



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

TUESDAY	APRIL 8, 2008	7:00 P.M.
CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.		
a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Section 54956.9 of the Government Code: Property: - APN 044-007-064, 044-008-030 and 044-012-055 (Union Pacific Railroad property Beginning at Loomis Station and running southwest toward Sierra College Blvd. and from Webb Street to King Road) Agency Negotiator: Perry Beck, Town Manager Under Negotiation: price and term		
b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Section 54956.9 of the Government Code: Property: - APN 044-123-057 and 044-123-069 (Homewood Lumber property at Sierra College Boulevard And Brace Road) Negotiator: Perry Beck, Town Manager Under Negotiation: price and term		
c. 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		
TUESDAY	APRIL 8, 2008	7:30 P.M.

CALL TO ORDER Call to order by Mayor Kelley at 7:43 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present:
- Mayor Kelley
 - Councilmember Millward
 - Councilmember Morillas
 - Councilmember Scherer
 - Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

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

PROCLAMATION/RECOGNITIONS

Alfred T. Nitta

MATTERS OF INTEREST TO COUNCILMEMBERS

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.

Anna Nakashoji, 3899 Martin Lane, asked if future agendas could have an update on all the development projects throughout the Town.

Perry Beck, Town Manager, requests an item be added to the agenda that was received after the Council packets were distributed and needs to have a response before the next regular Council meeting regarding Rocklin's Regional Shopping Center Final EIR at the southeast corner of Interstate-80 and Sierra College Boulevard.

Following further discussion on the matter, a motion was made to make a finding of urgency on an item that came up after the close of the agenda and that must be dealt with before the next regularly scheduled Council meeting and request that it be put on this agenda as item 14b. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda as amended. 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 pulling items 7, 8, and 10 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|-----------------------------------|-------------------------|
| 1. Council Minutes – 3/11/08 | <i>APPROVE</i> |
| 2. Monthly Check Register – March | <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. A Resolution of the Town Council of the Town of Loomis Directing Staff to Sign and Paint the Curbed Area Along the East Side of South Walnut at 6140 Horseshoe Bar Road to Restrict Parking During Two Scheduled Times to Assist With The Placer County Office of Education Bus Pick-ups and Drop-offs **ADOPT RESOLUTION**
Resolution 08-09
9. A Resolution of the Town Council of the Town of Loomis Declaring April 21st Through April 25, 2008 West Nile Virus **ADOPT RESOLUTION**
Resolution 08-11
- And Mosquito and Vector Control Awareness Week

CONSENT ITEMS FORWARDED

7. A Resolution of the Town Council of the Town of Loomis Accepting the Drainage Easement For The Taylor Road Mix Use Project **ADOPT RESOLUTION**

No public comment.

Following further discussion on the matter, a motion was made to continue this item to May 13, 2008. On motion by Councilmember Millward, seconded by Councilmember Morillas and passed by voice vote.

8. A Resolution of the Town Council of the Town of Loomis Awarding to Low Bidder, American Engineering & Asphalt, Inc. And Authorizing Town Manager To Execute An Agreement Acceptable To The Town for The 2008 Pavement Maintenance Project In The Amount Not-To-Exceed of \$892,972.55 **ADOPT RESOLUTION**

Councilmember Ucovich noted that Granite Del Drive is still in good shape and suggested doing a Cape seal instead of an asphalt overlay.

No public comment.

Following further discussion on the matter, a motion was made to approve Resolution 08-10, awarding to low bidder, American Engineering & Asphalt, Inc., and authorizing Town Manager to execute an agreement acceptable to the Town for the 2008 Pavement Maintenance Project in the amount not-to-exceed of \$892,972.55 and to amend with the above improvement (Cape seal on Granite Dell Court). On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

10. Placer County Transit Agreement 08/09 **APPROVE**

No public comment.

Councilmember Ucovich stated the following:

- in Exhibit D, Commuter service charge, questioned the percentage of Loomis residents from November 2007 on-board survey (4.9%)
- he would like to have the numbers verified to show they are Loomis residents that ride the bus

Following further discussion on the matter, a motion was made to approve the transit agreement, effective July 1, 2008. On motion by Councilmember Scherer, seconded by Councilmember Morillas and passed by voice vote with Councilmember Ucovich voting no.

PUBLIC HEARING

11. **Fence and Wall Regulations** (Continued from March 11, 2008) TC 10/10/06
Consider proposed draft Zoning Ordinance revisions for entire Town of Loomis Regarding Fence and Wall regulations
Recommended action: Hold first reading of proposed ordinance by title only, waiving reading.
Public hearing:

Roger Smith, 6756 Wells Avenue, stated the following:

- in the RR and RA zoning, solid walls are not allowed
- questioned why a three foot solid wall is now being allowed, it doesn't fit a rural area
- we should have a clear definition of deer/open fencing

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

- concerned about the allowance for solid walls in the rural areas
- we need to keep in mind the visual and open areas for wildlife

Jean Wilson, 4301 Barton Road, stated the following:

- urged Council not to be too specific on deer/open fencing
- try to think of the different situations that fencing is needed and make it practical

JoAnn Williams, 6669 Brace Road, stated the following:

- there are a lot of radical people who want to control what everyone should do
- no one should have the right to tell us what kind of fence to put up on our own property
- people should be able to put up any kind of fence they want to

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 239, modifying portions of Chapter 13.30 of the Municipal Code dealing with fences and walls and amending the following:

Notes:

(3) Solid walls in setback areas are discouraged in Loomis. A Minor Use Permit for a maximum 6' tall wall for a home existing as of May 2008 may be approved by the Planning Commission if they can find that a sound/solid wall is the only feasible alternative. Noise measurements (to be taken from the interior of the residence with windows closed) will be required with the application and reviewed in accordance with Table 3-3 Noise Standards for Short-Duration Events Near Residential Areas (13.30.070). Design must be compatible with the neighborhood and character of Loomis as determined by the Planning Commission.

Section 4. Section 13.80.020 is hereby amended to the Loomis Municipal Code to add the following definition:

Deer fencing means a fence that protects property from damage by deer or other animals. It is generally a maximum of 8' in height, with posts of metal or wood, and open fencing material such as netting, wire or plastic mesh. It may also include such fencing added atop other allowable fences.

On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas

Noes: Scherer, Ucovich

12. Aunt Cynthia's Bed and Biscuit Modification to Conditional Use Permit

(Continued from March 11, 2008)

TC 2/12/08

A Resolution adopting modifications as a result of an appeal on a Conditional Use Permit and Design Review approval of an animal kennel at 3190 Swetzer Road

Recommended action: Adopt Resolution

Public comment:

Councilmember Ucovich left the room, due to conflict of interest.

Cynthia McCoy, applicant/owner of Aunt Cynthia's Bed and Biscuit, stated the following:

- the double wide modular is hooked up to a holding tank that she inspects every week
- when they use the sink in the modular the water goes into a bucket with a lid and then they pour it into the toilet in the annex that is hooked up to the septic (until she can get the modular hooked up to the sewer)
- she is doing all she can to facilitate the sewer hook-up, the architect is waiting on civil engineering plans (looking at the draining, grading, where the lift station will go, etc.)

Perry Beck, Town Manager, pointed out that the goal is to get hooked up to the sewer. We need to lay this out and bring this back to the Council in a more cohesive manner.

Ms. McCoy agreed with Mr. Beck.

No public comment.

Following further discussion on the matter, a motion was made to continue this item to May 13, 2008. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote.

Councilmember Ucovich returned to the table.

BUSINESS

13. Auburn Placer Disposal Rate Increase

Pursuant to the Town's agreement with Auburn Placer Disposal a rate change is being requested that will increase rates from 1.89% to 2.53% on the common refuse services

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

Public comment:

John Rowe, with Auburn Placer Disposal, stated the following:

- last year they included the senior rate in the bill and can do it again
- they will be having a disposal program for CFL bulbs
- they have started their green waste program that is working well

Pat Miller, 4396 Gold Trail Way, pointed out that using 1 toter encourages recycling and would like to have that published in the bill with the senior's rate.

Following further discussion on the matter, a motion was made to adopt Resolution 08-12, approving a rate increase to the solid waste refuse collection and hauling contract for Auburn Placer Disposal. On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by voice vote.

14. Pacific Gas & Electric Climate Smart Program

Joining the PG&E Climate Smart program will provide a means for the Town government to make its electrical and gas use climate neutral

Recommended action: Determine if the Town should join the PG&E Climate Smart program

Public comment:

Christine Henning, PG&E Customer & Community Relations Manager, expounded on the Climate Smart program and answered questions.

No public comment.

Following further discussion on the matter, a motion was made to join the PG&E Climate Smart program. On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by voice vote.

14b. Rocklin's Regional Shopping Center

The following residents addressed the Council with concerns for their quality of life, property values, traffic, air pollution, noise, drainage, and visual/lighting impacts to their environment and the affect it will have on the wildlife:

- Janette Cokeley, 4223 Dias Lane
- Dan Foster, 4301 Dias Lane
- Jayne Parker, 4436 Dias Lane
- Anna Nakashoji, 3899 Martin Lane
- Leslie Green, 4387 Dias Lane
- Jim Green, 4387 Dias Lane
- James Matso, Dias Lane
- Melissa Netzel, Dias Lane
- Karen Hager, 5537 Ridgepark Drive
- Gary Liss, 4396 Gold Trail Way
- Pat Miller, 4396 Gold Trail Way

Roger Smith, 6766 Wells Avenue, suggested hiring a consultant and legal specialists to review the Environmental Impact Report to see what infringements are occurring.

Dave Larsen, Town Attorney, pointed out that we have the power only to make sure CEQA is applied fully and impacts are mitigated.

Council discussed the following:

- a formal letter needs to be sent to the Rocklin Planning department before the hearing next Tuesday
- Council needs to know if there are any options we can do to get us to where we need to go
- all the impacts need to be mitigated
- they should incorporate all the projects into the EIR
- we can take the comments that have been already made and make them our comments
- AB32 compliance with the carbon dioxide emissions need to be incorporated
- support allocating funds for additional staff and some legal review
- we will comment to the Rocklin Planning Commission and ask them to stretch the time to give us more time to examine the EIR

- the Planning Commission will make findings and send it to their City Council, then staff can comment on their response to our comments at that time

A motion was made to allocate \$10,000 for additional staff time and to submit a formal letter to Rocklin . On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by the following roll call vote:

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

Recess at 9:25 p.m. to 9:33 p.m.

15. **Loomis Depot Construction**

Council is asked to award the contract for construction on the Loomis Depot project

Recommended action: Award depot reconstruction bid to PNP Construction in the amount of \$506,979 plus any bid alternatives Council decides should be included in the project

Public comment:

Dave Piches, Piches Architecture, expounded on the bids that were sent out on reconstructing the existing depot / building a new depot and answered questions.

Roger Smith asked if there will be a loading dock that could serve as a stage for future events.

Mr. Piches pointed out that at the end of the depot there will be a covered area that is about 14 feet deep, it is not raised, but could be used for a stage area.

Ms. Nakashoji supports restoring the depot.

Mr. Liss supports restoring and emphasized the importance of keeping things circulating and reusing as much as possible for zero waste.

Following further discussion on the matter, a motion was made to restore (reconstruct) the depot. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to designate an office as a temperature and humidity controlled room (pending on the bid that PNP Construction will provide for the exact amount). On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to expand the size of the restrooms to provide additional urinal in the Men's restroom, an additional toilet in the Women's restroom, and install baby changing stations in both restrooms. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

A motion was made to provide equipment, labor and any required auxiliary electrical work for installation of an early warning air sampling fire detection system. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

16. **Bike and Pedestrian Path Consideration**

Mayor Kelley requested staff to look into improving the segment of Horseshoe Bar Road from Interstate 80 to the Horseshoe Bar "T" to accommodate a bike/pedestrian path for safety

Recommended action: Discuss and direct staff

Public comment:

Continued to May 13, 2008.

17. **Tree Permit Service Fee Adjustment**

Councilmember Ucovich asked that Council review the tree removal permit information before deciding on the permit fee

Recommended action: Adopt resolution adjusting the tree removal permit fee from \$50/permit to \$53/permit as recommended in the consultant report

Public comment:

Continued to May 13, 2008.

18. **2008/09 Goals and Budgeting** (Continued from March 11, 2008)

TC 1/8/08

Identify goals and projects to develop the 2008/09 budget

Recommended action: Discuss and identify goals and projects, including the Park & Open Space Commission work plan and budget, to add to the prior list of projects for inclusion in the 2008/09 budget

Public comment:

Continued to May 13, 2008.

19. **Solar Regulations**

Councilmember Millward asked that the Council discuss solar regulations

Recommended action: Discuss and determine if there is follow-up that Council desires

Public comment:

Continued to May 13, 2008.

20. **Fair Political Practices Commission Letter**

Councilmember Scherer asked that the Council review the Fair Political Practices Commission letter concerning Jim Williams and the Next Spring in Loomis campaign from the 2006 elections

Recommended action: Discuss and give direction as determined by the Council

Public comment:

Continued to May 13, 2008.

COMMITTEE REPORTS

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

ADJOURNMENT

Mayor Kelley stated there was no further business and adjourned at 11:25 p.m.



Mayor



Town Clerk