



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS VETERANS' MEMORIAL HALL,
5945 HORSESHOE BAR ROAD
LOOMIS, CA 95650

TUESDAY

JULY 10, 2007

7:00 P.M.

CALL TO ORDER

Call to order by Mayor Millward at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Millward
Councilmember Kelley
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

Absent: None

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.**

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.

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 10 and 11 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

1. Council Minutes – 6/12/07

APPROVE

2. Monthly Check Register – June

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 | RECEIVE AND FILE |
| 7. | Second Reading of Ordinance 237, Adding Provisions to the Municipal Code to Create a Park and Open Space Commission | ADOPT ORDINANCE |
| 8. | A Resolution of the Town Council of the Town of Loomis Determining That There is a Public Convenience or Necessity For the On-Sale Retail Liquor License For Woody's Market & Deli | CONTINUE TO
AUGUST 14, 2007 |
| 9. | A Resolution of the Town Council of the Town of Loomis Authorizing the Town to Apply and Collect Grants Under The California Oil Recycling Enhancement Act and All Household Hazardous Waste Grants Under the California Integrated Waste Management Act For the Next Five Years (2007-2011) and Authorize the Town Manager or Its Designee to Execute | ADOPT RESOLUTION
Resolution 07-16 |

CONSENT ITEMS FORWARDED

- | | | |
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| 10. | A Resolution of the Town Council of the Town of Loomis Approving Wage and Benefit Changes with The Loomis Diversified Employees Group and With the Loomis Public Works Employee's Bargaining Unit (Operating Engineers, Stationary Local No. 39) | ADOPT RESOLUTION |
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Perry Beck, Town Manager, revised Resolution 07-15, to add the following underlined changes: "increase vacation accrual to a cap of 600 hours for employees; Town Manager position to ~~be at~~ a cap of 800 hours.

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 07-15, approving wage and benefit changes with the Loomis Diversified Employees Group and with the Loomis Public Works Employee's bargaining unit (Operating Engineers, Stationary Local No. 39). On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

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| 11. | Placer Sheriff Contract Renewal For 2007/08 Year | APPROVE |
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Lieutenant Wayne Woo, Placer County Sheriff's Department, expounded on their service and answered questions.

Barbara Bazana, Administrative Service Manager for Placer County Sheriff's department, pointed out that they can provide statistics for the number of response calls in Loomis and answered questions.

Following further discussion on the matter, a motion was made to approve the 2007/08 Placer County Sheriff contract for police services in the amount of \$1,282,810. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

PUBLIC HEARING

- | | |
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| 12. | <u>Appeal of #06-10 Homewood Lumber Relocation Project</u>
An appeal to reconsider the Planning Commission approval on May 29, 2007 ---- revision to CG zoning district to allow Assembly Activities by Minor Use Permit, Conditional Use Permit and conceptual Tree Permit in order to relocate Homewood Lumber to 5251 Brace Road, APN's: 044-123-05, 069.
Recommended action: Decide if one or more of the appeals will be heard as provided in section 13.74.030 D4; or decide to proceed on the appeal then hear the appeal and decide pursuant to Section 13.74030 D 1, 2 and 3 of the Zoning Code
Public comment: |
|-----|--|

Adrienne Graham , environmental consultant, expounded on the environmental study for 5251 Brace Road and answered questions.

Hamid Noorani, owner of Homewood Lumber, pointed out the following:

- their business hours are from 7 a.m. to 6 p.m. and Saturdays 8 a.m. to 12 p.m.
- from 3 p.m. to 12 a.m. they have employees preparing for deliveries the next day
- they had an opportunity to receive good quality dirt for compaction for a base
- they hired a consultant to address the wetland mitigations
- they will be creating new wetlands for a habitat on three acres that he is donating

Riley Swift, president of Restoration Resources, (habitat planning and restoration resources) stated the following:

- he has been retained to help design wetland mitigation that will be suitable for Hamid Noorani's project
- their plan is to create a small wetland eco system and to allow the existing flood waters to pass through an existing ditch
- this could be set aside as natural open space with an observation overlook area
- he has made arrangements with a non-profit land trust organization, Wild Life Heritage Foundation, who have agreed to hold the conservation easement on the site
- the Town will take the title of the land and the Wild Life Heritage Foundation will take care of it

The following addressed the Council opposing the Planning Commission's approval of the Homewood Lumber relocation project:

- Madelyn Coles, 5470 Brace Road
- Kai Krienke, 5397 Brace Road
- Cheryl Benson, 5515 Brace Road
- Tina Sinnott, 5490 Brace Road
- Maria Montez, 3945 Taylor Road

The following addressed the Council supporting the Planning Commission's approval of the Homewood Lumber relocation project:

- Bert Braun, 3270 Taylor Road
- Mike Boberg, 5670 Stone Road
- Lorie Baldwin, 5562 Covington Court, Sacramento
- Jack Van Liew, 5641 Anglo Drive

Recess at 9:00 p.m. to 9:15 p.m.

Council discussed and voted on the appeal issues grouping in the following sequence:

1.
18 – loss of over a hundred oak trees
20 – loss of wildlife
22 – trees will be allowed to be removed

Following further discussion on the matter, a motion was made to accept staff's comments in the report on appeal issues 18, 20, 22, and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote with Councilmember Scherer voting no.

2.
1 – require environmental impact report
30 – studies done based on Homewood's current operation

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 1 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following roll call:

Ayes: Kelley, Millward, Morillas, Ucovich
Noes: Scherer

A motion was made to accept staff comments in the report on appeal issue 30 and affirm Planning Commission's decision . On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucoivch
Noes; None

3.
2 – not compliant with zoning and will cause decline in property values
5 – lumber yards are not General Commercial (CG)
10 – business does not fit the letter or the spirit of the General Plan
12 – business not appropriate for the site
13 – okay with retail but not the assembly of doors
27 – misuse of the CG zoning
28 – rezoning to include light industrial

Following further discussion on the matter, Council voted on the following appeal issues:

A motion was made to accept staff comments in the report on appeal issue 2 and affirm Planning Commission's decision. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

A motion was made to accept staff comments in the report on appeal issue 5 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to accept staff comments in the report on appeal issue 10 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote.

A motion was made to accept staff comments in the report on appeal issue 12 and affirm Planning Commission's decision. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.

A motion was made to accept staff comments in the report on appeal issue 13 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Kelley and passed by voice vote with Councilmember Scherer voting no.

A motion was made to accept staff comments in the report on appeal issue 27 and affirm Planning Commission's decision. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to accept staff comments in the report on appeal issue 28 and affirm Planning Commission's decision. On motion by Councilmember Scherer, seconded by Councilmember Morillas and passed by voice vote.

4.
8 – this will impact traffic, congestion and noise
14 – thirty semi-trucks in and out per day
26 – widening of Brace Road to allow trucks in and out

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issues 8, 14, 26 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Kelley and passed by voice vote.

5.
3 - Planning Commission relied on false and deceptive information
9 - a sound barrier at day time is advised
11 - hours of retail operation are not expressly stipulated
15 – fork lift noises from loading and unloading

Chuck Norris, Homewood Lumber Safety Director, pointed out that OSHA does not require them to have a back-up beeper as long as they have some kind of horn.

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 3 and affirm Planning Commission's decision. On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by voice vote.

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 9 and affirm Planning Commission's decision. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 11 and affirm Planning Commission's decision. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote with Councilmember Ucovich voting no.

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 15 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

6.
6 - the design of the building needs to be improved
23 – there is no plan for landscaping given

Following further discussion on the matter, Council directed staff to amend Condition 98 to add design review approval from a joint meeting with the Planning Commission and Council for the buildings and landscaping. A motion was made to approve amended Condition 98, accept staff comments in the report on appeal issues 6 and 23 and affirm Planning Commission's decision. On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by voice vote.

7.
7 – the manufacturing part of the project should be in another location

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 7 and affirm Planning Commission's decision. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

- 16 – the emissions are over the 10 lbs/day threshold

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 16 and affirm Planning Commission's decision. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote with Councilmembers Scherer and Ucovich voting no.

- 24 – hazardous material will be released in the air

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 24 and affirm Planning Commission's decision. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote.

- 17 – drainage problems which could occur

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 17 and affirm Planning Commission's decision. On motion by Councilmember Ucovich, seconded by Councilmember Morillas, and passed by voice vote.

- 19 – concern over adequate water pressure

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 19 and affirm Planning Commission's decision. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

25 – guarantee that children will be safe while waiting for the bus

Following further discussion on the matter, a motion was made to accept staff comments in the report on appeal issue 25; affirm Planning Commission's decision; and to revise Condition 64 adding at the end of the sentence "and approved by the Town Council." On motion by Councilmember Scherer, seconded by Councilmember Morillas and passed by voice vote with Councilmembers Kelley and Ucovich voting no.

21 – the process

29 – checks and balances

Councilmember Ucovich noted that during the process there have been plenty of meetings with Planning Commission and Council on this project.

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

A motion was made to approve staff comments on the appeal issues and accept the staff report. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

13. **Assembly of Building Components in General Commercial (CG) District**

Planning Commission has recommended that "Assembly of building components" be added to the CG District associated with a minor use permit in connection with the Homewood Relocation Project approval

Recommended action: Take public comment, hold first reading of proposed ordinance

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 238, amending Table 2-6 of the Zoning Ordinance dealing with allowed uses in commercial zones, to add the assembly of building components. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

BUSINESS

14. **Park and Open Space Committee Appointments**

With the creation of the Park and Open Space Commission, individual Council Members are asked to recommend their appointee to this Commission

Recommended action: Approve Councilmember's recommendations for Parks and Open Space Commissioner appointments

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to approve the following appointments for the Park and Open Space Commission:

Councilmember Morillas appointed Mike Boberg

Councilmember Scherer appointed Gary Liss

Councilmember Kelley appointed Ron Morris

Mayor Millward appointed Al Newton

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

Councilmember Ucovich will be choosing his appointment at the next Council meeting.

15. **Request for Donations**

Council is asked to consider a donation to the Loomis Fire district and to the Loomis Quilt & Fiber Guild

Recommended action: Approve donations in an amount that Council may wish to donate to these activities

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to donate \$300 to the Loomis Quilt & Fiber Guild and \$750 to the Loomis Fire District. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

16. **Depot Renovate or Build New**

Council is requested to confirm whether renovating the existing depot or constructing a new facility is desired

Recommended action: Discuss and decide

Public comment:

No public comment.

Council agreed to continue this item until Mr. Piches can be brought in for discussion on the depot.

17. **Citizen Survey**

Council is requested to consider conducting a citizen post card survey to obtain advice on various issues facing the Town

Recommended action: Discuss and decide what Council wishes to do. If Council wishes to conduct a survey, then determine what questions should be asked.

Public comment:

Continued to the August Council meeting.

COMMITTEE REPORTS

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

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.

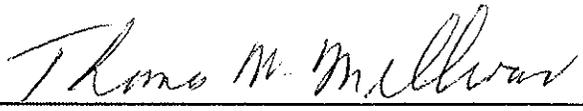
- a. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to subdivision Section 54956.9: One potential case

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

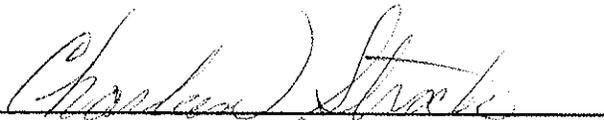
Council did not adjourn to a close session due to lack of new information.

ADJOURNMENT

A motion was made to adjourn at 11:28 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.



Mayor



Town Clerk