



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

TUESDAY

NOVEMBER 10, 2009

7:00 P.M.

CALL TO ORDER Called to order by Vice Mayor Liss at 7:02 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

- Mayor Scherer arrived at 8:45 p.m.
- Councilmember Kelley
- Councilmember Liss
- Councilmember Morillas
- Councilmember Ucovich

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich asked to have on a future agenda an update on the Park, Recreation and Open Space Committee sub-committees h what they have been doing, their purpose and accomplishments, etc.

Councilmember Kelley stated the following:

- the Christmas Basket program is fast approaching in Loomis and this year things are sparse
- he asked if anyone would like to contribute to the program
- contributions can be taken to Doupnik Manufacturing

Councilmember Morillas noted that the food and toy basket will be at the next Chamber Mixer.

Councilmember Ucovich suggested having Town Hall as a drop off for the Christmas Basket.

Vice Mayor Liss reminded everyone that the Cowboy Poetry is coming up this weekend.

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 6304 David Avenue, stated the following:

- thanked Council for the left hand turn lane on King Road off of Day Avenue, there has been a decrease in speed coming down from the hill over the freeway
- we still need a crosswalk on King Road from Loomis Elementary school to Shelter Cove Drive because of the young soccer and soft ball players crossing the road on Saturdays to play

Joyia Emert, 7622 Horseshoe Bar Road, stated the following:

- she is the co-chair for the second annual Loomis Basin Holiday Home Tour
- this benefits the Loomis Education Foundation, which includes the seven schools in the Loomis Union School District
- the tour will be held on Saturday December 5th from 9 a.m. to 4 p.m.
- tickets are going on sale at the Blue Goose Produce and Flower Farm
- she encouraged Council to support the event by attending and help make it a success

The following Boy Scouts introduced themselves and stated they were attending the meeting as a requirement for various merit badges: Jason Hewitt, Andrew Clevenger, Tyler Bittaker, Justin Marshall and Jacob Woliver.

ADOPTION OF AGENDA A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Morillas 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 item 3 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------|
| 1. Council Minutes – | 10/13/09 Councilmember Morillas abstaining | <i>APPROVE</i> |
| | 6/16/09 Mayor Scherer & Councilmember Liss abstaining | <i>APPROVE</i> |
| | 6/23/09, 7/21/09 | <i>APPROVE</i> |
| 2. Monthly Check Register – October | | <i>RECEIVE AND FILE</i> |
| 4. Treasurer’s Report | | <i>RECEIVE AND FILE</i> |
| 5. Planning Status Report | | <i>RECEIVE AND FILE</i> |
| 6. 2009/10 Goals Update | | <i>RECEIVE AND FILE</i> |
| 7. A Resolution Of The Town Council Of The Town Of Loomis
Accepting the 2009 Pavement Maintenance Project Improvements
Provided by Western Engineering Contractors, Inc. | | <i>ADOPT RESOLUTION</i>
Resolution 09-36 |
| 8. Model Water Efficient Landscape Ordinance | | <i>RECEIVE AND FILE</i> |
| 9. 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, | | <i>ADOPT RESOLUTION</i>
Resolution 09-37 |

CONSENT ITEMS FORWARDED

- | | |
|--------------------------|-------------------------|
| 3. Statement of Activity | <i>RECEIVE AND FILE</i> |
|--------------------------|-------------------------|

Perry Beck, Town Manager, pulled this item to caution Council on the following:

- the State appears to be running a bigger deficit then what was anticipated
- the “property taxes in lieu of sales tax” (\$93,478) is money that the State took from the Town and has indicated they will pay it back
- the “property tax in lieu of Motor Vehicle in lieu fees” (\$173,744) is also money the State took from the Town and said they would pay it back
- he is not sure how or when the State will pay it back, it could be paid with an IOU and on whatever schedule they want to pay it back
- there may be additional money we may be concerned about when property taxes start coming in
- in this economic climate property values have come down, there may not be as much property tax as in previous years
- we did account for that but we will need to be very cautious on how we spend our money and we need to work with the League to make sure the State pays us back

No public comment.

Receive and filed.

PUBLIC HEARING

10. Heritage Park Subdivision Reversion to Acreage

The Heritage Park Subdivision has not initiated any building to complete the subdivision since receiving approval in 2006 and the Council approved initiating a reversion to acreage process at the October 13, 2009 meeting

Recommended action: Continue public hearing to December 8, 2009 to approve a reversion to acreage as allowed by law

Public comment:

Brent Speckard, 2413 St. Andrews Drive in Rocklin, stated the following:

- they foreclosed on the property and are the current owners, lending institution and not builders
- the original loan was based upon the fact that there was a final 40 lot Subdivision Map
- after many extensions to the property owners they finally had to take it over
- they need to protect their security and try to figure out where they are going with this
- they would like to find a qualified builder to sell the project to and maybe arrange financing for them
- now they found out there is a motion to revert back to acreage and they have had little time to get acquainted with this
- he asked for more time to work with the Town and a builder

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

- Marty Swan is the owner of the existing house by the entrance to the property
- he had a road easement that went through there that is now under the berm
- he gave the original owner an easement along the frontage of his property
- Mr. Swan was suppose to be included as part of the development and have access to the right of way
- Mr. Swan is considering selling the house and if we revert back to acreage we have to make sure that we put in an easement for him to get access back onto South Walnut
- the Town would have to prepare the documents for that easement

Councilmember Ucovich asked to have the easement addressed prior to our December 8, 2009 Council meeting.

A motion was made to continue the public hearing to December 8, 2009 Council meeting. On motion by Councilmember Ucovich, seconded by Councilmember Kelley and following was discussion on the motion:

Vice Mayor Liss pointed out the following:

- we have heard this request many times before by several applicants
- in the past we did not have performance bonds
- he suggested the applicant meet with staff and bring forward specific timetables and commitments (including financial commitments) to insure their verbal and written commitments

The motion passed by voice vote.

BUSINESS

11. Loomis Union School District Update

The Loomis Union School District has been working on various issues and projects and may have an update or other information to discuss with the Council

Recommended action: Hear update and give direction if needed

Public comment:

Mike Edwards, Board President with the Loomis Union School District, stated the following:

- thanked Council for declining medical marijuana dispensaries in the Town of Loomis
- the School Board appreciates the strong statement Council made
- the School Board discussed setting up a special meeting to discuss our community where we can all work together to reduce drugs that are becoming more prevalent in our schools and the community
- the potential meeting will be the week of January 18, 2010
- if there are any dates that work better for the Council that can be emailed to him then they will see what they can do
- they would like to invite representatives from the high school, law enforcement, and the Town to have a round table discussion where they can brainstorm ideas on what we can do to set the bar high in the Town of Loomis (to make it clear that we are low tolerance)

Councilmember Kelley suggested doing this as a community workshop so everyone can be there.

Vice Mayor stated the following:

- the Park, Recreation and Open Space Committee (PROSC) have been working on updating the Park and Open Space Master Plan and what is the respective role of schools, parks and facilities (swimming pool, etc.)
- asked if someone from the schools could give their input at a PROSC meeting on shared use facilities, what type of facilities are currently there, and what has been funded with Town participation and the history behind that

Councilmember Morillas pointed out the following:

- Soroptomist gives out grants up to \$5000 to the teachers
- they have given out the forms but teachers are not filling them out

Mike Edwards asked Councilmember Morillas to send him an email regarding the grant programs.

Vic Markey, 3240 Taylor Road, stated the following:

- suggested banning the cultivation of pot for medical marijuana in the Town of Loomis
- having a task force of concerned citizens, police, schools, council and get the public involved
- if the schools are looking to interface with the PROSC on issues in Town, they have a sub-committee that is set up to do that
- encouraged Council to consider the PROSC outreach committee as one of the involved parties with the schools

Councilmember Kelley pointed out that at the last meeting he requested staff to bring back the ordinance to look at the cultivation of marijuana in Loomis.

Dave Larsen, Town Attorney, noted that they would bring that back in the staff report when they bring back the language for the ordinance.

12. **Chamber of Commerce Downtown Sub-Committee Update** (Continued from 10/13/09)

The Chamber of Commerce Downtown Sub-committee has been working on various projects and may have a project update or other information to discuss with the Council

Recommended action: Hear update and give direction if needed

Public comment:

Vice Mayor Liss stated the following:

- the sub-committee requested to have this taken off as a re-occurring item

Councilmember Morillas stated the following:

- she has received complaints from business owners that the committee is not contacting them or returning calls
- some business owners are unhappy with the way the program is being run

Councilmember Ucovich pointed out the following:

- they don't have to come every month but we need an occasional update
- he has also received some of the same comments from businesses that they have not been contacted
- there needs to be some kind of a evaluation method
- there needs to be clarification from the Loomis Chamber on who is involved in "I love Loomis.com"

Councilmember Kelley stated the following:

- we did not put together a good business plan and identify clearly what they were going to do
- they ran into some hurdles that they didn't anticipate
- we need to put together a good business plan, with a measurable outcome, so we can identify where they are and how they are going to get to where they want to go

Vice Mayor Liss stated the following:

- staff should arrange a meeting with the Downtown Business Committee
- there is a disconnect that needs to be addressed, businesses have not been submitting there information to "I love Loomis.com"
- we need to double our efforts to encourage the businesses from shed to shed to come to the MIG Downtown Implementation Plan meeting
- the next Council meeting needs to have a report with the update so that we can go over the details
- Council should have a meeting with the Chamber of Commerce first and then the downtown businesses

Vic Markey, 3254 Taylor Road, stated the following:

- maybe this isn't important to the businesses
- the Council shouldn't be trying to track the businesses down because they don't show up
- there seems to be a disconnect within the Chamber

At this point Council discussed item 15.

13. **2006-2013 Housing Element Update** (Continued from 10/13/09)

TC 9/8/09

State law requires that communities accommodate their "fair share" of housing for all economic groups within the community. The Housing Element is the state-mandated General Plan element that addresses how the Town will strive to achieve its share of regional housing need within the assigned planning period. By Government Code 65588, the Town is required to update its Housing Element at specific times (was every five years, now changing to every eight years) by recent legislation (SB375) to conform to the Metropolitan Transportation Planning process).

Recommended action: Review staff response to comments, give staff direction, take public testimony, approve Resolution forwarding the draft 2006-2013 Housing Element Update to the California Department of Housing and Community Development (HCD) for their 60 day review and comment

Public comment:

Due to possible conflict of interest Councilmember Morillas left the table.

Todd Lowell, owner of "the Village", stated the following:

- regarding proposed policy #11 (low income allocation and location) he asked Council not to concentrate it in the downtown area, particularly in his project

Nancy Beck, 6304 David Avenue, stated the following:

- they already contributed once to low income housing
- what we consider affordable now from 2 years ago is totally different
- she doesn't want high density low income and she is concerned with the low low income next to their neighborhood
- she urged Council to have compatible housing next to their existing neighborhood

Following further discussion on the matter, Council agreed to Continue to December 8, 2009.

14. **Sierra College Boulevard Improvement Agreement** (Continued from 10/13/09)

The City of Rocklin has a plan, and partial funding, for improvements on Sierra College Boulevard from Granite Drive to Taylor Road that requires an agreement and money from Loomis

Recommended action: Authorize staff to develop an agreement with Rocklin to do improvements on Sierra College Boulevard between Granite Drive and Taylor Road using the deal points made in the 9/18/09 Border Committee meeting and any other deal points that Council may suggest tonight

Public comment:

No public comment.

Councilmember Morillas suggested giving Rocklin the finger of land on Sierra College Boulevard (in front of McDonalds) so the Town will no longer have the liability.

Mayor Scherer stated the following:

- we didn't join SPRTA in the beginning because they didn't have enough money to cover all the projects
- now we are paying money out instead of asking them to pay their fair share
- he would be in favor of paying a portion of Bickford money that would go to segment 3, which is \$258,020 as opposed to using the Bickford money for the entire amount
- the courts in their recent decision said they need to pay for litigation of the projects in Loomis and pay the full dollar value directly to Loomis
- he does not want to hand Rocklin the finger of land on Sierra College Boulevard, it's important we keep control of Loomis land

Councilmember Ucovich stated the following:

- we need to find out where exactly the Town's property goes on Sierra College Boulevard in front of McDonalds
- where ever possible we must have a landscaping median and not just the conduit

Perry Beck, Town Manager, said he will have it clarified where exactly the finger of land is on Sierra College Boulevard.

A motion was made to direct staff to draft an agreement with the points raised by Council and bring back for approval. On motion by Councilmember Liss, seconded by Councilmember Kelley and passed by the following roll call vote:

Ayes: Kelley, Liss, Morillas, Scherer, Ucovich

Noes: None

Absent: None

Council discussed item 13 after this item.

15. **Municipal Advisory Council Meeting Update** (Continued from 10/13/09)

The Town Border Committee (Mayor Scherer and Vice Mayor Liss) recently met with Officials of the Horseshoe Bar and Penryn Municipal Advisory Councils and there may be some information updates to discuss with the Council

Recommended action: Hear updates and give direction

Public comment:

Council discussed item 15 after item 12.

Councilmember Kelley pointed out the following:

- why do we need to attend all of these meetings
- we have the internet where we can get information on meetings throughout the County

Councilmember Ucovich stated the following:

- suggested having a semi-annual business meeting to discuss these items
- suggested linking their agenda to our website and watch for something of importance

Vice Mayor Liss stated the following:

- suggested having the different MAC's give Council updates quarterly or three times a year on what is happening
- PROSC recommended the Planning Commissioners to represent and be knowledgeable on what is happening on land use projects in the area
- we could expand the scope to Council and Planning Commissioners and meet with them periodically

Councilmember Morillas suggested exchanging agendas, putting theirs on our website, and when an issue comes up then have someone attend that meeting.

Councilmember Kelley suggested asking Placer County Planning Department (one person) and our County Board Supervisor to give us an update and first hand information of the surrounding area so we can know when we need a deeper look at things.

No public comment.

Following further discussion on the matter, a motion was made to direct staff to put links on the Town website to the County MAC and County Board of Supervisors agendas and to periodically invite County officials (to be first on the Council agenda) for an update on surrounding areas in Loomis. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote.

16. **Select Rocklin Development Projects Update** (Continued from 10/13/09)

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

Recommended action: Review development information and direct the Council Borders Subcommittee (Mayor Scherer and Vice Mayor Liss) as to any actions the Council would like the Committee and/or Special Legal Counsel and staff to take

Public comment:

Vic Markey stated the following:

- he did some research on the Rocklin 60 on 58.5 acres
- there is no contour grading and they are building several retaining reservoirs for the run-of
- they are not concerned about the quality of Secret Ravine
- they are going in and clear cutting everything
- encouraged Council to let Rocklin know that we are concerned

Councilmember Ucovich pointed out that the law requires that you retain the flood water onsite.

Councilmember Kelley stated the following:

- there is some public concern that we haven't heard from the Borders Committee, Council gets updates from the Town Manager
- we already have \$150,000 committed to lawsuits
- Council needs to figure out a way to work better with our neighbors to resolve some of these issues

Vice Mayor Liss stated the following:

- he is on the Borders Committee and in Executive Session they have discussed deliberations with Rocklin
- he agrees public needs to have an update on what is going on and what is working and what is not working
- they are not prepared to withdraw the litigation until the issues have been resolved to Council's satisfaction
- they are making progress in negotiations and they still need everyone's help to get their attention

Councilmember Morillas suggested having these updates put on consent.

Tom Seth, 5775 Mareta Lane, pointed out that the Army Core of Engineers have stuck their head in the sand regarding Rocklin 60.

Mayor Scherer arrived at 8:45 p.m.

Recess at 8:45 p.m. to 9:00 p.m.

17. **Agenda Preparation Policy** (Continued from 10/13/09)

TC 6/23/09

Vice Mayor Liss asks that Council consider a policies on agendas preparation and meeting protocols

Recommended action: Decide whether to make policy changes to agenda setting/preparation, and meeting protocols associated with handout distribution, meeting times and timer use.

Public comment:

Vic Markey stated that most people don't attend the meetings and suggested putting the information on the Town's website.

Following further discussion on the matter, a motion was made to direct staff to scan handouts from each Council meeting to be put on the Town's website and to link the minutes from the outside committee meetings to the Town website, if feasible. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

The Town is celebrating its 25th year as a municipality this year in December and some form of celebration may be desired by Council

Recommended action: Determine how Council wishes to proceed and that may include forming a Council committee to plan a celebration, if committee is appointed, give direction

Public comment:

Polly Emert, 3403 Reyman Lane, stated the following:

- PROSC would like to donate a tree to the Town's 25th Anniversary with a plaque
- they would like to have it on the south side of the Depot
- request the funding for a 15 gallon scarlet oak tree for \$54.07 from the Bakers Landscaping Nursery
- she has an estimate for a 12'x 12' plaque of \$619 and installation will run from \$150 to \$300
- they would like to plant it on the day the Town celebrates the 25th anniversary
- she requested a total of \$769 to place the plaque

Vic Markey stated the following:

- it would be nice to have a time capsule for this and in 25 years pull the capsule out
- suggested combining the time capsule with the tree dedication on December 17th

Tom Seth pointed out that the Christmas craft fair is on Friday the 4th and last year the craft fair was severely affected by the tree lighting ceremony.

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

- she supports Ms. Emert's proposal
- the PROSC sub-committee (Polly Emert is on) on public outreach is hoping to promote the idea of what a great thing it is to live in Loomis
- asked to have the ceremony on the very day of the anniversary, December 17th, with the same date on the plaque
- we envision this as our Town tree, where all the tree huggers are going to go and commune

Nancy Beck, 6304 David Avenue, stated the following:

- she is a member of the outreach committee and was active in the incorporation
- this tree will help show what we are all about
- it's important that we have full community participation on this

Following further discussion on the matter, Council agreed on the following:

- the celebration will be on December 5th
- approve the tree
- wording on the plaque and details on options for the plaque (small size, etc.) will be approved at the December meeting
- suggested using the wording: Founders tree

19. **Town Annual Report**

Council is asked to approve a format and information for an annual report and determine how the document is to be distributed

Recommended action: Approve a format and authorize the document to be put on the Town website or send out the report at a cost of approximately \$1,210 to be taken from reserves

Public comment:

No public comment.

Vice Mayor Liss suggested putting this on the website and to make it available to download instead of mailing it out due to State budget cuts.

Councilmember Kelley agreed this should be on the website and our web address should be on the flyer.

Councilmember Ucovich pointed out that it will be only about \$700 to mail the flyers out.

Mayor Scherer suggested putting in who authorized it or who owned it on the actions & decisions.

Councilmember Morillas suggested inserting the flyers in the Chamber mailers.

Council agreed with the flyer.

20. **State Constitutional Convention**

Council is asked to consider supporting a call for a State constitutional convention to reform the budget process; the election and initiative process, restore the balance of power between the state and local governments; and create new systems to improve government effectiveness

Recommended action: Decide whether to approve a resolution supporting a state constitutional convention

Public comment:

No public comment.

Council tabled this item.

COMMITTEE REPORTS

21. Placer County Economic Development Commission – Ucovich
22. Placer County Flood Control/Water Conservation District – Morillas
23. Placer County Transportation Planning Agency – Ucovich/Kelley
24. Placer County Mosquito Abatement – Kelley/Ucovich
25. Placer County Air Pollution Control District – Ucovich/Morillas
26. Sacramento Area Council of Governments – Scherer/Liss
27. Placer Land Trust ex-officio representative – Scherer
28. Borders Committee – Scherer/Liss
29. Business Committee – Scherer/Liss

ADJOURNMENT Mayor Scherer stated there was no further business and adjourned at 11:00 p.m.

Mayor Scherer

Town Clerk