



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

TUESDAY

NOVEMBER 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 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 54957.8 of the Government Code:
Town Attorney

TUESDAY

NOVEMBER 14, 2006

7:30 P.M.

CALL TO ORDER Call to order by Mayor Morillas at 7:41 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. A settlement agreement was authorized.
- d. No action.

PROCLAMATION/RECOGNITION

Geizel Banyas, Planning Commissioner

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Ucovich suggested setting a goal setting session on the budget in January or February.

Councilmember Scherer stated the following:

- Measure M did not pass for the elementary school funding
- This is an opportunity to explore other funding sources by hosting a workshop with the other interest groups involved to sit down as a team and discuss financial needs and resources, without having one interest prevail over another's interest
- Ask staff to poll the interest groups such as the Fire Department, Park & Recreation district, and schools

Councilmember Fuson stated the following:

- on Thursday of this week SACOG is holding several Transportation forums, one in Rocklin at the Sunset Center
- eight venues scattered across six counties, all hooked together electronically
- they will be looking at different transportation alternatives for the area
- there are still spaces available to sign up and attend

Councilmember Millward suggested having two Councilmembers represented whenever there are any negotiations.

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.

Ben Emert, Del Oro High School mock trial team, stated the following:

- The Del Oro trial team (lawyers, bailiffs, witnesses, and the jury) puts on a fake case in real court rooms against other teams in the Sacramento area
- this is their first year doing this
- there is an entrance fee for the competition of \$1,025
- they have raised \$500 and are requesting funding for the team
- he asked to have this item on the next agenda

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Scherer, 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.

No public comment.

A motion was made to adopt the Consent Agenda pulling item 13 forward and item 14 to be discussed at the end of the agenda. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
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| 1. Council Minutes – 10/10/06 With Mayor Morillas abstaining | APPROVE |
| 2. Monthly Check Register – October | RECEIVE AND FILE |
| 3. Statement of Activity | RECEIVE AND FILE |
| 4. Treasurer's Report | RECEIVE AND FILE |
| 5. Planning Status Report | RECEIVE AND FILE |

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| 6. | Select Projects Update | RECEIVE AND FILE |
| 7. | AB 1234 Ethics Training on November 28, 2006 at 7:00 p.m. | RECEIVE AND FILE |
| 8. | Update On The Loomis Annual Clean-Up Day | RECEIVE AND FILE |
| 9. | A Resolution of the Town Council of the Town of Loomis Acknowledging the Review, Receipt and Filing Of The Annual Statement of Investment Policy | ADOPT RESOLUTION
Resolution 06-34 |
| 10. | A Resolution of the Town Council of the Town of Loomis Awarding to Low Bidder, Western Engineering Contractors And Authorizing Town Manager To Execute An Agreement Acceptable To The Town Attorney For the Circle Drive Improvement Project In The Amount of \$347,710.00 | ADOPT RESOLUTION
Resolution 06-35 |
| 11. | A Resolution of the Town Council of the Town of Loomis Consenting and Approving Assignment of Cable Television License | ADOPT RESOLUTION
Resolution 06-36 |
| 12. | Open Space Committee Fund Raising Party | APPROVE |
| 14. | A Resolution of the Town Council of the Town of Loomis Making Findings With Respect To The Sierra De Monserrat CC&Rs | CONTINUE TO 12/12/06
Resolution 06-38 |
| 15. | Update on Future Agenda Items | RECEIVE AND FILE |

CONSENT ITEMS FORWARDED

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| 13. | A Resolution of the Town Council of the Town of Loomis Approving the Final Subdivision Map For the Brace Ranch Estates Subdivision | ADOPT RESOLUTION |
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Councilmember Ucovich asked why they were not putting planter strips in the development.

Dave Hood, Brace Ranch Estates developer, noted there were planter strips in the development just not on Brace Road.

No public comment.

Councilmember Scherer stated the following;

- questioned item 4 in the conditions, "a letter specifying how and where the revised plans address each of the conditions"
- the letter in the packet does not address how they are completed
- in the future when Council adopts a final map he would like to see it laid out so it is easier to go through and see where the conditions have been complied with
- asked if there was a tree protection plan on file for this project
- he would like to make sure the developer complied with Condition 27, last sentence, "In no case shall the number of trees to be removed exceed that shown on the Tentative Map submitted before the Planning Commission on February 21, 2006."

Kathy Kerdus, Planning Director, stated the following:

- staff asked an arborist to look at the trees and what had been done
- the tree protection plan is in the subdivision improvement plan
- it has been determined what trees will be saved

Following further discussion on the matter, a motion was made to approve Resolution 06-37, approving the Final Sub division Map for the Brace Ranch Estates Subdivision conditioned upon verification compliance with Condition 27. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

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

PUBLIC HEARING

- | | |
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| 16. | <u>Revise Planning Commission Recommendation Times To The Council</u> (Continued from 10/10/06) |
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Councilmembers Millward and Scherer asked that the Council consider changes in the Municipal Code concerning the time that the Planning Commission is given to make recommendations on changes to the General Plan, Zoning Code and Municipal Code

Recommended action: Review proposed ordinance and hold first reading

Public comment:

Jean Wilson, 4301 Barton Road, stated the following:

- the Planning Commission has not been irresponsible
- the 40 day requirement is reasonable and understood it was going to be included in the ordinance

Dave Larsen, Town attorney, stated the following:

- the second sentence in Section 1. B, in the proposed ordinance, enables Council to act in an emergency
- suggested adding at the beginning of the first sentence in Section 1. B: "Subject to Government Code Section 65853" the Town Council

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 233, defining time lines for Planning Commission recommendations, with the following amendment: adding at the beginning of the sentence in Section 1. B: "Subject to Government Code Section 65853" the Town Council On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich

Noes: None

17. **Adding Provisions to the Zoning Ordinance dealing w/Second Stories**(Continued from 10/10/06)

Consider adding provisions to the zoning ordinance providing for new rules and regulations to use in evaluating construction of two story homes and adding second stories to existing homes

Recommended action: Hold first reading of proposed ordinance, waive reading

Public comment:

Jean Wilson stated the following:

- when they built their house the Uniform Building Code required that each bedroom have a window of a certain size and height so a person could escape in case of an emergency
- didn't find this consistent with the law proposed and the staff report
- pointed out that this ordinance would also apply to apartments in RM and RH zoning districts
- encouraged Council to approve what Councilmember Millward originally brought forward, to protect existing homes when new subdivisions come in
- concerned this won't allow people to build second story homes or second story additions on existing homes

Council discussed the following:

- an ordinance is needed to keep everyone's privacy
- a written policy would give flexibility
- need to research the Uniform Building Code regarding windows in second stories before approved
- lots that are under 40,000 square feet will require a use permit
- add to C., windows, doors or balconies
- in Section 3, should delete "or 50% of the main house" and change 400 to "640" square feet

Following further discussion on the matter, a motion was made to hold first reading of the ordinance, adding provisions to the Zoning Ordinance concerning second stories with the above revisions. On motion by Councilmember Scherer, seconded by Councilmember Millward and failed by the following roll call vote:

Ayes: Millward, Scherer

Noes: Fuson, Morillas, Ucovich

Recess at 9:13 p.m. to 9:16 p.m.

18. **Fence and Wall Regulations**(Continued from 10/10/06)

Consider proposed draft Zoning Ordinance revisions regarding fence and wall regulations

Recommended action: Open public hearing on fence and wall regulation revisions, take testimony, give any direction on proposed revisions to staff on the proposed ordinance and hold first reading by title only, waiving reading

Public comment:

Continued to December 12, 2006.

BUSINESS

19. **Red Sesbania Eradication in Dry Creek Watershed** (Continued from 10/10/06)

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:

Continued to December 12, 2006.

20. **Zone Change Request**

There has been a request for a revision to the General Plan Zoning on properties at 5945, 5955, 5965 and 6175 Sierra College Boulevard and 5986 Brace Road to allow one acre lots

Recommended action: Discuss and decide how Council wishes to proceed

Public comment:

George ?, at 5986 Brace Road, requested a change in zoning from 2.3 acre minimum to 1 acre minimum.

Council discussed the following:

- it needs to be decided if these changes would offer a community wide public benefit
- the policies in the General Plan need to be followed
- against spot zoning

Staff has been given direction.

21. **Grading Ordinance Review**

Consider current grading regulations and changes that may be needed to insure that grading, in all of its manifestations, within Loomis will be regulated in a manner that minimizes disturbances to natural features, specimen trees, and other things identified on the land for protection during the permit process

Recommended action: Discuss and determine if Council agrees with the direction staff is heading to make changes to the grading ordinance and identify other changes the Council may desire

Public comment:

No public comment.

Following further discussion on the matter, Council agreed with the direction staff is heading to make changes to the grading ordinance

22. **Campaign Information on Town Web Site**

Consider whether it is desirable to have general campaign information on the Town web site

Recommendation: Discuss and decide how Council wishes to proceed

Public comment:

No public comment.

Council agreed to keep the link on the Town website as it is, with a link to the County campaign information site.

23. **Town Survey**

Councilmembers Millward, Scherer and Uovich recently conducted a survey at Raleys and would like to consider conducting periodic surveys throughout the year

Recommendation: Discuss and decide how Council wishes to proceed

Public comment:

Jean Wilson stated the following:

- questions can be written to get the answers you want
- if Council decides to make any changes in the General Plan then a more comprehensive survey would be needed

Following further discussion on the matter, Council directed staff to come back with more information on questions and costs for future surveys.

24. **City Niche Marketing** (Continued from 10/10/06)

Councilmember Uovich would like the Council to consider niche marketing in Loomis

Recommended action: Discuss and decide how Council wishes to proceed

Public comment:

No public comment.

Following further discussion on the matter, Council directed staff to add the discussion of niche marketing on the General Plan workshop.

25. **Housing in Commercial Zoned Areas** (Continued from 10/10/06)
Councilmember Scherer would like the Council to consider the current policy of allowing new housing in commercial zoned districts in the Town
Recommended action: Discuss and decide how Council wishes to proceed
Public comment:

Council combined discussion on this item with item 26.

26. **General Plan Policy Workshop** (Continued from 10/10/06)
Councilmember Scherer would like the Council to consider conducting a workshop with the Town's General Plan consultant to review General Plan policies
Recommended action: Discuss and decide how Council wishes to proceed
Public comment:

Jean Wilson stated the following:

- Council needs to consider what the Town has committed to the Housing Element
- maybe it is time to have someone look at certain areas and who knows how to assess it, to help in making the decisions

Following further discussion on the matter, Council directed staff to come back with dates and times for a General Plan Policy workshop to discuss housing in commercial zoned districts.

COMMITTEE REPORTS

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

ADJOURNMENT Mayor Morillas closed the regular meeting at 10:22 to go into close session at 10:25 p.m. Council returned to regular session at 10:50 p.m. to announce a settlement agreement was authorized and (Item 14) a motion was made to adopt Resolution 06-38, making findings with respect to the Sierra de Montserrat CC&R's. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by the following roll call vote:

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

Mayor Morillas stated there was no further business and adjourned at 10:53.



Mayor



Town Clerk