as a template and worked on improving it, as a result the draft before Council is difficult to understand
- she urged Council to carefully read the sub-committee's version, understanding it still needs some revision

Todd Lowell, he owns the Village of Loomis property, stated the following:

- he asked Council to include an exemption for General Plan roads
- there are two major roadways identified in the General Plan that will be impacted
- he will have to build a portion of Doc Barnes Drive that will include trees that are in the right-of-way
- since that is an identified major improvement in the Town's General Plan he asked if Council would include an exemption for the Doc Barnes roadway to Boyington

Jean Wilson, 4301 Barton Road, stated the following:

- she requested to put back the "nursery and orchard exemption", it was in the previous ordinance and in the sub-committee's
- in the "Agricultural Exemption" she requested that you leave the 10 foot property line buffer and not expand, nor to require the

- 25% of the trees left in it, because that takes up growing space for the grower
- the mitigation is still too high, it does not fit what the General Plan requires as far as mitigation and quoted from the General Plan under Natural Resources and Open Space Policies, under Native Tree Protection: "when trees are removed they shall be replaced in sufficient numbers to maintain the volume of the Town's overall canopy over a 20 year period"
- she asked Council to look at the mitigation fees to see if that needs to be re-considered

Ken Menzer, Town Arborist since 2005, expounded on the following:

- the cottonwood, eucalyptus, sweet gums, etc. would be eliminated on the Loomis master tree list
- there is ANSI Z60.1 Standards, which is the American Standard for nursery stock which will take care of a lot of things
- this is infrastructure, just like sewer and waterlines are
- the town will want standards for trees because they can ruin the sidewalks, curbs, and can cause accidents by being in the way

Brian Baker, 6025 Arcadia Avenue, stated the following:

- this does pertain to property rights
- this ordinance needs to be interpreted by a lawyer, it should be cut in half
- the mitigation fees need to be fair and upfront
- we need to look at how this ordinance is going to affect the individual homeowner if they want to cut down a tree to build a shed or a barn

Russ Kelley, Barton Road, stated the following:

- my trees were there when I moved there and there was some beautiful Heritage Oaks but he lost some and it wasn't because of him it was Mother Nature
- the Council is trying to tell us how to take care of our trees, yet they haven't taken care of their own trees downtown
- this ordinance makes us draw a map of our property and identify where all the trees are, to scale, and we also have to hire an arborist and if we don't do it we get fined
- the Town is trying to tell us how to maintain our trees and it is none of their business how we maintain our trees
- under 13.54.130 he disagrees with having home owners and developers in the same reference, they are different

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

- it is abundantly clear that there is misunderstanding about this ordinance
- the current ordinance is stronger and the proposed ordinance is more lenient in many ways
- she doesn't know what the answer is except maybe having a study session where everyone can sit down and discuss about what is in the ordinance and what it means

Recess at 9:18 p.m. to 9:43 p.m.

Councilmember Ucovich stated the following:

- he likes the idea of having a workshop
- we should only preserve the oak trees as the protected species
- our table needs to be adjusted on what realistically trees will do
- we need to look at the replacement figures and make sure they are accurate, he doesn't want to charge someone a ton of money
- he would like to see that there is some exclusion to be able to take enough trees out to build a house
- he likes Ms. Wilson's comments about nurseries and agricultural

Councilmember Wheeler stated the following:

- on his property he took out one tree to build his house but he has planted over 100 more trees on his property
- trees are value to people, it comes down to your individual property rights
- the new tree ordinance is still restrictive on what you can spend the money on
- the ordinance is protecting the oldest trees and it's the oldest trees that cause the most safety hazards for us
- why do we need an ordinance that everyone is willing to do on their own, most people want trees, it enhances the property
- how about giving rewards if they plant trees

Councilmember Calvert stated the following;

- property rights are first and foremost in Loomis
- she agrees that they need to have a workshop
- Loomis fees proposed have gone down substantially
- she would like a matrix showing comparisons of other areas broken down so people can understand
- she would like the sub-committees version that is more user friendly brought to the workshop
- we need to understand the value of the oak tree and there should be some type of a credit

Councilmember Morillas stated the following:

- she would like to see this pared down and preserve the property rights of the citizens of Loomis
- she agrees that having a workshop would be a good idea

Mayor Scherer stated the following:

- there is a consensus to hold a more thorough workshop on the tree ordinance
- he suggested that before you go into the workshop to go through the General Plan and find the goals and policies that reflect preservation of trees
- it is important to include the exemption for roadways identified in the transportation element of the General Plan
- good to look at the 20 year canopy period of replacement
- he would like to see some creativity in the mitigation plans, like alternatives plans
- if you allow the developers to be more creative in preserving trees, you will actually get trees preserved rather than having a check written

## COMMITTEE REPORTS

10. Project Go, Inc. – Community Action Agency - Calvert/Morillas
11. Placer County Economic Development Board – Wheeler
12. Placer County Flood Control/Water Conservation District – Morillas
13. Placer County Transportation Planning Agency – Calvert
14. Placer County Mosquito Abatement – Russ Kelley as citizen rep
15. Placer County Air Pollution Control District – Ucovich/Morillas
16. Local Agency Formation Commission - Ucovich
17. Sacramento Area Council of Governments – Scherer/Wheeler
18. Placer Land Trust ex-officio representative – Scherer
19. Borders Committee – Scherer/Wheeler and Calvert as alternate
20. Business Committee – Scherer/Wheeler and Calvert as alternate
21. Schools Liaison – Calvert/Scherer

## ADJOURNMENT

A motion was made to adjourn at 10:03 p.m. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

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Mayor

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Town Clerk