



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

<b>MONDAY</b>	<b>MAY 19, 2008</b>	<b>TIME PERMITTING</b>
<b>CLOSED SESSION</b> – 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. <b>CONFERENCE WITH REAL PROPERTY NEGOTIATOR.</b> Pursuant to Section 54956.9 of the Government Code: <b>Property:</b> - APN 043-014-019 (Town owned corporation yard property to be sold to Loomis Union School District) - APN 044-010-014, 3665 Taylor Road (South Placer Utility District property) <b>Agency Negotiator:</b> Perry Beck, Town Manager <b>Under Negotiation:</b> price and term		
b. <b>CONFERENCE WITH LABOR NEGOTIATOR.</b> Pursuant to Section 54957.6 of the Government Code: <b>Agency Negotiator:</b> Perry Beck, Town Manager <b>Employee Organizations:</b> Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group		
<b>MONDAY</b>	<b>MAY 19 , 2008</b>	<b>6:30 P.M.</b>

**CALL TO ORDER** Call to order by Mayor Kelley at 6:35 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:**  
Mayor Kelley  
Councilmember Millward  
Councilmember Morillas  
Councilmember Scherer arrived at 6:37 p.m.  
Councilmember Ucovich

**STATEMENT OF ACTION TAKEN DURING CLOSED SESSION**

There was no closed session.

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. No public comment.

**ADOPTION OF AGENDA**

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

Council requested to pull items 1 and 2 forward for discussion.

**CONSENT AGENDA**

**RECOMMENDED ACTION**

**CONSENT ITEMS FORWARDED**

1. Second Reading of Ordinance 239, Modifying Portions Of Chapter 13.30 of the Municipal Code Dealing with Fences And Walls

*ADOPT ORDINANCE*

Perry Beck, Town Manager, distributed information that was received today from Irene Smith regarding "deer fencing used for agricultural and garden areas shall be placed no more than 15' (instead of 25') away from the outside boundary of the planted areas."

Irene Smith, 6755 Wells Avenue, stated the following:

- the deer fencing needs to be refined
- every fence becomes an obstacle to wildlife, it fragments their habitat
- we need to identify and practice the most humane methods of protecting our wildlife as well as protecting our crops
- she quoted from "Wildlife Friendly Guidelines," from the Napa Wine Growing Group
- barbed wire, razor wire, and fencing with pointed tops are potentially very harmful for deer
- mesh and netting fencing can be harmful to small animals
- asked Council to add the following paragraph to supplement staff's recommendation for deer fencing: Deer fencing used for agricultural and garden areas shall be placed no more than 15' away from the outside boundary of the planted areas and shall be of an open "exclusionary" design approved by Town staff using "Wildlife Friendly Guidelines." No barbed wire, razor wire or pointed top fencing shall be used.

Marilyn Jasper, 3929 Don Drive, supports Ms. Smith more defined paragraph with the 15'.

Pat Miller, 4395 Gold Trail Way, agrees with Ms. Smith, and emphasized no barbed wire, razor wire or spiked tops, to protect the animals.

Ron Morris, Secret Ravine Vineyards, pointed out the following:

- you can't turn around on a tractor with a 15' boundary
- there is a lot of barbed fencing in the area already, and this revision would only create problems

Roger Smith, 6755 Wells Avenue, stated the following:

- he agrees with placing the fence no more than 15' away from the outside boundary
- there should be a definition of open fencing and suggested 80% open fencing within the setback

Following further discussion on the matter, a motion was made to approve Ordinance 239, modifying portions of Chapter 13.30 of the Municipal Code dealing with fences and walls. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by the following roll call vote:

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

Recess at 7:15 p.m. to 7:23 p.m.

2. A Resolution of the Town Council of the Town of Loomis Authorizing Worker's Compensation Coverage For Town Volunteers Through The Town's Participation In Small Cities Organized Risk Effort

*ADOPT RESOLUTION*

Continued to June 10, 2008.

## BUSINESS

### 3. Rocklin Crossing Project

7:00PM

The Rocklin City Council will be hearing the Rocklin Crossing project on May 27, 2008 and the Town of Loomis is preparing a follow-up to the comments that the Town submitted to the Rocklin Planning Commission and will request that the Rocklin Council toll their review of the project to allow time to resolve Loomis issues

**Recommended action:** Take public testimony and determine what matters the Council would like Special Legal Counsel, Don Mooney, to consider in preparing follow-up comments on the Rocklin Crossing project

**Public comment:**

Gary Liss, 4396 Gold Trail Way, suggested the following:

- we need to enlist all help possible to bring Rocklin together with Loomis
- we need the support of PCTPA, SACOG, Fish and Game, National Wildlife Service, Army Core of Engineers, and the Attorney General and keep them informed of our comments
- in our comments we need to reference the Rocklin Mall EIR and the Judge's decision at that time
- the staff report needs to say, "access to Dias Lane will be blocked"
- the economic impact to the Loomis businesses need to be stated

Kim Fitke, King Road, agreed with Mr. Liss and noted that the accumulative impacts are inadequate.

Dennis Haggard stated concerns with the traffic impacts and access to Sierra College.

Leslie Green, 4387 Dias Lane, pointed out that the Rocklin housing project will be a major impact to Dias Lane.

Jim Green, 4387 Dias Lane, noted the economic impacts on our businesses and services and said he would like to see plot maps on all of the proposed projects rather than by piece-meal.

Greg Fellers, Loomis Fire District Board, asked if Rocklin has addressed what it will cost the Loomis Fire District because the District extends down the Interstate 80 corridor and they will be the first response for any emergency.

Roger Smith pointed out that the residents need to be kept informed on what is going on and what Loomis is doing about the issues.

Pat Miller stated concerns for the economic impacts on our businesses such as Hardware Emporium and maybe Raley's.

John Knott supports efforts to reduce the lighting and no outside speaker systems.

Dave Mills stated concerns with the noise impacts.

Lisa Pywtorak, 4266 Dias Lane, pointed out the following:

- at the Rocklin meeting her concerns were ignored, they said the studies were acceptable for an urban environment
- our country environment will be destroyed by the light, noise and air pollution impacts
- Rocklin will be removing oak trees and leaving them without a tree barrier

Dan Foster, 4303 Dias Lane, stated the following:

- he is concerned about the water resources, the quality of his well water, the run-off into Secret Ravine and the endangered salmon
- a study was done on the economic impact in Roseville and not Loomis, we will lose our businesses
- Rocklin is trying to piece-meal these projects and this will change our quality of life

Melvie Filippini urged Council to represent the Loomis residents and fight this.

Jane Parker, 4436 Dias Lane, pointed out that Loomis prevented the Rocklin Mall and questioned why this was happening.

Tom Morrow asked the Council to oppose this project.

Arian Cokeley, 4223 Dias Lane, stated the following:

- concerned with the lighting impact
- the Dry Creek Association mentioned that the salmon were decreasing and Loomis is the last resort
- there is 51 acres of asphalt and the run-off needs to be addressed
- in 1988 his property was flooded with about 100 feet wide of water
- the circulation on the project does not work well and Dias Lane should not be used

Don Mooney, attorney who has assisted Loomis on CEQA issues over the past 5 years, stated the following:

- the Town of Loomis has been more aggressive than just about any city in California and because of that, the Town is not popular in the other communities
- we submitted comments to the Rocklin Planning Commission on the Rocklin Crossings final EIR
- we are also in the process of drafting comments for the Rocklin City Council
- if Rocklin approves the project then the Town has five days to address the Notice of Determination
- the comments given tonight are not part of the record for the City of Rocklin and encouraged everyone to send letters and comment at the Rocklin Council meeting
- to challenge an EIR you have to look at where the flaws are

Council discussed the following issues:

- questioned if the previous litigation on the Rocklin Mall and the Judge's decision could be used
- we will not leave any stones unturned
- the list of all the proposed projects should be included in their EIR (theaters, Kohls, Rocklin 60, Croftwood, etc.) and comments made on the accumulative affects
- suggested sending a letter to the Attorney General on the AB32 compliance
- we need to comment on the importance of Secret Ravine in their EIR
- we should be looking at services for citizens such as bike and horse trails as part of the project
- we need to look at public safety issues and the affect on the water table

#### 4. Rocklin Lowe's Project

7:30PM

The Rocklin Planning Commission will be hearing the Rocklin Lowes project on May 20, 2008 and the Town of Loomis is preparing comments concerning the Mitigated Negative Declaration environmental review and asking that they toll their review of the project to allow time to resolve Loomis issues

**Recommended action:** Take public testimony and determine what matters the Council would like Special Legal Counsel, Don Mooney, to consider in preparing follow-up comments on the Rocklin Lowes project

**Public comment:**

Larry Monahan, 4108 Hunters Drive, stated the following:

- we can't stop the Rocklin businesses from coming in
- he visited some of the neighbors that were impacted by Lowes and they were happy
- Lowes keeps their property clean and they try to get along with their neighbors
- something will be put there anyway and he would rather have Lowes and so would a lot of his neighbors

Nadine Hart, 4100 Hunters Drive, stated the following:

- they bought their property knowing it was zoned commercial
- they investigated Lowes and they addressed all of their concerns
- Lowes will make one of the better neighbors

Gary Liss addressed the following:

- the comments made for Rocklin Crossing also applies to the Lowes, the only difference is the quality of the business
- because of the accumulative impacts we have to make it clear that a Negative Declaration is not sufficient for an environmental review
- he asked to have the ongoing status of the Rocklin developments agendized for the rest of the year so residents can be abreast of the issues
- also requested to have any correspondence/reports with Rocklin be put on the website
- this is the battle for our lives and Loomis will change forever if we are not successful

Lisa Pywtorak pointed out the following:

- the impact Lowes will have on Hardware Emporium and Homewood Lumber
- how this will impact our roads

Roger Smith addressed the following:

- he agrees with agendizing the progress of these developments
- we only have to access roads into Loomis and we already have our own accumulative affect
- the traffic on Sierra College will deter more people to go on Horseshoe Bar Road and this will greatly affect downtown Loomis

Dan Foster addressed the following:

- he agrees with the previous comments
- the accumulative projects is a concern
- they have a filter with the trees and the property absorbing the toxins, and that will be removed
- traffic and air pollution are his two biggest concerns

Don Mooney pointed out the following:

- this project approval is a little different, it only needs the Planning Commission's approval
- Rocklin says the impacts/mitigations were addressed in the General Plan
- if there is an administrative appeal then it would go before the Rocklin City Council
- the appeal comments will become a part of the record
- we will have to challenge the Negative Declaration on whether or not there were significant impacts that were not addressed

Council discussed the following:

- we need to set a date and time to meet regarding Rocklin's response and an appeal
- we are looking at the accumulative projects and their affects
- we will link to the Rocklin website from our website to get the best information that is available
- Council agreed to adjourn this meeting to May 28<sup>th</sup> at 7:00 p.m.

#### 5. Fair Political Practices Commission Letter (Continued from May 13, 2008)

TC 4/8/08

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:**

Councilmember Scherer pointed out the following:

- in the last campaign there were ugly articles put out against both Councilmember Ucovich and himself
  - after investigations from the Fair Political Practice Commission (FPPC) they found that money was given from the building industry
  - the election might have been different if that would have been disclosed in the beginning
- he suggested the Town make a request to the FPPC to continue the investigation

Mayor Kelley pointed out the following:

there is a lot of misinformation

the FPPC did an investigation, identified that "Next Spring in Loomis" supported two candidates that had no knowledge of the initiation of the campaign committee

Greg Fellers suggested Council spend their time on more important issues then opening a new investigation.

Pat Miller stated that she does not want to see this happen again and would like to see this investigation move forward.

Marilyn Jasper supports having FPPC following-up on the investigation.

Dan Foster pointed out that we should make sure the next election is clean.

Lisa Pywtorak stated concerns with the signs of disrespect among the Council and asked if they would work on the issues at hand that are going to cost Loomis in the future.

Roger Smith stated the following:

- we had an election that was secretly influenced
- if Mayor Kelley and Commissioner Obranovich say they had no knowledge of flyers that were written then he believes them
- questioned why FPPC didn't do more

There was no action taken.

6. **2008/09 Goals and Budgeting** (Continued from May 13, 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 28, 2008.

## COMMITTEE REPORTS

7. Placer County Economic Development Commission – Ucovich
8. Placer County Flood Control/Water Conservation District – Morillas
9. Placer County Transportation Planning Agency – Kelley/Millward
10. Placer County Mosquito Abatement – Ucovich
11. Placer County Air Pollution Control District – Millward/Ucovich
12. Placer County Community Services Commission - Millward
13. Sacramento Area Council of Governments – Scherer/Kelley
14. Placer Land Trust ex-officio representative - Scherer

## ADJOURNMENT

Mayor Kelley stated there was no further business at this time and adjourned at 9:55 p.m. to an Adjourned Regular Meeting on May 28, 2008 at 7:00 p.m.



Town Clerk



Mayor