



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

TUESDAY

DECEMBER 12, 2006

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 LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (a) of Section 54956.9:
Bickford Ranch Heritage Coalition v. County of Placer
Placer County Case No. SCV 12793

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Pursuant to Section 54956.9 of the Government Code
Property: APN 045-290-040 (Hunter Oak Subdivision)
Agency Negotiator: Perry Beck, Town Manager
Under Negotiation: price and terms

c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision Section 54956.9: Three potential cases

d. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6 of the Government Code:
Agency Negotiator: Perry Beck, Town Manager
Employee Organizations: Maintenance Workers (Operating Engineers Local 39)

TUESDAY

DECEMBER 12, 2006

7:30 P.M.

CALL TO ORDER

Call to order by Mayor Morillas at 7:34 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Morillas
Councilmember Fuson
Councilmember Millward
Councilmember Scherer
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.
- c. No action.
- d. No action.

BUSINESS

1. Resolution of the Council of the Town of Loomis Accepting the Canvass of Election Returns of

the November 7, 2006 Municipal Election
Recommended action: Adopt Resolution
Public comment:

No public comment.

A motion was made to adopt Resolution 06-39, accepting the Canvass of Election Returns of November 7, 2006 General Election with the amended final official election summary. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by voice vote.

AT THIS TIME THE COUNCIL WILL CONDUCT CEREMONIAL MATTERS:

The Town Clerk gave the Administration of Oath of Office for the office of Council to Russ Kelley, Walt Scherer, and Miguel Ucovich.

AT THIS TIME SELECTION OF MAYOR AND MAYOR PRO TEMPORE FOR THE TERM DECEMBER, 2006 THROUGH THE SEATING OF THE NEW MAYOR AT THE BEGINNING OF THE FIRST REGULAR MEETING OF DECEMBER, 2007 WILL OCCUR. (Need motion for both appointments)

No public comment.

A motion was made to appoint Tom Millward as Mayor. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to appoint Russ Kelley as Mayor pro tempore. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

RECOGNITION TO: Councilmember Guy Fuson

Mayor Millward recognized Councilmember Fuson for his four years on the Council.

AT THIS TIME THE MAYOR WILL TAKE A 10 MINUTE RECESS FOR REFRESHMENTS.

* * *

Recess at 7:50 p.m. to 8:00 p.m.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Ucovich stated the following:

- an eight foot berm is being built off of Barton Road near St. Francis Woods
- the Town needs to look into this matter before there are berms all along the Loomis roads

Councilmember Kelley questioned what is suppose to happen during public comment and would like clarification on the following:

- citizens are told they can only make statements during public comment, but cannot ask for clarification
- staff should be able to clarify to the citizens without extensive dialogue
- clarification by staff would also help the Council to understand the situation so we could all get the benefit of the citizens concern

Dave Larsen, Town attorney, noted the following:

- under the Brown Act it requires "public comment" to be put on the agenda for items that are not on the agenda
- the Council cannot deliberate or take action on those items
- On items listed on the agenda public is allowed to talk during public comment time but not after public comment has been closed and deliberation among Council has started

Mayor Millward stated the following:

- last Saturday there was a Town Christmas tree lighting ceremony and about 20 people showed up in the rain
- next year he would like to have a big "old fashion Christmas" in Loomis at the Blue Goose
- he would like the Council and Planning Commission involved

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.

1Written 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.**

Nancy Beck, 6304 David Avenue, stated the following:

- congratulated the new elected Councilmembers
- asked when the second story ordinance will be coming back for public hearing

Perry Beck, Town Manager, stated the following:

- the second story ordinance was voted down at the last Council meeting
- since then, staff has been revising the ordinance and expect it to be on the January 9, 2006 Council meeting

ADOPTION OF AGENDA

No public comment.

A motion was made to adopt the Agenda. On motion by Councilmember Scherer, 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 item 7 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|--|---|
| 2. | Council Minutes – 11/14/06 With Councilmember Kelley abstaining | <i>APPROVE</i> |
| 3. | Monthly Check Register – November | <i>RECEIVE AND FILE</i> |
| 4. | Statement of Activity | <i>RECEIVE AND FILE</i> |
| 5. | Treasurer's Report | <i>RECEIVE AND FILE</i> |
| 6. | Planning Status Report | <i>RECEIVE AND FILE</i> |
| 8. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Defining Time Lines For Planning Commission Recommendations | <i>ADOPT ORDINANCE</i>
Ordinance 233 |
| 9. | A Resolution of the Town Council of the Town of Loomis Authorizing Submittal of Claims For Local Transportation Funds and State Transit Assistance Funds and Authorizing The Town Manager To Execute | <i>ADOPT RESOLUTION</i>
Resolution 06-40 |

CONSENT ITEMS FORWARDED

- | | | |
|----|--------------------------------|----------------|
| 7. | Committee Assignments For 2007 | <i>APPROVE</i> |
|----|--------------------------------|----------------|

Councilmember Ucovich stated the following:

- in the past the informal policy was to allow Councilmembers to retain their seats on the Commissions they were on because of the knowledge gained over the prior years
- he previously asked the Mayor to remain on the Placer County Transportation Planning Agency (PCTPA) and he said yes

- now the Mayor has changed the past practice by removing him from PCTPA and appointing another Councilmember
- asked if this is going to be the "new method" of putting people on the various commissions

Perry Beck, Town Manager, pointed out the following from the Town's Municipal Code: the Mayor shall make all appointments, with the approval of the Council, to regional and county boards, commissions and committees unless otherwise specifically provided for by other provision of the Council.

Councilmember Morillas pointed out that it was good to have a change once in a while, a new committee representative has a new perspective and brings different ideas to the various county boards.

Following further discussion on the matter, a motion was made to approve the committee appointments for 2007. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote, with Councilmember Ucovich voting no.

PUBLIC HEARING

10. **Fence and Wall Regulations** (Continued from 11/14/06)
 Consider proposed draft Zoning Ordinance revisions regarding fence and wall regulations
Recommended action: Continue to January 9, 2007
Public comment:

Continued to January 9, 2007.

11. **Processing of Second Units** (Continued from 10/10/06)
 Consider procedures for approval of second units
Recommended action: Review proposed ordinance and hold first reading
Public comment:

Nancy Beck asked staff to clarify the difference between a carriage house and a second unit and asked if her subdivision would qualify for a second unit.

Kathy Kerdus, Planning Director, stated the following:

- a carriage house is a unit on top of detached garage and can be on a lot that is 5000 square feet or more (always second floor)
- a second unit can be 1200 square feet or less on a parcel that is over 20,000 square feet (first floor)
- Ms. Beck's subdivision lots do not qualify for a second unit, however, if there is a separate detached garage they can qualify for a carriage unit because it is located in the downtown area and the sizes are over 5000 square feet

Jean Wilson, 4301 Barton Road, stated the following:

- there really haven't been complaints on this item
- asked what if the Town makes deed restrictions and then the law changes
- pointed out that if someone moved away but kept their property they would not be able to rent out both residents with this ordinance

Ms. Kerdus expounded on the three ordinances that were before the Council:

- #1 has the occupancy requirement
- #2 was recommended by the Planning Commission and does not have the occupancy requirement
- Revised ordinance that was handed out at the meeting – with "or carriage house" deleted in Section 1. A, and adding a sentence to read as follows: "a carriage house shall require design review (Section 13.62.040)

Following further discussion on the matter, a motion was made to hold first reading of the revised ordinance received tonight, Ordinance 234, dealing with second units and carriage houses. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Millward, Scherer, Ucovich

Noes: Kelley, Morillas

BUSINESS

12. **Request For Donation – Student Court**
 Ben Emert, student at Del Oro High School, speaking on behalf of the student court debating team asks that Council consider making a donation to the team
Recommended action: Hear presentation and decide if Council wishes to donate to this Activity
Public comment:

Ben Emert, Del Oro student representing the mock trial team, asked for a donation on behalf of the student mock trial team and expounded on the process for the mock trial and noted they will be coached by actual attorneys.

Jason Gingrich, Del Oro mock trial team, stated the mock trial will be held in Sacramento on January 23rd, 25th and 27th and expounded on their individual roles.

Pat Millward supports donating to the Del Oro mock trial team and pointed out that the team plans on being involved with the Town's Christmas event next year.

Following further discussion on the matter, a motion was made to donate \$550 to the Del Oro mock trial team. On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by voice vote.

13. **Red Sesbania Eradication in Dry Creek Watershed** (Continued from 11/14/06)

The Sacramento Area Flood Control Agency is seeking funding assistance to eradicate red sesbania (a weed) from Dry Creek watershed

Recommended action: Hear presentation and decide how Council wished to proceed

Public comment:

Peter Buck, with the Sacramento Area Flood Control Agency asked for funding assistance to eradicate Red Sesbania (a weed) from the Dry Creek watershed, gave a presentation and answered questions.

Anita Wright suggested having a contribution that is proportional to the population.

Brian Fragiao, Public Works Director/Town Engineer, pointed out that they have an agreement with Fish and Game and as long as they know what to look for, then when public works cleans the channels they can look for the red sesbania and pull it out.

Following further discussion on the matter, a motion was made to direct the public works staff to work with Placer County Flood Control and the Sacramento Area Flood Control Agency on eradicating the red sesbania throughout Loomis's waterways. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by voice vote.

14. **Animal Control Capital Program**

Placer County asks for commitments in order to build a new animal control shelter and rehabilitate the Auburn facility over the next three years

Recommended action: Authorize sending a letter to Placer County indicating Loomis's intent to participate in the Placer County Animal Services Shelter Capital costs to the extent of Loomis's fair share

Public comment:

Anita Wright, Loomis Friends of Placer County Animal Services, stated the following:

- expounded on the Placer County Capital Facilities Impact fees for animal service facilities
- the proposal does not include the City of Roseville, a few years ago they adopted an impact fee to construct their own shelter
- this is a self imposed fee of \$50 that stays with the city
- the County is asking the other cities to pay \$133 per new single family unit
- the money collected in the impact fee will go to the new West Roseville shelter, leaving the Auburn facility without a source of funding other than the General Fund
- questioned why we should pay the fee and not have a shelter in Auburn, instead the money will go to Roseville

Council discussed the following concerns:

- the Town's fair share should not be based on the existing numbers, the figures would need to be re-adjusted
- intend to participate but there needs to be a more accurate assumption
- the method should be shown that was used to come up with the existing numbers

Following further discussion on the matter, Council directed staff to send a letter saying the Town will participate but the concerns expressed tonight need to be addressed. On motion by Councilmember Scherer, seconded by Councilmember Morillas and passed by voice vote.

15. **Loomis Fire District Report**

The Loomis Fire District report that was contracted by Placer County and the Town is complete and the District is proceeding to obtain cost estimates from neighboring fire agencies to provide fire services in the Loomis District area

Recommended action: Receive and file

Public comment:

John Scherer, Loomis Fire District, noted they are expecting approval from the District Board tomorrow night and will give a copy of the final letter to the Council.

No public comment.

Received and filed.

16. **Brace Road Multi-Way Stop – Other Locations**

Council directed staff to provide a study report analyzing multi-way stop signs at various locations on Brace Road to consider

Recommended action: Discuss and direct staff

Public comment:

Anna Nakashoji, 3899 Martin Lane, stated the following:

- filing a formal complaint regarding the speed of traffic from Horseshoe Bar Road to interstate 80
- it is hard to get out of the drive-ways, there are bus stops, and day care facilities along Brace Road and the traffic just flies over the overpass
- suggested having a stop sign at Dias Lane

Following further discussion on the matter, a motion was made to direct staff to ask the Sheriff's department to patrol Brace Road at different times of the day and come back at a later date to discuss. On motion by Councilmember Ucovich, seconded by Mayor Millward and passed by voice vote, with Councilmember Scherer voting no.

17. **Planning Commission Appointments**

As part of Council reorganization following an election the matter of Planning Commission appointments comes up for consideration in January

Recommended action: Discuss and direct staff

Public comment:

Greg Obranovich, Planning Commissioner, stated the following:

- Janet Thew is an asset to the Planning Commission
- The Planning Commission has a healthy environment and he would like to preserve that

Jean Wilson stated the following:

- she understands Greg Obranovich will be staying on the Planning Commission and Councilmember Scherer wants to replace Commissioner Janet Thew
- Ms. Thew votes differently then she does but Ms. Thew does a lot of thorough research and does a good job on the Planning Commission

Following further discussion on the matter, Council directed staff to advertise for Councilmember Scherer's Planning Commission appointment.

18. **2007/08 Goals and Budgeting**

Councilmember Ucovich asks that Council consider having a goals and budget discussion in preparation for developing the 2007/08 budget

Recommended action: Discuss and determine if Council wishes to consider goals and budget at a regular meeting or have a special meeting

Public comment:

No public comment.

Following further discussion on the matter, Council directed staff to check on the calendar for January or February, Tuesday evening goals and budget workshop, and get back to Council.

COMMITTEE REPORTS

19. Placer County Economic Development Commission – Ucovich
20. Placer County Flood Control/Water Conservation District – Morillas
21. Placer County Transportation Planning Agency – Ucovich
22. Placer County Mosquito Abatement – Ucovich
23. Placer County Air Pollution Control District – Millward/Ucovich
24. Sacramento Area Council of Governments – Fuson/Ucovich

ADJOURNMENT

Mayor Millward stated there was no further business and adjourned at 10:33 p.m.

Mayor Tom Millward