



TOWN OF LOOMIS

ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650
www.loomis.ca.gov

TUESDAY	APRIL 12, 2011	7:00 P.M.
<p>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.</p> <p>a. CONFERENCE WITH SPECIAL LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9 of the Government Code: - Town of Loomis v City of Rocklin, City of Rocklin City Council Does 1 - 20; Sierra Holdings, LLC; Rocklin 60, LLC and Does 21 – 100, Case No. SCV0028463</p> <p>b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case</p>		
TUESDAY	APRIL 12, 2011	7:30 P.M.

CALL TO ORDER Call to order by Mayor Morillas at 7:38 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present:
- Mayor Morillas
 - Councilmember Calvert
 - Councilmember Liss
 - Councilmember Scherer
 - Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action taken.
- b. No action taken.

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Perry Beck, Town Manager, introduced the Interim Town Attorney, Jeff Mitchell with Kronick, Moskovitz, Tiedemann & Girard.

Councilmember Liss announced the following:

- Loomis Earth Day is organized by the PROS Committee and will be on April 23rd at the Loomis Depot from 8 a.m. to 4 p.m.
- April 13th and 14th is the Sierra College Earth Day
- April 16th is the Roseville Earth Day

Councilmember Scherer stated the following:

- they are starting a new round of regional housing needs allocation at SACOG and he has extensive background paper on it that he will be circulating to the Council and staff
- they will be talking about what the process is so everyone will understand how it works

Councilmember Ucovich stated the following:

- each year the Placer County Economic Development Commission honors outstanding businesses in Placer County
- this year High Hand Nursery was honored

Councilmember Calvert suggested, for a future agenda item, to look at starting the close session a little earlier than 7 p.m.

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 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.

A motion was made to adopt the Consent Agenda, pulling items 9, 12 and 12b forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Calvert and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|-----|--|--|
| 1. | Council Minutes – 2/4/11, 2/19/11, 3/8/11
3/10/11 Special Mtg, 3/10/11 Adjourned Reg. Mtg. | <i>APPROVE</i>
<i>APPROVE</i> |
| 2. | Monthly Check Register – March | <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. | 2010/11 Goals Update | <i>RECEIVE AND FILE</i> |
| 8. | A Resolution Of The Council Of The Town Of Loomis Adopting The Placer County 2010 Update To The Local Hazard Mitigation Plan | <i>ADOPT RESOLUTION</i>
<i>Resolution 11-06</i> |
| 10. | Contract For Interim Town Attorney Services With KMTG | <i>APPROVE</i> |
| 11. | Placer County Transit Agreement 2010/11 Year | <i>RECEIVE AND FILE</i> |

CONSENT ITEMS FORWARDED

- | | | |
|----|---|---------------------------|
| 9. | Donation Request For Del Oro Lady Eagles Sport Programs | <i>AUTHORIZE DONATION</i> |
|----|---|---------------------------|

Councilmember Scherer stated he was in support of this donation, but questioned whether we need to field a team.

Councilmember Ucovich stated that he would rather donate \$500 to the Del Oro Athletic Department because the men and women sports at Del Oro are all in a financial bind.

No public comment.

Following further discussion on the matter, a motion was made to approve the sponsorship of \$500, without fielding a golfing team (Councilmember Scherer encouraged Councilmembers to purchase a \$15 barbecue dinner ticket and attend), and at the next budget to consider a one time donation to all of the Del Oro Athletic programs. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

12. Contract With Environmental Consultant And Advance Of Funds Agreement For The Regina Coeli Priory at Southwest Corner of Barton and Rocklin Roads APPROVE

Councilmember Liss stated the following:

- thanked the proponents for the open house
- he would like to make sure that in the scoping they include alternatives on water sources, moving the playing fields, and a smaller footprint of the facility
- he would like this referred to the PROS committee as soon as possible for them to do a green sheet concurrent with the environmental review
- asked if the project is complete

Kathy Kerdus, Town Planning Director, pointed out the following:

- they will be having a scoping session and all ideas can be discussed there
- she will send a letter of completeness dated tomorrow

John Griffin, representing the landowner, stated the following:

- encouraged the Council to approve the contract with the environmental consultants so the process can get started
- typically the municipality will request other additional items that they are interested in and as the report is completed, it will go out for circulation and other entities will have the opportunity to ask questions at that time
- the process includes questions all the way through it
- concerning the completeness, he suggested that the project was complete when they were done submitting material for the application
- we are just at the beginning of the process, all options are open at this point, he urged Council to allow this project to continue in the process

The following citizens addressed the Council in support of the monastery/priory:

- Amanda Huber, she owns the property that borders the project directly across the pond
- Janell Reis, she lives in St. Francis Woods
- Vicki Morris, 4390 Gold Trail Way
- Kathy Fisher, Val Verde

Councilmember Scherer pointed out the following:

- this is not a hearing on the project tonight
- what is before them is the agreement on whether we hire the environmental consultant

Hazel Hinele, 3443 Barker Road, stated that she lived next door to St. Josephs for over 30 years and they were quite.

Brigit Barnes, Attorney for the Sisters, 3262 Penryn Road, suggested the Council ask the audience how many are in support of the Sisters.

Mayor Morillas asked the audience who supported the project and over half of the audience stood up.

Ralph Wilson, 4301 Barton Road, pointed out that since the papers were turned in on the 22nd of January then it seems fair to give them that date when the application was complete.

Following further discussion on the matter, a motion was made to authorize the Town Manager to sign the contract submitted by AECOM to complete the Initial Study and the agreement for advance of funds for staff costs and the environmental work on the priory project (revised copy that was given at the meeting). On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

12b. Request From Loomis Basin Congregational United Church of Christ, 6440 King Road APPROVE

Carol Larsen, representing the Loomis Basin congregational United Church of Christ, stated that they are requesting a reduction or forgiveness of the permit fees.

Vivian Adams, member of the congregation, stated the following:

- there intent is to have a thrift shop on their property and the funds are to support a childcare facility on the site
- urged Council to consider a reduction or forgiveness of the permit fees
- the daycare will be for single mothers who need assistance

Perry Beck, Town Manager, stated that we could forgo the \$1000 deposit and keep a record of the costs (notifications, processing, etc.)

Nancy Beck, 6304 David Avenue, stated the following:

- she has lived next to the church for over 30 years
- she asked for a clarification of the facility and how many children will be accommodated

Carol Larsen stated that 8 to 10 children will be allowed in the existing building.

Following further discussion on the matter, a motion was made to authorize proposed modular thrift store, treat it as an accessory retail sales, charge a design review fee based on the billing hours, don't require \$1000 upfront deposit and bill at the end of the process. On motion by Councilmember Scherer, seconded by Councilmember Calvert and following was discussion on the motion:

Councilmember Liss noted that the reason this is being considered in this way is because of the size and scale that we are dealing with and the limited impact on the staff and Town for the project.

Passed by voice vote (5/0).

BUSINESS

13. **Town Manager Position Recruitment Consultant**
Consider Town Manager recruitment firm proposals
Recommended action: Review consultant proposals and determine which firms to interview
Public comment:

No public comment.

Following further discussion on the matter, Council agreed to interview Bob Murray & Associates, Ralph Andersen & Associates, Western Executive Search and to have the interviews on April 26, 2011 at 2 p.m. at the Loomis Depot.

14. **Goal Workshop Follow-up**
Council is asked to identify proposed budget items for 2011
Recommended action: Discuss and add/subtract from the budget items list
Public comment:

Hazel Hinline asked if there was going to be an opportunity to see the proposed budget?

Roger Carroll, Town Finance Director, stated that he will have preliminary numbers on consent next month.

Councilmember Calvert suggested that if there is some over-lapping of Town managers (the new one coming in with the present manager) then we should budget for that.

Proposed Budget Items:

A. Water line for Heritage Park Subdivision

Councilmember Scherer would like to see the Heritage Park Berm landscaped and a minimum water line put in.

B. Sidewalk on Taylor (Webb to Horseshoe Bar Road)

Brian Fragiao, Public Works Director/Town Engineer, stated that Public Works will put the sidewalk in.

Council supports this.

C. Change parking lot lights at Depot to LED

Councilmember Liss suggested working on having the whole downtown lit with induction lighting to be more energy efficient.

Councilmember Scherer suggested changing from facilities fund to grant fund .

D. Downtown parking requirements

The MIG study addressed what we need downtown.

E. Live Christmas tree for the Depot

The tree has been ordered.

F. Splash feature downtown park

This is being discussed by the PROS Committee and will be coming back to Council.

G. Irrigation control at Sunrise Park

All agreed to update the irrigation control.

H. Consultant for town manager recruitment

In process.

Council suggested adding:

I. Sidewalks and Infrastructure from Oak Street to Shaun Way, implementation of the Master Plan.

J. Budget for school donations.

Recess from 9:20 p.m. to 9:30 p.m.

15. **Development Project Processing**

Council actions at the last meeting concerning development project reviews suggest a need to change the Zoning Code as related to the roles of reviewing authorities and the planning process that will be used on projects

Recommended action: Discuss and give direction on possible code changes

Public comment:

Jean Wilson, 4301 Barton Road, stated the following:

- this proposal removes all routine items from planning staff and moves it to the Planning Commission
- when there has been more complex issues the Planning Director has given it to the Planning Commission for an opinion
- on page 4, (5), it says all decision types require a pre-application review at a public meeting, this would mean every single thing
- on page 4, (7) it says that a planner is not to give an opinion on an item, that is what a planner is hired for, to help people make things work
- asked Council to keep the chart the way it is

John Ireland, 3777 Bankhead Road, stated the following:

- this has evolved into a proposal that will escalate costs, slow the review process, and further politicize the review process while improving transparency
- a greater transparency can be achieved, with less detrimental side-effects
- he suggested adding the two paragraphs:
"After the conference with the Director a perspective applicant may elect to sponsor a public noticed meeting with members of the Town Council, Planning Commission, and/or recommending committees. All costs of meetings, notices, etc. are to be charged to the perspective proponent and paid in full before a meeting is held. Non-payment will be sufficient reason to continue a meeting until payment is received. Pre-applicants are strongly discouraged from seeking non-quorum meetings with members of the Town Council, Planning Commission, and recommending committees.
- he recommended that Table 6 stay the way it currently is and decisions currently made by the Planning Director remain with the Director

Hazel Hinline stated the following:

- she has been involved with the Town for 16 years and has never heard any drastic suggestions like this before
- it's like Council is trying to micro manage each department of the government
- she has worked with all of the staff for a number of years and respect them
- staff deals with things that don't even have to go to the Planning Commission because they are educated in those fields
- this is getting to be too big of government in our little Town, it feels like a dictatorship now, no choice of the people
- the system we had since 1984 has been wonderful and she strongly opposes changing this

Brigit Barnes, land use attorney, stated the following:

- she suggested the Council ask for an opinion
- by requiring mandatory meetings you are increasing costs that should be carefully considered
- the normal procedure in every Town is that the applicant meets with the Planning Director when they have a major plan, usually before they even buy the property as part of their due diligence
- they also regularly speak to both the elected officials and the Planning Commissioners
- the idea of restricting communications between a "developer," who is also a person (under the United States Constitution) and his right of petition to the electives versus an anti-growth person who may live in the Town, needs to be carefully considered
- there's a real issue of discrimination here, and abridging the First Amendment Rights of an applicant

John Griffin, representing a land owner, stated the following:

- the ability to meet with elected or appointed officials solves a lot of problems at an earlier level
- for example, he was working with a land owner 2 ½ years ago who was thinking of building a school and met with 4 of the 5 Council at that time, and quickly ascertained that it was not something that would work in this community
- now, it would have to go through several public meetings before that was communicated to them and they would have spend a lot more money

Councilmember Liss stated the following:

- this is not his intent
- he concurs with the public testimony in terms, there goal is to have transparency and public involved at the earliest stages of development
- the idea of having a new table 6, changing the goals of Director, Planning Commission, and Council is not what he was suggesting
- under the new Table 6, the notes (5) expanded to far beyond what was adopted by Council and needs to be revised
- applicants are "encouraged" to hold a pre-application review
- it wasn't for Council to take over, it was so public, Town Council, Planning Commission and PROS Committee could have input at the earliest stages, before a lot of time and money was spent

Councilmember Scherer stated the following:

- he agrees, this was not the intent
- there is a need for change in the way things have been done in the past
- we need more transparency, rather than a councilmember meeting one on one with developers before a project comes in front of a public hearing
- that has created problems in the past, when decisions are made based upon the discussions that take place between a Councilmember and a developer

Councilmember Ucovich stated the following:

- the way this started was that Tom Seth (PROSC member) asked how things come to the PROSC
- he is not in favor of changing any of the original items
- he has a problem with Notes, 5, 6, and 7 and before we go any further he would like an legal opinion on it
- he should be able to have the opportunity to meet with a citizen or developer in the community without having the announced public meeting

Councilmember Calvert stated the following:

- the PROS committee would like heads up first and a chance to green sheet it
- the PROS committee would love any and all to help and get involved

Following further discussion on the matter, a motion was made to direct staff to return with a comparison of what we adopted last month, review the comments given tonight, come back with clarification language that adds options that Council may want to consider. On motion by Councilmember Liss, seconded by Councilmember Scherer and passed by voice vote.

16. **Depot Rent Policy and Fees**

The Depot is costing the Town about \$12,000 per year and the Town is only making about \$1,890 so this is not sustainable

Recommended action: Direct staff to develop a fee structure for Depot use that recovers Costs

Public comment:

Jean Wilson stated the following:

- she agrees that other jurisdictions are starting to charge now for the use of their facilities
- the comparison rates for the Blue Goose and Memorial Hall is a little misleading because they both have full kitchens and much larger facilities with more amenities
- she suggested looking into what is more comparable in size and amenities

Councilmember Calvert suggested seeing what other towns our size charge.

Mayor Morillas suggested comparing the rates for the Loomis Library.

Councilmember Liss suggested the following:

- we need to look at comps like the library, other town hall chambers and conference rooms
- Station Pickers is a great function that attracts people
- he also suggested looking at categories of applications, besides non-paying and paid uses, such as Town sponsored categories (like Placer Sustain), non-profits as another category, and look at other comps

Councilmember Ucovich stated the following:

- in Roseville they developed categories such as local and non-resident: local non-profit and private businesses; and non-resident non-profit and private businesses
- you look at the cost to operate the building and come up with an hourly figure, then decide to charge a resident the cost or less and a non-resident the cost or a little more than cost, etc.

Mayor Morillas stated the following:

- the residents of Loomis shouldn't have to pay for it
- the Station Pickers should have to start paying at this point
- non-profits are having to pay
- anyone using this facility should have to pay for the use to recover the cost

Councilmember Scherer stated the following:

- we didn't build this with enterprise funds, so we can't make a profit
- questioned at what point do we need to start charging money to recover the cost

Following further discussion, Council directed staff to research and come back with a variety of rates, for different uses and categories.

17. **Downtown Park Bathroom**

Council asked to analyze how bathroom facilities might be provided at the downtown park site
Recommended action: Start by using portable bathrooms seasonally and evaluate again in another year

Public:

Continued.

COMMITTEE REPORTS

18. Placer County Community Services Commission - Calvert
19. Placer County Economic Development Commission – Liss
20. Placer County Flood Control/Water Conservation District – Morillas
21. Placer County Transportation Planning Agency – Ucovich

22. Placer County Mosquito Abatement – Kelley as citizen rep
23. Placer County Air Pollution Control District – Ucovich/Morillas
24. Local Agency Formation Commission (alternate) - Ucovich
25. Sacramento Area Council of Governments – Scherer/Liss
26. Placer Land Trust ex-officio representative – Scherer
27. Borders Committee – Morillas/Liss
28. Business Committee – Morillas/Calvert

ADJOURNMENT Mayor Morillas stated there was no further business and adjourned at 10:27 p.m.

Mayor

Town Clerk