



TOWN OF LOOMIS  
ACTION MINUTES  
LOOMIS TOWN COUNCIL  
LOOMIS TOWN HALL  
3665 TAYLOR ROAD, LOOMIS, CA 95650

TUESDAY MAY 11, 2010 5:30 P.M.

CHAMBER RIBBON CUTTING AND TOWN HALL DEDICATION

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

TUESDAY MAY 11, 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 LABOR NEGOTIATOR:** Pursuant to Section 54957.6 of the Government Code.  
**Negotiator:** Perry Beck Town Manager  
**Under Negotiation:** Town Attorney request for contract modifications
- b. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Initiation of litigation pursuant to subdivision Section 54956.9: Two cases
  - Rocklin Crossing: Case #S CV 24099 Town of Loomis v City of Rocklin et al & Rocklin Crossings LLC et al
  - Rocklin Clover Valley: Case #34-2007-00002871-CU-WM-GDS Town of Loomis v City of Rocklin et al and Rocklin 650 Venture et al

TUESDAY MAY 11, 2010 7:30 P.M.

Note: These are action minutes only. An audio copy of the meeting can be requested at Town Hall.

**CALL TO ORDER** Call to order by Mayor Liss at 7:39 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**

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

**PROCLAMATIONS/RECOGNITIONS** Earth Day and Creek Week Volunteers  
May is Bike Month

## MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich mentioned that last Saturday Del Oro had a unique event, soap box derby races that lasted 3 to 4 hours and everyone looked like they had a wonderful time.

Councilmember Kelley stated the following:

- reminded everyone about the Food Extravaganza next Saturday at the Blue Goose at 5:30 p.m.
- the Loomis Lions just had a golf tournament and raised \$10,000 for the Boy Scouts so they could go to Alaska and Washington D.C.

Councilmember Scherer stated the following:

- he would like the Council to discuss a policy so that when we do major planning efforts we will have a public outreach, education, and communication component for any RFP that we put out for planning services
- it isn't just getting the planning documents in this Town, it is also about insuring that the public participates and that the resulting documents reflect the will of the community
- he would like this discussed at a future Council meeting

Mayor Liss stated the following:

- tomorrow morning the Chamber is doing a "walk about" in the Swetzer Road area, which is the next step in the implementation of working together with the Chamber and the Swetzer Road area to move forward with collaborate projects between the Town and businesses
- a survey will be passed out to help address the businesses needs
- if anyone would like to help in the outreach, they will be meeting at the Chamber at 10 a.m.
- we would like to extend our hopes and prayers for Kathy Kerdus (Town Planner) and her daughter (Erin) who is going through another bout of cancer

**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.

Kevin Johnson, 3457 Colvin Drive, stated the following:

- his parents are in the process of having a reverse mortgage
- in 1997 they got a loan from Town of Loomis through RCHC to remodel their home
- he asked Council if the loan (\$26,000 approximately) could be forgiven
- there was a lawsuit involved with the contractor
- he asked Council to have this put on the next agenda

**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 Kelley 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, 10, 11 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

### CONSENT AGENDA

### RECOMMENDED ACTION

1. Council Minutes – 4/13/10, 1/16/10, 11/3/09, 5/26/09

APPROVE

2. Monthly Check Register – April

RECEIVE AND FILE

- |     |  |   |
|-----|--|---|
| 3.  | Statement of Activity  | RECEIVE AND FILE                              |
| 4.  | Treasurer's Report   | RECEIVE AND FILE                              |
| 5.  | Planning Status Report   | RECEIVE AND FILE                              |
| 6.  | 2010/11 Goals Update   | RECEIVE AND FILE                              |
| 7.  | Select Rocklin Development Projects Update   | RECEIVE AND FILE                              |
| 8.  | A Resolution of the Council of the Town of Loomis Declaring An Election Be Held In Its Jurisdiction; Requesting The Board Of Supervisors to Consolidate This Election With Any Other Election Conducted on Said Date; and Requesting Election Services By the County Clerk | ADOPT RESOLUTION<br>Resolution 10-10          |
| 12. | Resolutions of the Council of the Town of Loomis Declaring Approving Employer Paid Member Contributions And For Employer Pick-Up   | ADOPT RESOLUTIONS<br>Resolution 10-11 & 10-12 |
| 13. | A Resolution of the Council Of The Town Of Loomis Establishing An Ad Hoc Park, Recreation And Open Space Committee To Assist In Work Related To The Park, Recreation And Open Space Needs Of The Town  | ADOPT RESOLUTION<br>Resolution 10-13          |
| 14. | Public Meeting Guidelines  | RECEIVE AND FILE                              |
| 15. | Preliminary Budget for 2010/11   | RECEIVE AND FILE                              |

CONSENT ITEMS FORWARDED

- |    |                                   |         |
|----|-----------------------------------|---------|
| 9. | Blue Goose Facility Use Agreement | APPROVE |
|----|-----------------------------------|---------|

No public comment.

Councilmember Scherer stated the following:

- he would like to put this forward to next month
- he would like to see incorporated into the issue the matter of waiver of traffic impact fees or how we are going to be handling those
- at the time that we had a handshake agreement it was over the discussion of the waiver of traffic mitigation impact fees
- that needs to be incorporated into this agreement as to whether we are waiving fees, how much are we waiving or if we are incorporating into the agreement
- are we amortizing them over a period of time and how many meetings are we really going to trade for how much money
- we need to incorporate the issue of co-sponsored events with groups like McLaughlin, school events and other groups/organizations that come forward
- it's a way that we can give something to our community without going into the financial operating budget of the Town

Following further discussion on the matter, a motion was made to continue this item to June 8, 2010 Council meeting. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

- |     |   |         |
|-----|---|---------|
| 10. | Hunter Oaks Subdivision Homeowners Association Open Space Non-Development Easement Donation | APPROVE |
|-----|---|---------|

Councilmember Scherer stated the following:

- this should be given to the Park, Recreation and Open Space Committee (PROSC) to review since it deals with open space
- requested to have this item sent to PROSC, then to the Planning Commission, and then to the Council

Brian Frাগiao, Town Engineer/ Public Works Director, stated the following:

- the Town maintains the landscaping through a 50 year assessment district
- the residents would like to eliminate the Homeowners Association (HOA) and requested that the Town take over the Open Space Non-Development Easement

Mike Boberg, 4052 Hunter Oaks Drive, stated the following:

- this is developed open space with a map that has been approved by the Planning Commission
- they pay double for this, through the assessment district and the HOA, and would like to have the Town take it over

Dave Smith, President of the HOA and lives at 5508 Grouse Court, stated the following:

- they have been trying to take this to the Council for a long time
- they are having difficulty with the HOA that owns the property and asked the Town to take it over
- they are paid up on the insurance and maintenance costs
- the HOA has five members on the Board but they have trouble getting people to volunteer for it
- there are \$37 lots in the subdivision and each one pays \$20 a month for the insurance and the management company that collects the funds

Janet Thew, 5575 St. Francis Circle West, stated the following:

- cautioned Council to proceed carefully on this matter
- the Davis-Stirling Act is the State's law regarding HOA's and it is full of minefields
- it is very difficult to dissolve an HOA
- you should be asking why they are asking for this and make sure we have all the information
- she believes the HOA was a condition of their approval and if so, it should be sent back to the Planning Commission

Dave Larsen, Town Attorney, pointed out the following:

- the pitfalls go with the HOA and Council will not have anything to do with disbanding the HOA
- tonight Council is only asked to agree to the transfer of the easement
- he agrees with Ms. Thew that if the HOA is a part of the conditions then it will need to go back to the Planning Commission

Following further discussion on the matter, a motion was made to direct staff to process the disbanding of the HOA and refer to the PROSC and Planning Commission for recommendation to Council. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote with Councilmember Morillas voting no (4/1).

## 11. Advertise For Bids For Magnolia Street Drainage Project

*APPROVE*

Councilmember Scherer stated the following:

- the cost of the project will require at least \$115,000 from our capital reserve
- this will take the drainage fee fund to a zero balance
- this needs to be part of the budget discussion rather than moving forward
- we need to prioritize and use the drainage fees strategically to benefit the people of Loomis

Mr. Frাগiao stated the following:

- for clarification, we designed the pipe system for future connections that would tie in on Oak Street through Taylor Road
- any type of improvements like streetscapes or the park area could tie into this pipe system because it will have a huge detention system that will be put in for future drainage
- there is no drainage pipes in that area, only service run off

No public comment.

Councilmember Scherer stated the following:

- he would like to have a drainage presentation on the entire Town
- it is important because we are going to burn up all of our drainage impact fees on this one project
- we might want to do the drainage differently, like servicing the drainage in areas where we are looking at putting it underground

Councilmember Russ suggested approving the plans and specifications for this project and moving the dates so it fits in with the budget review.

Mayor Liss stated the following:

- we can approve the plans and specifications now
- it will get us further down the road to be shelf-ready for projects and then we can modify it later if needed

Following further discussion on the matter, a motion was made to approve the Plans and Specifications but not to advertise for bids until the budget process and review of the overall drainage plan. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

## PUBLIC HEARING

### 16. Poppy Ridge Estates – Temporary Entry Gate Appeal

The Poppy Ridge Estates property owner's appealed the Commission's decision on March 26, 2010. The property owners are asking the Council to consider allowing the recently removed gate to remain at the front entrance of the subdivision, as opposed to the allowed cattle gate past lot 3. They are not requesting a permanent entry gate.

**Recommended action:** Discuss the following options: 1) uphold the Planning Commission decision of March 16, 2010; 2) allow a cattle gate to be placed at the entrance of the subdivision and discuss parameters on when it should be removed; 3) allow the recently removed gate to be re-installed at the entrance of the subdivision and discuss parameters on when it should be removed.

**Public comment:**

John Barakat, 5345 Poppy Ridge Court, stated the following:

- they have "no trespassing" and "no illegal dumping" posted all over the property
- they still have people coming in and dumping and they received a letter from the Town saying we have to clean it up
- they have spent over \$7000 on the clean-up
- Since April there has been 3 Sheriff reports regarding dumping
- the people drive in at night drinking and throwing trash around
- the cattle gate was damaged, it looked like a truck ran into it
- they have run out of solutions
- asked Council to allow a temporary gate across the road until the homes are built on the empty lots

Councilmember Kelley stated the following:

- suggested a steel pipe gate that is strong and you can walk under it, like the one used at the Loomis Park
- we don't want to build fortresses all around

Penny Loscotoff, owner of lots 1 and 7, questioned what kind of temporary fence they could put up.

Bill Loscotoff, owner of lots 1 and 7 on Poppy Ridge Court, stated the following:

- Mr. Barakat has built a beautiful home
- they recognize that the Town has rules and regulations
- asked to have a nice gate towards the front because the knoll, at the top, will hide the gate if it is further in

Janet Thew, 5572 St. Francis Circle West, stated the following:

- the General Plan clearly states there will be no more gated communities
- if they only wanted a temporary gate, they would have repaired or replaced the cattle gate
- the custom iron gate does not look temporary
- concerned there would be an attempt to get around the General Plan in hopes that someday the iron gate would be grandfathered in
- the dumping is not the Town's responsibility, the HOA has a choice to hire private security at night
- the temporary gate was not always opened during the day, as required
- in March the Planning Commission approved a new cattle gate but they didn't put it up and had three more dumping incidents in April
- they chose to live in a neighborhood without a gate, it is not the Town's responsibility to fix it

Jean Wilson, 4301 Barton Road, stated the following:

- suggested compromising by taking the letters off the gate and move it back by Lot 3, where the problem is
- or consider one of the suggestions from Councilmember Kelley

Rob Barakat, owner of lots 4 and 5 on Poppy Ridge Court, stated the following:

- he spent \$4000 cleaning up from someone dumping rocks and concrete
- the cattle gate won't stop anybody
- anybody can open the gate if they want to

Councilmember Morillas suggested having a temporary gate toward the back to stop the dumping and vandalism.

Councilmember Scherer stated the following:

- this was thoroughly worked over by the Planning Commission
- he does not want to overturn what they said
- their recommendation is consistent with the General Plan
- he is not in favor of putting a gate out front closer to the street
- what Councilmember Kelley recommended adequately serves the security needs without creating the pretense of a gated community
- he supports what the Planning Commission recommends and if there is a change in style of gate then go with Councilmember Kelley's recommendation

Councilmember Kelley stated the following:

- he suggests a Neighborhood Watch sign
- a park type gate at the front that will protect the first lots, otherwise have the gate go down past lot 2
- have a mechanism where it looks locked but isn't

Councilmember Ucovich stated the following:

- he supports the Planning Commission's recommendation
- if they don't like the cattle fence then the suggested pipe fence could be used and put at Lot 3

Mayor Liss stated the following:

- he agrees with the Planning Commission's recommendation
- he is disappointed that it wasn't implemented and is not inclined to do more until the recommendation fails
- suggested clarifying that the gate could be a cattle gate or a pipe or park type gate, as suggested
- suggest adding the Neighborhood Watch sign

Following further discussion on the matter, a motion was made to support the Planning Commission's recommendation, adding a Neighborhood Watch sign, clarify that the type of gate can also be a park type pipe gate, if the gate is put by lot 3 then it can be locked but if it is closer to the front it needs to be opened. On motion by Councilmember Scherer, seconded by Mayor Liss and passed by voice vote.

Recess at 9:20 p.m. to 9:28 p.m.

## BUSINESS

### 17. Reconsider Open Space Committee 2 Recommendation on Agricultural EIRs

(Continued from April 13, 2010)

Councilmember Kelley asked Council to reconsider a decision made at the February 9, 2010 meeting concerning the Open Space Committee 2 recommendation having to do with agricultural environmental impact reviews.

**Recommended action:** Decide whether to reconsider the Council decision on the OSC-2 recommendation having to do with agricultural environmental impact reviews and if reconsideration is approved, then decide what the Council wishes to do.

**Public comment:**

Jean Wilson, 4301 Barton Road, stated the following:

- this is over-kill and unnecessary
- it's a shame to impose agricultural regulations and environmental review on people that may not understand agriculture
- we have a "Right to Farm" ordinance that has sufficient standards
- questioned how this will be monitored

Nancy Beck, 6304 David Avenue, stated the following:

- the PROSC was not looking for a full Environmental Impact Report
- they wanted the Planning Commission to be able to look at this so it would not go out of control

Janet Thew pointed out that if this goes to the Planning Commission for recommendation it will give another chance for a fair hearing and for each one of the Planning Commissioners to give their input for recommendation.

Following further discussion on the matter, a motion was made to send this to the Planning Commission to clarify the intent of the policy that was adopted in February (intended for larger lots and subdivisions that include agriculture). On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

At this time Council discussed item 19.

### 18. Interstate 80 Bridge Raising Strategies (Continued from April 13, 2010)

CalTrans is planning major work along I-80 to raise a number of bridges, three of which are in Loomis, and it would be prudent to consider a Town response to this planning and be prepared to respond when the environmental document is released in July 2010

**Recommended action:** Discuss and decide on a response to the CalTrans bridge raising planning process

**Public comment:**

Jean Wilson stated that the suggestion of eliminating Brace Road would have serious impacts for all of those that live on the south side of Interstate 80.

Following further discussion on the matter, a motion was made to ask CalTrans to discuss comments received. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

### 19. Freeway and Directional Signs (Continued from April 13, 2010)

At the February 2010 goal session Council requested that information be developed to solicit the services of a consultant to prepare a sign plan for freeway and other signs with a goal of directing people to, and around, the downtown and other places in order to do business in Loomis

**Recommended action:** Discuss and determine whether to solicit a request for proposal from sign consultants or work with a local sign company to develop simple direction signs.

**Public comment:**

Nancy Beck suggested looking into having signs that show historical buildings.

Following further discussion on the matter, a motion was made to work with the Chamber committee and proceed with Mr. Ingram to come back with ideas for signs, locations, and graphics that are out of the ordinary. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

### 20. Lot Coverage and Floor Area Ratio (Continued from April 13, 2010)

Councilmember Ucovich asked that Council discuss lot coverage and floor area ratio, lot size and related topics in the Zoning Ordinance

**Recommended action:** Discuss and give direction as to how Council wants to proceed

**Public comment:**

Continued to June 8, 2010.

## COMMITTEE REPORTS

21. Placer County Community Services Commission - Kelley
22. Placer County Economic Development Commission – Ucovich
23. Placer County Flood Control/Water Conservation District – Morillas/Liss
24. Placer County Transportation Planning Agency – Ucovich/Kelley
25. Placer County Mosquito Abatement – Kelley
26. Placer County Air Pollution Control District – Ucovich/Morillas
27. Sacramento Area Council of Governments – Scherer/Liss
28. Placer Land Trust ex-officio representative – Scherer
29. Borders Committee – Scherer/Liss
30. Business Committee – Scherer/Liss

## ADJOURNMENT

A motion was made to adjourn at 10:03 p.m. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

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Mayor

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Town Clerk