



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

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

TUESDAY

AUGUST 11, 2009

7:00 P.M.

CALL TO ORDER

Call to order by Vice Mayor Liss at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich

Absent: Mayor Scherer

RECOGNITIONS/PROCLAMATIONS

Bob Christiansen and Jeff Tooker

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich stated the following:

- he would like to consider recognizing a resident at the trailer park off Walnut Street who saved a woman's life in a fire
- he would like to put on the next agenda a discussion on forming a 25th Anniversary committee, involving the local businesses, to celebrate the 25 years since incorporation of the Town

Vice Mayor Liss stated the following:

- December 17th is the official 25th anniversary of the Town of Loomis
- we have talked about asking the Day Before Thanksgiving Day parade to have floats dedicated to the 25th anniversary
- talked about having an event around the Town Christmas Tree lighting on the first Friday night in December

Councilmember Kelley stated the following:

- recently he went on a tour of the corporation yard to look at the Town equipment and saw what a good job the Public Works Director has done in working with the Placer County Air Quality Board and getting funds for tractors and trucks at a great value
- he recognized Brian Fragiao, Public Works Director/Town Engineer, for riding every single road in Loomis on his bike and now he has a better understanding of what we need for those who ride and walk and what our opportunities are with the Bikeways and Trails Masterplan

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.

There was no public comment.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda, moving item 16 after item 12. 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.

A motion was made to adopt the Consent Agenda, pulling items 4 and 7 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|-------------------------------------|------------------|
| 1. | Council Minutes – 7/ 13/09, 7/14/09 | APPROVE |
| 2. | Monthly Check Register – July | RECEIVE AND FILE |
| 3. | Statement of Activity | RECEIVE AND FILE |
| 5. | Planning Status Report | RECEIVE AND FILE |
| 6. | 2009/10 Goals Update | RECEIVE AND FILE |

CONSENT ITEMS FORWARDED

- | | | |
|----|--------------------|------------------|
| 4. | Treasurer's Report | RECEIVE AND FILE |
|----|--------------------|------------------|

Councilmember Ucovich noted that the State is borrowing our property tax and after September 30th the cities can decide if they want to go together in a pool and sell or stay separate and get the interest whenever the State pays.

Roger Carroll, Finance Director, pointed out the following:

- the joint powers authority that was created back when the VFL money was owed to the Town is still intact, we are still members, so we have the option to sell the \$136,000 receivable and at full value
- if California's bond rating can come in high enough so they can sell bonds than we will be able to sell ours for the full amount

No public comment.

Following further discussion on the matter, a motion was made to receive and file. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

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| 7. | Update on Summer Swim Program | RECEIVE AND FILE |
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Daneen Swenson stated the following:

- thanked the Town for sponsoring the Summer Swim Program and the staff for working with them
- they had at least 200-300 each week for free swim
- there were about 200 that took swimming lessons

Following further discussion on the matter, Council thanked Daneen Swenson and her staff for the Summer Swim Program and made a motion to receive and file. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.

PUBLIC HEARING

8. **Zoning Amendment to Allow Winery Development**
Proposed Zoning Ordinance Amendment to allow wineries in the Downtown Central Core (CC) and the General Commercial (CG) zones
Recommended action: Open public hearing, take testimony and continue the Zoning Ordinance Amendment to the September 8, 2009 Council meeting. A negative Declaration is required for changes to land uses and needs to be circulated in order to comply with the necessary time frame for public review
Public comment:

No public comment.

Following further discussion on the matter, a motion was made to continue this item to September 8, 2009 Council meeting. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote.

9. **Moratorium on the Allowance of Medical Marijuana Dispensaries**

Consider extending Interim Urgency Ordinance 242, imposing an interim moratorium on the allowance of medical marijuana dispensaries

Recommended action: Hold public hearing and adopt report required by Government Code 65858(d) and the proposed ordinance extending the length of the moratorium

Public comment:

Marilyn Jasper, 3921 Don Drive, stated the following:

- a medical marijuana dispensary is a legal operation and there is no problem identified
- she sees this as shutting down a business before it has a chance to prove itself
- she urged Council to vote no on any moratorium at this time

Nancy Beck, 6304 David Avenue stated the following:

- suggested bringing this to the community with a special meeting
- she would like to extend the moratorium for further study, especially concerning the location

Roger Carroll, 6799 High Cliff Road, supports extending the moratorium as long as necessary.

Tyler Palacio, lives in Colfax, stated the following:

- they have a dispensary in Colfax that works properly
- this is a proposal that can benefit sick people
- he was in a wreck several years ago and put on strong drugs that caused problems with his stomach
- since then he has become a medical cannabis patient and can now live an affective life
- asked Council to be swift with their decision because there are people that are hurting and need help

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

- the business that he proposes will generate approximately one million in sales annually and will bring new people and their money to the Town
- the Placer County Sheriff's Crime Analysis Department said there have been no calls to the sheriff from the Colfax medical cannabis collective address
- 10 business owners located within a block of the Colfax medical cannabis collective signed a statement indicating that they have not experienced any negative effects from being located close to a medical cannabis collective
- it is not necessary to adopt a moratorium in order to properly regulate medical cannabis collectives
- he asked Council not to deny him the right to have a business in Loomis

James Cole, 8895 Countryside Lane, Auburn, stated the following:

- his sister is a Desert Storm vet and has come down with a Desert Storm illness
- she requires strong medications but with Marijuana she doesn't need the other medications and is more herself
- Marijuana doesn't have adverse side effects like the strong medications
- he supports having this business in Town

Dave Larsen, Town Attorney, stated the following:

- to pass an ordinance it takes a minimum of 2 months
- the Federal Law does not recognize marijuana as being legal and it pre-empts local law
- Lieutenant Dave Harris has expressed concerns and referred us to a "White Paper" that is available on the internet

Councilmember Morillas suggested adding "the location cannot be next to a school" in the ordinance.

Councilmember Ucovich stated the following:

- he would like to know where other medical cannabis collectives are located in the Sacramento area
- he would like further explanation on the Federal law
- we need more time to get additional information

Councilmember Kelley stated the following:

- there is 23-30 collectives in Sacramento County and most of them are in the metropolitan area
- we have to take steps to make sure that what we do what is right for Loomis and not for somebody that wants to come here and shop

Following further discussion on the matter, a motion was made to adopt Ordinance 243, an interim urgency ordinance of the Town of Loomis, California, authorizing the extension of Interim Urgency Ordinance 242. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and further discussion on the motion:

Councilmember Morillas would like to see a decision made before the end of the year.

Vice Mayor Liss stated the following:

- he is concerned about access for our residents, seniors, vets, etc.
- he would like to have a survey of the residents to see where they stand on this
- he would like to include in the motion to direct staff to move forward with a citizen survey and come back with information from the business community, the Sheriff's, the religious community, etc. to find out if people want this or don't

Councilmember Ucovich pointed out that a survey needs to be reliable and will be expensive.

Perry Beck, Town Manager, stated that staff will research this and come back with more information on a survey and/or workshop.

An amended motion was made to direct staff to come back with additional information on a survey and workshop and to adopt the report required by Government Code 65858(d) and Ordinance 243, an interim urgency ordinance of the Town of Loomis, California, authorizing the extension of Interim Urgency Ordinance 242. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

BUSINESS

10. Caltrans Bridge Raising Project

The California Department of Transportation is proposing to raise nine bridges along Interstate 80 from Loomis to north of Colfax. Three of the bridges will affect Loomis right-of-way

Recommended action: Listen to the update presentation and discuss

Public comment:

Doug Lange, Caltrans District 3 - Project Manager, expounded on the proposed raising of nine bridges along Interstate 80, including Horseshoe Bar Road, and answered questions.

Council discussed the following:

- traffic signage that can help direct traffic to Raley's
- concerns with the detour causing reduction in traffic to the businesses
- exploring other alternatives
- businesses, residents, and the Chamber of Commerce need to be notified of the detour
- suggested doing the construction during the slowest business period for Raley's

Sue Holly, 6340 Wells Avenue, suggested notifying Del Oro High School.

Nancy Beck, 6304 David Avenue, stated the following:

- all the schools in the area need to be notified and the special education buses
- there are also Pride buses that pick up clients

Pat Miller, 4396 Gold Trail Way, stated the following:

- there is no good time for this
- maybe we can be strategic as to when the construction will be done
- asked if the notices in the newspaper can be large (instead of the minimum size), on the front page of the paper, and posted in the Loomis News and the Sacramento Bee

Councilmember Ucovich stated the following:

- he asked if they could look into the possibility of not raising the Horseshoe Bar overpass and what the justification would be
- he would like to find out the number of trucks that are issued transportation permits for height limits

Councilmember Kelley asked if there were other reasons to upgrade the overpass .

Mr. Lange stated that the primary purpose is to raise the structures to permit the oversized vehicles to pass under.

Vice Mayor Liss stated the following:

- need to make sure the EIR addresses the lowering of the road option and the no construction option
- the EIR should also include alternatives to fast tracking the construction so it will be the minimal amount of time (up to two months)
- need to look at having it done during the slowest time of the year so it will cause less impact on the businesses
- on the outreach they should meet with the Loomis Chamber of Commerce, businesses, schools, police, fire, etc.

Receive and file.

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

Item 11 was moved to the end of the agenda for discussion.

11. Chamber Business Committee Update

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

Recommended action: Hear update and give direction if needed

Public comment:

Continued to September 8, 2009.

12. **Request for Donation for Placer Peer Court**

Karen Green asks that Loomis help keep the Peer Court program going in Placer County for the 2009/10 year by giving a donation of \$10,000

Recommended action: Deny the request for a donation of \$10,000

Public comment:

Karen Green, 5735 Butler Road, Penryn, stated the following:

- the goal is to reduce juvenile crime in Placer County
- this is a way to introduce students to the laws that they are expected to follow and help them understand the consequences if the laws are not followed
- there is the civic education where the students have the opportunity to participate in real court hearings (approximately 400 cases a year)
- they can't begin the program until they match the County
- this is a onetime request for a contribution
- she asked council to help backfill the money so they can continue this year

Vic Markey, 3254 Taylor Road, stated the following:

- while he was working for Celebrity Chef he received help from some of the Peer Council and was very impressed with them
- what a small price to pay if we can prevent a young man from going to prison, this is a great program

Nancy Beck stated the following:

- this program will help these children make better choices in the future
- she works at Chana High School and has seen how the prevention programs have been successful
- urged Council to support this program

Councilmember Morillas suggested asking the service clubs to donate money for this program.

Councilmember Ucoivch stated the following:

- this program is the best prevention for crime, it allows the youth to be involved as attorneys/staff and judge their peers
- suggested asking each community to donate 50 cents a person, based on population
- he suggested donating \$3000 for this program

Councilmember Kelley suggested the following:

- this is a proven program that actually works
- timing is critical because school has started, he would like to propose donating the \$10,000, provided enough money is given to match the County
- suggested asking for funding from other groups, such as the Lions Club, American Legion, etc.,

A motion was made to donate \$10,000 to keep the Peer Court program. On motion by Councilmember Kelley, seconded by Councilmember Morillas, discussion on the motion:

Councilmember Ucovich stated that our fair share is less than \$10,000 and suggested we keep it at the same amount that we spent for the Swimming pool program.

Vice Mayor Liss asked if there were other options for partial funding, if they don't get the full amount can they still move forward with this program.

Ms. Green pointed out the following:

- they will take monthly payments, they don't need the full amount at one time
- there is \$86,000 that has been allocated for the program but the County will not allow that to be released unless we can show substantial dollars to match it

Following further discussion on the matter, a revised motion was made to give \$5,000 and to be revisited in two months, not to exceed \$10,000. Councilmember Kelley will take it to the Lions Club and American Legion and Councilmember Morillas will take it to the Soroptomist for donations. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote.

At this time Council discussed item 16.

13. **Municipal Advisory Council Meeting Update**

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 as desired

Public comment:

Continued to September 8, 2009.

14. **Open Space Committee 2 Recommendations Review** (Continued from July 14, 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: Consider Section E of the Open Space Committee 2 recommendations and decide what to refer to the Park, Recreation and Open Space Committee for inclusion in the update of the 1998 Parks and Recreation Master Plan or what to return to Council for more consideration or what to table
Public comment:

Vic Markey suggested that the PROSC set up subcommittees, study the issues, recommendations and provide some insight to the Open Space Committee 2 recommendations.

Vice Mayor Liss stated the following:

- we now have a committee that is willing to address the update of the 1998 Park and Recreation Master Plan and come back with recommendations that incorporate those from the Open Space Committee 2 report
- the committee will have some of their people work with the consultants and give them guidance on what to do in the update that will be brought back to the Council

Jean Wilson, 4301 Barton Road, stated the following:

- her concern is that if it is turned over to the committee then that means those who want to make a public comment will have to attend another meeting
- the Council has a broader perspective as far as looking at the overall interest of the Town and some of the recommendations are better filtered through the Council
- #5 she is opposed to re-creating a Design Review Board, this creates a new level of bureaucracy, delays and expense
- #7 has been taken care of in the work that has already been started
- #6, should be "informational" rather than "training" materials
- #3 and #4 is going to amount to money and the Town has a limited budget and reserves
- #2 the Tree Ordinance needs further revision

Following further discussion on the matter, a motion was made to continue this item to an Adjourned Regular meeting on August 24, 2009 at 6 p.m. to go over the remaining list and determine what needs to be done. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

15. **League of California Cities Conference Resolutions**
Several resolutions have been submitted for consideration at the League of California Cities conference in September 16 -18 and Council may want to give the voting delegates direction as to voting on these resolutions
Recommended action: Decide and give direction.
Public comment:

Continued to September 8, 2009.

16. **Grand Jury Blue Bag Report**
Council is asked to decide what points to make in a response to a Placer County Grand Jury recommendation to eliminate the blue bag refuse program
Recommended action: Approve sending response letter as written or as edited by the Council
Public comment:

Janet Thew, 5572 St. Francis Circle, stated the following:

- there needs to be more education on the recycling program in Placer County
- the blue bags are not recyclable and isn't working
- we need to do something better and encourage more to recycle

Pat Miller stated the following:

- we are told to put recyclable items in the blue bags but the bags add to the waste problem, the system doesn't work
- the public education is poor and the blue bag program has not been promoted
- she agrees with the Grand Jury that the Blue Bags are not recyclable
- recycling is important because it influences public behavior for the better and produces a clean, high-quality, desirable commodity

Jean Wilson, 4301 Barton Road, stated the following:

- they use the blue bags but disappointed that the bags were not recyclable
- 3 recycling cans would not be convenient for her
- the Blue Bag program can be significantly improved rather than trashed

John Rowe, Auburn Placer Disposal, stated the following:

- every truck that comes in is weighed and asked the point of origin, so calculations can be made for each jurisdiction
- Loomis has met or exceeded State mandates every year but one
- we have 429 customers using the blue bag program
- in 1991 we had 56 work comp claims, this fiscal year we are at zero
- from a haulers standpoint they prefer to have the blue bags go into the containers
- glass bottles should not be in the blue bags but in a container

Vice Mayor Liss stated the following:

- there is a lot of options out there, we need to see if our residents and businesses are happy with the recycling program and find out how we can do better
- the Grand Jury brought the issue to the forefront, and now we need to figure out what is right for Loomis
- we have a free mobile chipper program through Air Quality Control Board
- we need to send a letter to the Grand Jury stating whether we agree with them or not

Councilmember Ucovich pointed out that we should come up with a program that will utilize the funds we have for this.

Councilmember Kelley stated the following:

- suggested doing an early morning tour of the MRF
- he has never had a problem with any drivers/trucks that have not been resolved with a phone call
- education is the key for recycling
- he is not sure if he want to continue with the Blue Bag program if it is not efficient

A motion was made to send a letter to the Grand Jury commenting on the recycling in Loomis and what residents and businesses would like to see improved, invite interested parties to discuss options with staff, arrange a tour of the MRF with Council and public who want to see it. On motion by Vice Mayor Liss, seconded by Councilmember Ucovich and failed by voice vote with Councilmember Morillas and Councilmember Kelley voting no.

Following further discussion on the matter, a motion was made to direct staff to send a letter to the Grand Jury with the Grand Juries response recommendation #3 - "The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated." On motion by Councilmember Ucovich, seconded by Vice Mayor Liss and passed by voice vote.

17. Park, Recreation and Open Space Committee (PROSC) Vacancy

A vacancy on the PROSC has occurred and Council needs to consider how it wishes to fill the position and determine whether to increase the number of committee members

Recommended action: Discuss and decide whether to: 1) appoint Mitch Fairbanks to serve the unexpired term; 2) advertise the opening to give interested people an opportunity to apply; and 3) determine whether to consider increasing the number of members on the PROSC from eleven to twelve

Public comment:

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

- it would be helpful to have 12 on the PROSC
- they have set up 4 sub-committees and some members are on several committees
- there is a need for an additional sub-committee, on a temporary basis, to go over the recommendations of the OSC II

Sandra Calvert, 4285 Indian Creek Drive and on the PROSC, stated the following:

- asked the Council to consider the application from Mitch Fairbanks
- he has been to the meetings so there is not much they have to do to bring him up to speed
- she is serving on two committees, at a minimum they need 11 but 12 members would be better

Councilmember Ucovich stated that we need to notice this in the paper first so everyone in the community can have the opportunity to Apply.

Vice Mayor Liss stated the following:

- he supports the request from the committee
- the idea behind the committee is for them to be a working body
- as a working body, the more hands on deck the more they can get done
- he suggested advertising for the opening for two positions so there will be 12 members on the committee

Councilmember Morillas pointed out that we would have to amend the resolution if we have 12 members on the committee.

Following further discussion on the matter, a motion was made to direct staff to advertise for the open position on the PROSC. On motion by Vice Mayor Liss, seconded by Councilmember Ucovich and passed by voice vote.

At this time item 14 was discussed.

18. **Agenda Preparation Policy**

Vice Mayor Liss asks that Council consider a policy to have agendas completed and circulated 10 days before a meeting and consider revising how agenda are set

Recommended action: Consider whether to make changes to agenda setting and Preparation and direct staff

Public comment:

Continued to September 8, 2009.

19. **Select Rocklin Development Projects Update**

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 September 8, 2009.

COMMITTEE REPORTS

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

ADJOURNMENT A motion was made to adjourn at 11:04 p.m. to an Adjourned Regular meeting to discuss item 14, Open Space Committee 2 recommendations review, on August 24, 2009 at 6 p.m. at Loomis Town Hall. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.



Vice Mayor



Town Clerk