



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 **MARCH 13, 2012** **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. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Form for Town Manager position, pursuant to Section 54957 of the Government Code.
- b. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case

TUESDAY **MARCH 13, 2012** **7:30 P.M.**

CALL TO ORDER Call to order by Mayor Calvert at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

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

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

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

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.

Councilmember Morillas recognized Millie Beatie who recently passed away.

Councilmember Scherer recognized Mary Francis Scherer, his mother, who recently passed away.

Mayor Calvert recognized Nancy Beck, who recently passed away.

Mayor Calvert called a moment of silence.

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.**

Sonja Cupler, 5630 Tudor Way, stated the following:

- expressed her opposition against the nepotism that exists between the Council and the Planning Commission and the conflict of interest that exists between one of the Council, who is on the Board of Directors of a non-profit group that receives money from our Town
- it's outrageous the amount of money that has to be paid to cut down trees, the tree ordinance needs to be revised
- she would like to have the Heritage Park decision revisited, (that was putting the cart before the horse) a decision has already been made and a workshop is coming after the fact

Kathryn Seers, 3720 Sierra College Boulevard, stated the following:

- she would like Council to consider writing a letter to Loomis Basin Park & Recreation and ask to use their non-profit status for raising funds for our parks
- she asked Council to consider naming the skate park, Nancy Beck

Bill Branch, 6605 Wells Avenue, stated the following:

- the accusation has been made that one member of this Council has a supposed conflict of interest because he also sits on a non-profit board
- this individual needs to read the law, a conflict of interest can only be a financial conflict of interest, it has to affect the individuals income or their financial well being
- this individual derives no income from that, no financial benefit, and it is not a conflict of interest

Grace Kamphefner, 5425 Moss Lane in Granite Bay, stated the following:

- as of last week they have raised \$200,000 since last May for the Del Oro Aquatic Center
- the Del Oro pool is in bad disrepair and expensive for the school district to maintain
- Friends of the Del Oro Pool got together about two years ago and hired a consultant who came up with a conceptual plan for the aquatic center
- their goal is to break ground next winter to create a facility for our future and our community

Kelly Groth, 3996 Lakeside Court, stated the following:

- he is here to offer advice as a citizen so we don't get mired down with negativity
- the Tea Party is trying to fight the explosion of the Federal and State governments and the intrusion into our personal lives
- asked Council to avoid getting involved in resolutions that suggest certain behaviors of living that infringe upon personal liberties and rights
- he doesn't want to be told to do things, he should have a personal choice and shouldn't have to come each month and defend his liberties

Pat Miller, 4395 Gold Trail Way, stated that she supports, Ms. Seers suggestion to name the multi-use plaza after Nancy Beck.

Pat Bechtal, 3330 Spence Road, stated the following:

- Councilmember Scherer's daughter put a lot of skin in the game for the new pool in the beginning
- Ms. Kamphefner and her husband will match \$1,000,000 toward the new pool
- he asked the Council to help get the word out and get this pool done

Haley Corbin, 5556 Joan Way, stated the following:

- she would like to take a moment to not only recognize the heroes that we lost but also the heroes that are in this room
- instead of becoming angry we need to think about how lucky we are to be in this community

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 Scherer, seconded by Councilmember Ucovich 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 approve the Consent Agenda, pulling items 6, 8, and 12 forward for discussion. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|-----------------------------------|-------------------------|
| 1. | Council Minutes – 2/14/12 | <i>APPROVE</i> |
| 2. | Monthly Check Register – February | <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> |

- | | | |
|-----|---|--------------------------------------|
| 7. | <u>TruGreen Landcare – Landscape Maintenance</u>
Second amendment with TruGreen Landcare to service the Blue Anchor Park and Parking Facility (Continued from February 14, 2012) | APPROVE |
| 9. | <u>Thursday Night Family Fest Agreement</u>
Approving the second year for the Thursday Night Family Fest special event at the Depot parking lot | APPROVE |
| 10. | <u>2012 Summer Swim Program</u>
Direct staff to move forward with the scheduling of the 2012 Summer Swim Program with a not-to-exceed amount of \$5,000 | APPROVE |
| 11. | <u>Draft Park, Recreation & Open Space Master Plan</u>
A resolution of the Town Council of the Town of Loomis authorizing the Town Manager to execute an agreement acceptable to the Town Attorney for the preparation of a California Environmental Quality Act (CEQA) compliant document for the draft Park, Recreation & Open Space Master Plan | ADOPT RESOLUTION
Resolution 12-03 |

CONSENT ITEMS FORWARDED

- | | | |
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| 6. | <u>Bench Donations for the Blue Anchor Park</u>
Contact the people on the donation list and begin the process of ordering benches for installation (Continued from February 14, 2012) | APPROVE |
|----|--|---------|

Councilmember Liss stated the following:

- staff noted that the granite benches from china were the cheapest
- he asked if AB939 money could be used to pay the difference on recycled park benches

Rick Angelocci, Town Manager, stated the following:

- he recommended placing a motion, should we get approval/authorization to use the AB 939 funds for purchase of recycled benches , that the Town offer this as an option to those that are on the waiting list for the benches (they may prefer the granite benches that have been bought previously)
- he suggested capping it for about \$4500

Following further discussion on the matter, a motion was made to direct staff to see if we can get approval to use the AB 939 funds for the difference in purchase price for the recycled benches (American made) over the cost of the benches from china, which will be offered as an option and cap the AB 939 funds at \$4500. On motion by Councilmember Liss, seconded by Councilmember Scherer and following was discussion on the motion:

Councilmember Scherer stated the following:

- he is concerned with the quality of the recycled materials for the benches and what they may look like over time, it is not the type of material that can stand up to the type of abuse that the benches can have
- people are going to pay money for these and will expect them to be there forever
- if they get damaged over time we will not want to keep the bench in the park and people that buy that bench may be disappointed that the damaged bench has been removed
- he offered an amendment to the motion:

Amend to include that people who choose to buy a recycled bench will be informed that if the bench becomes degraded in appearance that they will be removed.

Passed by voice vote (5/0)

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| 8. | <u>Healthy Eating Active Cities Resolution</u>
A resolution of the Town Council of the Town of Loomis Approving Healthy Eating Active Living | ADOPT RESOLUTION |
|----|---|------------------|

Councilmember Morillas stated the following:

- she pulled this item because this is just another layer of government that the citizens of Loomis doesn't need or want
- we don't need a resolution telling us how to eat and exercise
- she would like this tabled

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

- she suggested putting the name of the Town on the second page where it says "name of city"
- asked if this will effect new businesses coming into Town, if they don't follow what is stated in the resolution

Pat Taylor, 3588 Rose Lane and owner of Taylor's, stated the following:

- for the government to tell him what he can and cannot sell will hurt his business and others in Town
- as a concerned parent it is not governments responsibility to tell us what to eat and not to eat or how to live our lives
- we already have the Health Department that tells them that they can't use certain products in their food
- we don't need one more layer of government to add to that

Bill Branch questioned if the resolution was just urging certain behavior or requiring certain behavior.

Brennan Tohe, 8235 Granada Lane, stated the following:

- we are adults and are training our children
- leaders of government have a tendency to become very bureaucratic and inhibit business
- this resolution may morph into an actual regulation as many suggestions do from government
- there may be an unintended consequence if this morphs into a regulation, it could cause further decline of our tax base here in Loomis

Charlotte Langston, owner of Wild Chicken Coffee, stated the following:

- what are possible spin-offs of this that could over-regulate our businesses
- as a business owner, consumers dictate the products that they put in their stores and if they are regulated, or asked not to, or encouraged not to have certain items in our business it will not only hurt our business but they will go down the road and spend their money for the products they want in Rocklin

Billy Crowley, 3815 Taylor Road, stated the following:

- she owned Billy's Buns for 32 years on Taylor Road
- it is ridiculous telling businesses what they have to do

Kelly Groth stated the following:

- his resistance is not about the topic, he supports it, but he doesn't support the government telling them what they should do
- our fear as citizens is that what starts as a suggestion and then sits on the books after several years may become an ordinance

Jean Wilson, 4301 Barton Road, stated the following:

- on the resolution when it comes to "therefore let it be resolved" part she has serious questions
- the menu calorie count is already required by law in the restaurants
- there is already protection for women for breast feeding
- we have already covered in other areas the walking, biking, and physical activity that are planned in our parks, bikes and trail plans
- some of the problems that are listed don't apply to Loomis

Debbie Shores, 9291 Tanglewood Way, stated the following:

- it is sodas today, it may be coffee next, this is none of the Town's business
- quit infringing in our lives

Pat Brechtal stated the following:

- his children are aware, with good parenting, on what to buy and not buy
- we can count our calories at home and we should be able to choose what we want

Genevieve Moore, 2740 High Cliff Road, stated the following:

- there is a lot of healthy food that she cannot eat, fruit is an example, she can't eat it cooked or fresh
- a piece of cake doesn't make her sick and she doesn't gain weight
- she is a meat, potatoes and vegetable person and she can't eat salad, it makes her sick
- she doesn't want someone telling her what she can and cannot eat

Evelyn Myzack, 5113 Camden Road in Rocklin, stated the following:

- as a Tea Party member she is for limited government
- they don't need one more layer of government telling them what they can eat, where they can eat, where they can eat, where they can do their exercises where they can't, etc.
- resolutions do become ordinances then become law

Sonja Cupler, 5630 Tudor Way, stated the following:

- under "built environment" in the resolution, "map existing fast food outlets and draft an ordinance which will place limits on fast food around schools and in neighborhoods with over-concentrations of unhealthy food outlets," it looks like the government's attempt to control land use decisions aside from taking away our personal freedoms and liberties of what we can do
- this resolution just tells us that we are too stupid, fat, and dumb to make decisions for ourselves and she is opposed to this

Hazel Hineline, 3443 Barker Road, stated the following:

- the expense and cost put on businesses, because of new laws, is enormous
- in this country we have freedom of choice
- as a reward for being on the honor roll her grandchildren like to go to Taylor's after school

Ken Hopenson, 3440 Ashley Creek Drive, stated the following:

- a Councilmember stated that this resolution wouldn't require a change to the Town laws but under section I it states to "draft an ordinance that will place limits"
- he opposes adoption of this resolution, please don't dictate to them what to eat, how to run our businesses, and how to behave

Connor Calvert, Indian Creek Drive, stated the following:

- when he goes to school he has strawberries, nectarines, peaches and donut holes
- he loves sugar, he goes to Taylor's all the time and has a rocky road milkshake with sprinkles
- he would love to keep the sugar and fast food but maybe have a healthy alternative
- we shouldn't take any choices away

Gil Martin, 7931 Boulder Creek Road in Penryn, stated the following:

- what happens in Loomis effects all the areas around
- he suggested Council sponsor a session/class on what is the best type of food to eat
- this is better than telling people what they can eat and do

Councilmember Ucovich stated the following:

- 50 % of the cities in California have adopted this resolution, but there were probably more people here tonight then there were in Los Angeles when they had this on their agenda
- At his League Board meeting he is going to point out that people in Loomis pay attention and are concerned

Councilmember Scherer stated the following:

- as he read this in his packet it struck him that this would be having a serious impact on businesses and individual rights
- it is the responsibility of the town to look at the health and welfare of the community
- there are some serious concerns in this resolution, he would like to see this put off and he would like to work with staff on this ordinance so it can be more reflective of the value of our community and the needs of our community rather than harming our businesses

Councilmember Liss stated the following:

- many of the beneficial things in the resolution have already been done such as a bike & trail plan
- he does think it is important to send a message to the League of California Cities that we are not against healthy eating and active living
- he would like to take some time and circulate this and ask for a different resolution to address the issue
- maybe support the Del Oro Aquatic center, or the summer swim program or the recreation task force and see how our needs are being met
- he suggested getting together and figuring out what we should be focusing on in Loomis

Councilmember Morillas stated the following:

- she thanked the seventeen people that stood up this evening concerned about this
- if we have a resolution it should state that we support our locals and nothing about food and restaurants
- we should discuss the pool and shop local buying your fruits and vegetables, make our town a viable place to live
- we have our parks, our bikeways, our fresh grown fruit and vegetables that are available locally
- we don't need this resolution, it just needs to be tabled

Mayor Calvert stated the following:

- we already have this in our schools, you can't even bring in cupcakes to celebrate a birthday
- she would like to see if the League of California Cities representative could come to the next meeting to provide answers to some of the questions raised tonight

Following further discussion on the matter, a motion was made to ask Councilmember Ucovich if he can get a speaker from the League of California Cities to give a presentation and to bring this back tailored to meet our community's needs and desires including something such as promoting a class demonstrating good food choices and preparation. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by voice vote with Councilmember Morillas voting no (4/1).

Recess from 8:50 p.m. to 9:03 p.m.

12. 2012 Goals Setting Workshop Results

RECEIVE AND FILE

Sonja Cupler stated the following:

- she attended the goal setting workshop last month and left her comments with the facilitator to read after she left
- the last 12 goals have to do with sustainable development
- during the workshop Mayor Calvert asked what is sustainable development
- the Town manager said it was a philosophy
- she questioned the fact that if there are Council people sitting on the Council that don't know what sustainable goals are then maybe they shouldn't be adopted

Mayor Calvert stated that she didn't want to assume someone's definition, so it was her attempt to clarify, and have a common definition with the Council.

Hazel Hine line stated the following:

- the workshops are always in the early morning on Saturdays
- her grandchildren play sports early on Saturdays and it is difficult to make these workshops and other citizens have the same issue
- is there a way to make the workshops during the week in the evening or later on Saturday, so the public can have more input
- we have to go to Rocklin and Roseville to play the games because we don't have enough fields in our own Town and suggested adding that to the Town goals

Receive and file.

PUBLIC HEARING

13. #11-07 Newman Map Amendment/Modification – Monte Claire Estates, APN 046-042-035

Newman's have submitted an application requesting an amendment//modification to lot 5 of the Monte Claire Estates Phase 2 Final Map. They wish to fill 0.09 acres of wetlands in order to develop a single-family dwelling on their property. (Continued from February 14, 2012)

Recommended action: Adopt resolution approving amended Lot 5 by abandoning the existing non-development meandering wetland and drainage easement on Final Map Book Z, Page 73,

Sheets 5 and 10 by recording the certification of correction, modification, or amendment document

Public comment:

No public comment.

Michael Newman, owner, stated the following:

- regarding the cost of what it would be to plant the trees instead, they would be open to writing a check for planting the trees in the park preserve
- they already have 110 oak trees over 6 inches and about 150 oak trees under six inches on their property

Matt Lopez, Assistant Planner, stated that staff can work on the tree mitigation as part of the tree permit.

Following further discussion on the matter, a motion was made to adopt Resolution 12-04, approving the amended Lot 5 by abandoning the existing non-development meandering wetland and drainage easement on Final Map Book Z, Page 73, Sheets 5 and 10 by recording the certification of correction, modification, or amendment document. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by voice vote.

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich stated the following:

- he would like the ARMY CORP, someday, explain to Council how we might develop the wetlands mitigation bank and what is involved in that
- he is concerned about the lack of sidewalk between Webb and Taylor's restaurant (Horseshoe Bar Rd.)
- trees were planted close to the street and when school is out, the students are walking in the street
- he would like to have staff look at that and see what we can do

Councilmember Scherer stated the following:

- on a future agenda he would like an update on the Attorney General's opinion regarding the Loomis term limit measure because there is an election coming up and we need the answer
- he would like to have a discussion regarding the next regularly scheduled election ballot and a possible funding measure for the Del Oro Aquatic Center and other issues in Town that might need funding (example: implementation of the downtown master plan)

Mayor Calvert would like on a future agenda, to consider naming the Multi Use Plaza in honor and memory of Nancy Beck

TOWN MANAGER REPORT

COMMITTEE REPORTS

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

ADJOURNMENT

A motion was made to adjourn at 9:38 p.m. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by voice vote.

Mayor

Town Clerk