



# TOWN OF LOOMIS

ACTION MINUTES  
REGULAR MEETING OF  
LOOMIS TOWN COUNCIL  
LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

|   |                         |                  |
|---|-------------------------|------------------|
| <b>TUESDAY</b>  | <b>JANUARY 11, 2011</b> | <b>7:00 P.M.</b> |
| <b>CLOSED SESSION</b> – 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. <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.</b> Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Two potential cases  |                         |                  |
| b. <b>CONFERENCE WITH LABOR NEGOTIATOR:</b> Pursuant to Section 54957.6 of the Government Code.<br>Agency Negotiator: Perry Beck, Town Manager<br>Employee Organizations: Maintenance Workers (Operating Engineers Local 39<br>Loomis Diversified Employees Group |                         |                  |
| <b>TUESDAY</b>  | <b>JANUARY 11, 2011</b> | <b>7:30 P.M.</b> |

**CALL TO ORDER** Call to order by Mayor Morillas at 7:41 p.m.

## PLEDGE OF ALLEGIANCE

- ROLL CALL**
- Mayor Morillas
  - Councilmember Calvert
  - Councilmember Liss
  - Councilmember Scherer
  - Councilmember Ucovich

## STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. Continue negotiation.
- b. Council agreed to approve Item 7. A motion was made to approve Resolution 11-01, approving wage and benefit changes with the Loomis Diversified Employees Group and with the Loomis Public Works Employee's Bargaining Unit (Operating Engineers, Stationary Local No. 39). On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

## MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich asked to have, on a future agenda, an item on how development projects are processed.

Councilmember Liss questioned when the Council gets to see projects at different stages of the development, along with PROSC and the Planning Commission.

**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.

Dave Wheeler, 3402 Barker Road and Loomis Fire Chief, stated the following:

- he is here in response to an editorial that was in the Loomis News last month regarding the elimination of the water park feature at the proposed park next to the Depot
- he asked the Council to consider the water park feature and a shade structure that will make it a friendly family park where people can go to cool off during the summertime
- he has served in public safety for over 35 years and has seen successful ones and those that have failed
- he fears that the skate park that is being considered for this park is doomed for failure for the simple fact that it is off the beaten path, it is behind buildings, and not in the general public area
- he has seen these types of skate parks that tend to attract non-productive activities, under-age drinking, drugs, and violent acts
- he asked Council to consider putting a skate park in a widely open space area, clearly visible and a high traffic area
- the successful skate parks are fenced and are intended to make the skate park safe for all
- putting the skate park behind the buildings is a formula for disaster and something that the Council needs to consider as they go forward with this park

Daneen Swenson, 5900 Horseshoe Bar Road, stated the following:

- asked to be on the next agenda to have the Council vote on whether they support the "summer swim program" again
- she understands that this will need to go under the PROSC budget and she would like to meet with them on the 25<sup>th</sup> for recommendation to the Council
- time is of the essence for the kids that normally work that program, so they can get their credentials in time

Perry Beck, Town Manager, stated the following:

- there is no money set aside for this particular project
- we would have to see if we have the money to do it
- last year \$5,000 was allocated but \$12,301 was spent, there is no money available for that project

Mayor Morillas pointed out that Ms. Swenson can send a form to the Town Finance Director requesting money for this project that will come to the Council when they do the budget.

Sonja Cupler, 5630 Tudor Way, stated the following:

- she would like to know what the current status is regarding term limit "quo warranto" filing with the State Attorney General's office
- she asked if any of the documents are going to be available to the public regarding this case
- asked if the Council is going to hold a public forum regarding term limits and when

Dave Larsen, Town Attorney, stated that as soon as we have documents they will be available but they are still being prepared.

Councilmember Liss stated the following:

- he suggested that we do have a public meeting as soon as we can on this issue
- because of glitches that have happened over the last couple of months the community has not heard all the detail of work that is going on behind the scenes
- lack of information generates a lot of concern

**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 Calvert 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 1 off the agenda until the next Council meeting and holding item 7 until the end of the meeting. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote.

## CONSENT AGENDA

## RECOMMENDED ACTION

- |    |                                   |                         |
|----|-----------------------------------|-------------------------|
| 1. | Council Minutes – 12/14/10        | <i>APPROVE</i>          |
| 2. | Monthly Check Register – December | <i>RECEIVE AND FILE</i> |
| 3. | Statement of Activity             | <i>RECEIVE AND FILE</i> |
| 4. | Treasurer's Report                | <i>RECEIVE AND FILE</i> |

- |    |   |  |
|----|---|--|
| 5. | Planning Status Report  | <i>RECEIVE AND FILE</i>                          |
| 6. | Select Rocklin Development Projects Update  | <i>RECEIVE AND FILE</i>                          |
| 7. | A Resolution Of The 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, Stationary Local No. 39) | <i>ADOPT RESOLUTION</i><br>Continued to February |

CONSENT ITEMS FORWARDED

**PUBLIC HEARING**

8. **Animal Keeping Appeal**  
 Cynthia Walden wishes to appeal an administrative decision concerning code compliance on the number of animals kept at 3467 Humphrey Road  
**Recommended action:** Hear appeal and pursuant to Municipal Code Appeals Chapter 13.74, make a decision to: 1) affirm the decision; 2) affirm the decision in part (Council can attach other requirements greater or less than those included in the decision); or 3) reverse the decision.  
**Public comment:**

Perry Beck, Town Manager, pointed out that some emails were received since the distribution of the packets and following are the names supporting Ms. Walden in keeping the animals:

- The Richardson family, 3655 Wine Way, Loomis
- Michelle Turner, Rocklin
- Lloyd Strong, Folsom
- John Wells, Stockton
- June Zeri, lives adjacent to the property
- Cynthia Christmon, 3487 Humphrey Road

Cynthia Walden, 3467 Humphrey, stated the following:

- her focus is on being able to establish that the non-conforming use rights do apply to her property
- she has been told that if the ordinances don't address what she can have than it is not allowed
- she believes the intent of the law was not to limit what was allowed on lots greater than 10,000 square feet and her property is greater than 10,000 square feet
- rural Loomis is why she moved here 23 years ago
- she has 20 hens, 2 pygmy goats, and 5 dogs (2 have health conditions)
- her goats use to be on two addresses, 3467 and 3455 Humphrey Road (3455 is currently the Giel property)
- the goats were at the rear of both properties keeping the vegetation down (before Giel's bought their property in 2007)
- six months after Giel's purchased the property they asked them to remove the goats and they put a fence up dividing the property
- since then there has been numerous issues between the neighbors, such as the bridge in the back
- she has double fencing around her property, she has an invisible fence system that she uses for the dogs and the goats to make sure they are confined and not a nuisance
- she asked the Council to identify and confirm the non-conforming use status on her property and allow the animals to stay there

Jo Carol Arisman, 6160 Rachel Lane, stated the following:

- when she first moved to Loomis she had two full size goats living behind her property
- she moved to Loomis for the rural and she wants to see it remain that way
- she asked that Ms. Walden be allowed to at least keep the animals she has now until they die and not allow her to get any more animals until she gets a use permit

Joseph Giel, Kathleen Geil's father, stated the following:

- stated that Kathleen Geil is not here, she is taking a group of people from Sierra Club to Costa Rica
- asked Council not to finalize anything this evening and give her an opportunity to speak on this matter when she returns, the end of January

Hans Brawn, 3444 Francis Drive, stated the following:

- his property backs up to Ms. Geil's property and he has known Ms. Walden for a long time
- over the years there has been issues between her goat and his dog but they have resolved the issues
- he has no problem with her animals but his issue is the triangle of land that is across the ditch
- a bridge was built for the purpose of getting a lawn mower across to cut the grass
- in the past the grass has caught on fire, other times the goats took care of the grass, and now their personal issues has him concerned, should the property catch on fire again
- he is asking that some kind of access be allowed for the lawn mower to keep the weeds down and access for the fire department, if needed

Marian Pemberton, 6194 South Walnut Street, stated the following:

- she has known Ms. Walden for 10 to 15 years and she is a responsible pet owner
- if she has had her pets for over 20 years then she should be able to keep them now
- she urged Council to approve a variance on code compliance for her property or waive the use permit fee

Julie Giomi, 3553 South Colvin Drive, stated the following:

- she is a good friend of Kathleen Giel
- there is a use fee that should be charged
- she is also an animal lover but there needs to be limits and anyone that goes beyond those limits has to understand there are consequences
- she agrees with Joseph Giel in requesting you wait until Kathleen comes back so you can have appropriate representation from both parties to figure out what should be done, stick by it and everyone else should follow the same rule

Michael Ballard, 6194 South Walnut Street, stated the following:

- he has lived in Loomis since his childhood
- it is getting less rural here, it was built on small farms and families with animals
- people should be allowed to have small animals
- suggested waiving the use fee

Eileen Madsen, from Marysville, is a long time friend of Ms. Walden and asked Council to allow her to keep her animals.

Pat Brown, 5960 Laird Road, stated the following:

- there should be limits to keep from hoarding
- the amount of animals Ms. Walden has is not over-whelming
- she would like to see a happy resolution by keeping Loomis rural and the animals safe

Jo Ann Williams 6569 Brace Road, stated the following:

- she has lived here for 46 years
- what is happening is that one neighbor is mad at another neighbor
- she disagrees with requiring a use permit

Sharon Manes, 3477 Humphrey Road, stated the following:

- she lives in front of Ms. Walden and next door to Ms. Giel
- she adopted a rescue dog from Ms. Walden less than a year ago
- Ms. Walden is good with the animals and does not hoard
- the animals are not the issue

Council discussed the following:

- these kind of lots need to be dealt with on a case by case basis
- we are rural but there needs to be something that protects the environment
- there should be standards to protect the quality of life
- this issue is not about the animals it is about the feud
- this has hi-lighted that there is a hole in our ordinance and suggested having the Planning Commission review our ordinances regarding animals
- suggest the neighbors go through some kind of mediation to resolve their issues
- the animals should be allowed to live out their lives
- suggest Ms. Walden apply for a use permit with the fees waived

Following further discussion on the matter, Councilmember Scherer stated the following: "because there seems to be some questions as to the grandfathering issue, the historic nature of animals in Loomis, the rights to maintain animals in Loomis, and the issue of oversized lots in zoning districts, this warrants a motion." A motion was made that this should go through a minor use permit (which will provide levels for appeal) with the Town waiving the fees. Also, to direct the Planning Commission to review the conditional use permit and the zoning ordinance that relate to the "keeping of animals" in all zoning districts. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by the following roll call vote:

Ayes: Calvert, Liss, Morillas, Scherer, Ucovich

Noes: None

Recess at 9:13 p.m. to 9:29 p.m.

## BUSINESS

### 9. Goal and Task Setting For the 2011/12 Fiscal Year

Council is asked to consider goals and tasks for the 2011/12 budget and fiscal year.

**Recommended action:** Discuss now and over subsequent meetings: 1) confirm the goals; 2) identify the 2011/12 tasks under each goal; 3) Review and edit a list of special budget items to identify things to continue, things to add and things to delete for the 2011/12 year.

**Public comment:**

No public comment.

Following further discussion on the matter, the Council agreed to have staff schedule a Goal and Task setting meeting on a Saturday in February and Council will give to staff any comments to be included before the meeting .

10. **Commission and Committee Appointments**

As a part of the Council reorganization following an election, the Planning Commission and Committee appointments are considered in January

**Recommended action:** Approve Councilmember recommendations for Planning Commission and Park, Recreation and Open Space Committee appointments and discuss changes the Council may wish to consider in the appointment process.

**Public comment:**

Jean Wilson, 4301 Barton Road, stated the following:

- she noticed that Sue Bordelon, applicant for Planning Commission, is not available on the 3<sup>rd</sup> Tuesday evening
- she asked if Council is going to request that the other Planning Commissioners change their schedules and have the meeting a different night?

Perry Beck, Town Manager, stated that Kathy Kerdus, the Planning Director, will be asking the other Planning Commissioners if they can change their schedule at the next Planning Commission meeting.

Councilmember Liss stated the following:

- Ms. Bordelon is vice-president of her church board for another year and they meet on the 3<sup>rd</sup> Tuesday of the month from 7 to 10 p.m.
- she is interested in serving on the Planning Commission
- Ms. Bordelon indicated that if they can't come up with another date and time then she would be willing to alternate attending every other month
- the intent was not to trade with the PROSC
- if that doesn't work out then they will have to go back to the drawing board

Following further discussion on the matter, a motion was made to appoint Sue Flanagan Bordelon and Janet Thew on the Planning Commission. On motion by Councilmember Liss, seconded by Councilmember Calvert and passed by voice vote.

Councilmembers Calvert and Ucovich will make their appointments at the February Council meeting.

Council suggested staff come back for discussion, before the next election, on Chapter 2.36 of the Loomis Municipal Code regarding appointment and vacancies of Planning Commissioners.

The following were PROSC nominations:

Mayor Morillas – Jennifer Knisley

Councilmember Liss – Nancy Beck

Councilmember Scherer – Pat Miller

Councilmember Ucovich – Al Newton

At large: Paulette Emert, Hillery Wallis, Tom Seth, Kathryn Seers, Shawna Martinez, Steven Davis

Councilmember Calvert will make her PROSC nomination at the February Council meeting.

A motion was made to appoint the above PROSC nominations. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote.

11. **Heritage Park Subdivision Planning**

The Heritage Park Subdivision was acquired by the Town in 2009 for the purpose of turning around a troubled project to benefit the Town. Staff seeks clarification as to how the Council wishes to proceed to decide what to do, if anything, with the Subdivision.

**Recommended action:** Discuss and give direction.

**Public comment:**

No public comment.

Council consensus was to direct staff to bring this back in April with information on options and possibilities for Heritage Park Subdivision.

12. **Development Review Policy**

Councilmember Liss asks that the Council adopt a policy concerning development review by elected and appointed officials

**Recommended action:** Approve resolution adopting a policy concerning development review.

**Public comment:**

No public comment.

Council continued this item to the February 8, 2011 Council meeting.

## COMMITTEE REPORTS

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

## ADJOURNMENT

Mayor Morillas stated there was no further business and adjourned the meeting at 10:18 p.m. to a continued close session. Council came out of close session and adjourned the meeting at 10:25 p.m.

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Mayor

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Town Clerk