



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

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

TUESDAY	OCTOBER 13, 2009	7:00 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: APN 044-008-056 (Town owned property leased to High Hand Nursery) and APN 044-133-002 (Placer County owned property currently leased to High Hand Nursery) Property: Heritage Park Subdivision, a 40 lot subdivision at the end of Walnut Street being Auctioned 10/14/09 to satisfy a debt Agency Negotiator: Perry Beck, 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: Perry Beck, Town Manager Employee Organizations: Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group</p>		
<p>c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision Section 54956.9:</p> <ul style="list-style-type: none"> - Rocklin Lowes: Case #S CV 23598 Town of Loomis v City of Rocklin et al & Del Paso El Camino, LLC et al - 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	OCTOBER 13, 2009	7:30 P.M.

CALL TO ORDER

Call to order by Mayor Scherer at 7:35 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

- Mayor Scherer
- Councilmember Kelley
- Councilmember Liss
- Councilmember Ucovich

Absent: Councilmember Morillas

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

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

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich pointed out that they had about 200 citizens come into the Depot during the Eggplant Festival to view the Bike Trail plan and they sold over 20 Loomis 25th Anniversary pins.

Councilmember Liss stated the following;

- they had a successful meeting on the "Horse Rescue Idea" (west of Horseshoe Bar Road and south of Interstate 80) and about 40 people are interested in pursuing this (they will be having monthly meetings to develop ideas further)
- they will be having a second neighborhood watch meeting on October 28, 2009
- November 5, 2009 there will be another MIG workshop on the downtown study and encouraged everyone to attend and comment
- they will be having another meeting on the trails master plan (on a monthly basis)
- the medical marijuana dispensaries meeting will come before Council on November 3, 2009

Mayor Scherer noted that the Eggplant Festival was nice and he hoped everyone got a chance to come by and taste his ratatouille.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.** No public comment.

ADOPTION OF AGENDA

A motion was made 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.

A motion was made to approve the Consent Agenda, pulling items 9, 10 and 11 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

Dave Larsen, Town Attorney, pointed out that on items 9 and 12 the contracts need to be amended to require that the contracts be approved by the Town Attorney.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|------------------------------------|-------------------------|
| 1. | Council Minutes – 9/8/09, 9/25/09 | <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. | 2009/10 Goals Update | <i>RECEIVE AND FILE</i> |
| 7. | Pacific, Gas and Electric Rule 20 Funds | <i>RECEIVE AND FILE</i> |
| 12. | A Resolution Of The Town Council Of The Town Of Loomis Awarding To Low Bidder, Melnikov Construction and Authorizing Town Manager to Execute an Agreement Acceptable to the Town For the Loomis Town Hall Remodel Project in the Amount of \$198,500 | <i>ADOPT RESOLUTION</i>
Resolution 09-32 |
| 12a. | A Resolution Of The Town Council Of The Town Of Loomis Accepting The Loomis Fleet Modernization Program | <i>ADOPT RESOLUTION</i>
Resolution 09-33 |

CONSENT ITEMS FORWARDED

- | | | |
|----|--|---------------------|
| 8. | Request For Donations for Sheriff Search and Rescue and McLaughlin Theatre Company | <i>DENY REQUEST</i> |
|----|--|---------------------|

Councilmember Liss stated the following:

- he asked the Council to develop a fund to help organize festivals and events as part of the budget process for next year
- we should reconsider the Chicken Festival fund for next year and find out if there was any money left over from the chicken races this year
- we need to have a process where people can apply for different things

Councilmember Ucovich suggested advertising in the spring so anyone can get on the list before the budget process.

Councilmember Kelley suggested the following:

- advertising on the website
- an event should not be considered without a good plan

No public comment.

Council consensus to re-visit this item at the January mid-budget review.

- | | | |
|----|--|----------------|
| 9. | Authorize Entering Into a Contract with Dana Stone Consulting to Conduct a Town Goal Session With The Council in January 2010 At a Cost Of \$2,100 | <i>APPROVE</i> |
|----|--|----------------|

Councilmember Liss suggested the following:

- he would like a survey sent out to the Planning Commission, PROSC and staff
- Council should set the priorities

Councilmember Kelley stated the following;

- he likes the idea of sending out a survey in advance
- we didn't spend enough time listening to the people

Mayor Scherer pointed out the following:

- this is an update from what we did last time and to set us on a course
- this isn't starting over from scratch

Perry Beck, Town Manager, expounded on the following:

- some of the goals stretch out to 2013
- year to year we may review and see what needs to be changed or updated

Councilmember Ucovich stated that each year we need to look at the additional goals for the following year.

Vic Markey, 3254 Taylor Road and PROSC Chair, stated the following:

- they have 11 members that are looking for an opportunity to help
- suggested having the Park, Recreation and Open Space Committee (PROSC) review the goals, see if they need updating, see if they are relevant, and give their recommendations

Following further discussion on the matter, a motion was made to enter into a contract with Dana Stone consulting to conduct a Town goal session with the Council in January 2010 with the following amendment to Option 1.B.:

B. Submit survey questions, "based on adopted goals," -----

C. At the end of sentence add: "and send the survey questions to the Planning Commission and PROSC to compile for feedback"

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

10. Second Reading of Ordinance 244, Amending Winery Development In The Central Commercial (CC) And General Commercial (CG) Zoning Districts

ADOPT ORDINANCE

Councilmember Ucovich pulled this item off because he cannot see processing of grapes as a good use for the downtown.

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

- she was thinking of this as a wine tasting area and not a production area and asked if this will be from grape to liquid downtown
- she is not sure that is a good idea, there is a lot of odor involved, a lot of trucks and questioned if that is what Council really wants to do

Councilmember Kelley stated the following:

- we have processed fruit in the downtown
- if it's in the right place, it would be a good thing to do
- this would be a good education on how to process the grapes

Councilmember Liss stated the following:

- the opportunity is to develop the production and the wine tasting in the downtown
- wine tasting and a winery could work in the downtown

Mayor Scherer stated the following:

- a conditional use permit can control the size, depending upon where it would be located
- he is confident the ordinance will manage it

A motion was made to hold second reading of Ordinance 244, Amending Winery Development in the Central Commercial and General Commercial Zoning Districts. On motion by Mayor Scherer, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Liss, Scherer

Noes: Ucovich

Absent: Morillas

11. Heritage Park Subdivision Phases II & III Reversion To Acreage *SCHEDULE A PUBLIC HEARING*

Kevin Stevens, representing Sycamore Homes, stated the following:

- since we met with staff the property is currently in foreclosure
- he was not aware that the owner had cross-collateralized with another project
- he has been assured by the owner that they intend to take the project forward based on the schedule
- they plan on grading the property and complete the improvement plans by Spring of next year (may/June)
- this project provides a circulation component for pedestrians and cars, it connects a land lock side of Loomis
- it also provides "safer route to schools," a connection for the Heritage Park Subdivision and the residents along Brace Road
- "safer route to schools" will be a funding mechanism to improve Stone Road
- he believes the merits of the Map Act don't allow for the reversion to acreage
- the number one item in Chapter six of the Map Act Section 66499.16, says "the dedications or offers of dedication to vacate by the reversion or abandonments of those dedications are unnecessary for the present or perspective public purposes", which is to say the right away alignment for the public street through the project will never be necessary for the Town purposes, that is the one item that makes this project non-revertible because it does provide a circulation component (from Brace Road to Walnut Street) and provides a safe route to schools
- he asked for an extension so they can move forward on the project

Councilmember Ucovich stated the following:

- we were given the impression that Sycamore Homes owns the property
- it was stated that there was no debt on the property which means you own the property

Kevin Stevens stated the following:

- the owner of the property used the value of the Heritage Park property to guarantee another note
- the owner of the note is a partner with them but in order to protect his interest, called the note, which then in-acted a sale of a cross-collateralized note (about \$420,000)
- this was a recent note (short term) and he was not aware of it

Councilmember Liss stated the following:

- if the cross-collateralization is not resolved before auction then someone else can buy it
- the schedule that has been given tonight is a different list then what the minutes reflect from the July meeting that Council asked him to address
- the list the Council requested was to meet with PROSC, which he did, but has not responded to their questions
- the other issues were to work with the neighbors to get their input, contact staff on a regular basis, meet with the Town Attorney before the October meeting and none of this is noted on the new schedule

Mayor Scherer pointed out the following:

- Mr. Stevens was told that the list needed to be done by October or they would schedule a hearing to revert to acreage
- in the back there is a stack of email communications from residents in the neighborhood

Ben Dugar, 3838 Circle Drive, stated the following:

- he received a flyer on his doorstep a couple of weeks ago regarding the Heritage Park Subdivision and Council considering making an offer on the property for a park

- the weeds are a fire hazard on the property
- he is in favor of having the Town purchase the property for a park
- he does not want a connection road from Stone Road to Walnut Street

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

- she is on the PROSC and served as the lead person for the project review sub-committee
- her sub-committee reviewed the project and submitted a list of questions to Mr. Stevens and did not get an answer
- Council has been considering reversion to acreage for several months, there has been opportunity to catch up on what needs to be done
- she is the one that sent out the flyers for an update to the neighbors
- the developer was asked to talk with the neighbors and to find out what they would like to see and get their input, as far as they know he did not, so they did it and talked with about a dozen people

Bob Rhodes, 5920 Becky Way, stated the following:

- no one was contacted in his neighborhood
- they prefer the plan with 29 homes rather than 40 homes
- he opposes the extension from Brace Road to Walnut Street, he prefers being land locked

Vic Markey stated that he did not know about the flyer.

Following further discussion on the matter, a motion was made to schedule a public hearing for the November 10, 2009 Council meeting to revert the Heritage Park Subdivision Phases II & III to acreage as provided in law. On motion by Councilmember Ucovich, seconded by Councilmember Liss and following was discussion on the motion.

Councilmember Liss stated that Mr. Stevens said the project was non-revertible and asked Mr. Larsen if he could respond to that.

Dave Larsen, Town Attorney, stated he doesn't agree with that position but will prepare an opinion between now and the next meeting.

Councilmember Kelley stated the following:

- this may not be necessary if Sycamore Homes still owns the project on November 10th
- Sycamore Homes have been focused
- he has a concern that the PROSC gave staff some information and for some reason the applicant didn't get it
- this is a good project and we need to have an option to put that project in place, if they can do it

Motion passed by the following roll call vote:

Ayes: Kelley, Liss, Scherer, Ucovich

Noes: None

Absent: Morillas

BUSINESS

13. New Swimming Pool Presentation

Citizens and supporters of Del Oro have been discussion a new swimming pool and would like to update the Council

Recommended action: Hear presentation, take questions and give direction if needed

Public comment:

Grace Kamphefner, 5425 Moss Lane in Granite Bay, stated the following:

- the Loomis Basin Aquatic Center is a vision to benefit Del Oro and the Loomis Basin Community
- she is a Loomis Dolphin parent
- the Del Oro Aquatic Facility is being heavily used by Del Oro Water Polo, Del Oro swim program is expanding, Loomis Dolphins is Expanding
- community swimming lessons and community swimming returned in the summer of 2009
- the current pool is outdated for competition, it needs more lanes, too shallow, it doesn't have gutters, the heating is unreliable, the fiber glass patching is flaking, tiles need to be replaced, the bathrooms need repair
- there is a need to have this available for the community, it is a viable resource
- with their fundraising plan they are hoping for participation from the Town, grant opportunities, event fundraisers, golf tournaments, auctions, raffles, etc.
- what they build will depend on the money that is brought in
- the use of the revenue should offset the maintenance cost

Casey Feickert, 6102 Morgan Place, stated the following:

- went over some of the conceptual site plans with the amenities that they are looking for
- they are looking at building a competition deep water pool with 12 lanes
- they want to refurbish the existing pool for the community
- some of the amenities would be; more restrooms, a changing area, teaching areas/conference room, a lifeguard room, first aid room, a snack room, and a mechanical room, redo the parking with adequate handicap parking
- construction can be phased with existing pool open and usable as long as possible
- this will be handicap assessable, (zero entry into the pool and gradually get deeper), in the community pool

Paul Johnson stated the following:

- there is no community draw to the pool right now
- years ago the pool had a high dive and things that would attract a lot of people
- there is no place for little kids
- for visibility and attractiveness they suggested a two story structure slide that can be seen from down the road that can help bring in more of the community
- if there is more benches and grass area it will help make it more hospitable

Dave Horsey, Placer County Unified School District Superintendent, stated the following:

- he is encouraged by the responses and questions
- we have a unique opportunity to have a joint powers agreement between the Town and the School District
- as an individual entity this could not be taken on but he sees some key advantages if we can work together
- we have to have a multiple use that is funded in an on-going basis

Ms. Kamphefner stated the following:

- the first fund raiser for this project was done by Liz Scherer, who raised \$10,000 for her senior project at Del Oro
- her family has committed \$100,000 to this project
- they are ready to get this ball rolling

Following further discussion on the matter, Council agreed to commit two fund raisers at the Blue Goose and look forward to help with this project.

Recess at 9:17 to 9:30

14. **Congressional District Update**

Hear representative from Congressman McClintock's office update on Federal Government activities

Recommended action: Hear presentation by Norm Gonzales, take questions and give direction if needed

Public comment:

Norman Gonzales, from Congressman McClintock's office, stated the following:

- they have held town hall meetings on health care (one in Granite Bay) and it is about 4 to 1 in opposition to a public health plan
- most agree that health care needs to be affordable
- the stimulus bill has not been working, there is not a lot of money available for projects
- the funding is on a competitive basis and there are some prohibited uses such as swimming pools, zoos, etc.
- they will help identify funds for anyone who is doing grant writing
- he expounded on the opportunities for high school junior and senior scholarships for military service academies (West Point, etc.)

Council suggested pursuit of the following:

- increased passenger rail service through Loomis
- park related funding
- downtown development funding
- funding for underground and relocation of power lines in downtown
- help with closure of Horseshoe Bar Road by Caltrans to raise the interchange - concern with economic impacts
- funding for inadequate storm water systems and roadways
- help in streamlining the Core of Engineers on wetland mitigation application process

15. **Chamber of Commerce Downtown Sub-Committee Update**

The Chamber of Commerce Downtown Sub-committee has been working on various projects and may have a project update or other information to discuss with the Council

Recommended action: Hear update and give direction if needed

Public comment:

Continued to November 10, 2009.

16. **Sierra College Boulevard Improvement Agreement**

The City of Rocklin has a plan, and partial funding, for improvements on Sierra College Boulevard from Granite Drive to Taylor Road that requires an agreement and money from Loomis

Recommended action: Authorize staff to develop an agreement with Rocklin to do improvements on Sierra College Boulevard between Granite Drive and Taylor Road using the deal points made in the 9/18/09 Border Committee meeting and any other deal points that Council may suggest tonight

Public comment:

Continued to November 10, 2009.

11/4/2009 9:39 AM

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17. **2006-2013 Housing Element Update** (Continued from September 8, 2009)

State law requires that communities accommodate their "fair share" of housing for all economic groups within the community. The Housing Element is the state-mandated General Plan element that addresses how the Town will strive to achieve its share of regional housing need within the assigned planning period. By Government Code 65588, the Town is required to update its Housing Element at specific times (was every five years, now changing to every eight years) by recent legislation (SB375) to conform to the Metropolitan Transportation Planning process).

Recommended action: Review staff response to comments, give staff direction, take public testimony, approve Resolution forwarding the draft 2006-2013 Housing Element Update to the California Department of Housing and Community Development (HCD) for their 60 day review and comment

Public comment:

Continued to November 10, 2009.

18. **Prop 40 Park Grant Project** (Continued from September 8, 2009)

Money that the Town can obtain must be spent by June 2011 and a project needs to be identified to proceed with the grant process

Recommended action: Authorize staff to file a project application for a downtown park as further described in this report and to encumber Park and Park Facility Funds in the amount of \$200,000 to put toward the building effort

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to authorize staff to file a project application for a downtown park as further described in this report and to encumber Park and Park Facility Funds in the amount of \$200,000 to put toward the building effort. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Liss, Scherer, Ucovich

Noes: None

Absent: Morillas

19. **Town Initiative on Council Term Limits**

State law allows municipalities to put an item on a ballot for vote by the citizens and the Mayor asks that the Council consider putting a ballot measure on term limits on the November 2010 General Election

Recommended action: Discuss and decide whether to put the proposed measure on the ballot for the November 2010 General Election

Public comment:

Mayor Scherer stated the following:

- he put this on the agenda because there is measure circulating
- they are asking to have the public vote on term limits
- he would like to put the same measure on the ballot for the November 2010 General Election

Tom Millward, 3893 South Holly, stated the following:

- now that we are all on the same page, regarding term limits, the only thing that separates them is the election date
- the term limits committee cannot rely on the Council to follow through on this agenda item
- since as early as October 6th, the Mayor was recorded in the local newspaper for criticizing term limits
- another Councilmember stated that he didn't care if they got 4000 signatures he would vote against it
- they currently have more than enough signatures on their petition for the June 8, 2010 Primary Election
- the petition process is a part of the democratic system allowing voters voices to be heard
- the time for term limits have arrived
- no one can give the exact cost for this election at this time
- is this the time to be concerned for taxpayers dollars when thousands of dollars have been spent for consultant fees, some of which have never been implemented
- over a quarter of million dollars have been spent on lawsuits against the City of Rocklin
- there committee believes they will save the Town money if the term limits initiative passes
- all the leg work has been completed for the initiative and over 95% of the voters contacted are in favor of term limits
- after certification of the petition by the County the Council could vote term limits in and we wouldn't need to bring it to the voters, it would cost the taxpayers nothing
- there committee has made the decision to proceed with the initiative on June 8, 2010 Primary Election

Mayor Scherer stated the following:

- beyond the money, it is important that it will go to the election where the most people will be participating
- to put it on an election where less than full participation is, will be short changing democracy
- it is important that it goes to a general election where there is a larger turn out and the most economic terms as well

Dave Larsen, Town Attorney, expounded on the initiative process and stated the following:

- both initiatives can go forward as long as both of them are not on a special election
- you could vote term limits in June and again at the November election
- the last election would be the one that would control the results
- Council is voting tonight to put on a non-petition initiative on the November ballot

Mayor Scherer stated the following:

- he wants to put this initiative on in the most economic fashion and when the most people can vote
- we will have to fund the entire thing in June or we put it in the November election when it will cost a penny per registered voter

Councilmember Liss questioned what happens in the June election if term limits get adopted then Mayor Scherer and Councilmember Ucovich will not be eligible to run in the November election?

Dave Larsen stated the following:

- he said they could still run as a candidate on the November ballot
- during that time they can also try to convince the majority of the population to not vote for term limits

Councilmember Kelley stated:

- too much government is too much government
- staying in the same position one can become too possessive, opinionated (don't listen to what others say), and territorial
- a person can accomplish the things they need to do in two terms

Councilmember Ucovich stated the following:

- every four years people can vote to keep someone on the Council or not keep them there
- if a person doesn't like what a Councilmember is doing then they don't have to vote for them at the next election

Following further discussion on the matter, a motion was made to adopt Resolution 09-34, placing a Council Term Limit Measure on the November 2010 General Election Ballot. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by the following roll call vote:

Ayes: Liss, Scherer, Ucovich
Noes: Kelley
Absent: Morillas

20. **Municipal Advisory Council Meeting Update** (Continued from September 8, 2009)

The Town Border Committee (Mayor Scherer and Vice Mayor Liss) recently met with Officials of the Horseshoe Bar and Penryn Municipal Advisory Councils and there may be some information updates to discuss with the Council

Recommended action: Hear updates and give direction

Public comment:

Continued to November 10, 2009.

21. **Select Rocklin Development Projects Update** (Continued from September 8, 2009)

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Street that could impact Loomis residents, roads, and the general quality of the Loomis community

Recommended action: Review development information and direct the Council Borders Subcommittee (Mayor Scherer and Vice Mayor Liss) as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take

Public comment:

Continued to November 10, 2009.

22. **Agenda Preparation Policy** (Continued from 9/8/09)

TC 6/23/09

Vice Mayor Liss asks that Council consider a policies on agendas preparation and meeting protocols

Recommended action: Decide whether to make policy changes to agenda setting/preparation, and meeting protocols associated with handout distribution, meeting times and timer use.

Public comment:

Continued to November 10, 2009.

23. **25th Anniversary Committee and Celebration Plan**
The Town is celebrating its 25th year as a municipality this year in December and some form of celebration may be desired by Council
Recommended action: Determine how Council wishes to proceed and that may include forming a Council committee to plan a celebration, if committee is appointed, give direction
Public comment:

Continued to November 10, 2009.

COMMITTEE REPORTS

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

ADJOURNMENT

Council adjourned into close session at 10:32 p.m. and at 10:50 p.m. Mayor Scherer stated there was no action from close session and adjourned the meeting.

Mayor

Town Clerk



TOWN OF LOOMIS
ACTION MINUTES
SPECIAL MEETING OF THE
LOOMIS TOWN COUNCIL
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY	JULY 21, 2009	6:00 P.M.
CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Initiation of litigation pursuant to subdivision Section 54956.9: One potential case.		
Open session expected to start at 6:15 P.M.		

CALL TO ORDER Call to order by Mayor Scherer at 6:25 p.m.

ROLL CALL

Present:

Mayor Scherer
Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSE SESSION

No action taken.

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. No public comment.

ADOPTION OF AGENDA A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

BUSINESS

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

1. **Consider Urgency Ordinance Regarding Medicinal Marijuana Dispensaries**

This special meeting is scheduled to allow the Town Council to consider the adoption of a 45 day moratorium as an urgency measure in order to prohibit medical marijuana dispensaries pending the Town's further review of the legality, practical ramifications and possible secondary effects of such a land use.

Recommended action: Adopt Ordinance by a 4/5's vote.

Public comment:

Perry Beck, Town Manager, asked Council to adopt an urgency ordinance that is imposing a moratorium to give staff the time to analyze what other cities have done and specifically what the Town of Loomis would like to do.

Dave Larsen, Town Attorney, stated the ordinance recites several findings:

- there is the pending application
- there seems to be conflict in State law versus the Federal law

- other cities in California have reported adverse secondary effects on public health, safety and welfare, including increases in crime such as burglary, robbery, and the sale of illegal drugs
- staff would like some time to review these issues and bring Council up to speed so Council can make an informed decision

Councilmember Liss would like to hear from the Sheriff's department of problems that are out there or any threats to public health and safety in Loomis and what that might be.

Councilmember Ucovich would like the 45 days to receive more information and bring them up to speed on the issue.

Mayor Scherer pointed out that we do not have any guidelines at this time for this type of use.

Perry Beck noted comments from other jurisdictions:

- City of Arcadia – there has been numerous incidents where marijuana was purchased at a dispensary and then re-sold at a nearby park
- City of Roseville – street dealers are trying to sell to those going to the dispensary at a lower price, people are smoking marijuana in public around the facility, and people are coming to Roseville from out of Town and out of State to obtain marijuana

Robert Dearwester, applicant who applied for the business license, stated the following:

- he is in support of the 45 day moratorium
- surveys have determined that once there are working regulatory ordinances in place in cities, dispensaries are viewed favorably
- he encourages the moratorium so staff can get the correct information and Council can make the appropriate decision for the community

Vic Markey, 3254 Taylor Road, stated this subject matter is very complex and agrees with the moratorium for more research.

Following further discussion on the matter, a motion was made to adopt Ordinance 242, an urgency ordinance imposing an interim moratorium on the allowance of medical marijuana dispensaries as allowed by Government Code 65868. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich

Noes: None

Absent: None

ADJOURNMENT Mayor Scherer stated there was no further business and adjourned at 6:36 p.m.

Mayor

Town Clerk



TOWN OF LOOMIS
ACTION MINUTES
ADJOURNED REGULAR MEETING
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL
6140 HORSESHOE BAR ROAD, SUITE K, LOOMIS, CA 95650

TUESDAY	JUNE 23, 2009	7:00 P.M.
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CALL TO ORDER Call to order by Mayor Scherer at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:
Mayor Scherer
Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich
Absent: None

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes. No public comment.

Councilmember Liss stated he would like to have on the next agenda the "agenda preparation policy and agenda setting process" and "consideration of a temporary use for a horse rescue at the Loomis Market Place."

The Council consensus was to put these items on the next regular agenda (at the end of the agenda).

Councilmember Ucovich noted the following:
- he went to the swimming pool on Friday and there were about 40 people swimming
- he suggested having more signage to advertise for free swimming

Perry Beck, Town Manager, pointed out that Daneen Swenson is currently working on the signage for free swimming.

ADOPTION OF AGENDA A motion was made to adopt the Agenda starting with items 3, 2 1. On motion by Councilmember Morillas, seconded by Councilmember Kelly and passed by voice vote.

BUSINESS

1. **Proposed Capital Improvement Program** (Continued from June 9, 2009)

At the December 15, 2008 Town Council meeting, Council approved the 5 year CIP, since then, there have been several changes that need to be made before the fiscal year budget and with the current economy swing, staff has re-evaluated the program to make it more obtainable

Recommended action: Approve the amended 2009 – 2014 Capital Improvement Program and incorporate any revisions made during discussions

Public comment:

No public comment.

Brian Fragiao, Town Engineer/Public Works Director, pointed out the following:

- he has taken the five year program and extended it another year just to lower some of the annual fiscal year prices to a reasonable project cost
- Exhibit A, all the red is the revisions that were made by the Council's approval in December

Following further discussion on the matter, a motion was made to approve Resolution 09-31, approving the updated Capital Improvement Program covering 2009 through 2014. On motion by Councilmember Morillas, seconded by Councilmember Liss and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich
Noes: None

2. **Town of Loomis Operating Budget** (Continued from June 9, 2009)

Consider budget for the Fiscal Year ending June 30, 2010

Recommended action: Discuss budget, amend items as necessary, and adopt resolutions

Public comment:

This item was discussed after item 3.

Jean Wilson, 4301 Barton Road, asked if this budget reflects adoption of the new development fees?

Councilmember Ucovich stated no, Council held the decision on increasing the fees until they got a better look at the land values because of the economy at this time.

Following further discussion on the matter, a motion was made to adopt the following:

Resolution 09-25, setting forth position allocations for the Fiscal year 2009-2010

Resolution 09-26, certifying compliance with the 2008-2009 Appropriation Limitation and establishing the Appropriation Limitation for the 2009-2010 Fiscal year

Resolution 09-27, the Annual Operating Budget for Fiscal year 2009-2010 as amended by the dashboard and revisit, if needed, after the State adopts their budget.

On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich
Noes: None

Recess at 8:30 p.m. to 8:40 p.m.

At this time item 1 was discussed.

3. **Sheriff contract renewal for 2009/12 fiscal years**

The contract for policing services as provided by the Placer Sheriff is up for renewal for another three (3) year time period. First year cost is shown to be \$1,380,657 with subsequent years adjusted by increases that may occur in personnel, operations and capital expenses.

Recommended action: Approve Sheriff contract for 2009/12 fiscal years.

Public comment:

Council discussed this item first on the agenda.

Barbara Hudson, Analyst for the Placer County Sheriff's Department, expounded on the State reductions and stated the following:

- there is a provision in the contract, directed towards the traffic officer, that can be reduced with budget constraints or loss of funding at any time
- Captain Harris indicated that we have 42 positions unfunded and vacant and there is no part time positions available

Mayor Scherer asked if they have the ability to re-open the contract and revisit the amount at anytime because the Town doesn't know what the State is going to do at this time?

Ms. Hudson stated that the language in the contract is standard and at any time you can come back with an addendum to the contract.

Councilmember Ucovich stated the following:

- would like to find out what 1/6 of the rent for the Loomis Substation is based on
- the most important service they can give the community is public safety and he would not want to cut this

Councilmember Liss suggested the following:

- adding in 10A, "1/6 of the rent it pays for its current occupancy of the Loomis substation"
- tabling this item until further discussion on the operating budget before we decide on how we are going to proceed

Roger Carroll, High Cliff Road, stated the following:

- he sees little value in our traffic enforcement officer
- he would like to make that person half time and spend the money somewhere else
- he suggested that we reduce the budget and the cops contract to the amount provided by the State

Councilmember Kelley stated that without a traffic officer we don't have the option to slow the traffic down.

Mayor Scherer pointed out that if we don't have a traffic officer in our tool kit, we don't have any ability to respond to the communities complaints.

Following further discussion on the matter, a motion was made to approve the 2009/2012 Placer Sheriff contract for police services with the modifications as indicated in red by the Town Attorney. On motion by councilmember Ucovich, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich
Noes: None

4. **Select Rocklin Development Projects Update** (Continued from June 9, 2009)

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Street that could impact Loomis residents, roads, and the general quality of the Loomis community

Recommended action: Continue to regular July 14 Council meeting.

Public comment:

Continued to July 14, 2009.

5. **Open Space Committee 2 Recommendations Review** (Continued from June 9, 2009) TC 12/9/08

At the February 2008 joint meeting of Planning Commission and Park & Open Space Commission the Council developed work plan goals for the Park & Open Space Commission that included a Council review of recommendations from Open Space Committee 2 to determine which to submit to the Park & Open Space Commission as matters to include in the update of the 1998 Parks and Recreation Master Plan

Recommended action: Continue to regular July 14 Council meeting

Public comment:

Continued to July 14, 2009.

6. **Agenda Preparation Policy** (Continued from June 9, 2009)

Vice Mayor Liss asks that Council consider a policy to have agendas completed and circulated 10 days before a meeting

Recommended action: Continue to regular July 14 Council meeting.

Public comment:

Continued to July 14, 2009.

ADJOURNMENT

Mayor Scherer stated there was no further business and adjourned at 9:12 p.m.

Mayor

Town Clerk



TOWN OF LOOMIS
ACTION MINUTES
ADJOURNED REGULAR MEETING
LOOMIS TOWN COUNCIL
LOOMIS TOWN HAL
6140 HORSESHOE BAR ROAD, SUITE K, LOOMIS, CA 95650

TUESDAY

JUNE 16, 2009

5:00 P.M.

CALL TO ORDER Call to order at 5:02 p.m. by Councilmember Ucovich.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Councilmember Kelley
Councilmember Morillas
Councilmember Ucovich

Absent:

Mayor Scherer
Vice Mayor Liss

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ADOPTION OF AGENDA

Motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Kelley and passed by voice vote.

BUSINESS

1. Monte Claire Unit 2, Lot 7 – Certificate of Amendment For The Non-Development Meandering Wetland and Drainage Easement (Continued from June 9, 2009)

Consider amending Lot 7 by abandoning the existing Non-Development Meandering Wetland and Drainage Easement on Final Map Book Z, Page 73, sheets 7 and 12 by recording the Certification of Correction, Modification, or Amendment document

Recommended action: Conduct public hearing and adopt resolution

Public comment:

Perry Beck, Town Manager, referred to email from Erin Hess (Army Corps of Engineers) and discussed recommended conditions of approval as submitted by Vice Mayor Liss.

Mr. Crawford, 6701 Montclair, stated the following:

- he has received all required approvals from other agencies
- requested Council's approval

Following further discussion on the matter, a motion was made to approve Resolution 09-18, adopting the amended Lot 7 by abandoning the existing non-development meandering wetland and drainage easement on final map Book Z, Page 73, Sheets 7 and 12 by recording the Certification of Correction, modification, or amendment document. On motion by Councilmember Morillas, seconded by Councilmember Kelly and passed by voice vote.

2. **League of California Cities Summit on Governance and Fiscal Reform**
(continued from June 9, 2009)

The League of California Cities asks for representative to join county and school officials in participating in a summit on reforming state governance and fiscal systems

Recommended action: Appoint two Council Members to attend the summit

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to let staff know by June 23, 2009 who would will be attending the summit. On motion by Councilmember Morillas, seconded by Councilmember Kelley and passed by voice vote.

ADJOURNMENT

A motion was made to adjourn at 6:20 p.m. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

Acting as Mayor Ucovich

Town Clerk