



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

TUESDAY	OCTOBER 10, 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: Four potential cases		
d. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.8 of the Government Code: Town Attorney		
TUESDAY	OCTOBER 10, 2006	7:30 P.M.

CALL TO ORDER Call to order by Mayor pro tempore Millward at 7:41 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Councilmember Fuson
Councilmember Millward
Councilmember Scherer
Councilmember Ucovich

Absent:

Mayor Morillas

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.
- c. No action.
- d. No action.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Fuson distributed information on SACOG seeking facilitators for the Transportation Workshop on November 16th and encouraged Council to get involved.

Perry Beck, Town Manager, noted there will be a joint workshop October 17, 2006.

Councilmember Scherer asked to have the depot on the next agenda.

Mayor pro tempore Millward thanked Starstream Communications for the advertising at the Eggplant Festival.

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.**

Sonia Junghardt, 5855 Shambaugh Lane, pointed out how Shambaugh Ranch has helped a lot of children in the community and thanked Council for their support.

Makayla King expounded on how Shambaugh Ranch has helped her and given her more responsibilities.

Roger Smith, 6755 Wells Avenue, stated the following:

- asked Council if they would consider submitting negative letters regarding the Rocklin project on Sierra College Boulevard
- they will be cutting down mature oak trees in the woodland area
- the traffic will impact the Loomis area
- the comment review period ends November 10, 2006

Perry Beck, Town Manager, pointed out that this item will be given to Don Mooney, legal counsel for the Town.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Scherer 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 with the following changes:

- pulling item 24 onto Consent for approval
- pulling items 5, 8, 9, 11 forward for discussion
- continuing item 14 to the November 14th meeting

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

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|---|-------------------------|
| 1. | Council Minutes – 9/12/06 With Mayor Morillas abstaining | <i>APPROVE</i> |
| 2. | Monthly Check Register – September | <i>RECEIVE AND FILE</i> |
| 3. | Statement of Activity | <i>RECEIVE AND FILE</i> |
| 4. | Treasurer’s Report | <i>RECEIVE AND FILE</i> |
| 6. | Select Projects Update | <i>RECEIVE AND FILE</i> |
| 7. | Compensation for Legal Services and Authorize the Mayor To Execute a New Legal Services Agreement Providing for a | <i>APPROVE</i> |

Five (5) Percent Increase in the Not-to-Exceed Cap for Legal Services

- | | | |
|-----|--|--|
| 10. | PG&E Rule 20 Funds For Underground Utility Projects | <i>RECEIVE AND FILE</i> |
| 12. | Proposed Draft Zoning Ordinance Revisions for Entire Town On Processing of Second Units | <i>CONTINUE TO
DECEMBER 12, 2006</i> |
| 13. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Regulating the Storage of Hazardous Material In Flood Plain Areas | <i>ADOPT ORDINANCE
Ordinance 232</i> |
| 14. | A Resolution of the Town Council of the Town of Loomis Making Findings With Respect To The Sierra De Monserrat CC&Rs | <i>ADOPT RESOLUTION
Continued to November 14, 2006</i> |

CONSENT ITEMS FORWARDED

- | | | |
|----|------------------------|-------------------------|
| 5. | Planning Status Report | <i>RECEIVE AND FILE</i> |
|----|------------------------|-------------------------|

Councilmember Ucovich stated a concern for a wireless cell tower extending from 64 feet to 113 feet on Rippey Road and would like to see what it will look like before approval.

Vic Markey, Open Space Committee, pointed out how extremely high it will be and decorating it like a tree was inappropriate.

Received and filed.

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|----|---|-------------------------|
| 8. | A Resolution of the Town Council of the Town of Loomis Approving a Placer County Capital Facilities Impact Fees On New Development Within the Town Limits | <i>ADOPT RESOLUTION</i> |
|----|---|-------------------------|

Councilmember Ucovich questioned the 4.8% increase.

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 06-32, approving a Placer County Capital Facilities Impact Fee Increase. On motion by Councilmember Scherer, seconded by Councilmember Fuson and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Absent: Morillas

- | | | |
|----|--|------------------------|
| 9. | Second Reading of an Ordinance of the Town Council of The Town of Loomis Adding Provisions to the Zoning Ordinance Concerning Second Stories | <i>ADOPT ORDINANCE</i> |
|----|--|------------------------|

Hazel Himeline, 3443 Barker Road, stated the following:

- questioned why every second story will need a use permit
- the residents are taxed enough and now this will be just another added fee

Larry Halverson, 3673 Frost Lane, suggested an amendment to address non-conforming lots where they have no where else to go but up.

Nancy Beck, 6304 David Avenue, stated the following:

- she has a two story next to her that can see into her back yard
- suggested not allowing any two stories adjacent to their subdivision when the property behind her is developed
- privacy is important and if someone has to build then they should expand and not go up

Russ Kelley, 4246 Barton Road, stated the following:

- he agrees with Councilmember Millward, not to allow two stories in new developments next to existing homes
- two-story homes don't cover as much ground
- there should be exceptions for rural areas

Vic Markey pointed out that a resident should be able to have control over his property to improve and build a second story.

Jean Wilson, 4301 Barton Road, stated the following:

- concerned with the "predominance" issue in the ordinance
- this would impact all kinds of situations such as the following: Legacy Lane's second stories, a carriage unit project that was just approved, two story apartments, and a second story would not be allowed in a simple lot split

- questioned why Council is making this blanket decision for the Town
- a two story is better for drainage, impervious coverage concerns, more energy and building efficient, and affordable
- Council might consider alternatives to lessen the impact of a minor use permit

Public comment closed.

Councilmember Scherer stated the following:

- this ordinance does not prevent anyone from building a two story
- they just can't build in a manner that will deprive your neighbor of their privacy
- In Section A, "second story residences may not predominate in any new development"----apartments could be the exception

Councilmember Fuson stated the following:

- not sure of the language in Section C and the predominance issue in the ordinance
- the Planning Director could determine whether a resident is eligible for a second story instead of going through a minor use permit process
- if a resident has a second story next to them then they have already lost their expectation of privacy
- he suggested continuing this item to work out the issues

Councilmember Ucovich stated the following:

- he would like to have an architect come in to see how these rules would affect them
- this ordinance should not pertain to all the zoning districts and the word predominate could be taken out
- correct placement of windows can make a difference so the neighbor is not deprived of privacy
- he agreed with Councilmember Fuson, this needs more time to work out some of the issues

Councilmember Millward stated the following:

- he brought this item up to protect existing homes and their privacy when a new subdivision comes in with two story homes
- it doesn't matter what they do in Roseville or San Jose, privacy is important and a valuable issue

A motion was made to adopt Ordinance 230, adding provisions to the Zoning Ordinance concerning second stories. On motion by Councilmember Scherer, seconded by Councilmember Millward -----

Councilmember Ucovich questioned the motion:

- what is meant by looking from the second story into larger lots
- it is not clear regarding apartments
- how will it be determined on how many two stories will be in a subdivision
- predominate needs to be clarified

Councilmember Scherer withdrew his motion and suggested taking the RA zoning out of the ordinance and coming back with further interpretation for that zoning.

A motion was made to continue this item. On motion by Councilmember Ucovich, seconded by Councilmember Fuson and failed by the following roll call vote:

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

Motion failed.

11. Appoint Jo-Carol Arisman to the Planning Commission *APPROVE*
 (Councilmember Ucovich's Apointment)

Jo-Carol Arisman, 6160 Rachel Lane, introduced herself and said she was looking forward to the challenge on the Planning Commission.

A motion was made to approve the appointment of Jo-Carol Arisman to the Planning Commission. On motion by Councilmember Scherer, seconded by Councilmember Fuson and passed by voice vote.

PUBLIC HEARING

15. Revise Planning Commission recommendation times to the Council
 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:

Continued to November 14, 2006.

16. **Fence and Wall Regulations**

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 November 14, 2006.

BUSINESS

17. **Support Loomis Elementary Bond Measure to Modernize and Improve Facilities**

The Loomis Union School District is requesting Council's support of a District measure on the November 2006 ballot for the purpose of obtaining \$19,500,000 in bonded debt in order to modernize and improve facilities

Recommended action: Discuss and decide if the Town Council wishes to support the School District's bond measure
Public comment:

Jim Foster, 1310 Gold Rush Way and on the Loomis Union School District Board, stated the following:

- they feel it is important to get community input
- they did surveys to identify the school needs
- he passed out a strategic plan for Loomis Union School District identifying all the things they need and want

Paul Johnson, Loomis Union School District Superintendent, stated the following:

- Measure M is important to them for major renovations of the facilities that were built in the 50's and 60's
- Loomis school classrooms will cost 2 million dollars
- if Measure M passes it will qualify them for 3 or 4 million dollars from the state
- technology was number one in their surveys to bring the students into the next century
- He asked for Council's support for Measure M

Linda Dickenson, 7100 Wells Avenue, pointed out that there are a lot of grants available for the schools.

Carole Goldberg, 3680 Kingmont Court, stated the following:

- her children do not go to the public schools
- she is against Measure M
- the schools are not giving an itemized list of where the money is going
- asked Council to take a neutral position because of the huge tax hit

Anita Wright stated the following:

- we need better fiscal management and not new taxes
- this will burden the taxpayers with a forty year debt
- schools have PTA's to raise money
- questioned whether an all weather track was that important
- asked Council not to support Measure M

Tim Craig stated the following:

- Measure M will be able to bring the school facilities up to date
- this will help attract good teachers to the area
- he supports Measure M

Jack Day stated the following:

- they have spent a lot of time on this and coming forward with a bond was a last resort
- he supports Measure M

Nathan Baker, 8025 Quinn Place, stated the following:

- newer technology in the schools is important
- the quality needs to be maintained in the schools
- he is in favor of Measure M

Cindy ? stated the following:

- there is no better investment then our children
- she supports Measure M

Vic Markey stated it was important to support education and the schools.

Following further discussion on the matter, a motion was made to support Measure M. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Recess at 9:45 p.m. to 9:53 p.m.

18. **Red Sesbania Eradication in Dry Creek Watershed**

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 November 14, 2006 Council meeting.

19. **Request for Donations**

The Placer Land Trust and organizers of Cowboy Poetry ask that the Council consider donating money to support their particular ventures

Recommended action: Hear presentation and decide if Council wishes to support these ventures with funding and if so, specify the amount to be donated

Public comment:

Roger Smith stated he was in favor of both donations.

Russ Kelley supports the Cowboy Poetry event.

Councilmember Ucovich suggested establishing a policy at a future date on banners and how long they should be up, etc.

Following further discussion on the matter, a motion was made to donate \$1000 to each. On motion by Councilmember Scherer, seconded by Councilmember Fuson and passed by voice vote with Mayor pro tempore Millward voting no.

20. **Open Space Committee Grant Authorization**

The Open Space Committee has been researching the filing of a wetlands conservation small grant and may need Council approval to file the grant by the deadline of October 17th

Recommended action: Hear presentation and decide if Council wishes to approve a grant submittal

Public comment:

Roger Smith, representing the Open Space Committee, stated the following:

- at the last Open Space Committee they voted to target the Dry Creek area
- the grants that are sought should help implement the Dry Creek Conservation Plan
- they have people on the committee that are willing to volunteer their time and write grants
- there are many possibilities for grants and it will be up to staff to write and apply for grants

Received and filed.

21. **Central Commercial (CC) Zoning District**

Discuss whether to allow new offices on first floor in the Central Commercial Zoning District

Recommended action: Give direction to staff as to whether a zoning ordinance change is appropriate

Public comment:

Maxine Sunada, Realtor, stated the following:

- they have had "Norms Coins" property on the market for seven months and most prospective buyers would like to have an office on that property
- they have been turned away and told by staff that the office must be upstairs and a quaint retail shop downstairs
- they are concerned that the house will go residential again

Following further discussion on the matter, Council agreed on amending the ordinance to accommodate offices downtown.

Councilmember Ucovich requested not to amend the zoning district along Horseshoe Bar Road.

22. **Brace Ranch Open Space Dedication**

Consider whether the Town should accept Parcel A in the Brace Road subdivision so that a path might one day be put through the site to connect to other paths to the east and west

Recommended action: Discuss and decide how Council wishes to proceed

Public comment:

Russ Kelley stated the following:

- in favor of animal corridors
- if the Town has an easement then it needs to be identified
- he supports accepting the parcel

Roger Smith is in favor of having this parcel.

Following further discussion on the matter, a motion was made to direct staff to craft an agreement with the owner of the property. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Absent: Morillas

23. **Conduct Stream Corridor Study**

Consider whether the Town should conduct a study on the major stream corridors in order to have a master plan that goes through citizen and environmental review and that includes projects that appropriate agencies, including the Town, can use in soliciting Federal, State and other types of grants and to use when evaluating development proposals on lands along the major stream corridors

Recommended action: Authorize sending out a request for qualifications to the firms noted, and any that may inquire during the request period, to study and prepare a master plan for stream corridors in the Town

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to authorize sending out a request for qualifications to the firms noted, to study and prepare a master plan for stream corridors in the Town. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

24. **Advance Costs for Code Enforcement Action**

Consider a nuisance abatement action to address the burying of large amounts of scrape metal and the accumulation of junk and debris on residential lots within the Town limits

Recommended action: Authorize the Town to advance \$45,000 in order to pursue a nuisance abatement action

Public comment:

This item was moved to the Consent Agenda and approved.

25. **Proposition 90**

Councilmember Scherer asks that Council oppose Proposition 90 in the upcoming November election

Recommended action: Discuss and decide. If Council agrees to oppose, advise if letters should be sent to particular people or entities.

Public comment:

Continued to November 14, 2006.

26. **City Niche Marketing**

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

Recommended action: Discuss and decide how Council wishes to proceed

Public comment:

Continued to November 14, 2006.

27. **Housing in Commercial Zoned Areas**

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:

Continued to November 14, 2006.

28. **General Plan Policy Workshop**

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:

Continued to November 14, 2006.

29. **Future Agenda Items**

Consider items awaiting schedule on a Council agenda

Recommended action: Receive and file

Public comment:

Continued to November 14, 2006.

COMMITTEE REPORTS

30. Placer County Economic Development Commission – Ucovich

31. Placer County Flood Control/Water Conservation District – Morillas

32. Placer County Transportation Planning Agency – Ucovich

33. Placer County Mosquito Abatement – Ucovich

34. Placer County Air Pollution Control District – Millward/Ucovich

35. Sacramento Area Council of Governments – Fuson/Ucovich

ADJOURNMENT

Mayor pro tempore said there was no further business and adjourned at 10:55 p.m.

Mayor pro tempore

Town Clerk