



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

TUESDAY	DECEMBER 14, 2010	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 – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One potential cases		
TUESDAY	DECEMBER 14, 2010	7:30 P.M.

CALL TO ORDER Call to order by Mayor Liss at 7:32 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

- Mayor Liss
- Councilmember Kelley
- Councilmember Morillas
- Councilmember Scherer
- Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

Dave Larsen, Town Attorney, stated the following:

- Council voted to file a CEQA action in connection with the Rocklin 60 housing development project
- regarding an item that was discussed in their last meeting Council agreed to seat Walt Scherer and Miguel Ucovich based on attorney's opinion that the retro-active aspect of the term limits is illegal
- in addition, what they arrived at with the help of special counsel, is the filing of quo warranto proceeding
- we filed not only a complaint but also an argument concerning the retro-activity of the Measure A provision
- than opposing counsel prepares a response and a counter argument and that goes to the Attorney General
- if the Attorney General agrees with him than he will not allow the lawsuit to go forward, the one part of Measure A that calls for retro-activity is illegal
- there is a second part having to count partial terms or not, we would discuss both points and the Attorney General can decide to give an opinion on one or both
- once the Attorney General gets the complaint, response, and the arguments he gives those to his staff, they do independent research, and then they submit an opinion
- the rule is that these opinions are published, they become attorney general opinions
- we are hopeful, that special counsel is suggesting that we will receive an opinion that will lay to rest the questions associated with retro-activity

BUSINESS

1. Canvass of Election Returns

Resolution of the Council of the Town of Loomis Accepting the Canvass of Election Returns of the November 2, 2010 General Election

Recommended action: Adopt Resolution

Public comment:

No public comment.

A motion was made to adopt Resolution 10-28, accepting the Canvass of Election Returns of November 2, 2010 General Election. On motion by Councilmember Morillas, seconded by Councilmember Scherer and passed by voice vote.

AT THIS TIME THE COUNCIL WILL CONDUCT CEREMONIAL MATTERS:

Administration of Oath of Office for Elected Council

RECOGNITION TO: Councilmember Russ Kelley

AT THIS TIME SELECTION OF MAYOR AND MAYOR PRO TEMPORE FOR THE TERM DECEMBER, 2008 THROUGH THE SEATING OF THE NEW MAYOR AT THE BEGINNING OF THE FIRST REGULAR MEETING OF DECEMBER, 2009 WILL OCCUR. (Need motion for both appointments)

A motion was made to appoint Councilmember Morillas as the Mayor. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

A motion was made to appoint Councilmember Calvert as the Mayor pro tempore. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

RECOGNITION TO: Mayor Gary Liss

AT THIS TIME THE MAYOR WILL TAKE A 10 MINUTE RECESS FOR CHANGING OF MAYOR AND REFRESHMENTS.

Recess at 7:45 p.m. to 7:57 p.m.

* * *

Supervisor Jim Holmes, Placer County Board of Supervisors, stated the following:

- he thanked Russ Kelley for his service on the Council
- Russ Kelley served on the Placer County Parks Commission for many years, also worked on the Blue Goose
- his talents and services are appreciated in Placer County and the Loomis community
- he welcomed Sandra Calvert and congratulated her for her appointment on the Council
- the Placer County Board of Supervisors approved a five million dollar acquisition of a ranch in North Auburn along Bear River, 1773 acres
- They worked in conjunction with the California Wildlife Foundation, who contributed 4.5 million for this conservation easement
- it will connect from Hidden Falls Ranch in North Auburn with trails from there to the Bear River

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich stated that on a future agenda he would like to discuss the downtown parking requirements.

Councilmember Scherer stated the following:

- he attended the incoming governor's budget conference/workshop
- one of the things that was brought out was that the bond rating agencies have given California one of the worse bond rating
- they don't believe California will be able to come to any long term resolution
- it is extremely important that our elected officials get down to do the public work
- he will be bringing a letter to Council, hoping they will sign, to send to our representative directing him to not play partisan political games

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 may be limited to five minutes or less, at the discretion of the Mayor.**

There was no public comment.

ADOPTION OF AGENDA: Council will typically adopt the agenda **in the order listed or modify the order** in a way that can best accommodate the time of people in attendance who wish to speak on particular items.

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

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|-----|---|---|
| 2. | Council Minutes – 8/14/10, 11/9/10 With Councilmember Calvert abstaining. | <i>APPROVE</i> |
| 3. | Monthly Check Register – November | <i>RECEIVE AND FILE</i> |
| 4. | Statement of Activity | <i>RECEIVE AND FILE</i> |
| 5. | Treasurer's Report | <i>RECEIVE AND FILE</i> |
| 6. | Planning Status Report | <i>RECEIVE AND FILE</i> |
| 7. | 2010/11 Goals Update | <i>RECEIVE AND FILE</i> |
| 8. | Select Rocklin Development Projects Update | <i>RECEIVE AND FILE</i> |
| 9. | A Resolution Of The Council Of The Town Of Loomis Acknowledging the Review, Receipt and Filing of The Annual Statement of Investment Policy | <i>ADOPT RESOLUTION</i>
Resolution 10-29 |
| 10. | A Resolution Of The Council Of The Town Of Loomis Recognizing The Service And Accomplishments Of Rocklin Council Member Kathy Lund | <i>ADOPT RESOLUTION</i>
Resolution 10-27 |
| 11. | Loomis Thursday Night Family Fest Agreement To Coordinate A Special Event At The Depot | <i>APPROVE</i> |

CONSENT ITEMS FORWARDED

BUSINESS

12. **Loomis Downtown Park Project**
 On August 25, 2010 Council authorized staff to finalize the plans, specifications and advertise for bids for the Loomis Downtown Park Project
Recommended action: Adopt resolution awarding to low bidder and authorizing Town Manager to execute an agreement acceptable to the Town for the Loomis Downtown Park Project in the amount not-to-exceed the Base Bid or Base Bid plus approved add alternate(s) as directed by the Council
Public comment:

Perry Beck, Town Manager, stated the following:
 - Hilary Wallis gave him a communication regarding the issues of the water features and concerns about water born diseases and read that:
 - using treated water or re-circulated and treated water could alleviate that
 - State law requires inter- active fountains to have public toilets, showers, diaper changing facilities and drinking fountains to help prevent the spread of illnesses, including those spread by diarrhea, just like public pools
 - he would need to check into this further

Roger Smith, 6755 Wells Avenue, stated the following:

- he looked at the spread sheet, one of the bidders is a respected local construction company, Western Engineering
- asked if there is some way that our local contractor could become reachable on the list

Pat Miller, 4395 Gold Trail Way, pointed out that if the Town Park funds reimburses the reserve fund for the purchase of Heritage Park, then that money becomes reserve funds and can be used for a wider range of needs the Town may have.

Roger Carroll, 6799 High Cliff Road, stated the following:

- he would like to see the skate board element taken out
- we are serving a limited few, compared with what we could do for the seniors in the area

Hilary Wallis, 5600 Tudor Way, stated the following:

- her son goes to the skate park in Rocklin and said that the drinking fountain is never used, that could be six thousand dollars taken off and used for the skate plaza
- Omni Means was selected because he brought in Zac Wormhoudt for the skate park
- she supports having the skate park that is also a multi use area
- She talked to Zac Wormhoudt's on the phone and his bid was only \$87,000
- she suggested just sub-contracting him out later

Nancy Beck, 6304 David Avenue, stated the following:

- we have 12 people on a list waiting to provide commemorative benches and that is a cost that could be saved
- we need something for the children and asked to keep the skate park in phase two
- Homewood is suppose to give us a 100 trees a year and suggested planting trees there for shade and save \$30,000 for the structure

Councilmember Liss suggested

- he supports approving the base bid with some minor modifications
- suggested going with specialists on specific projects
- on the modifications he would like to delete the barbecue grill, the benches, the trash receptacles and on the shade structure he could go either way (trees or structure)
- there needs to be something tangible that the public will see
- like the idea for a hitching rail, it will add to the character downtown
- let volunteers pay for the benches
- he would like to consider permeable concrete to make it ADA friendly

Councilmember Scherer stated the following:

- he would like to see if Loomis Basin Horsemen's Association would sponsor and put in the hitching rail
- we can do the trash receptacles at a lower price, these are good opportunities for sponsorship
- this is a good opportunity to use tree fund monies for the irrigation system
- regarding the dg pathway (low impact), if we are going to replace that than he would like to use the permeable concrete
- the restrooms are important for the events that will be there
- the water spray feature needs further research
- going out and doing the above items individually will give us much better prices
- he suggested approving the base bid and alternative #1

Councilmember Calvert stated the following:

- the shade structure can be done later and for a lot less
- she agrees with finding volunteers for the benches and trash receptacles
- suggested working with Five Cities Softball team in building the restrooms

Councilmember Ucovich stated the following:

- regarding the shade structure, trees take forever to grow and if you want a place downtown where people can sit then they need a shade structure
- the restroom is a costly item that needs to be maintained on a daily basis
- on the water spray park, we need to check out state and county regulations to see if it meets their regulations and if it doesn't than pull it
- it's important we go out for a second bid on the skateboard plaza
- he supports permeable concrete

Mayor Morillas stated the following:

- supports changing the dg to permeable concrete
- she is in favor of deleting the trash receptacles, benches and the barbecue grill
- she can go either way on the shade structure
- we need to do the base bid and alternative 1, the restrooms

Dave Larsen, Town Attorney, stated the following:

- instead of awarding the base bid, you are giving the contractor a counter offer
- suggested saying " I will award base bid in the amount of \$466,910.67 but only if the following items are removed
- than that will allow us to continue to have dialogue with the contractor

Following further discussion on the matter, a motion was made to authorize the manager to award the contract for the base bid amount of \$466,910.67 provided that they negotiate and take out the trash receptacles, the benches, barbecue grill, change the dg to permeable concrete, using tree funds where appropriate, negotiate down to a small shade structure, and go out to bid on the other items on an individual basis. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by voice vote.

13. **Committee Assignments For 2011**

Mayor's recommendations on Council committee assignments for 2011.

Recommended action: Approve Mayor's recommendation for Council committee assignments

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to approve the Mayor's following recommendations:

- Placer County Community Services Commission - Calvert
- Placer County Economic Development Commission – Liss
- Placer County Flood Control/Water Conservation District – Morillas
- Placer County Transportation Planning Agency – Ucovich
- Placer County Mosquito Abatement – Kelley as citizen rep
- Placer County Air Pollution Control District – Ucovich/Morillas
- Local Agency Formation Commission (alternate) - Ucovich
- Sacramento Area Council of Governments – Scherer/Liss
- Placer Land Trust ex-officio representative – Scherer
- Borders Committee – Morillas/Liss
- Business Committee – Morillas/Liss

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

Recess at 9:20 p.m. to 9:29 p.m.

14. **Park, Recreation and Open Space Master Plan**

The Park, Recreation and Open Space Master Plan has gone through hearings, meetings, writes and re-writes and is ready for Council review and approval.

Recommended action: Review Master Plan, make final edits and approve

Public comment:

Roger Smith stated the following:

- It is important that someone verify that the OSC 2 recommendations that were reviewed by Council for consideration have been included in the master plan, he found four or five that were not included
- there is still no specific category for natural open space, the passive park category comes closest to that
- he would like to see a master plan that lays out some very specific goals for preserving the different types of parks and open space areas - active parks, passive parks and open space
- also, the map needs to be corrected because it shows all of Montserrat as a conservation area which is incorrect, only portions of it is a conservation area
- he did not see clustering on there and it is a viable option in a town and should be on the list
- there is no mention of the OSC 2 advising the Council and Council approving a memorandum of understanding with the Placer Land Trust
- he is glad to hear that the report is a product of the Town and not of the consultant

Pat Miller stated the following:

- she appreciates the level of involvement that has gone on with the master plan
- every OSC 2 recommendation that Council approved should be itemized in this master plan
- we need the progression of ideas, policies and plans that have come forward to show up in this master plan
- she is appalled that the typos that one of our citizens, Jo Carol Arisman, gave to the consultant were not corrected
- she supports sending it back to PROSC

Following further discussion on the matter, a motion was made to direct staff to send the master plan back to PROSC. On motion by Councilmember Scherer, seconded by Councilmember Calvert and passed by voice vote.

COMMITTEE REPORTS

- 15. Placer County Community Services Commission - Kelley
- 16. Placer County Economic Development Commission – Ucovich
- 17. Placer County Flood Control/Water Conservation District – Morillas/Liss
- 18. Placer County Transportation Planning Agency – Ucovich/Kelley
- 19. Placer County Mosquito Abatement – Kelley
- 20. Placer County Air Pollution Control District – Ucovich/Morillas
- 21. Sacramento Area Council of Governments – Scherer/Liss
- 22. Placer Land Trust ex-officio representative – Scherer
- 23. Borders Committee – Scherer/Liss
- 24. Business Committee – Scherer/Liss

ADJOURNMENT

Mayor Morillas stated there was no further business and adjourned at 9:50 p.m.

Town Clerk

Mayor