



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

TUESDAY

FEBRUARY 14, 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 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)
Agency Negotiator: Perry Beck, Town Manager
Negotiating Parties: Union Pacific
Under Negotiation: Price and term

c. CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to Section 54957.6 of the Government Code:

Agency Negotiator: Perry Beck, Town Manager
Employee Organization – Represented: -Maintenance Workers (Operating Engineers, Local 39)
-Loomis Diversified Employees

d. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

TUESDAY

FEBRUARY 14, 2006

7:30 P.M.

CALL TO ORDER Call to order by Mayor Morillas at 7:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Morillas
Councilmember Fuson
Councilmember Millward
Councilmember Ucovich

Absent:

Councilmember Scherer

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

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

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Ucovich thanked Public Works for the signal that is coming in at the intersection of Sierra College Boulevard and King Road.

Councilmember Fuson pointed out that over the weekend signs were pushed over and thanked Public Works for responding so fast to put them back up.

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.

Noel Smith, president of the Del Oro Parent Club, stated the following:

- the High School library is in need of some assistance
- the Parent Club had decided to provide a computer lab and multi-media center in the library
- the lab will be a place where they can teach current technology and software
- Their goal is to raise \$40,000 and the parents have already raised \$18,200
- Asked the Town Council to consider donating a sum of money for the Del Oro Parent Club library fund

ADOPTION OF AGENDA A motion was made to continue items 21a, 27 and 28 to March 14, 2006 and pulling item 24 forward to be discussed after consent. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

A motion was made to adopt the revised Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Fuson 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.

Kim Fettke, 4920 King Road, stated the following regarding item 17:

- a little concerned about the generality of the ordinance
- it would be helpful if it didn't specifically just relate back to the rural nature but state CCR's shouldn't preempt anything

A motion was made to adopt the Consent Agenda with the following revisions: pulling item 15 forward for discussion and changing recommended action for items 13 and 14 to February 28, 2006. On motion by Councilmember Ucovich, seconded by Councilmember Fuson and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Ucovich

Noes: None

Absent: Scherer

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|---------------------------------------|------------------|
| 1. Council Minutes – 1/10/06, 1/24/06 | APPROVE |
| 2. Monthly Check Register – January | RECEIVE AND FILE |
| 3. Statement of Activity | RECEIVE AND FILE |
| 4. Treasurer's Report | RECEIVE AND FILE |
| 5. Planning Status Report | RECEIVE AND FILE |

- | | | |
|-----|---|--|
| 6. | Select Projects Update | <i>RECEIVE AND FILE</i> |
| 7. | A Resolution of the Town Council of the Town of Loomis Approving An Agreement For Animal Control Services With The County of Placer, Department of Health and Human Services | <i>ADOPT RESOLUTION</i>
Resolution 06-02 |
| 8. | Consider Town Hall Lease and Authorize Mayor To Sign | <i>APPROVE</i> |
| 9. | Consider Donating Recreation Equipment To The Loomis Elementary School District | <i>APPROVE</i> |
| 10. | Consider Land Purchase Agreement to Loomis Union School District and Direct Town Attorney To Put In Final Form and Authorize Mayor To Sign | <i>APPROVE</i> |
| 11. | Consider Play Ground Equipment Use Agreement Authorizing Spending Certain Park Grant Funds To Acquire Play Ground Equipment For the Loomis Union School district and Authorize Mayor to Sign | <i>APPROVE</i> |
| 12. | A Resolution of the Town Council of the Town of Loomis Accepting The Roadway Right Of Way Along Webb Street And King Road | <i>ADOPT RESOLUTION</i>
Resolution 06-03 |
| 13. | Consider Resolution Approving The Final Map For Heritage Estates Subdivision Phase 2 And Accepting Offers of Dedication Shown On The Final Map (Continued from January 24, 2006) | <i>CONTINUE TO</i>
<i>MARCH 11, 2006</i>
February 28, 2006 |
| 14. | Consider Resolution Declaring Its Intention to Order the Expenses Of Maintaining and Operating Certain Improvements Assessed Upon Real Property, Heritage Park Estates Subdivision Phase 1, 2 and 3 (Continued from January 24, 2006) | <i>CONTINUE TO</i>
<i>MARCH 11, 2006</i>
February 28, 2006 |
| 16. | A Resolution of the Town Council of the Town of Loomis Amending the 2005-06 Operating Budget | <i>ADOPT RESOLUTION</i>
Resolution 06-05 |
| 17. | Second Reading of Ordinance 227 Amending Section 14.04.020 Of The Loomis Municipal Code Dealing With Subdivision (Continued from January 10, 2006) | <i>ADOPT ORDINANCE</i>
Ordinance 227 |
| 18. | Open Space Committee Request To Do A Web Posting | <i>APPROVE</i> |

CONSENT ITEMS FORWARDED

- | | | |
|-----|---|----------------|
| 15. | Consider Emergency Road Repair On Del Mar Avenue, Waiving Formal Bidding and Direct Town Manager to Enter Into an Agreement With a Contractor to Repair the Del Mar Avenue Roadway and Bridge Culvert | <i>APPROVE</i> |
|-----|---|----------------|

Councilmember Millward questioned why the Town needs to hire a consultant to say the culvert needs to be replaced when the Town has an engineer and the contractor doing the work has an engineer.

Brian Fraggio, Town Engineer/Public Works Director, stated the following:

- they are bringing in a structural person to look at the pipes and the retaining wall and if there is damage it will need to be redesigned
- the \$10,000 is just an estimate, they won't know the damage until they dig it up
- the Town hopes to get reimbursed for some of it from FEMA

No public comment.

A motion was made to adopt Resolution 06-04, waiving the formal bid process in times of emergency to repair and/or replace the Del Mar Avenue roadway and bridge culvert and directing the town manager to enter into an agreement with a contractor to provide the work immediately. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

PUBLIC HEARING

19. Planning Commission Responsibility Changes

Consider ordinance amending provisions dealing with the responsibilities of the Planning Commission in regard to certain planning approvals recommended to Council to be ratified

Recommended action: Approve ordinance

Public comment:

Carl DeWing, former Councilmember and Planning Commissioner (Grazing Lane), stated the following:

- the changes that have been made in the ordinance is disturbing
- could understand if the Planning Commission was repeatedly violating the Zoning Ordinance
- there has been repeated appeals on minor issues
- if this is approved it will increase the costs for developers because of added hearings and staff time
- Council will run good developers out of Town
- Council is wanting the Planning Commission to make decisions that the Council want, and not what is good for the Town
- the Council will have developers coming to them for changes that can lead to all kinds of special interest issues
- there should be an independent body making decisions and the Planning Commission should be the buffer for the Council
- this is a bad decision, this will be a major change for the Town, and it should be taken to the people of Loomis to decide if this is right
- strongly urged the Council to vote no on the second reading of the ordinance

Brian Phillipe, former Planning Commissioner (6835 Brooks Lane), stated the following:

- he is very concerned with what he has read and agrees with Mr. DeWing
- he views the Planning Commission as a bi-partisan group that is focused on planning issues
- if this passes, it will become more of a political issue with strong lobbying one way or another, and no longer a planning issue
- strongly urged Council to vote no on the second reading of the ordinance

Bob Lundin, 3590 Ridgewood Drive, stated the following:

- the Council should be the Board of Directors for the Town not the workers
- there needs to be another set of eyes to look at the projects
- he supports Mr. DeWings comments

Greg Obranovich, Planning Commissioner, stated the following:

- he is firmly opposed to the change in the ordinance
- there has been no opportunity to investigate why the system is not working
- we need to have a workshop for discussion and identifying problems
- the Planning Commission works very hard to follow the Town General Plan and Zoning Ordinance
- urged the Council to vote no on the second reading of the ordinance

Kim Fettke, 4920 King Road, Stated the following;

- this change would remove a check and balance that should be kept in place
- this is an extreme measure, there would be too much authority in the hands of the Council
- if this passes there is a concern with the next election and who will be on the Council

Nancy Beck, former Planning Commissioner (6304 David Avenue), stated the following:

- there needs to be checks and balances and if this is taken away, then why have a Planning Commission
- she checked around the community – Rocklin, Roseville, Lincoln, and Auburn and found they are using the same ordinance we have in place
- asked Council to re-consider this adoption because this would be a wrong decision

Hazel Hine, former Councilmember and Planning Commissioner (5985 Barton Road), stated the following:

- the Town has operated like this since incorporation and it works well
- the Planning Commission puts a lot of time and effort into each project
- there needs to be checks and balances
- if Council makes all the decisions then a resident would have to go to court to appeal
- Council needs to stop micro-managing every project that comes forward
- any problems should be worked out in workshops rather than appealing decisions that cost the taxpayers
- she is against adoption of the ordinance

Joan Phillipe, former Town Manager (6835 Brooks Lane), stated the following:

- she agrees with all of the comments that have been said
- since the incorporation the Planning Commission has been an intricate part in determining how the Town would address planning for the future
- the system isn't broken, if there is a perception that things are not working correctly then communicate with your Commissioners by having a joint workshop to address Council's concerns
- there is a perception that Council is taking the ability of the citizens away and the checks and balances

Greg Fellars, former Councilmember (3344 Opal Lane), stated the following:

- the hallmark of this town has always been the citizen involvement
- the idea of concentrating the decision making in a small group of people who presume to know what is best for the town is dangerous now and becomes extremely dangerous in the future, when no one knows who will be on the Council
- the Council has a role as policy makers and ordinance and zoning writers, as formulating the General Plan, and for making the decisions that set the direction for this Town
- the Planning Commission has a role of taking what Council has put down and interpreting it and reconciling with projects that come forward to be developed in this Town
- the Planning Commission is at least one layer removed from all of the political pressures that come to bare on Councilmembers
- Planning Commissioners should be making decisions that are more neutral and un-bias
- he opposes adoption of this ordinance
- Council may find it is an extremely unpopular idea, come next election

Jean Wilson, Planning Commissioner (4301 Barton Road), stated the following:

- agrees with all of the arguments in opposition
- the Town needs to continue a system of checks and balances
- clarified that the Planning Commissions duties have been the same since the incorporation of the Town
- questioned why Council wants to handle everything that the Planning Commission handles
- questioned why staff is no longer competent to handle most minor duties that will be coming to the Planning Commission
- businesses will be delayed because a minor use permit or use permit will take an additional three weeks
- if there are things that need to be ironed out and fixed then we should fix it

Vic Markey, on the Open Space Committee, stated the following:

- the bay area is letting developers come in and destroy the last remaining of open space
- the Council wants to reflect the values of the open space and protect the land
- if protecting the land is not being done one way, then maybe this is an attempt to do it another way
- not against development but new development has to be good for everybody

Paula Morgan, 3768 Frost Lane, stated the following:

- appalled that the Council is trying to take over
- she agrees with the opposition
- everyone needs to work together and not against each other

Helen Florance, former Councilmember (5852 Lawnview Court), stated the following:

- Council doesn't need to micro-manage everything, they determine policy
- she agrees with what has already been said
- Council needs to cooperate with the Planning Commission and have a joint workshop

Peter Graff, 7000 Brooks Lane, stated the following:

- he agrees with the comments that have been said
- if Council approves this ordinance then they need to give the citizens concrete reasons why

Councilmember Ucovich noted the following:

- recently he received several calls from residents wanting him to intercede, regarding Planning Commission approvals
- he appealed so it wouldn't be a financial burden on anyone
- the appeal fee needs to be reduced to make it easier for residents
- he would like to participate in some of the land use decisions that will affect the community and those decisions don't come to the Council
- he would like to have a workshop with the Planning Commission to iron out issues and develop better communication

Councilmember Millward stated the following:

- several things have come to the Council that were not checked and balanced, and by then it was too late, the decisions were made
- if issues will be checked and balanced, then he is okay with it

Councilmember Fuson remarked that he didn't see anything wrong with the current system that has been in place and suggested looking into lowering the appeal process.

Councilmember Morillas thanked everyone that came and noted that she agreed with the residents that have spoken.

Following further discussion on the matter, a motion was made not to approve the ordinance. On motion by Councilmember Ucovich, seconded by Councilmember Fuson and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Ucovich

Noes: None

Absent: Scherer

Recess at 9:00 p.m. to 9:16 p.m.

20. Town of Loomis Housing Element 2001-2008

Consider revised draft Loomis Housing Element 2001-2008 in conformance with State Requirements

Recommended action: Take public comments and adopt Housing Element by resolution for the final submission to the State Department of Housing and Community Development (HCD)

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 06-06, adopting the Town of Loomis Housing Element 2001-2008 as an element of the General Plan and certifying the Negative Declaration in conjunction with this adoption. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Ucovich
Noes: None
Absent: Scherer

21. **Inclusionary Housing Ordinance**

Consider ordinance adding Section 13.33 to the Loomis Municipal Code dealing with inclusionary housing

Recommended action: Introduce the inclusionary housing ordinance for first reading

Public comment:

No public comment.

Following further discussion on the matter, a motion was made not to introduce for first reading an ordinance dealing with Inclusionary Housing. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Ucovich
Noes: None
Absent: Scherer

21a. **Revision to Zoning Ordinance Defining "Attached"**

Consider ordinance adding Section 13.80.020 defining the word "attached" dealing with height of structures added to existing structures. Notice of Exemption proposed.

Recommended action: Continue to March 14, 2006 for first reading

Public comment:

Continued to March 14, 2006.

BUSINESS

22. **Request For Zoning Code Change On Side Yard Setbacks In Residential Zone**

Joel Swanson has requested a Zoning Code change for side yard setbacks to accommodate for an RV carport

Recommended action: Deny request and removal of illegal structure

Public comment:

Jeff parks, 5770 Arcadia Avenue, stated the following:

- he is a strong believer in property rights
- the RV structure was erected in October 2005 and is at 0 lot line
- the project was red flagged after it was erected
- the structure is all wood and could be a potential fire hazard
- asked Council to enforce the Town Zoning Ordinance

Robert Walatka, a real estate agent in the area, stated the following:

- the RV structure de-values the surrounding homes
- encouraged Council to ask that the structure be dismantled

Joel Swanson, 5810 Arcadia Avenue, stated the following:

- he didn't think the RV structure needed to be in the setbacks
- he thinks it raises the value of his house
- noted there are other RV covers against the fence in the neighborhood that have not been cited
- he went around to all of his neighbors except one and they thought it was okay

Following further discussion on the matter, a motion was made to deny the request and remove the structure. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call:

Ayes: Fuson, Millward, Morillas, Ucovich
Noes: None
Absent: Scherer

23. **Wild Chicken Coffee Shop Request For Curb Parking**

The owner of the Wild Chicken Coffee shop (Horseshoe Bar Road at Loomis Station) petitions

council for changes in the red curbs on Horseshoe Bar Road and at the circular curb in front of the Depot building

Recommended action: Refer to Traffic Committee for review and recommendation

Public comment:

Charlotte Reynolds, owner of the Wild Chicken Coffee Shop, requested that the curbs in front of her business on Horseshoe Bar Road and in the Multi Modal be changed to a 10 minute parking zone.

Dave Dallie, Del Mar Avenue, suggested limited parking to help the businesses out.

Following further discussion on the matter, Council referred this item to the Traffic and Safety Committee for a recommendation.

24. **Del Oro High School Stadium Funding**

Del Oro High School officials have requested financial assistance from the Town in order to build a new stadium, including track and field

Recommended action: Authorize financial assistance, the amount to be determined by Council

Public comment:

Jeff Tooker, Assistant Principal, stated the following:

- they would like to raise a million and half dollars to renovate the Del Oro stadium
- when it rains the student can't use the stadium for a week
- they have earned \$850,000 since last April when they started the fund raising
- Placer County has said they will contribute \$150,000
- requested \$200,000 from the Town for the Del Oro stadium renovation

Hazel Hine, 5985 Barton Road, supports donating to the stadium renovation.

Following further discussion on the matter, a motion was made to contribute \$75,000 to the Del Oro stadium renovation. On motion by Councilmember Fuson, seconded by Councilmember Millward and passed by voice vote.

25. **Service Fee Rates** (Continued from January 24, 2006)

Council adopted service fees in December 2005, and certain fees were held over for further Consideration

Recommended action: Discuss and give direction

Public comment:

Michael Hogan, 3131 Humphrey Road, stated that he supports the revised fee schedule.

Council commented on the following:

- only charge a deposit for use of the parks and plaza
- tree removal permit should remain at \$50
- lower the appeal fee for residents
- should lower the film permit
- charge only deposit for special events
- Town hall meeting room use should be lowered

Following further discussion on the matter, Council directed staff to come back with a revised fee schedule.

26. **Joint Workshop with the Council and Planning Commission**

Consider agenda for the joint workshop scheduled for Tuesday February 28, 2006

Recommended action: Approve agenda as presented or edited by Council

Public comment:

Michael Hogan stated the following:

- suggested that they have a joint workshop with the Council periodically so that issues don't reach a high temperature
- discussing the appeal fee

Jean Wilson suggested adding to the agenda suggestions for future regulations (example: RV structures) and issues.

Council discussed the following to consider on the agenda:

- having frequent workshops with the Planning Commission throughout the year so that as projects come in they can be discussed in advance
- how a Councilmember can be involved in the development review process with the Planning Commission
- two story structures, scale and location on lots

27. **Cease Issuing Permits or Planning Approvals for Second Units and Ancillary Structures**

Councilmember Scherer asks that Council consider ceasing planning approval and the issuing of permits for second units and ancillary structures until standards have been developed

Recommended action: Discuss and give direction

Public comment:

Continued to March 14, 2006.

28. **Development Workshop**

Councilmember Scherer asks that Council consider holding a development workshop to welcome the new owner(s) of the property on the South side of Interstate 80 at Horseshoe Bar (formerly called Turtle Island project) and start exploring respective interests in the Development envisioned on that property and other properties currently being planned

Recommended action: Discuss and give direction

Public comment:

Continued to March 14, 2006.

FUTURE AGENDA ITEMS: Items listed will be placed on subsequent agendas typically one at a time in the order shown unless otherwise requested by vote of the Council. Items for future agendas are entered in the order received starting at the bottom.

- Tree code changes, Ken Mentzer consultant contract – Staff
- Parking regulations (compact and downtown spaces) – Ucovich/Millward
- Goals update (last done March 2005) – Staff
- Identify park sites in Town – Ucovich
- Sheriff building needs in Town – Ucovich
- Farmers Market site – Ucovich
- Design guidelines – Staff
- Appointment of Treasurer and Clerk – Ucovich
- Subdivisions and street naming policies - Scherer

COMMITTEE REPORTS

- 29. Placer County Economic Development Commission – Ucovich
- 30. Placer County Flood Control/Water Conservation District – Morillas
- 31. Placer County Transportation Planning Agency – Ucovich
- 32. Placer County Mosquito Abatement – Ucovich
- 33. Placer County Air Pollution Control District – Millward/Ucovich
- 34. Sacramento Area Council of Governments – Fuson/Ucovich

ADJOURNMENT

A motion was made to adjourn at 11:00 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

Mayor

Town Clerk