



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD
LOOMIS, CA 95650

TUESDAY

JANUARY 13, 2009

7:00 P.M.

CALL TO ORDER Call to order by Mayor Scherer at 7:02 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Scherer
Councilmember Kelley
Councilmember Liss
Councilmember Morillas
Councilmember Ucovich

PROCLAMATION/RECOGNITION Bill Branch

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Liss stated the following:

- he would like to consider this recognition as the beginning of the Town's 25 anniversary celebration
- in the downtown business committee meeting on January 19th one of the items they will be discussing is celebrating the 25th anniversary throughout the year
- they are planning on having a meeting on February 2nd to organize the Earth Day activities

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.

Nancy Beck, 5304 David Avenue, stated the following:

- last November she was in a car accident on King Road
- the cars speed when they come down from over Interstate 80
- she would like to see something done before there is a worse accident
- suggested having the Sheriff patrol early in the morning and after 4:00 p.m.
- she requested to have this item on a future agenda

Mayor Scherer directed staff to add this on the next agenda.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda, moving item 9 after item 12. On motion by Councilmember Morillas, seconded 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. On motion by Councilmember Liss, seconded by Councilmember Morillas and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|--|--------------------------------------|
| 1. Council Minutes – 12/9/08, 12/15/08 | APPROVE |
| 2. Monthly Check Register – December | 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. 2008/09 Projects Update | RECEIVE AND FILE |
| 7. A Resolution of The Council of The Town of Loomis Approving A Retainer Agreement For Special Legal Services With Donald B. Mooney and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town of Loomis | ADOPT RESOLUTION
Resolution 09-01 |
| 8. A Resolution of The Council of The Town of Loomis Approving An Agreement With Other Placer County Cities and The County Of Placer Concerning Fees For Property Tax Administration | ADOPT RESOLUTION
Resolution 09-02 |

CONSENT ITEMS FORWARDED

BUSINESS

9. Commission Appointments

As a part of the Council reorganization following an election the Commission appointments come up for consideration in January

Recommended action: Approve Councilmember recommendations for Commissioner appointments

Public comment:

No public comment.

Councilmember Liss appointed Kim Fittke to be on the Planning Commission.

A motion was made to nominate Kim Fittke on the Planning Commission. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich

Noes: None

10. **Development Fee Update** (Continued from 12/15/08)

TC 12/9/08

Development fees have been evaluated for adjustment per the Construction Cost Index and a land sales analysis has been done to adjust park and open space fees

Recommended action: Approve resolution increasing development fees and utilize higher land costs to set the passive park/open space land fees

Public comment:

Councilmember Ucovich questioned if the properties used in the analysis had homes on them and would the fees be reduced if prices went down next year.

Councilmember Liss questioned if only properties in the Town of Loomis were used for the analysis.

Councilmember Kelley stated that open space property is worth less so the fee should be less.

No public comment.

Tom Sinclair, Town Consultant, pointed out that the 13 parcel sales used (9 in the County and 4 in Loomis) were all vacant parcels.

Following further discussion on the matter, a motion was made to approve staff's recommendation to approve a resolution revising development impact fees in specified amounts. On motion by Councilmember Liss, seconded by Councilmember Morillas and there was a question on the motion:

Councilmember Ucovich disagrees with raising the fees at this time and pointed out the following:

- \$189,000 per acre is too high for raw land today in this economy
- we need to look at what type of program will be used to acquire open space
- propose using a different method for the Passive Park fee

The motion passed by the following roll call vote:

Ayes: Liss, Morillas, Scherer

Noes: Kelley, Ucovich

Tom Sinclair suggested that the resolution be modified to include the statement that "the Town Council finds that Passive park/Open Space fee should be based on the average sales price per acre of the two to five acre vacant parcels in the Loomis area," and the effective date will be March 14, 2009.

A motion was made to approve the resolution with consultant's amendment. On motion by Councilmember Liss, seconded by Councilmember Morillas and there was a question on the motion:

Councilmember Kelley suggested not having this take effect until the economy gets better.

Councilmember Liss suggested reviewing the fees during the budget and to not take effect until July 1st.

The motion was amended to add that the fees would be discussed during the budget and to take effect July 1st. On motion by Councilmember Liss, seconded by Councilmember Morillas and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich

Noes: None

11. **Goals and Goal Setting Meeting**

Consider Strategies and/or techniques to identify and accomplish Town goals

Recommended action: Refine the list of goals and adjourn to a facilitated discussion on January 31, 2009

Public comment:

Dana Stone, a facilitator, expounded on her experience with the State and answered questions.

No public comment.

Council agreed to have the goals and goal setting workshop on January 31, 2009 at 8:30 a.m. at the Loomis Depot.

12. **Change Parks and Open Space Commission**

Mayor Scherer and Councilmember Liss ask that the Council consider various changes to the Park and Open Space Commission make up and directives

Recommended action: Discuss and determine whether Council favors a commission or committee for park and open space purposes.

Public comment:

Jean Wilson, 4301 Barton Road, stated the following:

- increasing the number on a committee would allow smaller task groups within the committee
- if some appointments are made by individuals than there is a better chance for minority view points to be represented
- suggested having 11 members with one appointment by each Councilmember and the others appointed by citizens
- two year terms just gives you enough time to understand your job
- child care reimbursement for attending meetings should be available for everyone on the Council and the Commission

Pat Miller, 4395 Gold Trail Way, stated the following:

- the previous Open Space committee had 10 to 12 people on it who had the freedom to work where their interest drew them
- open space does not exist by political boundaries and citizens out of the Town limits should be allowed to participate
- if the Park and Open Space Commission is disbanded than they can apply to be on the committee
- she supports the committee structure of 10 to 12 people

Nancy Beck stated the following:

- twenty-five years ago when the Town incorporated we had a lot of committees and brought in experts in various fields
- a commission limits you and she is in favor of having a committee
- suggested having outside help as advisory and not necessarily on the committee

Irene Smith, 6755 Wells Avenue, stated the following:

- she was on the original committee where they got a lot done and put out an excellent report
- they had task groups and everyone had their assignments that they brought back to the committee
- she agrees with having members from out of Town because open space does not begin and end at our boundaries
- she supports going back to the committee structure and having task groups

Roger Smith, 6755 Wells Avenue, stated the following:

- he is in favor of the large committee
- suggested Council approve adding the wording to encourage task force structure
- suggested the committee report directly to the Council
- he is against 2 year term limits, members should be able to re-apply on the committee

Council consensus on the following:

- 1) To have an ad hoc Park and Open Space Committee (POSC) with 11 members, each Councilmember has one appointment, and limiting only 2 out of Town appointments.
- 2) POSC members will serve 2 year terms with appointments made in January and effective on March 1st of that year.
- 3) Council agreed to have the appointments in March for the Park and Open Space Committee .
- 4) The Mayor shall annually appoint s a chairperson from among the committee members.
- 5) POSC members shall receive \$25.00 per month for attending the meetings.
- 6) POSC will establish subcommittees to conduct its business that includes representative from the public.
- 7) POSC priorities should be expanded to include outreach and education, and special projects for calendar year 2009 to be included in recommendations for POSC in Annual Budgets and work plans.
- 8) POSC will establish an Earth Day Subcommittee to begin its work on outreach and education. Mayor to appoint chair of Earth Day Subcommittee in 2009 and may appoint a co-chair from Council. Thereafter, Chair of POSC appoints Chair of Earth Day Subcommittee.
- 9) POSC should identify and help write at least one grant proposal for the Town to pursue each year to help acquire land for and/or to develop parks, open space, conservation easements, signage and/or trails to connect them. Priorities for projects to pursue grants should be recommended by POSC to Council by June 2009, if possible.
- 10) POSC shall review development projects and park and open space policies until new criteria and policies are adopted in the updated Park, Recreation and Open Space Master Plan. POSC should use the compilation of Open Space Policies in the General Plan as the basis for review of projects.
- 11) Once Council has identified issues of concern with the Open Space Committee – 2 report, POSC should conduct public meetings to involve the public in clarifying those issues and developing recommendations for Council adoption of solutions to address those concerns. The public meetings should be completed by September 2009, if possible.

12)
The draft Park, Recreation and Open Space Master Plan should be submitted to Council by December 2009, if possible.

13)
Continue the current directives of the Council: 1) Identify the park, recreation and open space future in Loomis; and 2) review projects and needs in light of the current Parks Master Plan, General Plan, Zoning Code, etc.

Following further discussion on the matter, a motion was made for the following:

- direct staff to bring back a resolution establishing an ad hoc Park, Recreation and Open Space Committee
- direct staff to put in a public notice to begin recruiting for the Committee
- bring back an ordinance to eliminate the Park and Open Space Commission

On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich

Noes: None

Recess at 9:05 p.m. to 9:18 p.m.

13. Open Space Committee 2 Recommendations Review (Continued from December 16, 2008) TC 12/9/08

At the February 2008 joint meeting of Planning Commission and Park & Open Space Commission the Council developed work plan goals for the Park & Open Space Commission that included a Council review of recommendations from Open Space Committee 2 to determine which to submit to the Park & Open Space Commission as matters to include in the update of the 1998 Parks and Recreation Master Plan

Recommended action: Consider the next section of Open Space Committee 2 recommendations, including the Summary of Key Recommendations, and decide what to refer to the Park and Open Space Commission for inclusion in the update of the 1998 Parks and Recreation Master Plan

Public comment:

Jean Wilson stated the following:

- she disagrees with item 1, a new policy for agricultural open space that would require environmental review of larger (5 acres) agricultural operations to ensure that agricultural open space doesn't lead to environmental degradation
- questioned if the Town is proposing annual review to monitor it, the Town should not get involved in reviewing residents agricultural practices
- there is no evidence that there is a serious problem and this is unnecessary
- on item 2, "50% of the open space created by clustering will be left in its natural, unaltered state," this should be left open for flexibility
- not all natural open space is desirable, we can encourage open space use but should not require it

Roger Smith stated the following:

- regarding item 1, the environmental review, the basis for this was because what happened in the Montserrat project where 45 acres were scraped in order to put vineyards in and nothing was done about it
- he is concerned about his water because of the pesticides that are being used close to his well
- there should not be a free ride to someone that is coming in and doing a massive agricultural operation
- regarding item 2, he suggested adding "where appropriate" on the end of the sentence
- there may be some open space areas that it would make sense to make it a park and not leave it in a natural state
- regarding item 3, clustering should only be approved where it will be a significant benefit to the community

The Council discussed and decided whether to refer to POSC, to Council, or table it for the following items:

Zoning Ordinance

Item 1
Establish a new policy for agricultural open space that would require environmental review of larger (5 acres) agricultural operations to ensure that agricultural open space doesn't lead to environmental degradation.

The consensus was to return to the Council for further review.

Item 2
Change the clustering policy to ensure that at least 50% of the open space created by clustering will be left in its natural, unaltered state.

The consensus was to table the item.

Item 3
Emphasize that clustering should only be approved where it will result in significant benefit to the community and/or significant preservation of open space and natural resources.

The consensus was to return to Council for further review.

Item 4
Establish a limit on impervious coverage created by building on a site.

The consensus was to table the item.

Item 5
Limit fencing near open space areas to post & cable, open rail or large-cell wire mesh types to allow wildlife movement.

The consensus was to refer to POSC.

OSC 2 recommendations:

Item 1
Strengthen Town policies for open space preservation (and follow through with their implementation).

The consensus was to refer to POSC.

Item 2
Fund open space preservation on a sustainable basis.

The consensus was to return to Council for further review.

Item 3
Educate and involve residents and businesses in open space preservation.

The consensus was to refer to POSC.

Item 4
Promote Placer Land Trust Partnership to develop tangible projects.

The consensus was to refer to POSC.

Item 5
Preserve special properties.

The consensus was to refer to POSC.

14. **Select Rocklin Development Projects Update** (Continued from October 14, 2008) TC 7/8/08

The City of Rocklin has a number of development projects moving along in the area along Sierra College Boulevard and on Del Mar Avenue that could impact Loomis Residents, Roads, and the general quality of the Loomis community.

Recommended action: Review development information and direct the Council sub-committee (Mayor Kelley and Vice Mayor Scherer) that has met once with Rocklin, as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take.

Public comment:

Roger Smith stated the following:

- suggested involving the community on committees
- the people along the borders are good resources

Lisa Pytorak, 4255 Dias Lane, stated the following:

- Rocklin has boulevards and Loomis has 2 lane roads – the traffic will increase
- light and noise will change their quality of life
- Rocklin approved their project without addressing our issues and they show total disregard for the Loomis residents
- the only way now is through legal action and Loomis must act quickly

Jeremy Sutter, Legacy Lane, stated the following:

- concerned about getting into lawsuits
- the developers are not looking to settle
- the border committee is a good idea
- we need to work with our neighbors and get along
- he strongly recommended doing everything we can to try a new course

Mayor Scherer pointed out the following:

- Council established a committee in order to avoid litigation
- Rocklin is not willing to work it out and refused our request to toll the statute
- Asked staff to continue to request a meeting with Rocklin

Councilmember Kelley asked to be kept informed of the agenda that will be taken to Rocklin.

Councilmember Liss suggested putting this on the next agenda to discuss the issues that Council wants to be brought to Rocklin.

Councilmember Kelley suggested sending a list of the issues to Rocklin, before the meeting with them, to see if they are willing to discuss.

15. **Brown Act** (Continued from December 15, 2008)
Consider having a review of the Brown Act
Recommended action: Discuss and direct staff
Public comment:

TC 11/11/08

Continued to February 10, 2009 Council meeting.

16. **Meeting Records Retention** (Continued from December 15, 2008)
Planning Commissioner, Janet Thew, asked that the Council consider changing the way meetings are archived
Recommended action: Discuss and direct staff
Public comment:

TC 11/11/08

Continued to February 10, 2009 Council meeting.

- 17 **Municipal Code Change For Clothes Lines**
Councilmember Kelley asks that the Council consider changing the Municipal Code to eliminate restrictions on placement of clothes lines
Recommended action: Discuss and direct staff as to modifications if a code change is Desired
Public comment:

Francis Scherer, Frost Lane, stated that she is against changing the restrictions on placement of clothes lines.

Following further discussion on the matter, the Council consensus was to leave it the way it is and make no changes.

18. **Business Assistance Fund**
Consider establishing a fund that can assist in the retention, improvement and recruitment of business to Loomis that will help improve Town commerce and the fiscal viability of the community
Recommended action: Approve resolution setting up a business retention, improvement and recruitment fund as presented or as edited by Council
Public comment:

Lisa Pytorak pointed out that it is great to help the local businesses but when it comes time to pay the Town back, in this economy, the business might not be able to pay back.

Following further discussion on the matter, the Council consensus was to direct staff to come back with more financial data and information on the next agenda.

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/Kelley
- 22. Placer County Mosquito Abatement – Kelley/Ucovich
- 23. Placer County Air Pollution Control District – Ucovich/Morillas
- 24. Sacramento Area Council of Governments – Scherer/Liss
- 25. Placer Land Trust ex-officio representative – Scherer
- 26. Borders Committee – Scherer/Liss
- 27. Business Committee – Scherer/Liss

ADJOURNMENT

The Mayor stated there was no further business and adjourned at 10:40 p.m.



Town Clerk



Mayor